



SHIRE OF ASHBURTON

ORDINARY COUNCIL MEETING

MINUTES

**RM Forrest Memorial Hall, Second Avenue,
ONSLOW**

21 September 2011

MINUTES - ORDINARY MEETING OF COUNCIL 21 SEPTEMBER 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 21 September 2011 at RM Forrest Memorial Hall, Second Avenue, Onslow commencing at 3:00.pm.

The business to be transacted is shown in the Agenda.

Jeff Breen
CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

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1. DECLARATION OF OPENING

The Deputy Shire President declared the meeting open at 3.02 pm.

2. ANNOUNCEMENT OF VISITORS

The Deputy Shire President welcomed Vince Catania, MLA Member for North West, Christien Ehrhardt, Asset Manager and David Hawkins, Communications Officer from the Water Corporation and members of the public to the public gallery.

3. ATTENDANCE

3.1 PRESENT

Cr L Rumble	Deputy Shire President, Paraburdoo Ward
Cr I Dias	Paraburdoo Ward
Cr L Thomas	Tableland Ward
Cr K White	Onslow Ward
Cr L Shields	Tom Price Ward
Cr T Bloem	Tom Price Ward
Cr L Corker	Ashburton Ward
Mr J Breen	Chief Executive Officer
Mr G Brayford	Executive Manager, Engineering Services
Ms A O'Halloran	Executive Manager, Western Operations
Mr F Ludovico	Executive Manager, Corporate Services
Ms D Wilkes	Executive Manager, Community Development
Mr R Paull	Principal Town Planner
Ms J Smith	Executive Assistant CEO

Amanda O'Halloran entered the meeting at 3.04 pm.

3.2 APOLOGIES

There were no apologies for this meeting.

3.3 APPROVED LEAVE OF ABSENCE

Cr D Wright Pannawonica Ward

4. QUESTION TIME

4.1 PUBLIC QUESTION TIME

Rochelle & David Kilgariff tabled the following question. The questions were taken on notice and a written response will be provided.

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

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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.

Pearce Herbert tabled the following question. The questions were taken on notice and a written response will be provided.

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.

4.2 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 17 October 2011 no public questions were tabled.

5. APPLICATIONS FOR LEAVE OF ABSENCE

No applications for Leave of Absence were 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.

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6.3 PRESENTATIONS

Christien Ehrhardt, Asset Manager from WaterCorp made a presentation to Council on the Water and Waste Water Projects. Comments made were:

- Will be constructing new water tanks located to the south east of town and removing existing water tanks in town.
- Will be obtaining water from the Industrial Developments occurring the vicinity of Onslow , scheduled for 2013-15.
- Investigating a desalination plant to cater for 1600 people to be operational 2016.
- Will be investing \$21m for water projects and \$1m for waste water projects 2010/14.

Vince Catania, MLA Member for North West commented:

- It was important that water supply independent to those provided by Industrial Developments be made available in Onslow.
- Rio Tinto Pty Ltd have commenced FIFO operations from Exmouth. This was good for Regional Development.
- It is important that senior citizens continue to live in the community and the facilities improve.
- Gascoyne Development Commission would be visiting Onslow to inspect the Onslow MPC. This is a testament to the quality of the Onslow facility.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 ORDINARY MEETING OF COUNCIL HELD ON 18 AUGUST 2011

Council Decision

MOVED: Cr Corker

SECONDED: Cr Dias

That the Minutes of the Ordinary Meeting of Council held on 18 August 2011, as previously circulated on 29 August 2011, be confirmed as a true and accurate record.

CARRIED 7/0

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Cr Rumble indicated that he had nominated Greg Musgrave as the face for future editions of the White and Yellow Pages. He thanked all retiring Councillors for their efforts during their terms and wished them all the best for election. He also stated that Paraburdoo won the Regional Tidy Town event and were now in the running for a State award.

9. DECLARATION BY MEMBERS

Cr's Rumble, Shields, Corker, Dias, Bloem, White and Thomas have given due consideration to all matters contained in the agenda presently before the meeting.

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9.1 DECLARATION OF INTEREST

Councillors to Note

A member who has a Financial Interest in any matter to be discussed at a Council or Committee Meeting, that will be attended by the member, must disclose the nature of the interest:

- (a) In a written notice given to the Chief Executive Officer before the Meeting
or;
- (b) At the Meeting, immediately before the matter is discussed.

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

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

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

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

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

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

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10. ENGINEERING SERVICES REPORTS

10.1 REQUEST TO PURCHASE RESIDENTIAL & INDUSTRIAL LAND IN TOM PRICE

MINUTE: 11020

FILE REFERENCE: OR.CM.10.04

AUTHOR'S NAME AND POSITION: Anika Serer
Land Development & Marketing Coordinator

NAME OF APPLICANT/RESPONDENT: Cummins South Pacific Pty Ltd

DATE REPORT WRITTEN: 8 September 2011

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

PREVIOUS MEETING REFERENCE: Agenda Item 10.07.19 Ordinary Meeting of Council 17 July 2009
Agenda Item 10.08.13 Ordinary Meeting of Council 19 August 2008
Agenda Item 13.03.14 Ordinary Meeting of Council 16 March 2011

Summary

The Shire has received correspondence from Cummins South Pacific Pty Ltd seeking assistance to secure appropriate residential and industrial land in Tom Price to establish an operation hub.

Background

The Shire of Ashburton arranged the subdivision and auction of 37 residential lots and 6 industrial lots in February and March 2011. Lots 922 & 923 Yaruga Street (residential) were passed in at auction but have since received a great deal of interest from prospective purchasers. The boundaries of the lots have been amended since the auction to create one lot of 500sqm and the other 887sqm.

Pursuant to Draft Local Planning Scheme Amendment No. 12 being approved by the Hon. Minister for Planning, the larger lot (Lot 923) will offer the opportunity to apply for planning approval for the construction of two grouped dwellings, subject to advertising.

The Shire of Ashburton also holds a Development Lease over Lot 350 Boonderoo Road, Tom Price, located directly south of the recently subdivided Lot 308 Boonderoo Road. It is the intention of the Shire to subdivide this land into 10 lots zoned 'Industrial and Mixed Business Development' ranging in size from approx. 2,000sqm to 10,000sqm for subsequent disposal. This process is expected to take 12-18 months.

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Cummins wrote to the Shire on 6 July 2011 expressing interest in both of the unsold residential lots, and an industrial lot with an area of 3,000-4,000sqm in the future subdivision. They have proposed to purchase the residential lots, subject to confirmation that they would also secure a suitable lot in the future industrial subdivision and the purchase price

In accordance with Local Government Act, Section 3.58,

“A local government can dispose of property other than by auction or tender if, before agreeing to dispose of the property –

- It gives local public notice of the proposal
 - Describing the property
 - Giving details of the proposed disposition; and
 - Inviting submissions to be made before a date to be specified but not less than 2 weeks after the notice if first given.

and

- It considers any submissions received before the date specified in the notice and if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.”

Comment

In order to sell the lots to Cummins as they have requested, details of the proposed sale will need to be advertised for public comment for a minimum of 14 days. The public notice must include the names of all other parties concerned, the consideration to be received for the lots; and the market value of the lots as ascertained by a valuation carried out not more than 6 months before the proposed disposition.

An updated valuation would need to be carried out of all 3 blocks and a price negotiated with Cummins. Settlement of the residential blocks would not take place until titles are issued following installation of services (expected early 2012). The settlement of the industrial block is expected to take at least 18 months as the subdivision is in early planning stages.

Consultation

Chief Executive Officer

Statutory Environment

Local Government Act 1995, s3.58 ‘Disposing of Property’

Section 5.42 of the Local Government Act allows Council to delegate to the Chief Executive Officer the exercising of the powers available to it. An absolute majority is required.

Policy Implications

Nil

Financial Implications

The lots are surplus to the Shire’s own land requirements, and their sale would provide revenue for future land subdivisions and development.

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Strategic Implications

The sales 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

Absolute Majority Required.

Council Decision

MOVED: Cr Shields

SECONDED: Cr Bloem

That Council:

1. **Accept Cummins South Pacific Pty Ltd's offer to purchase Lots 922 & 923 Yaruga Street and a lot of size between 3,000sqm and 4,000sqm in Boonderoo Road Stage 2 subdivision subject to:**
 - a) **Arranging a valuation of all lots;**
 - b) **Negotiation of a price not less than the valuation;**
 - c) **Settlement to take place 14 days after issue of title;**
 - d) **The CEO be delegated authority to negotiate the sale prices of the lots.**
2. **Subject to Cummins acceptance of the conditions of sale and purchase price, the proposed disposition be advertised for public comment as required by Section 3.58 of the Local Government Act 1985.**
3. **If no submissions objecting to the proposal are received the CEO is authorised to proceed with the sale of Lots 922 & 923 Yaruga Street and a lot of size between 3,000sqm and 4,000sqm in Boonderoo Road Stage 2. If any submissions are recieved they will be reffered to and any comments referred to the Council for their consideration at the following Ordinary Meeting of Council.**

CARRIED BY ABSOLUTE MAJORITY 7/0

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10.2 PROPOSAL TO CHANGE PURPOSE OF RESERVE 40222 POINSETTIA STREET TOM PRICE TO 'STAFF ACCOMMODATION'

MINUTE: 11021

FILE REFERENCE: OR.CM.10.02

AUTHOR'S NAME AND POSITION: Anika Serer
Land Development and Marketing Coordinator

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

DATE REPORT WRITTEN: 10 September 2011

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

PREVIOUS MEETING REFERENCE: Agenda Item 10.11.29 Ordinary Meeting of Council 17 November 2009

Summary

Reserve 40222, located at Lot 292 Poinsettia Street, Tom Price, is currently reserved for recreational purposes vested in the Shire of Ashburton. Council support is sought to change the purpose of the Reserve to Staff Accommodation.

Background

The Shire had previously taken steps to ascertain the purchase price of Reserve 40222 with the options of on-selling the land, developing the site or constructing staff accommodation. Council had in fact endorsed the purchase of the land, subject to conditions, at the Ordinary Meeting held on 17 November 2009.

In practice, there would be no need to purchase the land if it is to be used for Staff Accommodation. A similar procedure was followed for Reserve 39500, located at Lot 27 Willow Road, Tom Price, which was changed from 'Recreation' to 'Staff Accommodation' in 2010 and where a staff house is currently being constructed.

The Reserve is located at the end of the cul-de-sac on Poinsettia Street and has an area of 3332sqm. There are water and electrical services crossing the block which would require easements however investigations indicate an area of approximately 1600sqm is suitable for construction. It is intended to build 4 villa-style residences within this area for staff accommodation

Comment

The Shire is experiencing a major staff-housing shortage with all shire-owned houses occupied. A further six houses in Tom Price are on short-term lease from Rio Tinto however their ongoing availability is uncertain.

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It is estimated that a further six houses are required in Tom Price immediately to accommodate current staff and personnel that are being recruited.

Reserve 40222 is situated in an attractive location for staff accommodation as it is close to the administration office, town centre and recreational facilities.

Council's endorsement of the proposed change is required so that the proposal may be advertised for public consultation by signposting the site advising of the intention and advertising for 14 days. Following the consultative period any objections must be considered by Council and resolved to proceed. The resolution will then be forwarded to Department of Regional Development and Lands (RDL) for approval and amendment of the Management Order.

Consultation

Chief Executive Officer

Manager – Kimberley/Pilbara State Land Services – RDL

Statutory Environment

Local Government Act 1995 s3.55

Land Administration Act

Policy Implications

Nil

Financial Implications

The cost of providing additional staff accommodation in Tom Price will be substantially reduced as land will not need to be purchased.

The land is required in order to construct the dwellings proposed in the 2011/12 Budget.

Strategic Implications

Strategic Plan 2007-2011

1. Diversify and Strengthen the Economy: Facilitate land development throughout region (1.2)

Voting Requirement

Simple Majority Required.

Council Decision

MOVED: Cr Bloem

SECONDED: Cr Shields

That Council agrees to proceed with changing the purpose of Shire Reserve 40222 from 'Recreation' to 'Staff Accommodation'.

CARRIED 7/0

Amanda O'Halloran left the meeting at 4.00 pm.

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11. COMMUNITY & ECONOMIC SERVICES REPORTS

11.1 BUSH FIRE ADVISORY COMMITTEE

MINUTE: 11022

FILE REFERENCE: RS.BC.04.00

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

NAME OF APPLICANT/RESPONDENT: Not Applicable.

DATE REPORT WRITTEN: 9 September 2011

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

PREVIOUS MEETING REFERENCE: Not applicable

Summary

On 2 September 2011 the Bushfire Advisory Committee met at the Shire of Ashburton Council Chambers in Tom Price for its scheduled meeting.

It is recommended that Council adopt the recommendations and action items contained in the minutes of these meetings as resolutions of Council.

Council's adoption of the recommendation is sought.

Background

The composition of the Tom Price Bushfire Advisory Committee consists of the following stakeholders or their proxy delegate.

President Shire of Ashburton:	Cr Linton Rumble (Acting Shire President)
Councillor Shire of Ashburton:	Cr Ivan Diaz
CEO Shire of Ashburton:	Jeff Breen
Executive Manager Engineering Services:	Geoff Brayford
Chief Bush Fire Control Officer:	Morgwn Jones
Deputy Chief Bush Fire Control Officer:	Ian Chance
Deputy Chief Bush Fire Control Officer:	Chris O'Connell
Officers from the Tom Price Bush Fire Brigade	
Shire Ranger Paraburdoo:	Seb Reeve
FESA Regional Manager Pilbara:	Wayne Cooke
DEC Representatives:	Richard Boykett & Jo Shalders
Captains of the Private Volunteer Fire and Rescue Brigades of Tom Price, Paraburdoo, Paraburdoo & Panawonnica.	
Pastoralists:	Rob Morgan Rocklea

ATTACHMENT 11.1

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Comment

Outline of discussions held at this meeting are contained within the attached minutes.

Under the Bush Fires Act 1954, a Local Government from time to time may appoint such persons as it thinks necessary to be its Bush Fire Control Officers. With the onset of summer it is necessary to appoint FCO's for the upcoming season.

Statutory Environment

Sections 5.8, 5.10 and 5.25 of the Local Government Act 1995, relating to committees and their meetings.

Section 38 (1) of the Bush Fires Act 1954 – In respect of Appointing Bush Fire Control Officers, and a Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officers from amongst persons so appointed.

The Shire of Ashburton shall publish all appointments in a least one (1) newspaper circulating in the district.

Policy Implications

Council Policy ENG08; Bush Fire Policy

Financial Implications

Advertising of appointments.

Strategic Implications

There are no strategic implications relative to this matter.

Voting Requirement

Simple Majority Required.

Council Decision

MOVED: Cr White

SECONDED: Cr Bloem

That Council:

- 1. Adopts the minutes of the Bush Fire Advisory Committee held on 2 September 2011.**
- 2. Endorses the appointment of officers of the Tom Price Volunteer Bush Fire Brigade as voted on by the volunteers. (ATTACHMENT 11.1)**
- 3. Revokes all previous FCO appointments and appoints:**
 - (a) Morgwn Jones as CBFCO**
 - Ian Chance as DCBFCO**
 - Chris O'Connell as DCBFCO**
 - Sebastian Reeve as FCO**
 - David Darling as FCO**
 - Glyn Potter as FCO**
 - Darryl Hannah as FCO**
 - Paul Madden as FCO**

for the whole of the Shire of Ashburton.

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**(b) Angus Wilson and
Robert Morgan as FCO
Cr Ivan Dias as FCO
for the Paraburdoo area.**

**(c) Matt Campbell as FCO
for the western Area of the Shire.**

**(d) Michael Booth (CBFCO Shire of Roebourne) as FCO
Andrew Norris (CBFCO Shire of East Pilbara) as FCO
Peter Wilden (CBFCO Town of Port Hedland) as FCO
David George (CBFCO Shire of Exmouth) as FCO**

for those areas where the Shires share a boundary.

CARRIED 6/1

Amanda O'Halloran entered the meeting at 4.01 pm.

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12. CORPORATE SERVICES REPORTS

12.1 CHIEF EXECUTIVE OFFICER LEAVE ARRANGEMENTS

MINUTE: 11023

FILE REFERENCE: PE.EM.000.00 (Breen, Jeffrey)

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

NAME OF APPLICANT/RESPONDENT: Jeffrey Breen
Chief Executive Officer

DATE REPORT WRITTEN: 9 September 2011

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The Chief Executive Officer wishes to take leave between 18 November 2011 and 5 December 2011 (inclusive).

This report is advising Council of the proposed leave for information purposes, and seeks the appointment of an Acting Chief Executive Officer for this period.

Background

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

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

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

Comment

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

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

Consultation

Executive Management Team
Shire President

Statutory Environment

Sections 2.7 and 3.1 of the *Local Government Act 1995*, relating to the general function provisions, and Section 5.36 relating to employees.
Chief Executive Officer's Employment Contract.

Policy Implications

There are no known policy implications relevant to this issue.

Financial Implications

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

Strategic Implications

There are no strategic implications relative to this issue.

Voting Requirement

Simple Majority Required.

Council Decision

MOVED: Cr Bloem

SECONDED: Cr Corker

That Council:

- 1. Note and endorse the Chief Executive Officer's leave arrangements from 18 November 2011 to 5 December 2011 (inclusive).**
- 2. Appoint Frank Ludovico, Executive Manager Corporate Services, as Acting Chief Executive Officer and delegate all powers of the CEO for the period 18 November 2011 to 5 December 2011 (inclusive).**

CARRIED 7/0

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12.2 KARRATHA BUSINESS PARK REQUEST FOR FUNDING

MINUTE: 11024

FILE REFERENCE: FI.AG.00.00

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

NAME OF APPLICANT/
RESPONDENT: Small Business Centre West Pilbara

DATE REPORT WRITTEN: 1 September 2011

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

PREVIOUS MEETING REFERENCE: Not Applicable.

Summary

The Small Business Centre West Pilbara has requested that the Shire of Ashburton financially support a feasibility study for a Karratha Business Park.

Background

The study will cover:

1. Supply analysis
2. Demand analysis
3. Discussions with local agents
4. Operational scope options analysis
5. Modelling
6. Governance and management model options analysis
7. Reporting
8. Analysis of the transferability to Tom Price and Onslow

Details are contained in the attachment.

Committed funding has come from Royalties for Regions (R4R) \$75,000, Chevron \$20,000 and Shire of Roebourne \$10,000.

ATTACHMENT 12.2

Comment

On first reading this project seems to have little relevance to the Shire of Ashburton. The studies focus will be on Karratha.

However the study's findings may provide relevant information for similar facilities in Tom Price and Onslow.

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This would be a relatively inexpensive way to receive information from a study that will provide some relevant information for the Shire of Ashburton and establish a framework for a Tom Price and/or Onslow specific study.

A contribution of \$5000 would seem to be appropriate.

Consultation

Nil

Statutory Environment

Section 6.8 Local Government Act 1995

Policy Implications

Nil

Financial Implications

Cost of \$5,000. Funding could be allocated from account 040208 "Strategic Plan" as the findings will inform our own Strategic Plan.

Strategic Implications

The Shire's Strategic Plan 2007 – 2011 - Diversify and Strengthen the Economy.

Voting Requirement

Absolute Majority Required.

Council Decision

MOVED: Cr Bloem

SECONDED: Cr Corker

That Council allocates \$5,000 to Small Business West Pilbara for a Karratha Business Park study providing the Shire of Ashburton is given the right to use any information, report format, etc derived from the study as it may require.

CARRIED BY ABSOLUTE MAJORITY 7/0

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12.3 MINOR AMENDMENTS TO 2011/2012 FEES & CHARGES

MINUTE: 11025

FILE REFERENCE: FI.FI.00.00

AUTHOR'S NAME AND POSITION: Lisa Hannagan
Administration Manager

NAME OF APPLICANT/
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 12 September 2011

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

PREVIOUS MEETING REFERENCE: Agenda Item 12.07.35 Ordinary Council Meeting 20 July 2011

Summary

After circulation to staff of the 2011/2012 Fees & Charges, a number of minor changes were identified.

Background

The Shire's 2011/2012 Fees & Charges Schedules were adopted by Council at the 20 July 2011 Ordinary Meeting (included in Budget documentation). After distribution to staff a number of minor errors were identified. Subsequently the Fees & Charges have been amended and these amendments are highlighted (YELLOW) in the attached schedules.

ATTACHMENT 12.3

Comment

The amendments include adding charges for use of the Onslow Community Garden, minor fee corrections for charges at Onslow Library, removal of services no longer provided for by Waste.

Consultation

Executive Management Team
Team Program Manager

Statutory Environment

Local Government Act 1995, Section 6.16 and 6.17.

Financial Implications

The revenue raised from Fees & Charges set by Council will underpin its ability to provide services and facilities for the 2011/2012 financial year and into the future.

Strategic Implications

Proposed Fees & Charges are included in the 2011/2012 Budget.

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Voting Requirement
Absolute Majority Required.

Council Decision

MOVED: Cr Corker **SECONDED:** Cr Shields

That Council adopt the amended 2011/2012 Fees & Charges and Allowances as detailed below:

A. EXCERPT 2011/2012 FEES & CHARGES (AMENDED SEPTEMBER 2011)

Recreation & Culture

	Charge
ONSLow COMMUNITY GARDEN	
Bond - Personal Use/Community Organisation	50.00
Bond - Corporate/Event Use	100.00
Fees - Corporate Use	100.00
Fees - Kitchen Use	20.00
Pizza Oven - purchase of wood	30.00

Onslow Library

111568	Replacement of Library Cards	*		4.50
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Other Property & Services

Private Works – Home Rate

148953	Rear Loader Rubbish Truck	*	per hour	130.00
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Private Works – Away Rate

148953	Rear Loader Rubbish Truck	*	per hour	155.00
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B. ELECTED MEMBER FEES AND ALLOWANCE FOR 2011/12

Pursuant to section 5.99A of the Local Government Act 1995 and regulations 34A and 34AA of the Local Government (Administration) Regulations 1996, council adopts the following annual allowances for elected members:

Telecommunications Allowance **\$300**

CARRIED BY ABSOLUTE MAJORITY 6/1
Cr Thomas voted against the motion.

Reason for Change to Recommendation

Telecommunication allowance was included as the omission was discovered after the Agenda was published and was corrected at the meeting.

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12.4 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTHS OF JULY AND AUGUST 2011

MINUTE: 11026

FILE REFERENCE: FI.RE.00.00

AUTHOR'S NAME AND POSITION: Linda McCarthy
Finance Manager

NAME OF APPLICANT/
RESPONDENT: Not Applicable.

DATE REPORT WRITTEN: 12 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:

July 2011

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

ATTACHMENT 12.4

August 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 12.4

- Schedule of Accounts paid under delegated authority.

ATTACHMENT 12.4

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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.

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.

Cr Shields left the meeting at 4.18 pm.

Council Decision

MOVED: Cr Bloem

SECONDED: Cr Corker

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

CARRIED 6/0

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12.5 FUNDING FOR PRC SHORT STAY ACCOMMODATION STUDY

MINUTE: 11027

FILE REFERENCE: FI.AG.00.00

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

NAME OF APPLICANT/RESPONDENT: Pilbara Development Commission and Pilbara Regional Council

DATE REPORT WRITTEN: 12 September 2011

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

PREVIOUS MEETING REFERENCE: Not Applicable.

Summary

The Pilbara Development Commission and Pilbara Regional Council propose a detailed needs/demand analysis for short stay accommodation in the Pilbara

It is proposed to utilise funding held in the budget for Australia's North West Tourism to fund this Study.

Background

The Shire of Ashburton has financially supported Australia's North West Tourism (ANWT) for a number of years.

This financial year \$25,000 is allocated for tourism contributions.

At the most recent Pilbara Regional Council (PRC) meeting the PRC decided not to support ANWT by agreeing not to appoint a member to the ANWT board.

It was generally felt that most of the tourism effort is directed to the Kimberley with little return for the financial contribution of the Pilbara.

The Pilbara Development Commission (PDC) proposes to partner with the PRC to undertake a detailed needs/demand analysis for short stay accommodation in the Pilbara.

The PDC has secured \$75,000 for the project and is requesting \$25,000 from the PRC.

The CEO of the PRC has requested that the Shire of Ashburton make a financial contribution to the study.

The Shire of Roebourne is proposing to provide \$10,000 to the PRC for this project.

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The Shires of Roebourne and East Pilbara will not be contributing to the ANWT this financial year.

ATTACHMENT 12.5

Comment

There are two decisions that need consideration.

1. Should the Shire of Ashburton continue to financially support ANWT in light of the decision of the PRC. Do Councillors believe that there is any tangible benefit for the Shire of Ashburton to continue to support the ANWT to the level of \$25,000 per annum?
2. Should the Shire of Ashburton contribute to the PDC study of short stay accommodation needs? This study will demonstrate the need for accommodation in a more than an anecdotal manner and form the basis for application for funding or attraction of investors.

Consultation

CEO PRC

Statutory Environment

Section 6.8 Local Government Act 1995

Policy Implications

The Shire's Strategic Plan 2007 – 2011 - Diversify and Strengthen the Economy.

Financial Implications

Funding for the contribution to ANWT contained in account 134592 "Advertising and Promotion" could be utilised to fund the study.

Strategic Implications

The Shire's Strategic Plan 2007 – 2011 - Diversify and Strengthen the Economy.

Voting Requirement

Absolute Majority Required.

Cr Shields entered the meeting at 4.18 pm.

Council Decision

MOVED: Cr Corker

SECONDED: Cr Bloem

That Council:

1. **Not financially support Australia's North West Tourism; and**
2. **Provide \$7,500 to the PRC for a short stay accommodation study.**

CARRIED BY ABSOLUTE MAJORITY 7/0

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13. DEVELOPMENT SERVICES REPORTS

13.1 APPLICATION FOR PLANNING APPROVAL - MIXED USE (COMMERCIAL/ACCOMMODATION) DEVELOPMENT AT LOT 1 CORNER OF CENTRAL AND STADIUM ROADS, TOM PRICE

MINUTE: 11028

FILE REFERENCE: TP.CX.0001.000, TP.ST.1

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

NAME OF APPLICANT/RESPONDENT: Penhall Investments Pty Ltd (Owner)
Greg Rowe & Associates (Applicant)

DATE REPORT WRITTEN: 12 September 2011

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.07.45 Ordinary Meeting of Council 20 July 2011

Summary

The Shire is in receipt of an Application for Planning Approval for a two storey commercial and accommodation development at Lot 1, corner of Stadium Road and Central Road Tom Price. The significant issue associated with the Application relates to a proposed 'zero' development setback to Stadium Road and verandah over the road reserve. Other design and detail matters associated with the Application (such as parking and clarification of land uses) can be addressed once the Council's position on the setback to Stadium Road is determined.

The development as proposed, offers no meaningful opportunity for landscaping in the road reserve and on the subject land that would result in an enhanced visual integrity to Stadium Road. It is considered appropriate that a setback that allows for tree planting in the road reserve should be supported by Council.

In this regard, Council could refuse the Application. However as a 'proactive' alternative, it is suggested that Council advise the Applicant that it supports a minimum two metre (2) development setback to Stadium Road and verandah over the road reserve. Should a revised plan be submitted by the Applicant showing such a setback, the Chief Executive Officer be requested to use Delegation DA035 and determine the Application in accordance with Council policies and the relevant provisions of the Scheme (particularly the provision of car parking).

However, should the Applicant lodge an Application ('appeal') to the State Administrative Tribunal against the Council's decision or seek a development setback to Stadium Road less than two metres (2) the Chief Executive Officer be requested to refer the matter back to Council for consideration.

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Background

The Shire is in receipt of an Application for Planning Approval for a two storey commercial and accommodation development at Lot 1 on Plan 18202 of Certificate of Title Volume 1917 and Folio 627, corner of Stadium Road and Central Road Tom Price. In 1994 the subject site was strata titled on Strata Plan 23256. Lot 1 directly abuts a Hamersley Iron Infrastructure's electricity substation which is enclosed in a colorbond fence.

The site has a land area of approximately 4868m², with frontages of approximately 81 metres to Stadium Road and 46 metres to Central Road. The development formed part of the original town development of Tom Price and accordingly, Planning Approval was not required for the development at that period of time.

Currently the site is occupied by a single storey mixed use commercial development. The site also comprises two car parking areas in which the first is situated to the north and the second to the east of the commercial building. The number of car spaces provided to the existing development is difficult to determine due to earth works underway for the town centre development and that line marking of the spaces was either never undertaken or worn off. However, it is calculated from site inspection and utilising maps/plans of the site that under the current design arrangement, up to approximately 60 spaces could potentially be available.

Access to the site is direct from Stadium Road whereby there is very limited delineation between the car park and road pavement. There are no formal crossovers to the northern car park. A two-way crossover provides access to and from the eastern car park. Pedestrian footpaths are present along both sides of Central Avenue to the west of the subject site.

In July 2011 Council granted planning approval for the southern extension of the existing commercial building. It should be noted that in the attached correspondence from the Applicant, the approval issued by Council in June 2011 is referred to as DA1. This has no association with the current Application before Council which is notated in the attached correspondence as DA2. In addition, the Applicant has provided site plan option referred to as Stage 2 Parking ALT.1. This plan has not been accepted by the Shire as it involves the use of road reserve for parking.

Accordingly, the Application before Council relates to site plans notated as Stage 2 Parking ALT.2.

ATTACHMENT 13.1

Proposal

The Planning Application results in a mixed use two storey development to be situated on the northern boundary of the subject site adjacent to the existing Hamersley Iron Infrastructure's electricity substation. The proposal seeks a 'zero' setback to Stadium Road and verandah over the road reserve.

It is proposed the ground level of the building is described for commercial type land uses whilst the upper floor will be for 'residential or short stay accommodation'. The actual uses of the ground floor component have not been defined however the upper floor use are proposed to comprises four (4) 'multiple dwellings' as defined under the Residential Design Codes (RCodes) as follows:

"A dwelling in a group of more than one dwelling on a lot where any part of a dwelling is vertically above part of any other but:

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- *does not include a grouped dwelling; and*
- *includes any dwellings above the ground floor in a mixed use development.”*

The design also provides for ‘double keying’ of the ‘multiple dwelling units’ whereby it is possible the accommodation result in eight (8) separate occupations.

The applicant advises that the “.....upper level has been modelled in such a manner that should it be necessary one occupant/family can utilise two dwellings as one.”

The lower floor will consist of 302.3m² commercial tenancies potentially for shop and office purposes. A service yard is proposed to be situated immediately south of the transformer and adjacent to the proposed building. The service yard will be for the storage of rubbish bins and other such equipment.

Four (4) undercover carports will be provided adjacent to the proposed building (south of the proposed storage yard) for residential or short stay accommodation occupants as well as one visitor car bay. The Applicant advises that:

“The positioning of the proposed building and storage yard adjacent to the existing transformer will create a more formalised finished to a currently out of place and inconsistent development. In order to further improve the visual aesthetics of the subject site, it is proposed the transformer will be re-fenced using materials to match the proposed building.

It is envisaged the proposed development will act as a transition between the existing commercial building to the south and the proposed architecturally modern and ‘futuristic’ development to the east. This will positively contribute to, and improve, the current visual aesthetics of the area.

In addition to this, the proposed development will generate a much more formalised car parking arrangement of designated entrance and exit points. Currently there is limited delineation between Stadium Road and the car parking area. As such the car parking area as it currently exists is dangerous and disorganised. The proposed development will incorporate paved pedestrian access between the existing and proposed developments that will inherently connect into the wider pedestrian network. Moreover this will improve existing concerns of pedestrian safety by becoming a much more pedestrian orientated development.”

Comment

The significant issue associated with the Application relates to the proposed ‘zero’ setback to Stadium Road and associated verandah. Other design and detail matters associated with the Application (such as parking and clarification of land uses) can be addressed once the Council’s position on the setback to Stadium Road is determined.

In this regard, the purpose of this Report is to seek guidance from Council as to whether the ‘zero’ setback to Stadium Road and verandah over the road reserve is acceptable.

The Applicant was advised by the Shire well in advance of the preparation of this Report that a ‘zero’ setback to Stadium Road and verandah over the road reserve is unlikely to be supported by the Shire. The Applicant was invited to provide a further statement with respect to the setback. **ATTACHMENT 13.1** provides the Applicant’s further submission with respect to the issue of a nil or zero setback. The Applicant’s submission is noted and the following comments are in response to matters raised.

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Within the Tom Price town centre, only two developments have a 'zero lot line' development:

- East wall (fronting Stadium Road) of the 'Red Breeze' restaurant; and
- West wall (fronting Central Road) of the Tom Price Hotel Bottle Shop.

No individual verandahs have been established over a road reserve within the townsite. The current verandah works involved with the Townsite Revitalisation reflects a coordinated approach over a mall Reserve.

Within proximity of the subject site (buildings fronting Stadium Road and generally opposite the subject land), the setbacks of buildings to Stadium road have a minimum of 4 metres to the road reserve. In addition, this setback and portion of road reserve has significant vegetation that frames the development within Tom Price.

The Applicant appears to place significant reliance on the location of Hamersley Iron Infrastructure's electricity substation as justification to a zero setback to Stadium Road. The view appears to be that a zero setback associated with the proposed development will provide a covered walkway/footpath for pedestrians. This contention would have more validity should the whole Stadium Road frontage be proposed to be developed with the same setback. This is clearly not sought. Reference to shading and climate control in the Applicant's submission fails to acknowledge that the same can be achieved through the planting of trees within setbacks and the road reserve

The Applicant has provided reference to the WAPC's planning bulletin '*Designing Out Crime Planning Guidelines*' and suggested that a zero lot line setback will advance the protection of pedestrians and the community. Reference is again made to the location of the fence around the substation. The Applicant's contentions are not supported as the development can clearly be designed in such a manner as to ensure the safety of pedestrians. It is noted that the Applicant has not undertaken the same assessment against the WAPC's planning bulletin for the proposed service yard.

It is respectfully suggested that the submission somewhat over emphasizes the benefits of a zero lot line development in a 1960's designed town centre like Tom Price. It uses examples of towns where a historic form of design has been established. It is genuinely queried how the Tom Price commercial centre can be reasonable compared to commercial buildings in York, or Collie or Toodyay?

It should be emphasized that the issues arising from this application with respect to setbacks is distinctive to Tom Price. Clearly, Tom Price town centre is a 'low key' commercial area that has traditionally sought extensive planned setbacks to road reserves and which is reflected in *Local Planning Policy - Design Guidelines for the Tom Price Town Centre*. In addition, the site is included in the Shire's *Municipal Heritage Inventory* in relation to the shopping arcade that was built in 1967 for a single men's mess for the mining and construction works of Tom Price. It is suggested that development with a greater setback to Stadium Road than provided for in the Application will to a greater degree, reflect the 60's style shopping arcade.

The Shire's view is that what is proposed however is considered to be an intrusion into the setback whereby patrons of the ground floor commercial area would not have a clear linkage to the Applicant's car park. Importantly, the setback of the proposed (Shire) development of Lot 2 Stadium Road will not seek to have a 'zero' setback to Stadium Road and likely to reflect the existing significant vegetation in the road reserve.

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The development as proposed offers no meaningful opportunity for landscaping in the road reserve and on the subject land that would result in an enhanced visual integrity to Stadium Road. It is considered appropriate that a setback that allows for tree planting in the road reserve should be supported by Council. In this regard, Council could refuse the Application. However as a 'proactive' alternative, it is suggested that Council undertake the following:

1. Request the Chief Executive Officer to write the Applicant advising that Council:
 - Considers the proposed zero lot line setback to Stadium Road and verandah over the road reserve is not in keeping the direction and intent of *Local Planning Policy - Design Guidelines for the Tom Price Town Centre* nor does it adequately address the inclusion of the land the Shire's Municipal Heritage Inventory (in relation to the shopping arcade that was built in 1967 for a single men's mess for the mining and construction works of Tom Price).
 - Considers that that a zero lot line setback to Stadium Road would effectively prevent landscaping of Stadium Road adjoining the Subject site thus limiting the enhancement of the visual integrity of Stadium Road through landscaping.
 - Advise the Applicant that Council would support an application whereby plans provided for an adequate set back to Stadium Road that allows for tree planting in the road reserve. A guide, a two metre (2) setback to Stadium Road is sought.
2. That should a plan be submitted to the Shire as a replacement to the Application plan reflecting a minimum two metre (2) development setback to Stadium Road, the Chief Executive Officer be requested to utilize Delegation DA035 and determine the Application in accordance with Council policies and the relevant provisions of the Scheme.
3. That should the Applicant lodge an Appeal to the Council's decision or seek a development setback to Stadium Road less than two metres (2) that the Chief Executive Officer refer the matter back to Council for consideration.

Consultation

Chief Executive Officer

Advertising of the Application was undertaken through a notice in the Pilbara News and two (2) signs on site for a 14 day period and no objections were received.

Statutory Environment

Under the Shire of Ashburton Town Planning Scheme No. 7 ('Scheme'), the subject site is zoned 'Commercial and Civic'. The intent of the 'Commercial and Civic' zone is to allow:

".....for a variety of uses and is intended to be developed as the administrative and commercial centre of each town."

Policy Implications

Local Planning Policy - Design Guidelines for the Tom Price Town Centre

The design guidelines were developed to complement the Tom Price Town Centre Townscape Enhancement Plan. The guidelines are used to assist the Shire in making decisions under the Scheme however do not bind the local government in respect of any application for planning approval.

The proposed development is not considered to be consistent with the objectives of the

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guidelines with respect to the zero lot line component and verandah over the road reserve reflected in the development plan. More particular, the Application as provided for in the submitted plans offers no meaningful opportunity for landscaping in the road reserve and on the subject land that would result in an enhanced visual integrity to Stadium Road.

Municipal Heritage Inventory

The subject site is registered as LGA Place No. 26 on the Municipal Heritage Inventory. This is specifically in relation to the shopping arcade that was built in 1967 to be used as a single men's mess for the mining and construction works of Tom Price. The shopping arcade is listed as a 'Category C' which states:

“Retain and conserve if possible: endeavour to conserve the significance of the place through the provisions of the Shire of Ashburton Planning Scheme; a more detailed Heritage Assessment/ Impact Statement may be required prior to approval being given for any major redevelopment or demolition; photographically record the place prior to any major redevelopment or demolition.”

Development with a setback to Stadium Road greater than that provided for in the Application will assist in retaining a 60's style shopping centre.

Financial Implications

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

Strategic Implications

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

Voting Requirement

Simple Majority Required.

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Council Decision

MOVED: Cr Corker

SECONDED: Cr White

That Council:

1. Request the Chief Executive Officer to write the Applicant advising that Council:
 - Considers the proposed zero lot line setback to Stadium Road is not in keeping the direction and intent of *Local Planning Policy - Design Guidelines for the Tom Price Town Centre* nor does it adequately address the inclusion of the land the Shire's Municipal Heritage Inventory (in relation to the shopping arcade that was built in 1967 for a single men's mess for the mining and construction works of Tom Price).
 - Considers that that a zero lot line setback to Stadium Road would effectively prevent landscaping of Stadium Road adjoining the Subject site thus limiting the enhancement of the visual integrity of Stadium Road through landscaping.
 - Advise the Applicant that Council would support an application whereby plans provided for an adequate set back to Stadium Road that allows for tree planting in the road reserve. A guide, a two metre (2) setback to Stadium Road is sought.
2. That should a plan be submitted to the Shire as a replacement to the Application plan reflecting a minimum two metre (2) development setback to Stadium Road, the Chief Executive Officer be requested to utilize Delegation DA035 and determine the Application in accordance with Council policies and the relevant provisions of the Scheme.
3. That should the Applicant lodge an Appeal to the Council's decision or seek a development setback to Stadium Road less than two metres (2) that the Chief Executive Officer refer the matter back to Council for consideration.

CARRIED 7/0

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13.2 REQUEST FOR ROAD ACCESS TO LOT 381 SECOND AVENUE, ONSLOW

MINUTE: 11029

FILE REFERENCE: ON.TH.0381.00

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

NAME OF APPLICANT/RESPONDENT: JP Herbert (Onslow Development Pty Ltd)

DATE REPORT WRITTEN: 10 September 2011

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.02.10 Ordinary Meeting of Council 16 February 2010
Agenda Item 10.12.29 Ordinary Meeting of Council 15 December 2010
Agenda Item 10.11.26 Ordinary Meeting of Council 17 November 2010

Summary

Lot 381 Third Avenue, Onslow has an area of 2.37ha, is situated north-west of the Onslow town centre and is bounded by Unvested Crown Land (UCL) to the north and west and a Reserve to the south. The surrounding land is generally undeveloped vacant land except for the presence of residential development to the south east of the site.

Legal access to Lot 381 is from Third Avenue however informal access is via a track over UCL direct from Second Avenue. This track also provides access to the Water Corporation tank. The existing informal access to Lot 381 was probably established during the Second World War.

The land owner has requested to have Second Avenue extended to the Onslow War Memorial area and to join onto the Eastern portion of Lot 381.

It is recommended that for the purposes of discussion with State agencies, Council resolve to support the concept of road connection between Lot 381 and Second/Third Avenue as outlined in this report and where the land owner agrees to accept all costs associated which would include (but not necessarily be limited to):

- surveying costs;
- Native title assessments;
- Shire Administration costs;
- all costs associated with 'acquisition' from State Land Services;
- all costs associated with a 'subdivision' application to the Western Australian Planning Commission; and ultimately
- all construction costs associated with the road connection between Lot 381 and Second Avenue.

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Background

Lot 381 Third Avenue, Onslow has an area of 2.37ha and is situated north-west of the town centre and is bounded by Unvested Crown Land (UCL) to the north and west and a Reserve to the south. The surrounding land is generally undeveloped vacant land except for the presence of residential development to the south east of the site. Legal access to the land is from Third Avenue however informal access is via a track over UCL direct from Second Avenue. This track also provides access to the Water Corporation tank. The existing informal access to Lot 381 was probably established during the Second World War.

The subject site is currently unoccupied vacant land with historical infrastructure been demolished and is stockpiled on the land. Historically, Lot 381 was a portion of a larger bulk storage facility that comprised four 2,000 tonne above ground storage tanks and pump houses. The storage tanks contained bunker fuel oil, marine distillate (diesel) and aviation fuel used to supply the Potshot Naval Base in Exmouth. Two of the four above ground storage tanks were located on Lot 381. These two tanks contained bunker fuel oil. The pump house was used to supply marine vessels with bunker fuel oil which was stored on site.

A memorial that was been placed on the Certificate of Title under the *Contaminated Sites Act 2003* has since been removed as Onslow Developments have completed various cleaning, demolition and remediation activities on the subject land.

Lot 381 is zoned 'Tourism' under the Shire of Ashburton Local Planning Scheme No. 7. Land immediately adjacent to Lot 381 is reserved 'Parks Recreation and Drainage' to the north, east and west and 'Public Purpose – Water and Drainage'. Importantly, the subject site is not located within the Onslow Coastal Hazard Area – Special Control Area. Lot 381 has been the subject of two previous decisions of Council (as follows):

- Agenda Item 10.12.29 Ordinary Meeting of Council 15 December 2010

"That Council advises the Water Corporation:

- (a) Supports the realignment of the water main down Third Avenue on the eastern side of the reserve on the approved Water Corporations alignment offset, the along the south side of the road reserve which joins Second Avenue to Third Avenue until rejoining the water main at the laneway easement.*
- (b) Suggests that the Water Corporation may wish to implement an interim access track realignment through arrangements with the owner of lot 381 until formal access to lot 381 is resolved as part of a formal development application at which time the access can be constructed to an approved Shire standard at cost between relevant parties.*
- (c) When the final Road is constructed to an agreed standard and approved alignment the Shire of Ashburton will then gazette the road and become responsible for all ongoing maintenance."*

- Agenda Item 13.02.10 Ordinary Meeting of Council 16 February 2010

"1. Advise Onslow Developments that in principle, it supports a Scheme Amendment for Lot 381 Third Avenue, Onslow that achieves the objective of the Onslow Townsite Strategy of "...a mixed zoning that provided for residential use

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in the context of an overall tourist/residential development”, subject to the land owner addressing/providing in detail the following:

- *a Structure Plan that adequately guides future subdivision and development of the land;*
- *access to the land;*
- *WAPC Tourism Planning Taskforce Report 2006;*
- *WAPC Planning Bulletin 83/2009 Planning for Tourism*
- *formal Scheme Amendment documentation consistent with the requirements of the Town Planning Regulations (1975); and*
- *payment of amendment fee to the Shire.*

2. *Advise Onslow Developments that that in-principle support is informal/conceptual in order to gain some indication as to whether or not a Scheme Amendment is likely to be viewed favourably. It should not be construed that the amendment will be initiated or will be finally adopted”*

ATTACHMENT 13.2

Proposal

The land owner has requested to have Second Avenue extended to the Onslow War Memorial area and to join onto the Eastern portion of Lot 381.

“This land is at present UCL and the arrangements at this time are very untidy. The access has been in use for more than 60 years that I personally know of and with the new town planning schemes in progress, now I feel would be a good time to put this to rest.

We are aware that Third Avenue has extended in this direction but from a traffic and access point, it would increase traffic flow in a quiet back street which may offend the residents and increase a traffic hazard for small children and so on.

We await your response.”

Comment

It is reasonable for Council to address the issue of alternate access to Lot 381 as it would be possible for a land owner to seek formal access direct from Third Avenue and develop the land accordingly. It is clear that access from much of Third Avenue is inappropriate due to the steepness of this area of road reserve and existing vegetation. In relation to access to Lot 381, the decision of Council in December 2010 resolved (in part):

“(b) Suggests that the Water Corporation may wish to implement an interim access track realignment through arrangements with the owner of lot 381 until formal access to lot 381 is resolved as part of a formal development application at which time the access can be constructed to an approved Shire standard at cost between relevant parties.”

On the face of it, the above resolution is reasonable however it would be practicably difficult to link a development application with the issue of access, as the area between Lot 381 and Second Avenue is UCL. The Planning Application process associated with Lot 381 would not be able to address the issue of determining access. It would be more appropriate for Council to resolve its position on access of Lot 381 to Second Avenue in advance of a development application. If acceptable, the Shire could negotiate with State Land Services (SLS) and to go through a Land Administration Act process to establish a road. Approval from the Western Australian Planning Commission is also required.

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In this regard, the land owner of Lot 381 should be responsible for all costs related to the process, which would include (but not necessarily be limited to):

- surveying costs;
- Native title assessments;
- Shire Administration costs;
- all costs associated with 'acquisition' from SLS;
- all costs associated with a 'subdivision' application to the WAPC; and ultimately
- all construction costs associated with the road connection between Lot 381 and Second Avenue.

It is recommended that for the purposes of discussion with State agencies, Council resolve to support the concept of road connection between Lot 381 and Second/Third Avenue as outlined in this report and where the land owner agrees to accept all costs associated with such access (as described in this Report).

Consultation

Chief Executive Officer
Executive Manager Western Operations
Department of Planning

Statutory Environment

Land Administration Act 1995.
Planning and Development Act 2005

The decision-making role for the access to Lot 381 is likely to involve both SLS and the WAPC. In essence, the WAPC deals with freehold land with Crown Land matters dealt with by SLS.

The first step in the process would be a Crown Land dealing through SLS. If the intention is to create a local road reserve, this would require a WAPC subdivision application/determination. To get to that point there is a need for the Shire to negotiate with SLS and to go through a Land Administration Act process.

Policy Implications

The request before Council is considered informal / conceptual in order to gain some indication as to whether or not of road connection between Lot 381 and Second Avenue is likely to be viewed favourably.

Financial Implications

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

Strategic Implications

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

Voting Requirement

Simple Majority Required.

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Officer's Recommendation

That Council:

1. Resolve to support in principle, the concept of establishing a new road reserve connection between Lot 381 and Second Avenue, Onslow, subject to 2. below.
2. Request the Chief Executive Officer to:
 - i) Advise the owner of Lot 381 that in relation to 1 above, the owner will be responsible for all costs related to the process which would include (but not necessarily be limited to):
 - surveying costs;
 - Shire administration costs;
 - Native title assessments;
 - all costs associated with 'acquisition' from State Land Services;
 - all costs associated with a 'subdivision' application to the Western Australian Planning Commission; and ultimately
 - all construction costs associated with the road connection between Lot 381 and Second Avenue.
 - ii) Seek confirmation in writing from the owner of Lot 381 accept the costs referred to in 2. above.
 - iii) Commence the process of a new road reserve as described in 1. above once the land owner has responded as required in 2(ii) above.

Council Decision

MOVED: Cr Corker

SECONDED: Cr Shields

That Council:

1. **Resolve that for the purposes of discussion with State agencies, Council resolve to support the concept of road connection between Lot 381 and Second/Third Avenue, Onslow, subject to 2. below.**
2. **Request the Chief Executive Officer to:**
 - i) **Advise the owner of Lot 381 that in relation to 1 above, the owner will be responsible for all costs related to the process which would include (but not necessarily be limited to):**
 - **surveying costs;**
 - **Shire administration costs;**
 - **Native title assessments;**
 - **all costs associated with 'acquisition' from State Land Services;**
 - **all costs associated with a 'subdivision' application to the Western Australian Planning Commission; and ultimately**
 - **all construction costs associated with the road connection between Lot 381 and Second Avenue.**

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- ii) **Seek confirmation in writing from the owner of Lot 381 accept the costs referred to in 2. above.**
- iii) **Commence the process of a new road reserve as described in 1. above once the land owner has responded as required in 2(ii) above.**
- iv) **Continue discussions with the owner of Lot 381 in relation to determining the most appropriate access arrangements to Lot 381.**

CARRIED 7/0

Reason for Change to Recommendation

Due to a software issue, the distributed recommendation did not reflect the recommendation of the officer and was corrected at the meeting.

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13.3 PROPOSED APPLICATION FOR TEMPORARY TRANSIENT WORKFORCE ACCOMMODATION CAMP, LOT 16 ONSLOW ROAD, ONSLOW (ONSLow AIRPORT)

FILE REFERENCE: LO.ASBN.00016

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

NAME OF APPLICANT/RESPONDENT: Shire of Ashburton

DATE REPORT WRITTEN: 8 September 2011

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

PREVIOUS MEETING REFERENCE: Agenda Item 15.1 - Ordinary Meeting of Council 17 August 2011
Agenda Item 16.03.15 - Ordinary Meeting of Council 16 March 2011
Agenda Item 16.11.13 (Confidential) - Ordinary Meeting of Council 17 November 2010
Agenda Item 15.06.12 - Ordinary Meeting of Council 16 June 2010

Summary

The Onslow Airport is reserved under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') as 'Public Purposes - Airport'. The land associated with the Onslow Airport has an area of 530ha and Council has reviewed the operational requirements for the Airport through the *Onslow Aerodrome Master Plan*. The concept of developing the Airport and land associated with the Airport for mixed use/industrial purposes has been determined by Council (17 November 2011 and 16 March 2011).

Main Roads WA (MRWA) is intending to undertake improvements to Onslow Road to account for the increased (heavy) road movements from the Macedon and (potentially) the Wheatstone developments.

In order to undertake the development of the Onslow Airport and improvements to Onslow Road, temporary accommodation is necessary to house the workers involved with the respective construction works. The Onslow Airport site is available to the Shire to provide the necessary accommodation (comprising up to 100 rooms) for the duration of the works involved. It is anticipated that the development of the runway and land associated with the Airport for mixed use/industrial purposes will take up to 24 months with the improvements to Onslow Road approximately 8 months (although MRWA will have an ongoing work crew for the maintenance of Onslow Road).

The establishment of a transient workforce accommodation camp will be for a defined period and related to developments identified by Council.

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It is recommended that the Chief Executive Officer be requested to lodge a planning application for transient workforce accommodation (up to 100 rooms, mess and ancillary infrastructure at the Onslow Airport generally for a period of 24 months) and that the Chief Executive Officer be delegated authority to determine the application in accordance with the relevant provisions of the Scheme.

Background

The Onslow Airport is reserved under the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme') as 'Public Purposes - Airport'. The land associated with the Onslow Airport has an area of 530ha and Council has reviewed the operational requirements for the Airport through the draft Onslow Aerodrome Master Plan. The concept of developing the Airport and land associated with the Airport for mixed use/industrial purposes has been determined by Council (17 November 2011 and 16 March 2011).

Following the decision of Council at the meeting of 16 August 2011, the Macedon Access road will be developed to provide access to the Ashburton North Strategic Industrial Area (ANSIA) increase the level of serviceability for the road to a 20 year level. In considering the matter, Council expressed concern with respect to the need to upgrade Onslow Road to take into account an anticipated 3,600 triple road train movements needed for the construction of the upgraded Macedon Access Road. Main Roads WA (MRWA) is now intending to undertake improvements to Onslow Road to account for these increased (heavy) road movements from the Macedon and (potentially) the Wheatstone developments.

ATTACHMENT 13.3

Comment

In order to undertake the development of the Onslow Airport and improvements to Onslow Road, temporary accommodation is necessary to house the workers involved with the construction works. The Onslow Airport site is available to the Shire to provide the necessary accommodation (up to 100 rooms) for the duration of the respective construction works involved. It is anticipated that the development of the runway and land associated with the Airport for mixed use/industrial purposes will take up to 24 months with the improvements to Onslow Road approximately 8 months (although MRWA will have an ongoing work crew for the maintenance of Onslow Road).

The establishment of a transient workforce accommodation camp will be for a defined period and related to developments identified by Council.

Consultation

Chief Executive Officer
Regional Manager, Main Roads WA

Should Council request the Chief Executive Officer to lodge a planning application for transient workforce accommodation, the application will be advertised in accordance with C15.7 of the Scheme (14 day period).

Statutory Environment

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

Policy Implications

The policy implications relate any application for transient workforce accommodation addressing the Shire's *Local Planning Policy - Transient Workforce Accommodation*.

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Financial Implications

There are no financial implications relative to this matter.

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."

The significance of this Application will be that it will assist in alleviating the accommodation issues associated with two strategically important infrastructure developments – the airport and Onslow Road upgrade.

Voting Requirement

Simple Majority Required.

Council Decision

MOVED: Cr Shields

SECONDED: Cr Bloem

That Council:

1. Request the Chief Executive Officer to lodge a planning application for transient workforce accommodation camp (comprising up to 100 rooms, mess and ancillary infrastructure) in an appropriate location at Lot 16 Onslow Road, Onslow (the Onslow Airport);
2. The Chief Executive Officer be delegated authority to determine the application referred to in 1. above in accordance with the relevant provisions of the Scheme and if approved, include (but not limited to) the following condition:

"The transient workforce accommodation and associated structures/infrastructure shall cease on (insert period 24 months from the date of Approval) or other period as agreed by the Chief Executive Officer and the structures be removed on or before (insert period 24 months from the date of Approval) or other period as agreed by the Chief Executive Officer".

CARRIED 7/0

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13.4 DRAFT LOCAL PLANNING POLICY - ONSLOW INTERIM DESIGN GUIDELINES

MINUTE: 11031

FILE REFERENCE: PS.DV.21.00

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

NAME OF APPLICANT/RESPONDENT: Shire of Ashburton

DATE REPORT WRITTEN: 8 September 2011

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

Between 26-28 July 2011 the Shire hosted a LandCorp inspired 'enquiry by design' process (also referred to as a 'Charette') in Onslow. Several land planning and design workshops and focus groups sessions were undertaken to explore potential developments including residential expansion, parks and recreation and development issues in the town centre. One of the clear outcomes from the 'charette' was the need for design guidelines for the land in Onslow zoned 'Commercial and Civic' under the Scheme.

The planning consultant associated with the 'charette' has prepared draft 'design guidelines' for the land in Onslow zoned 'Commercial and Civic' and Reserve 24405 (zoned 'Tourism') to ensure that the character of Onslow's built form is reflected in any future growth of the Town Centre. The preparation and adoption of design guidelines for development within the Town Centre is seen as a priority to ensure the pressures of growth are managed and that community expectations are met.

It is intended that the design guidelines will be reviewed and update, if required, within a period of no less than 12 months from the date of adoption.

It is recommended that the draft "*Local Planning Policy - Onslow Interim Design Guidelines*" be advertised in accordance with the Planning Scheme and referred back to Council for consideration.

Background

Between 26-28 July 2011 the Shire hosted a LandCorp inspired 'enquiry by design' process (also referred to as a 'Charette') in Onslow. Several land planning and design workshops and focus groups sessions were undertaken to explore potential developments including residential expansion, parks and recreation and development issues in the town centre. One of the clear outcomes from the 'Charette' was the need for design guidelines for the land in Onslow zoned 'Commercial and Civic' under the Scheme.

ATTACHMENT 13.4

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Comment

The planning consultant associated with the 'Charette' has prepared draft 'design guidelines' for the land in Onslow zoned 'Commercial and Civic' and Reserve 24405 (zoned 'Tourism') to ensure that the character of Onslow's built form is reflected in any future growth of the Town Centre. The preparation and adoption of design guidelines for development within the Town Centre is seen as a priority to ensure the pressures of growth are managed and that community expectations are met.

The guidelines are designed to facilitate a high standard of sustainable built form and high quality aesthetics within the Onslow Town Centre that correspond to the local Onslow character. A number of these objectives have been drawn directly from the Onslow Townsite Strategy to ensure consistency of council policy. This draft policy seeks to ensure the following objectives are met:

"That the town centre:

- 1. Is a flood-mitigated commercial, civic and mixed use centre;*
- 2. Is vibrant and lively and has a character that melds the old with the new;*
- 3. Offers opportunities for a range of commercial, civic, residential, mixed use and tourism activities;*
- 4. Is accessible and well connected to neighbouring residential areas;*
- 5. Connects with the beachfront and maximises ocean vistas;*
- 6. Encourages buildings that are commensurate with the scale of existing Onslow buildings;*
- 7. Ensures designs respond to the identified character themes for Onslow;*
- 8. Incorporates larger developments that are composed of a combination and aggregation of smaller scaled elements and as groups of separate buildings.*
- 9. Buildings are not expressed as a large single mass with long, unbroken horizontal elements, large wall planes, continuous rooflines, balconies, materials and colours;*
- 10. Building massing has a vertical rhythm with regular vertical design elements, scaled to respond to the scale of existing Onslow buildings. This includes separating building forms with spaces between buildings;*
- 11. Roof forms are visible and pitched to create a varied skyline; and.*
- 12. Upper level floors of buildings are reduced in size from floors below and are treated to reduce their visual impact."*

It is recommended that Council adopt draft "*Local Planning Policy - Onslow Interim Design Guidelines*" and advertise for 21 days in accordance with the Shire's Local Planning Scheme

Consultation

Chief Executive Officer
Executive Manager, Western Operations
Executive Manager, Engineering Services

Should Council support the draft "*Local Planning Policy - Onslow Interim Design Guidelines*" for community consultation, the draft Policy would be advertised for 21 days, with notices in the Pilbara News and land owners within the 'Commercial and Civic' zone all directly notified by the Shire.

Statutory Environment

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

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Policy Implications

This Policy provides 'design guidelines' for the land in Onslow zoned 'Commercial and Civic' and Reserve 24405 (zoned 'Tourism') to ensure that the character of Onslow's built form is reflected in any future growth of the Town Centre. The preparation and adoption of design guidelines for development within the Town Centre is seen as a priority to ensure the pressures of growth are managed and that community expectations are met.

Financial Implications

None anticipated.

Strategic Implications

None anticipated

Voting Requirement

Simple Majority Required.

Council Decision

MOVED: Cr Corker

SECONDED: Cr Shields

That Council:

1. **Adopt draft "*Local Planning Policy - Onslow Interim Design Guidelines*" as a Local Planning Policy under Cl. 2.3 of the Shire of Ashburton Local Planning Scheme No.7 ('Scheme') and for it to be advertised for 21 days in accordance with Cl. 2.3.1 of the Scheme.**
2. **Directs that upon completion of the advertising period referred to in 1. above, the matter to be referred back to Council for further consideration.**

CARRIED 7/0

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13.5 APPLICATION FOR PLANNING APPROVAL - GROUP HOUSING DEVELOPMENT, LOT 604, ROCKLEA ROAD/YOU YI LANE, PARABURDOO

MINUTE: 11032

FILE REFERENCE: PA.RC.0604

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

NAME OF APPLICANT/RESPONDENT: Better Builders (WA) Pty Ltd
Owned by the Shire but under contract of sale

DATE REPORT WRITTEN: 11 September 2011

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.07.52 Ordinary Meeting of Council 20 July 2011
Agenda Item 13.03.13 Ordinary Meeting of Council 16 March 2011
Agenda Item 10.02.03 Ordinary Meeting of Council 16 February 2011
Agenda Item 13.11.69 Ordinary Meeting of Council 17 November 2010

Summary

Application for Planning Approval is sought for 21 group dwellings at Lot 604 Rocklea Road/You Yi Lane, Paraburdoo. The land has an area of 5301m², is owned by the Shire and occupied by a building (previously used as a veterinary clinic) but under contract of sale. Under the Shire's Local Planning Scheme, Lot 604 is reserved for 'Public Purposes – Community'.

Council initiated Scheme Amendment No.7 to the Shire's Planning Scheme which rezones Lots 603-606 Rocklea Road/You Yi Lane, Paraburdoo to Residential R50. Council has endorsed Amendment No. 7 for final approval however the Minister for Planning will give final consideration on the Amendment.

The application was advertised (sign on site, notice on Shire's website, Shire office and notice to adjoining and opposite landowners) and no objections were received. The Application will require further detailed clarification as to compliance with the Residential Design Codes.

The Application is before the Council due to the current Scheme reserve and the status of the land sale. It is recommended that Council provide principle support for the residential development of Lot 604 for 21 group housing units subject to compliance with the Residential Design Codes with delegation to the Chief Executive Officer to determine the Application in accordance with the relevant provision of the Scheme.

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Background

Lot 604 Rocklea Road/You Yi Lane, Paraburdoo has an area of 5301m², is owned by the Shire and occupied by a building (previously used as a veterinary clinic) but under contract of sale. Under the Shire's Local Planning Scheme No. 7 ('Scheme'), Lot 604 is reserved for 'Public Purposes – Community'.

Council initiated Scheme Amendment No.7 to the Shire's Planning Scheme in November 2010 to rezones Lots 603-606 Rocklea Road/You Yi Lane, Paraburdoo to Residential R50. Council has endorsed Amendment No. 7 for final approval however the Minister for Planning will give final consideration on the Amendment.

Council accepted a tender for the sale of the land to (WA) Pty Ltd (Applicant) in February 2011 although the transfer is still to be completed.

ATTACHMENT 13.5

Proposal

The Application is for 21 'group housing' Lot 604 Rocklea Road/You Yi Lane, Paraburdoo. Under the Scheme and Residential Design Codes (R Codes), 'group housing' is defined as:

"a dwelling which is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate...."

Comment

The plans provided with the Application allow for a general assessment of the proposal however more detailed information will be required to adequately assess the proposal against the R Codes. However following provides direction as to the overall development.

Details:

- i) Reserved for 'Public Purposes – Community' and subject of draft Scheme Amendment to rezone to Residential zone R50. The maximum potential group housing units under the Residential R50 zone is 29 (21 proposed).
- ii) Site Area: 5301m²
- iii) Total built floor area: 2144m² (40.5%)
- iv) Total open area: 3156m² (59.5%)
- v) Elevations: Two-storey, four bedroom buildings. Details on the finish are external cement render with colourbond sheets at a 25% pitch.
- vi) Design: The buildings essentially comprise individual "two storey" housing with no communal areas. The design appearance appears to be identical for all units.
- vii) Car Parking: Spaces required:

Two per accommodation unit, with at least one space per unit covered.	42
Visitors space at a rate of one space for each 4 dwellings.	5
Spaces provided.	42

- xi) Landscaping: Indicative only.

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Comment

Zoning of Site:

The subject land is regular in shape and Reserved for 'Public Purposes – Community' under the Scheme. With Council approval any use is permissible under the reservation in accordance with Clause 3.2.2 of the Scheme:

“Where an application for planning approval is made with respect to land within a reserve, the Local Government shall have regard to the ultimate purpose intended for the reserve and Local Government shall confer with the organisations it considers relevant to that purpose and the proposed use or development.”

In this regard, the reservation is in 'favour' of the Shire and the Shire has sought to dispose of the land. It is possible for planning approval to issue for the land for use and development not in keeping with the reservation.

The Site is subject of draft Scheme Amendment to rezone to Residential zone R50.

Site Area:

There are no minimum site area requirements under the Scheme.

Setbacks:

Under draft Scheme Amendment No.7, a local planning policy accompanies the Amendment which will be finalised when Amendment No. 7 is concluded by the Minister. The draft Local Planning Policy seeks to define setbacks etc for Rocklea Road of up to 10 metres for multi-storey developments. The Application does not reflect this setback however, it is suggested that the setbacks under the draft policy provide for an 'averaging' of a setback. This is a standard approach under the R Codes and would ensure adequacy of setback to the 45m wide Rocklea Road reserve. It is intended to refer the draft Policy back to Council once the Amendment is determined and the 'averaging' provision can be considered at this time.

Gross Floor Area/Plot Ratio/Site Coverage:

Under the current Reserve, the Scheme does not contain maximum limitations with respect to in these areas. The proposed Residential R50 zone doesn't have *gross floor area/plot ratio/site coverage* requirements either, although it does stipulate that 45% of the site be open space'. According to the submitted plans 59.5% of the site is 'open space'.

Clause 6.10 of the Scheme indicates that development in the subject zone should be in keeping with a specific strategic or policy statement, however, in the absence of such documents Council shall take into account matters it considers relevant to the proposal including floor space limitations, setbacks from boundaries and height of structures. It is considered that a plot ratio of less than 0.5:1 within a high density residential zone does not constitute an overdevelopment of the site.

Elevations:

The elevations appear reasonable although some variation in the elevations either through building colour or design is preferable. The proposed external finishes to be used are becoming increasingly popular for use in developments throughout the Pilbara and with the complementary use of colours satisfactory results can be achieved.

Density:

As related to the plot ratio and site coverage, the density of the development is acceptable for the proposed high density residential zone zoning of the site.

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Car Parking:

Forty seven (47) parking spaces need to be provided in order to satisfy the provisions of the Scheme and the R Codes. Forty two (42) parking spaces are shown on the submitted plans and the additional spaces will need to be provided to the satisfaction of the Shire.

Landscaping:

Should Council issue Planning Approval, it is appropriate that landscaping be a condition of any Approval. It is clear that there would be opportunities within the parking areas and adjacent to the units.

Conclusions

The Application is before the Council due to the current Scheme reserve and the status of the land sale.

It is recommended that Council provide principle support for the residential development of Lot 604 for 21 group housing units subject to compliance with the RCodes with delegation to the Chief Executive Officer to determine the Application in accordance with the relevant provision of the Scheme.

Consultation

Chief Executive Officer

Under the Scheme, advertising for land use/development in the 'Public Purposes – Community' Reserve is at the discretion of the Shire. Given the proposed zoning of the land, the application was advertised (sign on site, notice on Shire's website, Shire office and notice to adjoining and opposite landowners) and no objections were received.

Statutory Environment

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

Policy Implications

Draft Local Planning Policy – Development of Lots 603 604, 605 and 606 and Part Lot 61 Rocklea Road, Paraburdoo

Financial Implications

There are no financial implications that relate to this matter.

Strategic Implications

There are no strategic implications that relate to this matter.

Voting Requirement

Simple Majority Required.

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Council Decision

MOVED: Cr Bloem

SECONDED: Cr Shields

That Council request the Chief Executive Officer to:

- 1. Advise the Applicant, Better Builders (WA) Pty Ltd that in principle, Council supports the concept of the residential development of Lot 604 Rocklea Road/You Yi Paraburdoo for 21 group housing units subject to compliance with the Residential Design Codes and the relevant provisions of the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme').**
- 2. Utilise delegation DA 035 and determine the Application subject to compliance with the Residential Design Codes and the relevant provisions of the Scheme.**

CARRIED 7/0

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13.8 DRAFT ASHBURTON NORTH STRATEGIC INDUSTRIAL AREA STRUCTURE PLAN AND DRAFT AMENDMENTS NO. 10 AND No. 11 TO PLANNING SCHEME NO.7 - PROPOSED SPECIAL MEETING OF COUNCIL

MINUTE: 11033

FILE REFERENCE: PS.TP.7.10; PS.TP.7.10.2; PS.TP.7.11

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

NAME OF APPLICANT/RESPONDENT: Shire of Ashburton

DATE REPORT WRITTEN: 12 September 2011

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

PREVIOUS MEETING REFERENCES:

- Agenda Item 13.07.55 Ordinary Meeting of Council 20 July 2011
- Agenda Item 16.06.36 Ordinary Meeting of Council 15 June 2011
- Agenda Item 16.03.04 Ordinary Meeting of Council 16 March 2011
- Agenda Item 13.02.02 Ordinary Meeting of Council 16 February 2011
- Agenda Item 13.12.74 Ordinary Meeting of Council 15 December 2010
- Agenda Item 14.12.20 Ordinary Meeting of Council 16 December 2008
- Agenda Item 13.03.03 Ordinary Meeting of Council 17 March 2009
- Agenda Item 13.10.63 Ordinary Meeting of Council 27 October 2009
- Agenda Item 13.12.89 Ordinary Meeting of Council 15 December 2009
- Agenda Item 13.07.38 Ordinary Meeting of Council 21 July 2010
- Agenda Item 13.10.61 Ordinary Meeting of Council 20 October 2010

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Summary

At the Council meeting of 20 July, 2011 Council considered a request from the Department of State Development that included Council's reconsideration of the number of advertising days for the draft ANSIA Structure Plan and Scheme Amendment No. 10 to its Town Planning Scheme No. 7 Council agreed to the request and reduce the advertising period from 60 days to 42 days.

Council also resolved to request the Chief Executive Officer in consultation with the Shire President, to determine an appropriate date for a special meeting of Council to consider the draft Structure Plan, draft Planning Amendment No. 10 and draft Amendment No. 11 for final approval.

Advertising closes on Monday 19 September and it is considered preferable to hold the Special Meeting well prior to the Council elections. It would appear that the most opportune day is Monday 3 October 2011 which would allow assessment of submissions and consideration of (any) necessary modifications to the Structure Plan and Amendments. The location and timing of the Special Meeting is open for discussion but it is suggested that it be held in Tom Price, commencing at 1pm.

Accordingly, it is recommended that Council endorse Wednesday 5 October 2011 as the date for a Special Meeting of the Council and for the Special Meeting to be held at the Meeting Room, Community Recreation Centre, Tom Price commencing at 7.30pm with instantaneous communications link/s to the Onslow Administration Centre, Pannawonica Library and Tom Price Council Chambers.

Background

At the Council meeting of 20 July, 2011 Council considered a request from the Department of State Development) that included Council's reconsideration of the number of advertising days for the draft ANSIA Structure Plan and Scheme Amendment No. 10 to its Town Planning Scheme No. 7 ('Scheme') Council agreed to the request and reduce the advertising period from 60 days to 42 days.

Council also resolved to request the Chief Executive Officer in consultation with the Shire President, to determine an appropriate date for a special meeting of Council to consider the draft Structure Plan, draft Planning Amendment No. 10 and draft Amendment No. 11 for final approval.

Comment

Advertising closes on Monday 19 September and it is considered preferable to hold the Special Meeting well prior to the Council elections. It would appear that the most opportune day is Monday 3 October 2011 which would allow assessment of submissions and consideration of (any) necessary modifications to the Structure Plan and Amendments. The location and timing of the Special Meeting is open for discussion but it is suggested that it be held in Tom Price commencing at 1pm.

It is recommended that Council endorse Wednesday 5 October 2011 as the date for a Special Meeting of the Council to consider draft:

- Ashburton North Strategic Industrial Area Structure Plan;
- Amendment No. 10; and
- Amendment No. 11 to the Shire of Ashburton Local Planning Scheme No, 7 for final approval;

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And for the Special Meeting to be held at the Meeting Room, Community Recreation Centre, Tom Price commencing at 7.30pm with instantaneous communications link/s to the Onslow Administration Centre, Pannawonica Library and Tom Price Council Chambers.

Consultation

Chief Executive Officer
Previous Shire President
Acting Shire President

Statutory Environment

Local Government Act 1995 Section 5.4. - Calling council meetings

An ordinary or a special meeting of a council is to be held -

- (a) *if called for by either -*
 - (i) *the mayor or president; or*
 - (ii) *at least 1/3 of the councillors, in a notice to the CEO setting out the date and purpose of the proposed meeting; or*
- (b) *if so decided by the council.*

It is considered appropriate to refer the matter to Council to determine the date, time and location of the Special Meeting of Council.

Policy Implications

The Special Meeting of Council reflects the 'policy' position of Council as directed in Agenda Item 13.07.55 Ordinary Meeting of Council 20 July 2011.

Financial Implications

None anticipated

Strategic Implications

None anticipated

Voting Requirement

Absolute Majority Required.

Recommendation

That Council:

1. Endorse Monday 3 October 2011 as the date for a Special Meeting of Council to consider the draft Structure Plan, draft Planning Amendment No. 10 and draft Amendment No. 11 for final approval.
2. Hold the Special Meeting of Council referred to in 1. above in Tom Price commencing at 1pm.
3. Request the Chief Executive Officer (CEO) to advertise the Special meeting of Council referred to in 1. above in accordance with the Local Government Act 1995 and to notify relevant stakeholders as determined by the CEO.

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Council Decision

MOVED: L Shields

SECONDED: Bloem

That Council:

1. Endorse Wednesday, 5 October 2011 as the date for a Special Meeting of the Council of the Shire of Ashburton to consider draft:
 - Ashburton North Strategic Industrial Area Structure Plan;
 - Amendment No. 10; and
 - Amendment No. 11 to the Shire of Ashburton Local Planning Scheme No. 7, all for final approval.

And for the Special Meeting to be held at the Meeting Room, Community Recreation Centre, Tom Price commencing at 7.30 pm with instantaneous communication link/s from Tom Price to the Onslow Administration Centre, Pannawonica Library, Perth and Port Hedland.

2. Request the Chief Executive Officer (CEO) to advertise the Special Meeting of Council referred to in 1. above in accordance with the Local Government Act 1995 and to notify relevant stakeholders as determined by the CEO.

CARRIED BY ABSOLUTE MAJORITY 7/0

Reason for Change to Recommendation

Due to a software issue, the distributed recommendation did not reflect the recommendation of the officer and was corrected at the meeting.

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14. WESTERN OPERATIONS REPORTS

14.1 PROVISION OF ONSLOW CHILD CARE SERVICES

MINUTE: 11034

FILE REFERENCE: ON.SE.0675.00

AUTHOR'S NAME AND POSITION: Amanda O'Halloran
Executive Manager, Western Operations

NAME OF APPLICANT/
RESPONDENT: Not Applicable.

DATE REPORT WRITTEN: 12 September 2011

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

PREVIOUS MEETING REFERENCE: Not Applicable.

Summary

Onslow has been without childcare services since early July 2011. This has caused significant disruption to local business's and services and caused considerable financial strain on a number of local families. The Shire has been committed to supporting the delivery of child care services throughout the Shire; this however has proven to be an extremely difficult task in Onslow. The Onslow Shire team has pulled together a proposal with Child Care services provider CSSU to overcome the closure and support the economic environment in Onslow. This proposal is submitted for Councils consideration.

Background

Child care services were previously provided by the Onslow Occasional Child Care Committee. The committee provided a service to the Onslow Community for close to 20 years. This committee was run solely by volunteers who have done an incredible job. Unfortunately the committee has been unable to continue to provide services to the community.

The Shire has undertaken the task of seeking an appropriate provider through tender – A Request for Tender – Lease of Childcare Facilities (11/11) was prepared and advertised in The West Australian (23rd July, 27th July and 30th July) Pilbara News (27th July) Onslow Times (27th July) and on the Shire Web site from 23rd July.

Tender documents were forwarded to 3 companies upon request. Tenders closed at 4pm Tuesday 9th August. No Tender submissions were received.

A review of the companies who requested documents lead to the Shire entering into discussions with the Child Care provider CSSU.

ATTACHMENT 14.1

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Comment

The Shire has been negotiating a way forward with CSSU and feels confident that CSSU will be able to provide a sustainable service to the Onslow Community.

CSSU is a not for profit, incorporated organisation overseen by a professional Board of Management [Board] based in Perth. CSSU provides governance and management for childcare services and community services. In most instances the Board acts as the Licensee of the childcare services. However, CSSU can provide a range of business options that meet the needs of specific organisations or communities. CSSU is experienced in direct service delivery, operating and managing childcare and community services for children, individuals, families, communities and specific needs groups that face challenges and disadvantage.

CSSU was formed in 1973 to provide governance and management of a number of childcare services. In 1991 CSSU's role broadened to provide both financial and management advice, support and training to all commercial and non-profit services in receipt of the Commonwealth Child Care Benefit.

In 2001 CSSU undertook a feasibility study to investigate "Alternative Management Models for "Community-Based Childcare Services". The study identified that childcare services, especially in rural and remote areas, were under pressure to meet the increasing regulatory requirements of delivering childcare services and the expectation that services operate as a business.

CSSU employs 190 staff. Professional staff are employed to administer all areas of financial management, human resource and administration ensuring staff in our services can focus on delivering quality services.

CSSU is a Registered Training Organisation [RTO] and offers on-the-job training in all our services commencing with Certificate III in Children's Services – Childcare.

Child care services provided though out the Pilbara by CSSU include - Millars Well Early Learning Centre – 100 places, Dampier Early Learning Centre – 17 places, Pannawonica Early Learning Centre – 24 places, Wickham Early Learning Centre – 24 places, LenTaplin Children's Services – 38 places, Paraburdoo Early Learning Centre – 24 places. They also provide services in Exmouth and the South West.

CSSU have a demonstrated ability to license and manage smaller child care services and have extensive resources in the Pilbara and the West Pilbara.

The model presented has a deficit that CSSU are unable to cover and are seeking the Shire to underwrite. The deficit documented is anticipated to be \$ 30,000.00pa. Council needs to be aware that Council would also be agreeing to other in kind support such as gardening and ground works, cleaning, pest control, building maintenance, rental, rates and water that would be hard to put an actual amount on but would be considered to be in the vicinity of \$15,000.00pa. Council has a 4 x 2 residential unit that it leases from Ray White Exmouth that it would be able to negotiate the hand over to CSSU for the service to utilise (once the new units Council are building are finished), this will enable then to bring 2 staff to town if required.

Shire Officers would seek to fund the deficit through sponsorship by local resource companies and business.

The Shire administration is therefore asking that Council support in principal, to allow further negotiation and the commencement of the licensing process to occur; CSSU to be contracted to provide a Long day care service to the Onslow Community.

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Consultation

Onslow Occasional Child Care Committee

Onslow Community Members

Kathy Holt, Regional Children's Services Officer – Department for Communities

Gary Martin – Local Government Consultant

Statutory Environment

LG (F+G) Regulation 11 2 (c) provides that the Shire is not required to call tenders if no tender was submitted previously within 6 months.

Budget for MPC provides for an amount that can be used to support this expenditure. It is anticipated that the additional expenditure will be accrued.

Financial Implications

Council will provide approximately \$15,000.00pa in "in kind" support to CSSU to support the provision of long day care services in Onslow.

Council will seek to provide funding for the anticipated operating deficit of \$30,000.00pa through sponsorship from resource industry and local business.

Strategic Implications

Strategic Plan 2007 – 2011; Strategic Objective 2 – Include and engage our community; Action 2 – Ensure the provision of adequate Child care services in all towns.

Voting Requirement

Absolute Majority Required.

Recommendation

That Council:

1. Support in principal the provision of long day care services in Onslow by CSSU.
2. Endorse the "in kind" funding of \$15,000pa (as outlined in report).
3. Delegate to the CEO authority to enter into a 3 year service provision agreement with CSSU on obtainment of the deficit fund required.

Council Decision

MOVED: Cr Shields

SECONDED: Cr Corker

That Council:

1. **Support in principal the provision of long day care services in Onslow by CSSU.**
2. **Endorse the "in kind" funding of \$15,000pa – recognising this may incur a MPC budget overspend.**
3. **Delegate to the CEO authority to enter into a 3 year service provision agreement with CSSU on obtainment of the deficit funds required.**

CARRIED BY ABSOLUTE MAJORITY 7/0

Reason for Change to Recommendation

Due to a software issue, the distributed recommendation did not reflect the recommendation of the officer and was corrected at the meeting.

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Janyce Smith left the meeting at 4.43 pm.

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

Council Decision

MOVED: Cr Shields

SECONDED: Cr Corker

That Council considers the following late Agenda Item:

16.4 CONFIDENTIAL ITEM - WITTENOOM ASBESTOS LITIGATION. LUKIC v CSR Ltd

CARRIED 7/0

Janyce Smith entered the meeting at 4.46 pm.

16. CONFIDENTIAL REPORTS

Council Decision

MOVED: Cr Shields

SECONDED: Cr Corker

That Council close the meeting to the public at 4.46 pm pursuant to sub section 5.23 (2) (a) and (b) of the Local Government Act 1995.

CARRIED 7/0

Members of the public left the meeting at 4.46 pm.

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

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(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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16.1 CONFIDENTIAL ITEM - WITTENOOM

MINUTE: 11037

FILE REFERENCE: AS.WI.002.00, AS.WI.2

AUTHOR'S NAME AND POSITION: Keith Pearson
Senior Strategic Advisor

**NAME OF APPLICANT/
RESPONDENT:**

DATE REPORT WRITTEN: 7 September 2011

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

PREVIOUS MEETING REFERENCE: Confidential Agenda Item 16.12.14 Ordinary Meeting of Council 15 December 2010
Confidential Agenda Item 16.03.06 Ordinary Meeting of Council 16 March 2011
Confidential Agenda Item 16.06.12 Ordinary Meeting of Council 15 June 2011
Confidential Agenda Item 16.07.13 Ordinary Meeting of Council 20 July 2011

Please refer to Confidential Item Attachment under separate cover.

Council Decision

MOVED: Cr Shields

SECONDED: Cr Corker

That Council note the contents of this report.

CARRIED 7/0

Cr Corker left the meeting at 4.49 pm.
Cr Corker entered the meeting at 4.51 pm.

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Frank Ludovico, Rob Paull, Janyce Smith, Amanda O'Halloran, Geoff Brayford and Deb Wilkes left the meeting at 4.56 pm.

16.3 CONFIDENTIAL ITEM - FORMAL COMPLAINT

MINUTE: 11039

FILE REFERENCE: OR.MT.2

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 12 September 2011

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

PREVIOUS MEETING REFERENCE: Not Applicable.

Please refer to Confidential Item Attachment under separate cover.

Council Decision

MOVED: Cr Corker **SECONDED:** Cr Bloem

That Council notes the content and findings of Mr Martin's report.

CARRIED 4/3
Crs White, Cr Thomas and Cr Dias voted against the motion and wished to be recorded as neither noting nor accepting the report.

Frank Ludovico, Rob Paull, Janyce Smith, Amanda O'Halloran, Geoff Brayford and Deb Wilkes entered the meeting at 5.24 pm.

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16.4 NEW BUSINESS: CONFIDENTIAL ITEM - WITTENOOM ASBESTOS LITIGATION. LUKIC v CSR Ltd

MINUTE: 11040

FILE REFERENCE: OR.MT.2; AS.WI.002.00

AUTHOR'S NAME AND POSITION: Keith Pearson
Senior Strategic Advisor

NAME OF APPLICANT/RESPONDENT: Mr Milan Lukic on behalf of the estate of the late Hillary Johnston

DATE REPORT WRITTEN: 14 September 2011

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

PREVIOUS MEETING REFERENCE: Confidential Agenda Item 16.1 Ordinary Meeting of Council 21 September 2011

Please refer to Confidential Item Attachment under separate cover.

Council Decision

MOVED: Cr Shields **SECONDED:** Cr Corker

That Council resolve to adopt the officer's recommendation in relation to the Supreme Court of Western Australia case, Lukic v CSR Ltd (CIV 2043 of 2011), as set out in the body of this agenda report.

CARRIED BY ABSOLUTE MAJORITY 7/0

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Council Decision

MOVED: Cr Corker

SECONDED: Cr Bloem

That Council re-open the meeting to the public at 5.25 pm pursuant to sub section 5.23 (2) (a) and (b) of the Local Government Act 1995.

CARRIED 7/0

Members from the public gallery re-entered the room at 5.25 pm.

17. COUNCILLOR AGENDA ITEMS

17.1 PILBARA REGIONAL COUNCIL

Cr Thomas indicated that the PDC has requested a nomination of a Councillor to attend a Special Meeting of the PDC to determine a tender. She sought advice as to whom she could nominate.

Cr Rumble indicated his willingness to nominate.

18. NEXT MEETING

The next Ordinary Meeting of Council will be held on Wednesday, 19 October 2011 at the Ashburton Hall, Paraburdoo, commencing at 3.00 pm.

19. CLOSURE OF MEETING

The Deputy Shire President declared the meeting closed at 5.35 pm.

A presentation was then made to retiring Councillors Corker and Bloem acknowledging their contribution as Councillors to the Shire of Ashburton community.