



SHIRE OF ASHBURTON

ORDINARY COUNCIL MEETING

AGENDA

**Barry Lang Centre,
PANNAWONICA**

16 June 2010

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 Wednesday 16 June 2010 at the Barry Lang Centre, Pannawonica commencing at 8.00am.

The business to be transacted is shown in the Agenda.

Keith Pearson
CHIEF EXECUTIVE OFFICER

9 June 2010

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.

AGENDA - ORDINARY MEETING OF COUNCIL 16 June 2010

1.06.0	DECLARATION OF OPENING	5
2.06.0	ANNOUNCEMENT OF VISITORS	5
3.06.0	ATTENDANCE	5
3.06.01	PRESENT	5
3.06.02	APOLOGIES	5
3.06.03	APPROVED LEAVE OF ABSENCE	5
4.06.0	PUBLIC QUESTION TIME	5
4.06.01	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	5
4.06.02	PUBLIC QUESTION TIME	10
5.06.0	APPLICATIONS FOR LEAVE OF ABSENCE	10
6.06.0	PETITIONS / DEPUTATIONS / PRESENTATIONS	10
6.06.01	PETITIONS	10
6.06.02	DEPUTATIONS	10
6.06.03	PRESENTATIONS	10
7.06.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	10
7.06.01	ORDINARY MEETING OF COUNCIL HELD ON 19 May 2010	10
8.06.0	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION	10
9.06.0	DECLARATION BY MEMBERS	10
9.06.01	DECLARATION OF INTEREST	10
10.06.0	ENGINEERING SERVICES REPORTS	12
10.06.14	ENGINEERING SERVICES DECISION STATUS REPORT	12
11.06.0	COMMUNITY & ECONOMIC SERVICES REPORTS	17
11.06.05	PROPOSED TRANSFER OF LICENCE AGREEMENT BODYLINE GYMNASIUM TOM PRICE, PORTION OF RESERVE R40835	17
11.06.06	COMMUNITY & ECONOMIC SERVICES DECISION STATUS REPORT	20
12.06.0	CORPORATE SERVICES REPORTS	23
12.06.41	USE OF COMMON SEAL UNDER DELEGATED AUTHORITY	23
12.06.42	REVIEW OF COUNCIL POLICY FIN04: BUY LOCAL – REGIONAL PRICE PREFERENCE POLICY	25
12.06.43	REVIEW OF COUNCIL POLICY FIN12: PURCHASING AND TENDER POLICY	27
12.06.44	QUARTERLY REPORTING ON THE STRATEGIC PLAN 2007 - 2011	29
12.06.45	PROPOSED DIFFERENTIAL RATES 2010/2011	31
12.06.46	COUNTRY LOCAL GOVERNMENT FUND REALLOCATION	36
12.06.47	RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF APRIL 2010	38
12.06.48	PILBARA REGIONAL COUNCIL UPDATE	40
12.06.49	OFFER – FINANCIAL ASSISTANCE TO UNDERTAKE BUSINESS PLANNING FOR DELIVERY OF LOCAL GOVERNMENT SERVICES INTO INDIGENOUS COMMUNITIES	42
12.06.50	CORPORATE SERVICES STATUS REPORT	45
13.06.0	DEVELOPMENT SERVICES REPORTS	49

AGENDA - ORDINARY MEETING OF COUNCIL 16 June 2010

13.06.30	DEVELOPMENT APPROVALS ISSUED UNDER DELEGATION – SHIRE OF ASHBURTON TOWN PLANNING SCHEME NO.7	49
13.06.31	DRAFT TOWN PLANNING SCHEME AMENDMENT NO. 8 –MODIFICATIONS TO STRATEGIC INDUSTRIAL ZONE TO PROHIBIT TRANSIENT WORKFORCE ACCOMMODATION.....	52
13.06.32	EXTENSION OF TIME - 52 PERSON TRANSIENT WORKERS ACCOMMODATION FACILITY, RESERVE 11648, BARROW ISLAND.....	56
13.06.33	PLANNING APPLICATION – PROPOSED RESIDENTIAL BUILDING AT No. 11, LOT 909 McGRATH AVENUE, ONSLOW	60
13.06.34	DEVELOPMENT SERVICES DECISION STATUS REPORT.....	66
14.06.0	WESTERN OPERATIONS REPORTS	71
14.06.11	AUTHORISED OFFICERS – DOG ACT 1976	71
14.06.12	WESTERN OPERATIONS DECISION STATUS REPORT	73
15.06.0	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	77
16.06.0	CONFIDENTIAL REPORTS.....	77
16.06.07	CONFIDENTIAL REPORT – CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW.....	78
17.06.0	NEXT MEETING	78
18.06.0	CLOSURE OF MEETING.....	78

1.06.0 DECLARATION OF OPENING

2.06.0 ANNOUNCEMENT OF VISITORS

3.06.0 ATTENDANCE

3.06.01 PRESENT

Cr G Musgrave	Shire President, Tom Price Ward
Cr L Rumble	Deputy Shire President, Paraburdoo Ward
Cr I Dias	Paraburdoo Ward
Cr Lisa Shields	Tom Price Ward
Cr L Thomas	Tableland Ward
Cr L Corker	Ashburton Ward
Cr K White	Onslow Ward
Cr S Dann	Pannawonica Ward
Mr K Pearson	Chief Executive Officer
Mr F Ludovico	Executive Manager Corporate Services
Mr J Breen	Executive Manager Engineering Services
Ms A O'Halloran	Executive Manager Western Operations
Mr L Softley	Executive Manager Community & Economic Services
Ms D Reid	Administration Manager

3.06.02 APOLOGIES

Cr T Bloem	Tom Price Ward
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3.06.03 APPROVED LEAVE OF ABSENCE

4.06.0 PUBLIC QUESTION TIME

4.06.01 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary meeting of Council held on 19 May 2010, the following questions were taken on notice

Cr Kerry White tabled the following questions, and the following responses were forwarded to her

Q1. When did Council transfer/sell/swap this land (Reserve 30333 (Lot 603), Onslow with the Department of Housing and Works?

Answer

The Shire has not transferred, sold or swapped Reserve 3033 with either the Department of Housing and Works, or any other party. The shire retains the management order for the reserve and there is no action in progress to change this situation

Q2. When did Council decide on an integration policy for the residents of Bindi Bindi Community?

Answer

Council has no policy at all in relation to the Bindi Bindi Community as the matter has never formally been considered by it.

Q3. Was the decision made with consultation with residents of the community?

Answer

I refer you to the answer to Question 2

Q4. At which meetings of Council were these decisions made?

Answer

I refer you to the answer to Question 2

Jo Barron-Perry tabled the following questions, and the following responses were sent to her.

Royalties for Regions – Why is the Paraburdoo receiving a very low amount of funds from the Royalties for Regions of which the Shire applied for? In comparison to other towns it is abysmal. The funds that have been allocated to date, in what budget year will they be received?

Answer

The Shire received a total of \$1.8M from the State Government Royalties for Regions sponsored Country Local Government Fund. Approximately \$245,000 of those funds were spent directly in Paraburdoo. This included Sports Pavilion Change Room \$75,000, Toilet Upgrade \$35,000, Swimming Pool fencing \$46,000 and swimming pool sails \$50,000, with a portion of a further \$410,000 spent on town footpaths.

The Shire received a further \$17M through the Pilbara Revitalisation Fund for the Onslow Evacuation/Recreation Centre and the Tom Price Town Centre Revitalisation project. These projects were chosen by the State Government for funding and were not the subject of any funding requests by the Shire itself.

It is emphasised that Council takes a broad view of available funding and looks at a wide range of funding sources when forming its budget. It is in this context that it is noted that \$332,000 out of the \$746,000 the Shire received from the Commonwealth

Government RLCIP grant scheme went into the Ashburton Hall in Paraburdoo and all of a further \$700,000 of Town Normalisation funds for Tom Price and Paraburdoo was spent on Paraburdoo drainage during the current financial year.

Revitalisation Programme – When is feedback and update plans for Paraburdoo expected to be received for review to the public? We have had no response from our additions to the second set of plans from the 1st April 2010. When will works commence?

Answer

The design consultant has recently completed plans of the proposed revitalisation project. Feedback is now being sought from Local Ward Councillors for the next stage of the process. Once this feedback has been received, the next stage of the process will be determined, with input from the Councillors.

It is hoped that works will commence early in the next financial year depending upon availability of contractors and funding.

Bin Surrounds – Council have agreed to purchase more of the bin surrounds like the two that the Tidy Towns Committee have purchased and place them around the town. This commitment was made back in July 2009, when will this be taking place?

Answer

It is proposed to incorporate new bin surrounds into the implementation stage of the town centre revitalisation project

Tree Removal along Camp Road, Paraburdoo Tom Price Road and Rocklea Roads – Why were they chopped down? Over 30 trees were removed and most live trees? Some are now beginning to shoot again from ground level. There was no consultation or notification to Paraburdoo residents on this matter. Is the Shire aware that the Flame Trees were planted after Paraburdoo won its Second State Tidy Town title in 1993.

Answer

Discussions had been held between a Tidy Towns representative and the Shires EMES, Jeff Breen. On the basis of these discussions it was agreed that the Shire would remove the existing trees and would prepare the ground so that the Tidy Towns Committee could plant new trees.

The vast majority of trees removed were dead and the remainder were not considered to be viable.

Federation Playground Park – Why is there a perceived lack of support from Council for the park upgrade, which is a CAG and Tidy Towns initiative? This has been on our agenda for the last two years?

Answer

Earlier discussions between the Shire and the Rio Tinto Community Action Group (CAG) resulted in an agreement whereby the Shire would undertake an upgrade of the Meeka Train Park while the Tidy Towns Committee and CAG would undertake an upgrade of Federation Park with assistance from Rio Tinto.

Unfortunately CAG and Tidy Towns have not been able to program their project due to a lack of funding. For this reason the Shires Community Services Division has held discussions with the parties with the objective of overcoming this hurdle.

Maintenance of facilities – Why does it take Council so long to resolve general maintenance issues on town facilities i.e., keeping the grass in good condition on parks and fixing lights on sporting facilities?

Answer.

The Shire endeavours to ensure that it maintains a timely and effective maintenance programme in all shire towns, at all times. It does however acknowledge that there is always room for improvement. In the case of Paraburdoo there have been recent changes to how staff are managed and this has resulted in an appreciable improvement in general maintenance in the town.

If there are specific issues that need to be addressed this can be done by filling in a Customer Action Request form at the office.

Recycling – Can the residents of Paraburdoo have more concise information on the facility usage? Further breakdown on what the process is such as what to recycle, washing of items, where the items are going after collection is required. This is a large Tidy Towns category and the committee can assist if required. Discussion at Tidy Towns meetings have included the availability or purchase of coloured bins for residents as an initiative. Can the Tidy Towns Committee assist with this?

Answer

The recycling program was stalled for a short while due to a lack of resources. This has been partially rectified and by the start of July a waste coordinator will commence. Some public education was carried out last year and fridge magnets were distributed. There is a further campaign proposed for June/ July. This will offer discounted compost bins and recycling crates.

A representative from the Tidy Towns Committee can contact Margaret Rowe (91884472) to discuss the offer of support which is greatly appreciated.

Shire Website – Can the shire website please have the link to the new Paraburdoo website a CAG initiative? (<http://www.paraburdoo.org.au>) And can there be some acknowledgment on the website of the Paraburdoo Tidy Towns – Regional Award from 2009. Maybe a Tidy Towns folder to acknowledge all towns and communities efforts over the years including listing when Paraburdoo and Tom Price won their state titles.

Answer

The Shire's website is about to be reconstructed. The redesign of the website will enable there to be a link to the Paraburdoo website.

Clean up Australia Day- When is this year's Clean Up Australia Day? Can the Tidy Towns Committee assist? The Adopt a Spot programme by Keep Australia Beautiful will be commencing soon in Paraburdoo.

Answer

Local schools had requested that a proposal for an earlier clean up Australia Day be deferred. It is now proposed to reschedule the clean up day and staff from the Shires Community Services Division will be in contact with the Tidy Towns Committee, soon to discuss its possible involvement.

Entry Signs – Why have they not been erected? This was one of the entries to our General Appearance win in 2009. Can the Tidy Towns Committee assist with this?

Answer

Approval has only recently been received from Main Roads WA for the installation of the signs. A contractor has been engaged to do the work. Unfortunately he has been delayed however the signs for Paraburdoo are expected to be installed week commencing 21st June.

Why was the Chairperson of Tidy Towns not allowed to ask more than three (3) questions?

Answer

The Standing Orders for Shire Council meetings permit the Shire President to chair the meetings in the manner he sees fit, in order to ensure that meetings are both orderly and timely. It is in this context that the President may limit large number of questions from individual members of the public in order to ensure that there is sufficient time to attend to formal business.

4.06.02 PUBLIC QUESTION TIME

5.06.0 APPLICATIONS FOR LEAVE OF ABSENCE

6.06.0 PETITIONS / DEPUTATIONS / PRESENTATIONS

6.06.01 PETITIONS

6.06.02 DEPUTATIONS

6.06.03 PRESENTATIONS

7.06.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.06.01 ORDINARY MEETING OF COUNCIL HELD ON 19 May 2010

Officers Recommendation

That the Minutes of the Ordinary Meeting of Council held on 19 May 2010, as previously circulated on 31 May 2010, be confirmed as a true and accurate record

8.06.0 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

9.06.0 DECLARATION BY MEMBERS

That Councillors have given due consideration to all matters contained in the Agenda presently before the meeting.

9.06.01 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.

AGENDA - ORDINARY MEETING OF COUNCIL 16 June 2010

10.06.0 ENGINEERING SERVICES REPORTS

10.06.14 ENGINEERING SERVICES DECISION STATUS REPORT

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
1	05/10	10.05.09	Landfill Sites – Recycling and Tip Fee Charges	<p>That Council approves the following tip fee structure for commercial operators disposing of waste and recyclables at all Shire sites.</p> <ul style="list-style-type: none"> • Current Fees Applicable\$37/m3 including GST <ul style="list-style-type: none"> ➢ Recyclable materials not separated and/or contaminated ➢ All other commercial waste • Fees not Applicable <p>Separated and uncontaminated recyclables (as defined in the report)</p>	Ongoing Signage being developed
2	05/10	10.05.10	Shire Logo and Policy	<p>That Council;</p> <ol style="list-style-type: none"> 1. Approves the Logo Policy (Attachment 10.05.10c) 2. Approves the Tom Price logo and tag line “Experience It” 3. Approves in principle of the logo for the Shire of Ashburton, Paraburdoo, Onslow and Pannawonica and directs the CEO, through public consultation, to provide to Council recommendations for approval of tag lines for each. 	Ongoing Policy implementation being implemented internally. Tag lines for towns to be established
3	05/10	10.05.11	Karijini Drive Between Marandoo Access Road and Great Northern Highway – Road Dedication	<p>That Council;</p> <ol style="list-style-type: none"> 1. agree to the taking of land for the purpose of the road reserve for Karijini Drive between Marandoo Access Road and the Great Northern Highway, as set out in the Department of Land Administration Deposited Plans 55645, 63350 and 62474, and 2. also agree to the dedication of the land under Section 56 of the Land Administration Act 1997, subject to the Shire being indemnified against all costs. 	Finalised Proponent notified.
4	05/10	10.05.12	Tom Price Town Centre Revitalisation	That Council endorses the Tom Price Town Centre Revitalisation Plan	Ongoing, detailed design in progress
5	05/10	16.05.04	Shire of Ashburton Structure Review	<p>That;</p> <ol style="list-style-type: none"> 1. Council appoints an assessment panel to select the consultant to 	Ongoing, expect result

AGENDA - ORDINARY MEETING OF COUNCIL 16 June 2010

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>carry out the structure review comprising Cr Musgrave, Cr Rumble, CEO and EMES.</p> <p>2. Council delegates the CEO to award the contract to the consultant selected by the assessment panel up to the value of \$350,000 (ex GST)</p>	by end of June 2010
7	04/10	10.04.07	Funding of Proposed Pergolas, Bellary Springs, Wakathuni Aboriginal Communities	<p>That Council</p> <p>Approves the contribution of \$30,000 as allocated in the 2009/10 budget to IBN Corporation for the construction of steel framed pergolas at the Wakathuni and Bellary communities.</p>	Ongoing Advised IBN of Council decision. Quotes sighted. Acquittal process being formulated. May 2010
8	11/09	10.11.29	Proposed purchase of Reserve 39500 Willow Road and Reserve 40222 Poinsettia Street, Tom Price	That Council agree, in principal, to purchase land in Willow St, Reserve 39500 and Poinsettia St Reserve 40222 subject to the purchase price being good value for money, within Council's financial and budgetary capacity and titles being free of encumbrances that may diminish the effective use of the land.	Ongoing No new action
9	10/09	10.10.27	Business Plan for a Major Land Transaction – Warara Street, Strata Title Land Development	<p>That Council;</p> <ol style="list-style-type: none"> 1. Endorses the Business Plan - Major Land Transaction – Warara Street Strata Title Land Development 2. Directs the CEO to advertise tenders for the work and to report back to Council for acceptance of the tender. 	Ongoing WAPC approval for rezoning received. (Mar 2010) Meeting with RTIO May 2010 re services. Tender for development subject to RTIO

AGENDA - ORDINARY MEETING OF COUNCIL 16 June 2010

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
					meeting outcomes Ternder prepared and will be advertised June 2010.
10	08/09	10.08.22	Temporary Road Closure – Yampire Gorge Road	That Council 1. Proceed with the closure to vehicular traffic of Yampire Gorge Road, all sections for a further period of eighteen (18) months. 2. Instruct the Chief Executive Officer to place signage to this effect. 3. Instruct the Chief Executive Officer to notify relevant authorities and stakeholders as to the continued closure of the road.	Ongoing Closure being implemented (Mar 2010)
11	07/09	10.07.16	Duck Creek Road- Road Closure	That Council, 1. Having noted that no submissions were received in response to public notice of the proposed closure, proceed with the closure to vehicular traffic of Duck Creek Road to vehicular traffic in accordance with Section 3.50 of the Local Government Act 1995. 2. Instruct the Chief Executive Officer, to place signage to this effect, and advise Main Roads Pilbara Region of Council's decision.	Ongoing MRWA notified, signage being prepared. (Mar 2010)
12	07/09	10.07.17	Tom Price Primary School – Conversion of Creek Road into One Way Thoroughfare	That Council 1. Resolve to support the proposal to convert Creek Road into a one-way thoroughfare, in an anti clockwise direction. 2. Direct the Chief Executive Officer to advise the Minister for Transport of Council's decision and request that Creek Road be formally made one-way.	Ongoing Work has commenced (Mar 2010) Fence relocated, signage approve, concreting should be finalised by end June (June 2010)

AGENDA - ORDINARY MEETING OF COUNCIL 16 June 2010

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
13	05/07	10.05.13	Proposed Sale of Land – Lot 308 Boonderoo Road, Tom Price	<p>That Council;</p> <ol style="list-style-type: none"> 1. Directs the EMES to carry out a preliminary subdivision design for the vacant Lot 308 Boonderoo Rd land owned by the Shire. 2. Directs the EMES to seek a valuation of the proposed subdivision and prepare a detailed cost estimate for all works including survey, design and construction. 3. Subject to financial viability, directs the CEO to call tenders for the subject land subject to the proviso that subdivision of the land, availability of title and provision of services be completed within 6 months of the sale, and the tender be on the basis that there is no requirement to accept any tender 	<p>Ongoing</p> <p>WAPC approval received. Design commenced, will be completed by end June. Meeting with RTIO to confirm services .</p> <p>(June 2010)</p>
14	04/07	10.04.07	Relocation of Onslow Landfill	<ol style="list-style-type: none"> 1. That the new Onslow Landfill Site be located adjacent to Onslow Road, 17km from Onslow as identified as Site 3 by the consultant, Sinclair Knight Mertz in its report titled 'Onslow Landfill Options' subject to environmental approvals being forthcoming. 2. That following relevant approvals being obtained for Site 3, the site be used as the new Onslow Landfill Site. A Further transfer station be established on the existing landfill site in Eagle Nest Rd following closure and rehabilitation of that site. 3. That funds amounting to \$100,000 be transferred from the Urban Road Maintenance Account No E121045 (Spent to Date \$135,000 from budget \$410,000) and that a new account be established to carry out further investigative works on Site 3 prior to seeking approvals and final design. 	<p>Ongoing</p> <p>Consultants (SKM) seeking DEC approvals. State Lands Services not yet responded on excision of land from pastoral lease. Discussions with lease holder reveals objections to the site. Alternatives being investigated</p>

AGENDA - ORDINARY MEETING OF COUNCIL 16 June 2010

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
					.(June 2010)

Officers Recommendation

That Council note the contents of this report

11.06.0 COMMUNITY & ECONOMIC SERVICES REPORTS

**11.06.05 PROPOSED TRANSFER OF LICENCE AGREEMENT
BODYLINE GYMNASIUM TOM PRICE, PORTION OF
RESERVE R40835**

FILE REFERENCE: EA.40835

**AUTHOR'S NAME AND
POSITION:** Larry Softley
Executive Manager
Community & Economic Services

**NAME OF APPLICANT/
RESPONDENT:** Bodyline Gymnasium

DATE REPORT WRITTEN: 4th June 2010

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

**PREVIOUS MEETING
REFERENCE:** Not Applicable

Summary

The present licensee and owner of the Bodyline Gym wishes to transfer the licence to occupy the facility to a new owner.

It is recommended that Council terminate the current licence agreement for the premises occupied by the Bodyline Gymnasium held by Lee Tullett / Bodyline Gymnasium and that Council enter into a new licence agreement for a period of ten years with a further option of ten years with the proposed new owner of the Bodyline Gymnasium.

Background

The present licensee and owner of the Bodyline Gym, Mr Lee Tullett, wishes to transfer the licence to occupy the facility to a new owner, that being Mr Dane Bloem.

In 2005 Council entered into ten year licence agreement with Lee Tullett for the premises known as the Spinifex Club for the purpose of a gymnasium. Among conditions of the licence a requirement was that Mr Lee Tullett renovate the building to make suitable for activities of a gymnasium. He is also responsible for repairs and maintenance of the building and cleaning of the common toilets shared with the bowling club.

Mr Tullett did a good job of renovating the building to suitably accommodate a well fitted out gymnasium with the comfort of air-conditioning for the community of Tom Price to enjoy a professionally developed physical training centre.

Mr Tullett now wishes to sell the business and transfer the licence to occupy to Mr Dane Bloem.

Comment

The Bodyline Gymnasium has been an asset to the community by addressing the needs of the community's fitness through cardio vascular training and the general health and well being of its members. The gym has afforded around five hundred members coming and going over the last five years.

Mr Lee Tullett has informed Council that he can no longer operate the Bodyline Gymnasium from a distance and that he is selling the Bodyline Gymnasium and equipment. The proposed new licensee has requested that due to the large capital investment he is required to make, that he be given a licence agreement for ten years with a further option of ten years to operate as a gymnasium.

The matter has been discussed with the Shire Solicitor, Mr Peter Kyle, who has advised that in the event of Council agreeing to Mr Bloem's request, the most appropriate manner in which to proceed is to cancel Mr Tullett's licence and grant a new licence to Mr Bloem

Consultation

Bodyline Gymnasium – Lee Tullett – current licensee

Dane Bloem – proposed new licensee

Shire President Greg Musgrave.

CEO Keith Pearson.

Shire Solicitor – Peter Kyle

Statutory Environment

Section 3.58 Disposal of Property Provisions as per the Local Government Act 1995.

Policy Implications

Council Policy REC05 – Establishment of Sporting Club and Community Group Licenses.

Financial Implications

There are no financial implications.

Strategic Implications

Strategic Plan 2007-11 – Include and Engage our Community.

Voting Requirement

Simple Majority Required.

Officers Recommendation

That Council agrees to the transfer of ownership of the Bodyline Gymnasium on Shire Portion of Reserve R40835, Tom Price, to Mr Dane Bloem and that this be achieved by

1. The cancellation of the existing licence to occupy, granted to Mr Lee Tullett, and
2. The granting of a new licence to occupy for 10 years with an option for a further 10 years to Mr Dane Bloem

AGENDA - ORDINARY MEETING OF COUNCIL 16 June 2010

3. Subject to all payments due to the Shire having been paid at the time of cancellation of the first lease.

Author: Larry Softley	Signature:
Manager: Keith Pearson	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 16 June 2010

11.06.06 COMMUNITY & ECONOMIC SERVICES DECISION STATUS REPORT

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
1.	05/10	15.05.09	Offer – Financial Assistance to Undertake Business Planning for Delivery of Local Government Services into Indigenous Communities	That Council instruct the CEO to enter into a financial Assistance Agreement between The Director General of the Department of Local Government for and on behalf of the State of Western Australia and the Shire of Ashburton for the Development of a Business Plan for Local Government Service delivery into Indigenous Communities.	Finalised Signed Agreement
2.	1 07/09	11.07.12	Location of Entry Statement – Tom Price	Council appoint Crs Fernandez, Musgrave and Bloem, the Executive Manager, Community & Economic Services Larry Softley and the Executive Manager, Engineering Services, Jeff Breen to a working group for the purpose of looking at all the options for the establishment of the Tom Price Town Entry Statement.	Ongoing Met with Cr Shield Cr Bloem and SOA President Cr Musgrave on 6/01/10. Site Identified.
3.	05/08	11.05.08	Review of Council Policies – Recreation & Culture	Requests the Chief Executive Officer to conduct a further review in relation to Council Policies REC05 & REC07 and report back to Council.	Ongoing Administration Manager has reviewed a number of policies that have been adopted by Council and remaining policy reviews are awaiting legal advice. (Mar 2010)
4.	05/08	11.05.09	Proposed Tom Price Structure Plan & Town Centre Revitalisation Plans	That Council; 1. Form a Tom Price Structure Plan and Town Centre Revitalisation Working Group, consisting of Cr Bloem, Cr Martin & Cr Fernandez, Chief Executive Officer, Executive Manager Community and Economic Services, Executive Manager Engineering Services, representative of Department for Planning & Infrastructure, representative of Department of Industry and Resources, representative of Department of Environment & Conservation, representative of Landcorp, representative of Rio Tinto Iron Ore P/L, and representative of Pilbara	Finalised Stakeholders meeting held 8 th December 2009. Further stakeholder meetings held in Tom Price on the 9 th & 10 th February 2010 and in Paraburdoo 11 th February 2010. (Mar 2010) Final draft plans presented to Tom Price stakeholders and public 14 th April 2010.

AGENDA - ORDINARY MEETING OF COUNCIL 16 June 2010

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				Development Commission	Paraburdoo draft plans to go to public late April.(April 2010)
5.	1	10/08	11.10.26	Reconstruction of Vic Hayden Memorial Swimming Pool	Ongoing
		02/08	11.02.01	<p>1. Resolves to bring forward funding of \$400,000 this fiscal year 2008/2009 for the construction of the smaller pool at the Vic Hayton Memorial Pool Tom Price.</p> <p>2. Resolves to endorse the early start of construction (pending confirmation of RIFP funding) by ACS Pty Ltd for the construction of the smaller pool at the Vic Hayton Memorial Pool Tom Price</p> <p>Council decision as at February 2008 That Council;</p> <p>1. Directs the CEO to secure the necessary funding to refurbish the Vic Hayton Memorial Pool;</p> <p>2. Providing that the necessary funds are available, resolves to refurbish the Vic Hayton Memorial Pool generally in the following manner;</p> <ul style="list-style-type: none"> ○ Refurbishment of the existing pool, retaining it as a 50metre, six lane facility including removal of the surrounding upstand, increase in return water gutter capacity, installation of a semi-wet deck, installation of new waterstop joints, tiling and provision of new hardware ○ Upgrade of balance tank and plant room including new pumps and filtration system and extension of plant room ○ Demolition of existing toddler's pool and construction of new toddler's of semi – circular shape with radius 3.81m and depth 230mm to 300mm connected to a children's pool, being a rectangular pool with curved sides 6.1m x 12.8m and depth 760mm to 910mm. ○ Demolition and construction of concrete concourse including new drainage ○ Upgrade lighting to required standard ○ Refurbishment of existing office, kiosk, change rooms 	<p>Pool opened for Community 22/5/10, reasonable number of Community attended during opening hours of 10am – 5pm.</p> <p>Pool closed Sunday 30/5/10.</p> <p>Work to be completed on Administration Block prior to pool opening again during September School Holiday period.</p>

AGENDA - ORDINARY MEETING OF COUNCIL 16 June 2010

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				and toilets; 3. Providing that the necessary funds are available, resolves to direct the Executive Manager Community & Economic Services to call a Design and Construct Tender for the works	

Officers Recommendation

That Council note the contents of this report

12.06.0 CORPORATE SERVICES REPORTS

12.06.41 USE OF COMMON SEAL UNDER DELEGATED AUTHORITY

FILE REFERENCE: AS.AS

AUTHOR'S NAME AND POSITION: Pam Hanson
Executive Assistant CEO

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 12 May 2010

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

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

Background

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

Comment

The Common Seal has been affixed to the following documents since.

- | | |
|----------|--|
| Seal 321 | Agreement between Director General of the Department of Local Government for and on behalf of the State of WA & Shire of Ashburton |
| Seal 322 | Agreement between Rowe Family Trust & SOA to supply Plant Hire & Equipment |
| Seal 323 | Agreement between Dingo Corporation & SOA to supply Plant Hire & Equipment |
| Seal 324 | Agreement between Martell Road Maintenance & SOA to supply Plant Hire & Equipment |
| Seal 325 | Agreement between Coates Hire and SOA to supply Plant Hire & Equipment |

Consultation

Chief Executive Officer

Statutory Environment

Section 9.49 of the *Local Government Act 1995*.

Policy Implications

There are no policy implications relevant to this issue.

Financial Implications

There are no specific financial implications related to this issue.

Strategic Implications

Strategic Plan 2007-2011 (Incorporating Plan for the Future)

6 – Well Managed and Contemporary Corporation

Statutory Compliance, compliance with Shire of Ashburton procedures and policies

Voting Requirement

Simple Majority Required

Officers Recommendation

That Council note the contents of this report

Author: Pam Hanson	Signature:
Manager: Keith Pearson	Signature:

**12.06.42 REVIEW OF COUNCIL POLICY FIN04: BUY LOCAL –
REGIONAL PRICE PREFERENCE POLICY**

FILE REFERENCE: FI.AC.4

AUTHOR'S NAME AND POSITION: Teigan Don
Project Officer CEO

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

DATE REPORT WRITTEN: 8 June 2010

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

PREVIOUS MEETING REFERENCE: Not applicable

Summary

This report recommends that Council amend Council Policy FIN04 making it more relevant to the Shire of Ashburton.

Background

This Policy was adopted in July 2003.

A deficiency of the original Policy was the fact that it did not quantify the magnitude of the “local preference” to be provided. This is addressed in the amended draft document.

Comment

After Council has adopted this Policy it must be advertised for a period of 4 weeks. If any submissions are made Council is required to consider these (*Local Government Act (Functions and General) Regulations 1996: 24E*) before finally adopting the Policy.

In order to speed up the process it is recommended the Policy is approved if no submissions are received.

A copy of the amended FIN04Policy is attached for Council's information.

[ATTACHMENT 12.06.42](#)

Consultation

Chief Executive Officer
Executive Management Team

Statutory Environment

Local Government Act 1995;

Local Government (Financial Management) Regulations 1996;

Local Government Act (Functions and General) Regulations 1996 (as amended in March 2007):
Regulation 24A – 24G

Functions and General Regulation 24D prescribes the maximum price reduction allowable:

- Up to 10% for goods and services up to a maximum reduction of \$50,000.00;
- Up to 5% for construction (building) contracts up to a maximum reduction of \$50,000.00;
- Or up to 10% on goods and services and construction (building) up to a maximum price reduction for activities previously undertaken by the Local Government.

Policy Implications

Council Policy FIN04 – Preference to Local Suppliers.

Financial Implications

It is not possible to quantify the value of financial preferences given to local suppliers, however, its impact on the Shire's total budget is not expected to be significant.

Strategic Implications

Strategic Plan 2007 – 2011 (Incorporating Plan for the Future)

6 – A Well Managed and Contemporary Corporation

4 – Statutory Compliance, Compliance with Shire of Ashburton Procedures and Policies

Voting Requirement

Absolute Majority Required

Officers Recommendation

That Council advertise Policy FIN04: "Buy Local regional Price Preference Policy" and if no submissions are received adopt the Policy.

Author : Teigan Don	Signature :
Manager : Keith Pearson	Signature :

PREVIOUS MEETING REFERENCE:	<p>Agenda Item 10.05.10 Ordinary Meeting of Council 19 May 2009.</p> <p>Agenda Item 12.02.07 Ordinary Council Meeting of 19 February 2008</p> <p>Agenda Item 12.03.17 Ordinary meeting of Council 18 September 2007</p>
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- Creates false expectations with some contractors/service providers when you know that you won't be using their services.

Accordingly, in order to make the current Policy more relevant to our situation, as a remote town, Administration has made amendments to the current Purchase Threshold model in order to create a more timely process by changing the amount of written and/or verbal quotations required.

Administration believes that by streamlining the process and eliminating the need to obtain multiple quotes it will improve the effectiveness and performance of the procurement process and increase productivity and efficiency through less administration and paper work.

The Authority Limits have been removed and will become a delegation to staff by the CEO. This will streamline the delegation process and allow Council to concentrate on strategic matters.

A copy of the amended "FIN12 - Purchasing and Tender Policy" is attached for Council's reference.

[ATTACHMENT 12.06.43](#)

Consultation

Chief Executive Officer
Executive Management Team

Statutory Environment

Local Government Act 1995;
Local Government (Financial Management) Regulations 1996 – 11(1)(a);
Local Government Act (Functions and General Regulations 1996 .

Policy Implications

Preference to Local Suppliers Policy – FIN04
Purchasing and Tender Policy - FIN12

Financial Implications

There are no financial implications relevant to this issue.

Strategic Implications

Strategic Plan 2007 – 2011 (Incorporating Plan for the Future)
6 – A Well Managed and Contemporary Corporation
4 – Statutory Compliance, Compliance with Shire of Ashburton Procedures and Policies

Voting Requirement

Absolute Majority Required

Officers Recommendation

That Council adopts the changes as set out in the attached Policies.

Author : Teigan Don	Signature :
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Manager : Keith Pearson	Signature :
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12.06.44 QUARTERLY REPORTING ON THE STRATEGIC PLAN 2007 - 2011

FILE REFERENCE: OR. CM. 10

AUTHOR'S NAME AND POSITION: Teigan Don
Project Officer CEO

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 31 May 2010

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

PREVIOUS MEETING REFERENCE: Agenda Item 12.03.18 Ordinary Council Meeting of 17 March 2010
Agenda Item 12.12.75 Ordinary Council Meeting of 15 December 2009
Agenda Item 12.09.54 Ordinary Council Meeting of 15 September 2009
Agenda Item 12.05.24 Ordinary Council Meeting of 19 May 2009
Agenda Item 12.03.09 Ordinary Council Meeting of 17 March 2009
Agenda Item 12.12.69 Ordinary Council Meeting of 16 December 2008
Agenda Item 12.03.11 Ordinary Meeting of Council 18 March 2008

Summary

The author has conducted a review of the Strategic Plan quarterly progress for the period ending May 2010, in consultation with the Chief Executive Officer and the Executive Management Team.

A Variance Report is now being presented to Council for its information.

Background

Council adopted the Strategic Plan 2007 – 2011 at its 18 March 2008 Ordinary Meeting. This plan provides a strategic direction for Council activities for a four year period, as well as to provide an important community document detailing Shire activities for the ensuing years.

The document also addresses the need for the Shire to prepare a Plan for the Future in accordance with the requirements of Section 5.56 of the *Local Government Act 1995*.

The *Local Government Act* 1995 requires the preparation and updating of a Plan for the Future, on a two yearly basis. It is also required that the public be provided with an opportunity to participate in the plan's preparation.

Comment

At Council's Ordinary Meeting on 18 December 2007 it was noted in the report that the Strategic Plan is considered to be a working document and should be reviewed on an annual basis when an evaluation process will identify progress and budgetary needs. The Administration is of the belief that it best to report to Council on a quarterly basis in order to meet statutory requirements and to regularly inform Council of progress in implementing the Plan.

In accordance with Council's recommendations at the Ordinary Meeting of 17 March 2009, a new method of reporting to Council has been created – the Variance Report – which will be provided to Council on a quarterly basis in place of the previous Strategic Plan Progress Report.

A copy of a Variance Report is attached for Council's information.

[**ATTACHMENT 12.06.44**](#)

Consultation

Chief Executive Officer
Executive Management Team

Statutory Environment

Section 5.56 Local Government Act 1995
Section 19C & 19D Local Government (Administration) Regulations 1996

Policy Implications

The development of a new Strategic Plan may influence the need to develop other policies and procedures.

Financial Implications

The financial implications of the Strategic Plan are reflected in Council's Annual Budget.

Strategic Implications

The Council's Strategic Plan 2007 – 2011 (Incorporating the Plan for the Future) is the primary focus for the organisation's activities throughout the life of the plan.

Voting Requirement

Simple Majority Required

Officers Recommendation

That Council note the contents of this Report.

Author : Teigan Don	Signature :
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Manager : Keith Pearson	Signature :
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12.06.45 PROPOSED DIFFERENTIAL RATES 2010/2011

FILE REFERENCE: FI.RA

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 8 June 2010

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

PREVIOUS MEETING REFERENCE: Agenda Item 12.06.32 Ordinary Meeting of Council
17 June 2008.
Agenda Item 16.10.66 Ordinary Meeting of Council
27 October 2009

Summary

This agenda item discusses the rate increase for the 2010/2011 Financial Year.

It is recommended that Council adopt a rate increase of 3% (approximately equal to annual inflation) for all classes of rates, except for unimproved (UV) Mining rates which it is proposed be increased by 7%.

In the event of Council adopting the proposed rates the Shire's total rate income will be \$8,092,018 for the year, an increase of \$746,847 or 10.17% on last year.

The proposed rate schedule must be advertised for 21 days prior to its adoption in its existing, or modified form. It is also necessary to obtain the Minister for Local Government's approval due to differential rate being more than twice the lowest differential rate to be imposed, prior to the rates actually finally being adopted by Council.

Background

At Council June 2008 meeting (Item 12.06.32) the Officers report relating to rates settings for the 2008/09 Financial Year, stated in part:

"It is further proposed that Council shift the significant weighting of rates collected from the individual "town based" rate payer to the mining and industrial sector..."

AGENDA - ORDINARY MEETING OF COUNCIL 16 June 2010

It was in this context that Council adopted a strategy of increasing the total rate income from GRV properties and UV rated Rural Pastoral properties by 5 percent, which was slightly above the Perth CPI for the period of 4.4 percent, and increasing rates for the UV rates Mining Leases by 25 percent in the dollar in an attempt to address the fact that Urban GRV rated properties, in particular were paying a disproportionate portion of the Shires total rate income, despite the fact *“that much of Council infrastructure is being developed to meet the demands of the mining industry”*.

Comment

As a starting point for establishing an appropriate basis for rating for the 2009/10 Financial Year, last year's rates in the dollar have been applied to the Shire's current rate book. The result is summarised in the table below:

Income Comparison Based on Same Rate in Dollar						
	Actual Rates Raised					
	2008/09	%	2009/10	%	2010/2011	%
GRV	\$3,034,385	53.5	\$3,406,857	46.4	\$3,412,517	44.3
UV Rural	\$170,221	3.0	\$176,022	2.4	\$176,500	2.2
UV Industrial and Mining (including Interim Rating \$1.16m in 2009/2010)	\$2,463,253	43.5	\$3,728,631	50.7	\$4,060,467	53.0
UV Tourism			\$33,661	0.5	\$36,721	0.5
Total Levied	\$5,667,858	100	\$7,314,849	100	\$7,686,204	100
% Charge			29.59%		4.9%	
\$ charge			\$1,677,312		\$358,262	

The modeling indicates that, without changing the rate in the dollar the Shire immediately generates more than a 4.9% increase in income in the current year. This occurs as a result of changes in the rate book, including the addition of new buildings on GRV rated property, as well as the addition and removal of mining leases.

In addition to modeling the “Status Quo”, above three other scenarios have been tested, these are:

- Scenario 1: 2% increase in the rates in the dollar exception UV
Mining rates which are increased 5%
- Scenario 2: 3% increase in the rates in the dollar exception UV
Mining rates which are increased 7%
- Scenario 3: 4% increase in the rates in the dollar exception UV
Mining rates which are increased 9%
- Minimum Rate Increase to \$530.00 (an increase of 3.4%)

AGENDA - ORDINARY MEETING OF COUNCIL 16 June 2010

Minimum Rates has been increased to provide an incentive to develop vacant land. The increase is in line with CPI.

In order to place these increases in context the State's rate of inflation for the March 2010 quarter is 3.4% and the Local Government Index was 1.8%.

The Local Government Cost Index measures inflation that applies to Local Government expenditure.

The estimates for these two indices are detailed below:

Indices	Actual 2009	Estimated 2010	Forecast 2011
Consumer Price Index	1.4	3.5	3.0
Local Government Cost Index	4.7	2.2	3.8

The outcomes of these alternative scenarios are as listed below:

Description	Scenario 1	Scenario 2	Scenario 3
Total GRV	\$3,481,897	\$3,515,191	\$3,548,552
Total UV Rural	\$180,059	\$181,803	\$183,548
Total UV Industrial & Mining	\$4,278,934	\$4,357,201	\$4,435,502
Total UV Tourism	\$37,455	\$37,823	\$38,190
Total	7,978,345	8,092,018	8,205,792
% Overall Change from 2009/2010	8.62%	10.17%	11.72%
\$ Overall Change from 2009/2010	\$633,174	\$746,847	\$860,621

It is considered that Scenario 2 (3% increase in all rates in the dollar with the exception UV Mining rates which are increased by 7%) is responsible balance between sharing the rate burden and ensuring that the Shire is adequately funded to meeting works programs and community service obligations.

It would also follow the policy direction set in 2008/2009 by "*shift the significant weighting of rates collected from the individual "town based" rate payer to the mining and industrial sector...*"

In 2008/2009 GRV income amounted to 53.54% of total Rates Income and UV Mining/Industrial amounted to 43.46%. Following Scenario 2 means GRV Income will be 43.44% and UV Mining/Industrial will be 53.85% of total Rates Income.

This scenario will generate a total income of \$8,092,018.00, which is \$746,847 more than the previous year (i.e., increase of 10.17%).

The rates settings adopted by the Council need to be advertised Statewide for a 21 day period prior to the adoption either in their existing, or modified form. It is also necessary to obtain the Minister for Local Government's approval due to the differential rate being more than twice the lowest differential rate to be imposed.

The first day it is possible to publically advertise the proposed rates in dollar, is Saturday 19 June 2010 and allowing for 21 days, the advertising would be completed on 12 July 2010. After allowing time for Ministerial approval this would allow Council to adopt the new rates at a special meeting of Council on late in July 2010.

Consultation

CEO

Executive Managers

Department of Local Government

Statutory Environment

Local Government Act 1995, Part 6, Division 6 – Rates and Service Charges, Sections 6.32, 6.33, 6.35 and 6.36.

- Section 6.32 of the *Local Government Act* 1995 provides Council with the power to apply rates to property;
- Section 6.33 of the *Local Government Act* 1995 provides Council with the power to apply differential general rates although Ministerial approval is required where a differential rate is more than the lowest differential rate to be imposed;
- Section 6.35 of the *Local Government Act* 1995 provides Council with the power to apply a minimum payment which is greater than the general rate which would otherwise be payable on that land;
- Section 6.36 of the *Local Government Act* 1995 requires Council to give public notice of its intention to impose differential rates, inviting submissions within 21 days (or more is desired). Council is also required to consider any submissions received prior to imposing the proposed rate or minimum payment.

Part 5 of the *Local Government (Financial Management) Regulations* 1996.

Policy Implications

There are no Council Policy Implications relative to this issue.

Financial Implications

The rate level set by Council will underpin its ability to provide services and facilities for the 2009/10 Financial Year and into the future.

Strategic Implications

The rate level adopted by Council will affect the Shire's ability to deliver on all aspects of the Strategic Plan.

Voting Requirement

Absolute Majority Required

Officers Recommendation

That Council:-

1. Advertise its intention, in accordance with section 6.36 of the *Local Government Act* 1995, to adopt the following rates in the dollar and minimum rates for the differential rating categories specified for the 2009/10 Financial Year:
 - GRV Rate: 8.1558 cents in the dollar
 - UV Rate: 26.2030 cents in the dollar
 - UV Pastoral: 8.1367 cents in the dollar
 - UV Rural Tourism 12.6076 cents in the dollar
 - UV Rural/Commercial: 26.2030 cents in the dollar
 - UV Rural/Industrial: 26.2030 cents in the dollar
 - UV Mining Lease: 26.2030 cents in the dollar
 - Minimum Rate: \$530.00
2. Apply to the Minister of Local Government and Regional Development to approve council in imposing the Schedule of Rates outlined in point 1 above.
3. Approve a Special Meeting of Council, for the purpose of considering the setting of rates and adopting its budget for the 2009/10 Financial Year, on2010.

Author : Frank Ludovico	Signature :
Manager : Keith Pearson	Signature :

12.06.46 COUNTRY LOCAL GOVERNMENT FUND REALLOCATION

FILE REFERENCE: OR.IG.1.7

AUTHOR'S NAME AND POSITION: Teigan Don
Project Officer CEO

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 8 June 2010

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

PREVIOUS MEETING REFERENCE: Agenda Item 12.05.38 Ordinary Council Meeting of 19 May 2010

Summary

Correspondence was received from the Department of Regional Development and Lands advising that the Paraburdoo Town Centre Redevelopment Project is not eligible for funding under the CLGF Funding Program.

Accordingly, Council is requested to clarify on which project the remaining \$49,793.00 of its 2008/09 allocation will be spent.

Background

At its May 2010 Ordinary Meeting of Council, Council reallocated funding with respect to Stage 1 of the Country Local Government Fund ("CLGF1") resulting in movements between projects.

Correspondence was then forwarded to the Department of Regional Development and Lands ("DRDL") advising that the Shire had reallocated funds in order for it to utilise its 2008/09 allocation for other worthwhile projects. A copy of this correspondence, dated 24 May 2010, is attached for Council's information.

[**ATTACHMENT 12.06.46**](#)

On 1 June 2010, DRDL wrote back to the Shire of Ashburton and advised that after review of its correspondence it had approved the reallocated funds, with the exclusion of the Paraburdoo Town Centre Redevelopment Project as it was not eligible for funding as the works are specifically design only and not infrastructure works. A copy of this correspondence, dated 1 June 2010, is attached for Council's information.

[**ATTACHMENT 12.06.46a**](#)

Comment

If the design and construction works had occurred within the one project, then funding from the CLGF1 could be used. The funding reallocation (May 2010) decided to remove the construction component to fund other projects, consequently, the Paraburdoo Town Centre Redevelopment Project is not eligible for funding and Council is required to allocate the funding of \$49,793.00 to another project.

It is proposed that the funding be reallocated to the Paraburdoo Pool Shade Sails, therefore keeping the money in Paraburdoo.

As the Paraburdoo Shade Sails were previously funded by Council's Own Resources the proposed change in funding will enable the current expenditure on the Paraburdoo Town Centre Redevelopment Project to be met by the "freed up" Council's Own Resources funds.

Consultation

Chief Executive Officer
Executive Management Team

Statutory Environment

Section 5.56 Local Government Act 1995

Policy Implications

There are no policy implications relative to this issue.

Financial Implications

The 2009/2010 Budget will need to be amended to reflect the circumstances concerning the reallocation of funding.

Strategic Implications

There are no strategic implications relative to this issue.

Voting Requirement

Absolute Majority Required

Officers Recommendation

That Council reallocates \$49,793.00 from the Country Local Government Fund Stage 1 from a/c 100051 Paraburdoo Town Centre Redevelopment Project to 113314 Paraburdoo Pool Shade Sails Project.

Author : Teigan Don	Signature :
Manager : Keith Pearson	Signature :

**12.06.47 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS
FOR MONTH OF APRIL 2010**

FILE REFERENCE: FI.RE

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 8 June 2010

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

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

Background

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

Comment

This report presents a summary of the financial activity for the month of March 2010 to Council. Documents included are:

- Statements of Financial Activity and associated statements including the Financial Variance Report.
- Graphs showing Budget and Actual comparisons

[ATTACHMENT 12.06.47](#)

- Schedule of Accounts paid under delegated authority
- Visa Statements for Chief Executive Officer, Executive Manager Engineering Services, Executive Manager Corporate Services, Executive Manager Community & Economic Services and Executive Manager Western Operations are available for March 2010

[ATTACHMENT 12.06.47a](#)

Consultation

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

Statutory Environment

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

Policy Implications

There are no Council Policies relevant to this issue.

Financial Implications

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

Strategic Implications

There are no strategic implications relevant to this issue

Voting Requirement

Simple Majority Required

Officers Recommendation

That Council receive the Financial Reports, , Payroll for April 2010 and Schedule of Accounts
Visa Credit Card Statements for May 2010

Author: Frank Ludovico	Signature:
Manager: Keith Pearson	Signature:

12.06.48 PILBARA REGIONAL COUNCIL UPDATE

FILE REFERENCE:	OR.IG.3.8
AUTHOR'S NAME AND POSITION:	Keith Pearson Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Pilbara Regional Council
DATE REPORT WRITTEN:	31 May 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the matter which is the subject of this report
PREVIOUS MEETING REFERENCE:	Agenda Item 12.12.77 Ordinary Meeting of Council, 15 December 2009

Summary

Council has previously resolved that the Administration submit a report to Council detailing the outcomes from each meeting of the Pilbara Regional Council (PRC).

This agenda item details the outcomes of the PRC meeting held on 24 May 2010

Background

Council has previously resolved that the Administration submit a report to Council detailing outcomes from each meeting of the Pilbara Regional Council (PRC)

This agenda item details the outcomes of the PRC meeting held on 24 May 2010

The Shire was represented at the meeting by the Shire President Cr Musgrave and the Deputy Shire President, Cr Rumble.

Minutes from the meeting have been previously distributed to Councillors.

Comments

The ordinary meeting held 24 May 2010 commenced with two presentations, these being by;

- **New Energy Corporation Pty Ltd**

NEC representatives discussed the company's ability to assist the four Pilbara Local Governments in meeting a commitment "Zero Landfill" as a core aspect to their waste management operations (NEC has recently made a presentation to the Shire of Ashburton Council in relation to the same topic)

- **Department of Local Government**

Ms Wendy Murray, Executive Director Strategic Policy and Structural Reform made a presentation which outlined the next steps of the local reform process, particularly as it relates to the proposed Pilbara Regional Collaborative Council. Ms Murray also provided the Council with a background briefing in relation to the offer of financial assistance to undertake business planning for the delivery of local government services into indigenous communities. It was suggested that there would be benefits if the four local governments undertook the business planning collectively. (This is the subject of agenda item 12.06.48)

The agenda for the remainder of the meeting was not extensive, the main items were

- The appointment of Ms Shelly Pike to the position of Chief Executive Officer of the PRC. Ms Pike has an extensive background working with and in WA local government, although not in the role of CEO, and
- The Council formally postponed the proposed “Pilbara to Parliament” visit to Canberra and rescheduled it to 27 October, due to possible conflicts resulting from the proposed Resource Super Profits Tax

After the meeting formally closed, Mr Peter Lewis, of Essential Media Communications, facilitated a workshop of all those present in relation to how the regional council could promote its interest at a national level, particularly with key decision makers, including federal politicians. This was a particularly informative session and provided a strong basis for the PRC to develop strategies for promoting its interest on a broad front.

Consultation

Pilbara Regional Council

Statutory Environment

Local Government Act 1995, Part 3, Division 4 “Regional Local Government”

Policy Implications

There are no policy implications relative to this matter

Financial Implications

There are no financial implications relative to this matter

Strategic Implications

There are no strategic implications relative to this matter

Voting Requirement

Simple Majority Required

Officers Recommendation

That Council note the contents of the report

Author:	Frank Ludovico	Signature:
Manager:	Keith Pearson	Signature:

12.06.49 OFFER – FINANCIAL ASSISTANCE TO UNDERTAKE BUSINESS PLANNING FOR DELIVERY OF LOCAL GOVERNMENT SERVICES INTO INDIGENOUS COMMUNITIES

FILE REFERENCE: FI.AG.9

AUTHOR'S NAME AND POSITION: Keith Pearson
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Director General Department of Local Government.

DATE REPORT WRITTEN: 9 June 2010

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

Council, at the May 2010 Council meeting, resolved to accept a \$30,000 Department of Local Government financial assistance grant for the development of a business plan for Local government service delivery into Indigenous Communities.

At the time Council considered the matter it was emphasised that accepting the funding did not commit the Shire to participating in the project.

Since the Council meeting, discussions have taken place with both the Pilbara Regional Council and Ms Wendy Murray, Executive Director of the DLG and as a result it has been suggested that if the four Pilbara local governments decide to participate in the project, it may be best that the plan be prepared collectively.

Council's opinion on this is sought.

Background

Council, at the May 2010 Council meeting, resolved to accept a \$30,000, Department of Local Government, financial assistance grant for the development of a Business Plan for local government services delivery into indigenous communities.

The May 2010, report to Council noted

"The State Government has committed funding, through the Country Local Government Fund, for the development of these Business Plans for each of the 22

affected local governments. The Financial Assistance Agreement contains an offer of \$30,000 to assist the Shire of Ashburton to prepare its Business Plan.

In connection with this task, the Department of Local Government (DLG) has developed a Business Plan Template. This will greatly assist the consultants who will work on Shire of Ashburton's plan, as well as promote consistency between the 22 Business Plans. The template will be made available by late-June 2010.

The Department is also assembling an Approved Consultants Panel from which local governments can select and hire appropriate professional services to develop the Business Plan. The list of consultants on the panel will also be provided in June 2010.

The business plans are the first step in measuring the scope and nature of the services that may be the subject of any future MOU between the Commonwealth, State and Local Governments

....Finally, SOA acceptance of this offer in no way precludes us from either returning the funds or renegotiating the Financial Assistance Agreement with DLG, if the SOA concerns are not satisfied"

Comment

Since Council considered this matter, the issue has been the subject of discussion at the most recent Pilbara Regional Council meeting as well as at a meeting the Shire President and author attended with Ms Wendy Murray, the Department of Local Government, Executive Director, responsible for negotiating an agreement between the Commonwealth, State and local governments in relation to the delivery of municipal services to indigenous communities.

During these discussions it has become apparent that it would be more efficient (in the event of the four Pilbara local governments deciding to participate in the project) for the four local governments to pool their funds (\$125,000) and undertake one study.

Council's attitude to such a proposal is sought. It is emphasised, that no final commitment to the project would be made until more detail is available.

Consultation

Shire President, Cr Musgrave

Wendy Murray - Executive Director Strategic Policy & Local Government Reform, Department Local Government.

Pilbara Regional Council members

Statutory Environment

There are no specific statutory implications related to this issue.

Policy Implications

There is no policy implications related to this issue.

Financial Implications

Department of Local Government will provide the financial assistance to develop a Business Plan for Local Government Service Delivery into Indigenous Communities.

Strategic Implications

Strategic Plan 2007 – 2011 Quality Life & Social Well Being.

Voting Requirement

Simple Majority Required.

Officers Recommendation

That Council agrees in principle, to the pooling of funds by the four Pilbara local governments, in order to prepare one regional Business Plan for the Delivery of Local Government Services into Indigenous Communities, subject to final endorsement by Council.

Author: Keith Pearson	Signature:
Manager: Keith Pearson	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 16 June 2010

12.06.50 CORPORATE SERVICES STATUS REPORT

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
1	05/10	12.05.33	Local Government Reform	That Council advise the Minister for Local Government that the Shire of Ashburton; <ol style="list-style-type: none"> 1. supports the objectives of the Regional Collaborative Group concept; and 2. agrees to participate with the neighbouring Pilbara local governments through the framework of the Pilbara Regional Council. 	Finalised Minister notified of Council decision. Ongoing discussions with Department and neighbouring Local Governments (June 2010)
2	05/10	12.05.35	Pilbara Regional Council and Kimberley – Pilbara Forum Update	That Council, <ol style="list-style-type: none"> 1. approve the attendance of Cr Musgrave, Cr Rumble, Cr Shields, Cr Thomas, Cr Dias and Keith Pearson at the Local Government Convention from Thursday 5 August 2010 – Saturday, 7 August 2010, and 2. allocate an amount of \$25,000 in the 2010/11 Budget to cover all costs associated with the Convention. 	Ongoing Bookings being made
3	05/10	12.05.36	Native Title Application – Wunna Nyiaparli People	That Council; <ol style="list-style-type: none"> 1. note the contents of this report; 2. advise the Federal Court that the Shire of Ashburton does not wish to be a party to the Native Title Claim by the Wunna Nyiyaparli People. 	No action required (June 2010)
4	05/10	12.05.37	Repeal of Defunct and Obsolete Local Laws	That Council pursuant to section 3.12 of the Local Government Act 1995, give state wide public notice that it intends to make the Shire of Ashburton Repeal Local Law 2010, as contained in the Attachment, the purpose of which is to repeal superfluous, defunct and obsolete local laws; with the effect being more efficient and effective local government by removing outdated local laws from the public record. (Attachment 12.05.37).	Advertisement being drafted by Local Laws Consultant

AGENDA - ORDINARY MEETING OF COUNCIL 16 June 2010

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
5	05/10	12.05.38	2009/2010 Budget Adjustments	That Council <ol style="list-style-type: none"> approve the 2009/2010 Budget adjustments as detailed in Attachment 12.05.38 vary the budget for Job C216 by \$580,000 to allow for the payment of the Twitchen Road Bridge works. consider the items adjusted in the 2009/2010 Budget Adjustments Report as carried forward items in the 2010/11 Budget, and 	Letter sent to Dept Regional Development (June 2010)
6	05/10	12.05.39	Tender RFT 09/10 Development and Operation Paraburdoo Tourist Park, Lot 1, Camp Road, Paraburdoo	That Council; <ol style="list-style-type: none"> appoint Condor Enterprises WA Pty Ltd as the preferred Tender for the Development and Operation of the Paraburdoo Caravan Park. instruct the CEO to negotiate all aspects of the Tender with Condor Enterprises WA Pty Ltd; and providing negotiations with Condor Enterprises WA Pty Ltd are satisfactory, approve the CEO to award the contract. 	Ongoing. Tenders notified of Council decision. Further discussions to be held with preferred tender
7	05/10	5.05.08	Write Off of Rates – Rio Tinto Iron Ore	That Council not approve the write off of Penalty Interest incurred by Rio Tinto (\$26,044.54)	Letter sent to Rio Tinto Pty Ltd (June 2010)
8	04/10	12.04.27	Budget Requests	That Councillors provide Administration with any activities and/or projects they would like considered in the 2010/2011 Budget process	Ongoing Submission have been received
9	03/10	12.03.23	Annual Report and Annual General Meeting of Electors	That Council:- <ol style="list-style-type: none"> Accepts the Annual Report for 2008/2009 as tabled; and That Council hold an Annual General Meeting of Electors in RM Forrest Hall in Onslow on Wednesday 21 April 2010 commencing at 7.00pm, 	Finalised Annual Report sent to the Dept of Local Government. Annual Electors

AGENDA - ORDINARY MEETING OF COUNCIL 16 June 2010

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
				3. Hold additional Information Sessions/Electors Meeting at venues to be determined by the CEO in conjunction with Local Ward Councillors.	Meeting held in Onslow 21/4/10 Information Sessions in other venues have not yet been organised
10	02/10	16.02.02	Confidential Report – Chief Executive Officer, Annual Performance Review and Review of Tenure	That Council 1. (a) Nominate, the Shire President, Cr Corker and Cr Shields, Cr White to form a working group to undertake the Chief Executive Officer's annual performance and salary review. (b) Consider the working group's recommendations with respect to the review, when available. 2. Undertake a corporate structure review in order to ensure the Shire is best positioned to meet the demands placed on it, and 3. Instruct the CEO to obtain three written proposals from suitably qualified persons or organisations to undertake an organisation review of the Shires operations and submit these to the March 2010 meeting of Council.	Ongoing Expressions of Interest have been called from qualified people
11	02/10	12.02.08	Review of Local Laws	That Council:- 1. Resolves to undertake a review of its existing local laws; and 2. In accordance with section 3.16 (2) of the Local Government Act 1995, give public notice of its intention to undertake a review of its local laws.	Ongoing See report to May meeting
12	02/10	12.02.10	Ashburton Land Conservation District Committee - Nomination	That Council:- 1. Nominates Councillor Leanne Corker for the vacant position on the Ashburton Conservation District Committee;	Ongoing Nomination notices are being

AGENDA - ORDINARY MEETING OF COUNCIL 16 June 2010

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
				2. Nominates Mr Glen Dellar of Wyloo Station for the vacant position on the Lyndon Land Conservation District Committee.	processed (Mar 2010)
13	12/09	12.12.75	Quarterly Reporting on the Strategic Plan 2007 - 2011	That Council defer consideration of the agenda item until the February 2010 meeting of Council, the reason being subsequent to the preparation of the agenda item the Shire received two more proposals from the Local Government Advisory Board to amend the Shire's boundary with the Shire of East Pilbara. It was considered appropriate to consider the proposals collectively.	Ongoing Initial discussions are being held with the Shire of East Pilbara in order to establish that Shires attitude to proposals.
14	12/09	16.12.19	Confidential Item – Tender Development and Operation of Caravan Park	That Council 1. Advise Gumala Aboriginal Corporation that Council does not agree to a time extension until 31 January 2010 for the corporation to submit its detailed proposals for the site and that Council has resolved not to enter into a contract with the organisation. 2. Call for new tenders to develop and operate the site.	Finalised See Agenda Item May meeting

Officers Recommendation

That Council note the contents of the report

13.06.0 DEVELOPMENT SERVICES REPORTS

13.06.30 DEVELOPMENT APPROVALS ISSUED UNDER DELEGATION – SHIRE OF ASHBURTON TOWN PLANNING SCHEME NO.7

FILE REFERENCE: PS.TP.7

AUTHOR'S NAME AND POSITION: Belinda Main
Executive Assistant to Building Services

NAME OF APPLICANT/RESPONDENT: Not applicable

DATE REPORT WRITTEN: 3 June 2010

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial interest

PREVIOUS MEETING REFERENCE: Not applicable

Summary

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

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

Background

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

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

Comment

Thirteen (13) approvals have been issued under delegation up until the date of this report. These were for:

HTD Surveyors & Planners	Lot 921 Payne Way, Onslow	Strata Subdivision
Colin Reynolds	453 Beadon Creek Road, Onslow	Planning Application - Storage Unites
Fortescue Metals Group	The Castle Camp, Solomon Project	Planning Application - Transient Workforce Accommodation
Fortescue Metals Group	Cloudbreak Mine Site	Planning Application - Workshop, crib room, ablution and office

AGENDA - ORDINARY MEETING OF COUNCIL 16 June 2010

Mr. Kevin Smith	Lot 907, House 7 McGrath Avenue, Onslow	Planning Application - Three (3) Dwellings (Grouped)
Kate Watts	468 Croton Street, Tom Price	Planning Application - Child care facility (up to 7 children)
Moses Panashe	150 Hardy Avenue, Paraburdoo	Planning Application - Child care facility (up to 7 children)
Kym Ettridge	636 Coolaroo Street, Tom Price	Planning Application - Limited Shop
Jeffrey & Beverley Brenton	1763 Larnook Street, Tom Price	Home Occupation Renewal
Jaye Pantall	1107 Jabbarup Place, Tom Price	Home Occupation Application
Barber Drilling	Lot 19, subplot 16D Mine Road LIA, Tom Price	Planning Application - Sea Container
GA & JC Whitmore	681 Cornish Way, Onslow	Planning Application - caretakers dwelling & fence
Auski Holdings Pty Ltd	84 Great Northern Hwy, Karijini	Planning Application - Staff Quarters (Caretakers Dwelling)

Details of the approval may be obtained from the Manager Building Services.

Statutory Environment

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

Policy Implications

There are no policy implications relative to this matter.

Financial Implications

There are no financial implications relative to this matter.

Strategic Implications

Values:

- Professionalism
- Quality service delivery & services

Our Focus:

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

Critical Success Factors:

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

Action Plan, Improved Services & Infrastructure:

- Review & implement managerial policies and practices

Voting Requirement

AGENDA - ORDINARY MEETING OF COUNCIL 16 June 2010

Simple Majority Required

Recommendation

That the contents of this report be noted.

Author: Belinda Main	Signature:
Manager: Bernie Smith	Signature:

**13.06.31 DRAFT TOWN PLANNING SCHEME AMENDMENT NO. 8 –
MODIFICATIONS TO STRATEGIC INDUSTRIAL ZONE TO PROHIBIT
TRANSIENT WORKFORCE ACCOMMODATION.**

FILE REFERENCE: PS.TP.7.8

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

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

DATE REPORT WRITTEN: 18 May 2010

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

**PREVIOUS MEETING
REFERENCE:** Agenda Item 13.11.77 of Council meeting 17 November
2009

Summary

Council at the 17 November 2009 meeting initiated draft Local Planning Scheme Amendment No. 8 to the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'). The Scheme prohibits the establishment of caretakers dwelling in the Strategic Industry zone but permits transient workforce accommodation. This has the potential to allow many thousands of workers to be housed in industrial areas, which could be dangerous for their health and wellbeing. Transient workforce accommodation is a use prohibited in the Industry zone, presumably on safety and amenity reasons.

Draft Amendment No. 8 was advertised and five (5) submissions were received. Four submissions were of no objection. BHPB have suggested that the Amendment not be supported on the basis that it is not in keeping with a consistent approach from other nearby local governments that provide discretion for transient workforce accommodation in their respective strategic industrial zones. The submission is noted however but not supported on the basis that the Shire's Strategic Industry zone is undeveloped and such accommodation could significantly impact on the establishment of industry.

After considering the submissions, it is recommended that Council adopt draft Amendment No. 8 for final approval without modification and refer it to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.

Background

The Shire of Ashburton Local Planning Scheme No.7 ("Scheme") defines transient workforce accommodation as: *".. dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractors camp and dongas"*.

This is a prohibited use in the Industry zone but permissible in the Strategic Industry zone. In addition, a caretaker's dwelling is prohibited the Strategic Industry zone.

Comment

The importance of the Strategic Industry zone to the economy of the Shire and indeed, of Western Australia is obvious when viewed in light of the proposed North Ashburton Strategic Industrial area. However, the type of industry that is likely to be encouraged to the Strategic Industry zones may result in standards whereby odour, noise, increased risk, light spill, dust and reduced air quality may arise.

For these reasons, it is considered reasonable that accommodation of any kind should not be supported with the Strategic Industry zone, the same as it is in the Industry zone.

Conclusions

No negative submissions were received during the community consultation period and accordingly, it is recommended that the Council adopt draft Amendment No. 8 for final approval without modification.

Consultation

Chief Executive Officer

Subsequent to the amendment being initiated by the Council the relevant documentation was referred to the Environmental Protection Authority (EPA) for consideration of the need for formal assessment under Part IV of the *Environmental Protection Act 1986*. The EPA resolved that the draft amendment did not require formal assessment, and it was advertised for a period of 42 days in accordance with the *Town Planning Regulations 1967*.

The Shire referred the Amendment to:

- RTIO.
- Dampier Port Authority
- BHPB Ore
- BHPB Petroleum
- Chevron Australia
- Fortesque Metals
- Exxon/Mobile
- Department of Health
- Department of Mines and Petroleum
- Department of State Development

Draft Amendment No. 8 was advertised and five (5) submissions were received.

Four submissions were of no objection. BHPB have suggested that the Amendment not be supported on the basis that it is not in keeping with a consistent approach from other nearby local governments that provide discretion for transient workforce accommodation in their respective strategic industrial zones. The submission is noted however but not supported on the basis that the Shire's Strategic Industry zone is undeveloped and such accommodation could significantly impact on the establishment of industry.

The submissions are addressed in the attached Schedule.

[ATTACHMENT 13.06.31](#)

Statutory Environment

Town Planning Scheme amendments are processed in accordance with the Planning and Development Act (2005) and Town Planning Regulations. After public advertising, Council will consider whether to adopt the amendment for final approval with or without modifications (the current position in the Amendment process). The final decision on whether to grant final approval to an amendment rests with the Minister for Planning & Infrastructure, acting upon a recommendation from the Western Australian Planning Commission.

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

Policy Implications

None anticipated

Financial Implications

The Shire is unable recoup costs associated with this process as it is initiated by Council.

Strategic Implications

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

"New Industry

Measures and Targets

- » *Increase in major investment enquiries*
- » *Increase in building activity*
- » *Community satisfaction with economic development*
- » *Increased employment opportunities".*

It is suggested that the modifications to the Scheme as sought will assist in achieving that above objectives.

Voting Requirement

Simple Majority Required

Officers Recommendation

AGENDA - ORDINARY MEETING OF COUNCIL 16 June 2010

1. That the Council, in pursuance of Part V of the *Planning and Development Act 2005*, adopt draft Amendment No. 8 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") for final approval for the purposes of modifying the zoning table of the Scheme to read as follows:
 - (a) Identifying Transient Workforce Accommodation as an X use class in the Strategic Industry zone.
2. That Council endorse the schedule of submissions prepared in response to the community consultation undertaken in relation to the draft Amendment.
3. That the Council refer the draft Amendment so adopted for final approval, to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.
4. That, where notification is received from the Western Australian Planning Commission that a modification of the amendment is required prior to approval of the amendment by the Minister, this modification is to be undertaken in accordance with the requirements of the Town Planning Regulations 1967, unless it is considered by the Shire that the modification affects the intent of the amendment in which case it shall be referred to the Council for consideration.

Author: Rob Paull	Signature:
Manager: Keith Pearson	Signature:

**13.06.32 EXTENSION OF TIME - 52 PERSON TRANSIENT WORKERS
ACCOMMODATION FACILITY, RESERVE 11648, BARROW ISLAND**

FILE REFERENCE: IS.BARW

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

**NAME OF APPLICANT/
RESPONDENT:** Chevron Texaco Australia Pty Ltd

DATE REPORT WRITTEN: 1 June 2010

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

**PREVIOUS MEETING
REFERENCE:** Item 13.06.356
Proposed 52 Person Transient Workers Accommodation
Facility, Reserve 11648, Barrow Island 21 June 2005

Summary

In June 2005, Council issued planning approval to construct a temporary 52 person transient workers accommodation facility adjacent to the existing permanent workers accommodation facilities on Barrow Island.

The facility has been constructed and the approval included a condition for the use to “...cease five years after the date of this approval”. Chevron Australia P/L has requested the facility to continue for an additional five years (until 2015), due to the “...increased activities on the island instigated by the Gorgon Project and the ongoing need for personnel to operate the WA Oil assets..”

It is recommended that the request to extend the approval as requested.

Background

At the Council meeting of 21 June 2005, Council considered a development application to construct and use a 52 person transient workers accommodation facility, adjacent to the existing permanent workers accommodation facilities on Barrow Island. The application consisted of thirteen, four person transportable buildings, office and a new laundry block. The applicant advised in 2005 that it was anticipated that the accommodation would be required for three to five years in order to accommodate a workforce which will undertake a major maintenance/upgrade

program in relation to the existing oil drilling and reticulation system on Barrow Island. At the time, the company also noted that the camp may be required in excess of the five years.

Planning approval was issued by Council and included seven conditions. Condition c) stated:

“Prior to the development commencing the owner or occupier shall enter into a signed agreement with the Shire of Ashburton, pursuant to Clause 6.9.4 of the scheme. The agreement shall require the use of the structures to cease five years after the date of this approval and the structures to be removed within 28 days, unless the Shire of Ashburton and the owner agree to the use continuing beyond that time”.

The five year period referred to in Condition c) concludes on 14 July 2010 (the approval was dated 14 July 2005).

Comment

Chevron Australia P/L has requested that the has requested the facility to continue for an additional five years (until 2015), due to the *“...increased activities on the island instigated by the Gorgon Project and the ongoing need for personnel to operate the WA Oil assets..”*

A copy of the request from Chevron Australia is included as Attachment

[ATTACHMENT 13.06.32](#)

The subject site is reserved for the purposes of “Conservation, Recreation and Nature Landscapes” under the Shire’s new Town Planning Scheme No. 7. Clause 3.2 of the scheme states, in part:

“3.2 Use and Development of Reserves

- 3.2.1 *A person shall not carry out any development on, other than the erection of a boundary fence defined or accepted by Local Government, or change the use of a reserve without first applying for and obtaining the planning approval of the Local Government in accordance with Part 5.*
- 3.2.2 *When 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.*
- 3.2.3 *The erection, construction, major improvement or alterations to infrastructure, within the infrastructure reserve, require the planning approval of Local Government....*
- 3.2.4 *The “Conservation, Recreation and Natural Landscapes” reserve is intended to accommodate a broad range of natural and modified land uses and development and may, subject to relevant approvals, include extractive or resource processing industry and infrastructure. Where applications for such development are considered by Local*

Government, it shall have regard for other legislation and/or the advice of the relevant land owner/manager.”

Council has power to use its discretion to grant development approval for the proposed development, but only after the application has been referred to the “*relevant land owner/manager*” or to “*the organisations it considers relevant*”, which in this case is deemed to be the Department of Conservation and Environment.

At the time of the application in 2005, the Department (then CALM) stated:

“.....has no objection, in principle, to the proposal proceeding through Council, given that it will have the opportunity to assess the proposal formally at a later date via the EP process.”

Discussions with CALM officers at the time (2005) noted that it would be appropriate to include a requirement that the proponent remove all materials associated with the camp from Barrow Island, at the end of the camp’s life. The request to extend the approval has been referred to the Department and no objection is offered.

In relation to the request from Chevron Australia P/L, it is agreed that the existing facility is in good condition. The request to extend the planning approval or an additional 5 years is supported.

Statutory Environment

Shire of Ashburton Town Planning Scheme No. 7
Development and Development Act
Land Administration Act

Policy Implications

There are no policy implications relative to this matter.

Financial Implications

There are no financial implications to this matter.

Strategic Implications

There are no strategic implications to this matter.

Voting Requirement

Simple majority required.

Recommendation

AGENDA - ORDINARY MEETING OF COUNCIL 16 June 2010

That Council:

1. Advise Chevron Australia P/L that with respect to planning approval issued 14 July 2005 to construct and use a temporary 52 person transient workers accommodation facility on Reserve 11648, Barrow Island and Condition c) of the approval, the approval be extended until 16 June 2015.

Author: Rob Paull	Signature:
Manager: Keith Pearson	Signature:

**13.06.33 PLANNING APPLICATION – PROPOSED RESIDENTIAL BUILDING
AT No. 11, LOT 909 McGRATH AVENUE, ONSLOW**

FILE REFERENCE: 20101282

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

NAME OF APPLICANT/RESPONDENT: C & D Thornley, H & N Lyche and V Clauch (Owner)
Ms Carol Thornley (Applicant)

DATE REPORT WRITTEN: 5 June 2010

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

PREVIOUS MEETING REFERENCE: N/A

Summary

Application has been submitted on behalf of the owner of No. 11, Lot 909 McGrath Avenue, Onslow to operate a "residential building" use within a proposed 3 bedroom dwelling on the subject site. The dwelling has been approved (under delegation) by the Shire as part of a 'group housing' (duplex) approval with on site parking for 2 vehicles

The Shire's Local Planning Scheme No. 7 ('Scheme') zones the land Residential with a R Code of 12.5 and lists the proposed use "residential building" as a land use which Council may permit after public notice of the application. Advertising has taken place in accordance with the Scheme provisions no submissions were received.

The Application reflects the provisions of the adopted '*Local Planning Policy - Conversion of Dwellings to Residential Buildings*'.

It is recommended that the "residential building" use the dwelling be approved subject to a number of conditions (including a requirement that operation of the use to be reviewed after a period of twelve months).

Background

No. 11, Lot 909 McGrath Avenue, Onslow is occupied by a 3 bedroom dwelling and outbuilding (that serves the dwelling). The site has been approved for a 'group housing' (duplex) development and the applicant advises that the second dwelling (3 bedrooms) should be erected

on the land in July 2010. It should be noted that parking for 2 vehicles only has been approved for the second dwelling.

Council resolved at the August 2009 meeting to adopt '*Local Planning Policy - Conversion of Dwellings to Residential Buildings*' which sets the criteria for assessing applications for residential buildings.

Proposal

Application has been submitted by one of the owners of No. 11, Lot 909 McGrath Avenue, Onslow to operate a "residential building" use within a proposed dwelling on the subject site.

A location plan is included as Attachment 1 with Attachments 2 and 4 providing the plans and information accompanying the application.

[ATTACHMENT 13.06.33](#)

Comment

Under the Shire's Local Planning Scheme No. 7 ('Scheme'), a 'dwelling' as:

"... a building or portion of a building being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by:

- *a single person,*
- *a single family,*
- *no more than six (6) persons who do not comprise a single family".*

A Residential building means: *"...a building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:*

- a) temporarily by two or more persons, or*
- b) permanently by seven or more persons,*

who do not comprise a single family; but does not include a hospital, nursing home, prison, juvenile detention centre, school, residential school, hotel, motel or holiday accommodation".

The subject land is zoned Residential in the Scheme with an R Coding of 12.5. Within such a zone a Residential Building is a 'D' use which is a use that Council may, at its discretion, permit after public notice of application has been given. Advertising has taken place in accordance with the Scheme provisions and no submissions were received.

Planning Policy

The proposal is also subject to the provisions of Council Policy *PLA10 – Non-Residential Land Users in Residential Areas*. While not binding on Council, it should give consideration to the contents of the policy when considering the subject development application. The policy states that any application is to be considered on its individual merits, having regard to the following criteria.

- Location

- Residential Amenity
- Noise generation
- Essential Services and Waste Disposal
- Traffic implications
- Building modifications

More specific to the Application is *Local Planning Policy - Conversion of Dwellings and Outbuildings to Residential Buildings*.

Clause 4.5 of the Policy states:

- a) *Applications will be examined with regard to the following:*
- potential for increased levels of noise, disturbance and car parking and the likely greater impact on the residential amenity of neighbouring or nearby dwellings;*
 - to ensure that any such uses will not adversely impact on residential amenity values currently enjoyed by those in surrounding properties;*
 - car parking provision of one car for each bedroom within the facility shall be provided on the site two of which may be in tandem formation. Where a greater number of cars is required these will be examined in each case as to the position of the bays and their likely impact on the street and neighbouring properties; and*
 - residences must be connected to the Water Authority's reticulated water supply.*
- b) *Should Council consider Approval of an Application, the following will apply:*
- approval is a particular approval, and is not transferable without prior written approval of Council;*
 - where the existing standard of a dwelling is considered by Council to be inappropriate, consent may not be granted until the dwelling is upgraded to a satisfactory standard. If, after inspection, the dwelling is considered to be unsafe or inadequate for Residential Building use, the application will be refused;*
 - smoke alarms along with emergency response plans (i.e. fire escape route maps, cyclone evacuation contingency, etc) are required and are to be clearly displayed in a conspicuous location within the dwelling;*
 - any approval granted will be for a limited period of one (1) year such that the Council may be assured that the use will not result in any unreasonable impact on adjoining properties;*
 - car parking spaces shall be well constructed, kerbed and drained to the satisfaction and specifications of the Shire; and*

In considering the current proposal against both *PLA10 – Non-Residential Land Users in Residential Areas* and *Local Planning Policy - Conversion of Dwellings and Outbuildings to Residential Buildings*, the following comments are made.

Location

The location of the proposed use has no particular significance and all parking generated to be accommodated on site.

Residential Amenity

The proposal's greatest potential for an adverse impact on the residential amenity of the surrounding area is noise generation and car parking. It is considered that both these issues can be adequately addressed in the manner set out below. As further protection against inappropriate activity on the site, any approval should initially be limited to a period of twelve months after which time the use could be reviewed.

Noise Generation

Noise made by guests has the greatest potential to impact on the amenity of the local area. This is the case if the establishment is not well managed. In the event of Council deciding to issue a development approval it would be appropriate to include a condition that ensures the manager of the business to live sufficiently close so as to ensure close practical overseeing of the use.

Essential Services and Waste Disposal

The proposed use will have a minimal impact on water sewerage and power supplies, as well as other essential services.

Traffic Implications

While the proposal will not be a significant traffic generator in absolute terms, the proposed use has the potential to cause a localised problem if the parking it generates is not accommodated on-site. For this reason a requirement that adequate on-site parking spaces be provided and that all parking generated is accommodated on-site should be included in any development approval Council may decide to issue.

In determining previous applications for 'residential buildings', the Council has consistently ensured that each bedroom be allocated a parking space. In this regard, only 2 spaces have been provided on the approval for the duplex. Should approval be granted, it is appropriate that only 4 persons be permitted in the dwelling (i.e. assuming 2 persons per bedroom) due to the limited onsite parking.

Emergency Escape Plan

The applicant has provided a 'fire escape plan' however it is suggested that should approval be granted, a condition be included that provides information to residents on cyclone evacuation contingency.

Building Modifications

The policy requires that the appearance of the proposed non-residential use should not impact on the residential character of the surrounding area. The proposed dwelling reflects this requirement.

Consultation

The application was advertised in accordance with the provisions of the Scheme and no submissions were received.

Statutory Environment

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

Policy Implications

Council Policy PLA10, *Non-Residential Land Uses in Residential Areas* and *Local Planning Policy - Conversion of Dwellings and Outbuildings to Residential Buildings* are relative to this issue.

Financial Implications There are no financial implications relative to this issue.

Strategic Implications There are no strategic implications relative to this issue.

Voting Requirement Simple majority required.

Recommendation

That Council:

1. Approve the development application made by Ms Carol Thornley to use a proposed dwelling at No. 11, Lot 909 McGrath Avenue, Onslow for the purposes of a residential building subject to the following conditions:
 - a. The development shall comply with the Shire of Ashburton's Local Planning Scheme No. 7, the Health Act, the Building Code of Australia, the West Australian Fire Board Regulations and any other relevant Acts, Regulations and Local Laws.
 - b. Not more than four guests shall be accommodated within the premises at any one time.
 - c. Prior to the use commencing, an Emergency Escape Plan shall be prepared providing information and the method of advising residents of cyclone evacuation contingency should be required and approved in writing by the Shire of Ashburton.
 - d. All car parking generated by the use shall occur within the boundaries of the property.
 - e. Vehicle parking, manoeuvring and circulation areas are to be suitably constructed, drained and maintained to the satisfaction of the Shire of Ashburton.
 - f. Car parking and vehicle circulation areas shall be available for these purposes at all times and shall not be used for any other purpose.

AGENDA - ORDINARY MEETING OF COUNCIL 16 June 2010

- g. The use shall not continue beyond twelve calendar months of the date of granting this approval, without the written approval of Council. When assessing whether the use is to be approved for a period beyond twelve calendar months, Council shall have regard to whether the use has had any adverse impact on the amenity of the surrounding area.
- h. The use shall be managed to the satisfaction of Council at all times. A condition of this approval is that the person/s with management responsibility shall be responsible for the operation of No. 11, Lot 909 McGrath Avenue, Onslow.
- i. The name or names of those persons with management responsibility for the use are to be provided in writing to Council prior to the use commencing. The person/persons shall reside in Onslow. Council shall be advised in writing of any change in manager prior to the event occurring.

2. Note

- A. Council has determined this application. Rights of appeal are also available to you under the Planning and Development Act 1928 (as amended) against the decision of Council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal (telephone 9219 3111 or 1300 306 017).

Author: Rob Paull	Signature:
CEO: Keith Pearson	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 16 June 2010

13.06.34 DEVELOPMENT SERVICES DECISION STATUS REPORT

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
1	05/10	13.05.27	Request by Hamersley Iron P/L to Extend the Life of the Existing 120 Person Construction Worker Accommodation Facility at Paraburdoo (Kirra Kulli), and to Expand it 400 Rooms	<p>That Council:</p> <ol style="list-style-type: none"> 1. Request the Minister for Regional Development to chair a 3-way dialogue with the Shire, Hamersley Iron P/L and the State in an attempt to establish a long term strategic direction for Paraburdoo. 2. Advise the Minister for State Development, Minister for Regional Development and Hamersley Iron P/L that the Council of the Shire of Ashburton does not support the company's proposal to extend the operational life of the existing 120 person construction worker accommodation Kirra Kulli facility to 31 December 2030 and to increase the capacity by 280 rooms (total of 400 rooms) for the following reasons: <ol style="list-style-type: none"> a) no assessment on the potential adverse social and other impacts of the expanded camp on the town of Paraburdoo has been undertaken; b) the proposal changes the facility from 'construction' to 'operational' camp; c) approval not encouraging Hamersley Iron P/L to work with the government and the Shire in improving infrastructure and the supply of land in Paraburdoo. 3. Advise the Minister for State Development that Council considers a 12 month extension of the operating life of Kirra Kulli construction workers accommodation facility (retaining the existing 120 person facility) is acceptable as it will enable the dialogue referred to in 1. above to be undertaken. Any extension beyond 12 months should be assessed via an independent social impact assessment of the proposal on Paraburdoo. 	Completed – correspondence sent to Minister for State Development, Minister for Regional Development and Hamersley Iron P/L (May 2010)

AGENDA - ORDINARY MEETING OF COUNCIL 16 June 2010

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
2	05/10	13.05.28	Adoption of Draft Townsite Strategy - Onslow	<p>That Council:</p> <ol style="list-style-type: none"> 1. Note this Report and Schedules 1-3. (Attachments 13.05.28(a)(b)(c)) 2. Accept the late submissions (Schedule 3). 3. Modify and adopt the draft Onslow Townsite Strategy in accordance with the recommendations reflected in Schedules 1-3 and the Report to Council. 4. Request the Western Australian Planning Commission to endorse the Onslow Townsite Strategy as adopted by Council. 	Modified Strategy has been provided to the Department of Planning for finalisation – once completed, it will be forwarded to the WAPC for adoption. (May 2010)
3	04/10	13.04.16	Proposed Cafe/Restaurant/Bar, Lot 21 Stadium Road, Tom Price	<p>That Council:</p> <ol style="list-style-type: none"> A. That Council exercise its discretion pursuant to Clause 16.7.5 of the Shire of Ashburton Town Planning Scheme No.7 and not require off street carparking for the use and development referred to in B below. B. That the development application lodged by Leadkinto Pty Ltd for a restaurant ('outdoor bar and grill') on part Lot 21 Stadium Road, Tom Price in accordance with the submitted plans be approved, subject to the following conditions: (8 Conditions and 4 Notes) 	Finalised Development Approval issued (May 2010)
4	04/10	13.04.17	Planning Application – Transient Workforce Accommodation, Part Lot 61, between Coppin Court and Bellary Avenue Paraburdoo	<p>That Council:</p> <ol style="list-style-type: none"> A. That Council exercises its discretion pursuant to Clause 6.17.5 and 6.9.2 of the Shire of Ashburton Local Planning Scheme No.7 for the use and development referred to in B below. B. Approve the development application made by Cedar Woods Properties Pty Ltd, to erect and use buildings on Part Lot 61 between Coppin Court and Bellary Avenue, Paraburdoo for the purposes of transient workers accommodation, in accordance with the attached plans, subject to the 	Finalised Development Approval issued (May 2010)

AGENDA - ORDINARY MEETING OF COUNCIL 16 June 2010

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				following conditions: (9 Conditions and 6 Notes)	
5	04/10	13.04.18	Proposed Retail Hire, Lot 229 Coogelup Way, Tom Price	1. Approve the Planning Application made by Alison Sherriff for retail hire (costume hire) at Lot 229 Coogelup Way subject to the following conditions: (10 Conditions and 1 Note)	Finalised Development Approval issued (May 2010)
6	02/10	13.02.08	Draft Town Planning Scheme Amendment No 6. Modifications to the Minimum Lot Size Provisions in Industrial Zones (Consideration of Adoption for Final Approval)	<p>5. That the Council, in pursuance of Part V of the <i>Planning and Development Act 2005</i>, adopt draft Amendment No. 6 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") for final approval for the purposes of modifying Clause 6.11.4 of the Scheme to read as follows:</p> <p><i>6.11.4 Local Government, in considering applications for subdivision/amalgamation of land shall not recommend approval of lots in the Mixed Business, Industry or Industrial/Mixed Business Development Zones which are below 2 000m2 or include battleaxe access legs unless the subdivision / amalgamation proposes connection to reticulated sewer, water, power and drainage and is land included in an approved Development Plan pursuant to Clause 6.4 of the Scheme.</i></p> <p>6. That the Council endorse the schedule of submissions prepared in response to the community consultation undertaken in relation to the draft Amendment.</p> <p>7. That the Council refer the draft Amendment so adopted for final approval, of the Hon. Minister for Planning.</p> <p>8. That, where notification is received from the Western Australian Planning Commission that a modification of the amendment is required prior to approval of the amendment by the Minister, this modification is to be undertaken in accordance with the requirements of the Town Planning Regulation 1967, unless it is considered by the Shire that the modification affects the intent of the amendment in which case it shall be referred to the Council for consideration</p>	Ongoing – documents sent to the WAPC/Minister for final approval) (April 2010)
7	12/09	13.12.89	Draft Planning Scheme Amendment to Establish North Ashburton Strategic	That Council In pursuance of Part V of the Planning and Development Act 2005 ("Act"), adopt for community consultation purposes draft Amendment No. 9 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No.	Ongoing - Draft Amendment presently the

AGENDA - ORDINARY MEETING OF COUNCIL 16 June 2010

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
			Industrial Area, Onslow	7 ("Scheme") that proposes: (extensive text follows)	subject of six weeks public advertising (closing 30 June)
8	11/09	13.11.77	Draft Town Planning Scheme Amendment No. 8 - Modifications to Strategic Industrial Zone to Prohibit Transient Workforce Accommodation	<p>That Council In pursuance of Part V of the Planning and Development Act 2005 ("Act"), adopt for community consultation purposes draft Amendment No. 8 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") that proposes to:</p> <p>1. That the zoning table be modified as follows:</p> <p style="padding-left: 40px;">(a) Identifying 'Transient Workforce Accommodation' as an 'X' use class in the 'Strategic Industry' zone;</p> <p>2. That, as the draft Amendment is in the opinion of Council consistent with Part V and Schedule 1 of the Act, regulations made pursuant to the Act and relevant state planning policy prepared under Part III of the Act, that upon preparation of the necessary documentation, the draft Amendment be referred to the Environmental Protection Authority (EPA) as required by Part V of the Act, and on receipt of a response from the EPA indicating that the draft Amendment is not subject to formal environmental assessment, be advertised for a period of 42 days, in accordance with the Town Planning Regulations 1967.</p> <p>3. That following advertising of the draft Amendment, the matter be referred back to Council for further consideration.</p>	Finalised Draft amendment subject of finalisation Report to June Council meeting
9	05/08	13.05.23	Council Policy Review – Health	Directs the Chief Executive Officer to draft a new Council Policy relating to Aboriginal Environmental Health Strategy and report back to Council	Ongoing – Close to finalising AEH-Strategy
10	03/08	13.03.11	Town Planning Scheme Amendment No. 2 – Modification to the Scheme to reflect local planning policy – Transient Workforce Accommodation	<p>That Council, in pursuance of Part V of the <i>Planning and Development Act 2005</i> ("Act"), adopt for community consultation purposes draft Amendment No. 2 ("Amendment") to <i>Shire of Ashburton Town Planning Scheme</i> No. 1 ("Scheme") that proposes:</p> <p>1. That the zoning table be modified as follows:</p> <p style="padding-left: 40px;">(a) Identifying 'Transient Workforce Accommodation' as a 'X' use</p>	Ongoing. Further information being gathered for Council. Being considered in association with

AGENDA - ORDINARY MEETING OF COUNCIL 16 June 2010

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>class in the 'Mixed Business' zone;</p> <p>(b) Identifying 'Transient Workforce Accommodation' as a 'X' use class in the 'Industrial & Mixed Business Development' zone; and</p> <p>(c) Identifying 'Transient Workforce Accommodation' as a 'X' use class in the 'Rural Living' zone;</p> <p>2. That, as the draft Amendment is in the opinion of Council consistent with Part V and Schedule 1 of the Act, regulations made pursuant to the Act and relevant state planning policy prepared under Part III of the Act, that upon preparation of the necessary documentation, the draft Amendment be referred to the Environmental Protection Authority (EPA) as required by Part V of the Act, and on receipt of a response from the EPA indicating that the draft Amendment is not subject to formal environmental assessment, be advertised for a period of 42 days, in accordance with the <i>Town Planning Regulations 1967</i>.</p> <p>3. That following advertising of the draft Amendment, the matter be referred back to Council for further consideration.</p>	draft Amendment No. 8.

Officers Recommendation

That Council note the contents of the report

14.06.0 WESTERN OPERATIONS REPORTS

14.06.11 AUTHORISED OFFICERS – DOG ACT 1976

FILE REFERENCE:	LE.AC.3
AUTHOR'S NAME AND POSITION:	Amanda O'Halloran Executive Manager Western Operations
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	26 May 2010
DISCLOSURE OF FINANCIAL INTEREST:	The Author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

This report is to authorise Wayne Male, Casey Clark and Janet Wood as Dog Registration Officers.

Background

Due to recent staff changes this report is to ensure that all staff dealing with dog registrations are correctly authorised as Dog Registration Officers under the provisions of the Dog Act 1976.

Comments

Authorisations are required to enable Wayne Male, Casey Clark and Janet Wood to act as Dog Registration Officers under the provisions of the Dog Act 1976.

Policy Implications

This is required to maintain agreed levels of services and service delivery.
Council Policy REC04, "Dog Exercise Areas" is relative to this issue.

Financial Implications

There are no financial implications relative to this issue.

Statutory Environment

Acts of Parliament
Dog Act 1976 and associated regulations
Shire of Ashburton Local Laws
Local Law relating to Dogs 1998

AGENDA - ORDINARY MEETING OF COUNCIL 16 June 2010

Local Law relating to the Control of Cats 1998

Strategic Implications

There are no strategic implications relative to this issue.

Voting Requirement

Simple majority vote

Officers Recommendation

That Council authorise Wayne Male, Casey Clark and Janet Wood as Dog Registration Officers under the Dog Act 1976.

Author : Amanda O'Halloran	Signature :
Manager : Keith Pearson	Signature :

14.06.12 WESTERN OPERATIONS DECISION STATUS REPORT

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
ENGINEERING					
1.	05/10	14.05.08	RFT 13/10 Design & Construction of Water Play Spray Park in Onslow	<p>That Council;</p> <ol style="list-style-type: none"> not accept any tender for Tender RFT 13/10, and authorise the CEO to recall tenders for this project based on revised scope and specifications with greater flexibility on component supply options. 	Ongoing Tender has been readvertised and will be opened on the 17 June 2010
2.	05/10	14.05.09	Authorised Officers Dog Act 1976	<ol style="list-style-type: none"> That all previous authorizations for Ian Whyborn be revoked. That Council appoint Ian Chance as a Dog Registration Officer, Ranger and Pound Keeper under the Dog Act 1976. That Council authorise Ian Chance to enforce the Dog Act 1976, including the “registering of dogs”, “impounding of dogs” “seize”, “detain”, and “dispose of dogs” in accordance with the provisions of that Act. That Council appoint Ian Chance as an authorised officer under the control of the following – <ul style="list-style-type: none"> • Off Road Vehicle (Off Road Areas) Act 1978 and regulations • Bush Fires Act 1954 and regulations • Litter Control Act 1979 and regulations • Caravan and Camping Grounds Act 1995 and regulations • Local Government Act 1995 and regulations • Local Government (Miscellaneous Provisions) Act 1960 and regulations • Local Law Trading in Public Places • Local Law Health • Local Law Aerodromes • Local Law Dogs • Local Law Parking Facilities • Local Law Cats And the area of jurisdiction entrusted to him under the above mentioned 	Finalised

AGENDA - ORDINARY MEETING OF COUNCIL 16 June 2010

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
				Acts and Local Laws is the Shire of Ashburton.	
3.	05/10	16.05.06	Draft Ashburton North Community Investment Strategy	That Council support in principle the draft Ashburton North Community Infrastructure Strategy.	
4.	04/10	14.04.04	RFT 08/10 Design & Construction of a Public Facility in Onslow	That Council delegate authority in accordance with the provisions of section 5.42 and 5.43 of the Local Government Act 1995 to the CEO to accept tender 08/10 design & construction of public ablution facility in Onslow up to the value of \$300,000.00 (exc.GST) through further negotiations with the two submitted tenderers to achieve value for money	Finalised Contract has been awarded to Pindan. Construction to commence July 2010.
5.	04/10	14.04.06	Lot 944 First Street, Onslow Reserve 42626	That Council (a) call for expressions of interest from the Onslow community to establish an arts and culturally based use for the property 944 First Street, and (b) that Council list the appropriate budget funding for the upkeep and progressive restoration of the property 944 First Street	Ongoing
6.	03/09	15.03.01	Mosquito Management Plan	That Council 1. Formalise a Mosquito Control Program for the Shire of Ashburton 2. Approve the unbudgeted capital expenditure of \$23,000 on Mosquito Control Program assets	Ongoing Waiting for finalised document from Health Team.
COMMUNITY					

AGENDA - ORDINARY MEETING OF COUNCIL 16 June 2010

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
1.	11/08	14.11.18	Pannawonica Community Plan	<p>That Council advise the Minister for State Development and Robe River Mining Company Pty Ltd, that</p> <p>(a) The Shire views with concern the company's public release of the Pannawonica Community Plan prior to the Council having an opportunity to formally consider the Shire initiated plan</p> <p>(b) It does not support the Pannawonica Community plans prepared by the company for the following reasons:</p> <ul style="list-style-type: none"> a. The community infrastructure and services components of the plan lack definition, are limited in scope and are largely uncoded b. The community plan largely consists of elements which are not community infrastructure or services c. The community plan is based on a workforce which appears to have a greater emphasis on Fly In – Fly Out operators based in Pannawonica than when the Mesa A project was submitted to the Minister for State Development for approval pursuant to the State Agreement. 	Ongoing Continue to negotiate with Rio Tinto
CORPORATE					
1	03/05	12.03.120	Robe River Memorandum of Understanding	<p>That Council agrees to the Memorandum of Understanding between the Shire of Ashburton and Robe River containing the following commitments:</p> <ol style="list-style-type: none"> 1. The Shire of Ashburton leasing: <ul style="list-style-type: none"> • The Library, Shire Office and Sentinel Chicken Coops; • The Dog Pound; • The Caravan Park and Ablutions Block 2. Robe River renovating the above facilities prior to the commencement of the leases. 3. The Shire of Ashburton donating the amount of \$1,000 annually to each of the Occasional Child Care Centre and Neighbourhood Centre. 4. The Shire of Ashburton committing to funding the Community Liaison Officer position for twenty (20) hours per week and to actively pursuing alternative funding sources for an additional twenty (20) hours. 5. The Shire of Ashburton providing two free street sweeps per year with 	Work is ongoing – both Rio and Shire committed to outcome before end of financial year

AGENDA - ORDINARY MEETING OF COUNCIL 16 June 2010

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
				additional sweeps provided on a fee for service basis.	
DEVELOPMENT					
1	12/05	13.12.408	Proposed Transfer of Emergency Services Building	<p>That :-</p> <ol style="list-style-type: none"> 1. Council agree to transfer the tenure of the Onslow Emergency Service Building to FESA subject to:- <ol style="list-style-type: none"> i) FESA to become responsible for the outstanding loan on the facility and any financial outlay required for the transfer thereof; and ii) A condition being placed on the Management Order over the premises that they are to be used only to house the local Volunteer Emergency Services including the Marine Rescue Service. 2. The necessary procedures required to affect the transfer be implemented. 3. The present designation of Lot 971 in the Shire's Town Planning Scheme No.7 be amended to reflect the existing land use during the Planning Scheme review for Onslow. 4. The future need of the Onslow Emergency Services Building Management Committee and Instrument of Delegation DA503 be noted and in due course be discontinued. 	<p>Ongoing</p> <p>Land issues finalised – Negotiating with FESA to finalise building handover.</p>

**15.06.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY
DECISION OF MEETING**

16.06.0 CONFIDENTIAL REPORTS

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

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

(a) a matter affecting an employee or employees;

(b) the personal affairs of any person;

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

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

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

(I) a trade secret;

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

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

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

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

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

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

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

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

(h) such other matters as may be prescribed.

16.06.07 CONFIDENTIAL REPORT – CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW

FILE REFERENCE: PE:EM.PEARSON.Keith

AUTHOR'S NAME AND POSITION: Keith Pearson
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 30 May 2010

DISCLOSURE OF FINANCIAL INTEREST: The subject of this report concerns the Author's annual performance and salary review and for this reason he discloses an interest pursuant to Section 5.70 of the Local Government Act.

PREVIOUS MEETING REFERENCE: Confidential Agenda Item 16.02.02, Ordinary meeting of Council 16 February 2010.

Please refer to Confidential Item Attachment under separate cover

17.06.0 NEXT MEETING

The next Ordinary Meeting of Council will be held on 21 July 2010, at The Ashburton Hall, Ashburton Avenue, Paraburdoo, commencing at 9:00am

18.06.0 CLOSURE OF MEETING