



SHIRE OF ASHBURTON

ORDINARY COUNCIL MEETING

MINUTES

Meeting Room, Community Recreation Centre,

TOM PRICE

17 February 2010

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1.02.0 DECLARATION OF OPENING

The Shire President declared the meeting open at 9:02am

2.02.0 ANNOUNCEMENT OF VISITORS

The Shire President welcomed Frank Ludovico, Executive Manager Corporate Services to his new role with the Shire of Ashburton.

The Shire President also welcomed Vicki James, Greg Dellar, and Breanne Menezies, from FMG, Mike Edmondson from Chevron, Shire staff members as well as a number of members of the public to the gallery.

3.02.0 ATTENDANCE

3.02.01 PRESENT

Cr G Musgrave	Shire President, Tom Price Ward
Cr L Rumble	Deputy Shire President, Paraburdoo Ward
Cr I Dias	Paraburdoo Ward
Cr L Corker	Ashburton Ward
Cr L Thomas	Tableland Ward
Cr K White	Onslow Ward
Cr S Dann	Pannawonica Ward
Cr L Shields	Tom Price Ward (arrived at
Cr T Bloem	Tom Price 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 (arrived at
Mr L Softley	Executive Manager Community & Economic Services
Mrs P Hanson	Executive Assistant CEO

3.02.02 APOLOGIES

There were no apologies

3.02.03 APPROVED LEAVE OF ABSENCE

There have been no applications received for leave of absence

4.02.0 PUBLIC QUESTION TIME

4.02.01 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

There were no previous public questions taken on notice at the Ordinary Meeting of Council, 15th December 2009.

4.02.02 PUBLIC QUESTION TIME

- 4.02.02.01 Anne Pomery, an Austswim instructor, specialising in water safety and teaching of infants and pre-schoolers requested clarification on the opening of the Vic Hayton Memorial Swimming Pool in Tom Price. She had made enquires in September of last year and understood the pool would be opening on 1 February at the completion of the pool renovations. She requested compensation on expenses and loss of income incurred

Larry Softley, Executive Manager, Community & Economic Services replied, Ms Pomery's enquiry was an informal discussion, with no formal commitment made to Ms Pomery in terms of an opening date. He explained the delays in construction/refurbishment were beyond the Shires control and the Shire is not prepared to offer compensation. However the Shire was prepared to offer pool space to her at a negotiated fee to teach privately when the pool was available.

- 4.02.02.02 A Paraburdoo Contractor, Mr Brad Rowe, (NWSP) introduced himself to Council, expressing interest in any contracting work that may be coming available.

The Shire President thanked Mr Rowe for attending.

- 4.02.02.03 Ms Cecilia Fernandez requested an update on the proposed Pergolas, for Bellary, Wakuthuni and Youngaleena Aboriginal Communities, explaining the deadline for completion is 30 June 2010.

The CEO responded that the funding was conditional on other funding being provided for the project including funding from the State Governments Royalties for Regions Grant Programme, as well as the Gumala Aboriginal Corporation and IBN Corporation.

The Shire President requested the question to be tabled, and a written response will be prepared.

- 4.02.02.04 Cr White tabled a letter on behalf of Mr G and Mrs J Whitmore with the following questions:-
- Why the land on First Avenue Onslow was not advertised for a longer period and not advertised under Tenders on the Shires Website?
 - Why was the tender opened one hour earlier than the publicised time with a result there was no public attendance. Surely this null and voids the tender as it is meant to be "clear and transparent"?

The Shire President took the questions on notice and a written response will be prepared.

5.02.0 APPLICATIONS FOR LEAVE OF ABSENCE

Two applications have been received, being for Cr Lisa Shields, Tom Price Ward for 17 March Council meeting, and Cr Leanne Corker Ashburton Ward for 21 April Council meeting.

Council Decision

MOVED: Cr Rumble

SECONDED: Cr Bloem

That Council accept leave of absence for: -

- **Cr Lisa Shields, Tom Price Ward for 17 March 2010 meeting**
- **Cr Leanne Corker, Ashburton Ward for 21 April 2010 meeting**

CARRIED 8/0

6.02.0 PETITIONS / DEPUTATIONS / PRESENTATIONS

6.02.01 PETITIONS

There were no petitions received

6.02.02 DEPUTATIONS

There were no deputations presented to Council

6.02.03 PRESENTATIONS

- Chevron – Update on the Onslow environmental Project – this did not take place and has been rescheduled to the April meeting.
- MCG Architects – Update on the Onslow Sporting Precinct (see item 6.02.05 page 23)

6.02.4 FMG – PROPOSED SOLOMON IRON ORE MINE PROJECT

Fortescue Mining Group Limited provided Council with an update of the Solomon Iron Ore Mine Project. The following points emerged from the discussion:

- It consists of two projects Firetail and Kings and associated infrastructure
- Environmental studies had commenced with the view of making a submission to the Environmental Protection Authority by June 2010
- Construction workforce approx 2,000 and Operational workforce approx 1,500.
- Mine life up to 20 years
- Environmental issues being considered are water management, dust, endangered species and regional ecological issues. The Company would be undertaking community consultation on these matters.
- Some commitment to community development should be made by the Company
- Council should be included in any negotiations pertaining to the project.

7.02.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.02.01 ORDINARY MEETING OF COUNCIL HELD ON 15 December 2009

Council Decision / Officers Recommendation

MOVED: Cr Corker

SECONDED: Cr Bloem

That the Minutes of the Ordinary Meeting of Council held on 15 December 2009, as previously circulated on 22 December 2009, be confirmed as a true and accurate record

CARRIED 8/0

8.02.0 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Shire President extended thanks to the CEO, The Executive Manager Western Operations, Cr White and staff from the Onslow shire office in relation to the recent turning of the sod for the Onslow Multi Purpose Complex . The event was a great success and he had received very good feedback from Hon. Brendon Grylls.

The Shire President also thanked the Shire staff for their endeavours for the recent Australia Day celebrations.

9.02.0 DECLARATION BY MEMBERS

Cr's Musgrave, Rumble, Corker, Dias, White, Bloem, Thomas and Dann stated they had given due consideration to all matters contained in the agenda before the meeting.

Cr Musgrave stated he had not received all of the attachments.

10.02.0 ENGINEERING SERVICES REPORTS

10.02.01 SHIRE OF ASHBURTON BIKEPLAN 2010-2015

FILE REFERENCE: ES.CY.3

AUTHOR'S NAME AND POSITION: Kardeen Black

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 2nd February 2010

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial interest

PREVIOUS MEETING REFERENCE:

Summary

The Shire's pathway plan is outdated and requires a review. A Bike Plan covering 2010- 2015 has been prepared as identified in the strategic Plan 2007 – 2011. A draft Bike Plan has been prepared after a period of community consultation. It is recommended that Council adopt the new bike plan for implementation.

Background

A Bike Plan details all existing path networks and a proposed plan of improvement to cater for current and anticipated needs of the community. Bike Plans cover a five year period with development programmed over that time.

Comment

Together with the asset management strategy, the stages of development of the pathways take into account priorities of work necessary to cater for users future needs as identified through the public consultation process.

Community consultation was conducted via a survey sent to all Shire schools. The survey was also placed on public notice boards and on the Shire's website. In addition, a short radio interview was conducted promoting the Shire's bike plan and its purpose.

Bikewest, an organization run through the Western Australian Department of Transport, provides part funding to local authorities to implement works outlined in their bike plans. It is for this

reason that it is necessary that the Shire have a current bike plan detailing current path networks and proposed future developments.

It is noted that whilst the plan is referred to as a bike plan, paths are planned as shared pathways to cater for bikes, pedestrians, prams, etc.

A copy of the proposed Bike Plan is attached

[ATTACHMENT 10.02.01](#)

Statutory Environment

Not applicable

Policy Implications

There are no policy implications relative to this matter.

Financial Implications

The cost to develop the Shire's shared path network is estimated to be \$3,238,713.80 over the next five (5) years. An annual expenditure of \$647,742.76 is recommended. Funding from outside organizations is expected to account for 50% of this. It will be necessary for Council to allocate funds towards the implementation of the plan through its normal budgetary process.

Strategic Implications

The Shire of Ashburton Strategic Plan 2007-2011 – Strategic Objective 3, A Connected and Accessible Region.

Voting Requirement

Simple Majority

Council Decision / Officers Recommendation

MOVED: Cr Corker

SECONDED: Cr Dias

That Council adopt the Shire of Ashburton Bike Plan 2010 – 2015 for implementation subject to minor grammatical amendments.

CARRIED 8/0

10.02.02 ENGINEERING SERVICES DECISION STATUS REPORT

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
1	12/09	10.12.31	Proposed Employee Recruitment and Selection Policy	That Council adopt the proposed Policy EMP27 Employee Recruitment and Selection Policy	Finalised
2	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
3	10/09	10.10.27	Business Plan for a Major Land Transaction – Warara Street, Strata Title Land Development	That Council; 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 Awaiting WAPC approval for rezoning. Expressions of Interest to be sought in March for development of site.
4	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
5	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	Ongoing MRWA notified, signage being prepared.

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>traffic of Duck Creek Road to vehicular traffic in accordance with Section 3.50 of the Local Government Act 1995.</p> <p>2. Instruct the Chief Executive Officer, to place signage to this effect, and advise Main Roads Pilbara Region of Council's decision.</p>	
6	07/09	10.07.17	Tom Price Primary School – Conversion of Creek Road into One Way Thoroughfare	<p>That Council</p> <ol style="list-style-type: none"> 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. 	<p>Ongoing</p> <p>Traffic design in progress. Start work at Easter 2010.</p>
7	07/07	10.07.19	Residential Land Development – Tom Price	That Council approves the staged development and sale of residential land in Tom Price as generally outlined in the report, subject to the costing of the project being incorporated into the Shire's budget for the 2007/08 financial year.	<p>Ongoing</p> <p>State Lands Services have provided a price within the budgeted amount. Sale is proceeding.</p>
8	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 	<p>Ongoing</p> <p>Subdivision plan with WAPC for approval. Amendment to Planning Scheme to allow 1000m2 lot size minimum with WAPC for approval.</p>

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				basis that there is no requirement to accept any tender	
9	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>Monitoring bores completed.</p> <p>Geotechnical report received early August. Land lease of new site being processed by DPI. Change of DPI personnel has delayed progress.</p> <p>Consultants (SKM) seeking DEC approvals. State Lands Services not yet responded on excision of land from pastoral lease.</p> <p>.</p>

Council Decision / Officers Recommendation

MOVED: Cr Dann

SECONDED: Cr Thomas

That Council note the contents of the Engineering Services Decision Status Report

CARRIED 8/0

Cr Shields arrived at the meeting at 10:10am

11.02.0 COMMUNITY & ECONOMIC SERVICES REPORTS

11.02.01 COMMUNITY & ECONOMIC SERVICES DECISION STATUS REPORT

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
1.	10/09	11.10.18	Tender to Lease – Portion Lot 811 Ashburton Ave, Paraburdoo	<p>That Council accept the tender from Skilled Group Ltd to lease part of lot 811 Ashburton Ave Paraburdoo in accordance with its tender submission and instructs the CEO to enter into a lease agreement on the following terms:</p> <ul style="list-style-type: none"> a) Monthly rent offered under the lease agreement for 24 months with a further option of 24 months, monthly rent of \$2166.00. b) Agreement to pay all outgoings and utilities including water, electricity and 50% rates. c) Agreement to complete renovations of subdivision of office by installing partitioning wall and new front doorway to office to the satisfaction of the Chief Executive Officer prior to occupancy. 	<p>Finalised.</p> <p>Skilled Services Ltd have returned signed lease.</p>
2.	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.	<p>Ongoing</p> <p>Met with Cr Shield Cr Bloem and SOA President Cr Musgrave on 6/01/10. Site Identified full costing for project development by end March prior to project commencing.</p>
3.	11/08	15.11.01	Proposed Paraburdoo Mechanical Shovel Tourist Project	<p>That Council:</p> <ul style="list-style-type: none"> a) Support the installation of a “mechanical shovel” to be gifted by Rio Tinto Ltd on the Paraburdoo Caravan Park site, subject to a satisfactory investigation into the impact of the proposal on the proposed Paraburdoo Caravan Park and Public safety. b) Delegation to the Chief Executive Officer the authority to make a final decision in relation to this matter after 	<p>Ongoing</p> <p>Rio Tinto has advised that the shovel will not be available until the second half of this calendar year.</p>

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#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				having regard to (a) and (ii) above and after consultation with Cr Linton Rumble and Cr Ivan Dias	
4.	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.
5.	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 Development Commission	Ongoing Tender awarded to TPG. Steering committee meeting held and Consultant has visited site. Stakeholders meeting held 8 th December 2010. Further stakeholder meetings held in Tom Price on the 9 th & 10 th February 2010 and in Paraburdoo 11 th February 2010.
6.	10/08 02/08	11.10.26 11.02.01	Reconstruction of Vic Hayden Memorial Swimming Pool	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. 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 Council decision as at February 2008 That Council; 1. Directs the CEO to secure the necessary funding to refurbish the Vic Hayton Memorial Pool; 2. Providing that the necessary funds are available,	Ongoing Works currently in progress. Concrete work on children's pool completed. Estimated time of completion of the pool & associated works including the building renovations mid March 2010, then the pool is expected to be open to the Community. UPDATE

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>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 and toilets; <p>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</p>	Community notified by means of a Media Release

Council Decision / Officers Recommendation

MOVED: Cr Thomas

SECONDED: Cr Bloem

That Council note the contents of the Community & Economic Services Decision Status Report

CARRIED 9/0

12.02.0 CORPORATE SERVICES REPORTS

12.02.01 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: 3 February 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 24 November 2009.

Seal 303	Deed of Discharge and Release between Evans and others, Wittenoom Litigation
Seal 304	Lease Agreement for premises and Land at 84 Ashburton Court, Paraburdoo
Seal 305	Land Survey Contract between SOA & Whelans WA Pty Ltd

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

Council Decision / Officers Recommendation

MOVED: Cr Thomas

SECONDED Cr Corker

That Council note the contents of the Use Of Common Seal Under Delegated Authority Report

CARRIED 9/0

12.02.02 DEBTORS FOR WRITE OFF

FILE REFERENCE: FI.RE

AUTHOR'S NAME AND POSITION: Natalie Briney
Accounts Receivable/Payable Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 1st February 2010

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

This is a request for writing off Bad Debts to a total value of \$6139.00

Background

The Accounts Receivable area has undergone substantial debt recovery in the last two months to ensure Councils financial matters are up to date and accurate. The following Bad Debts are requested to be written off.

[ATTACHMENT 12.02.02](#)

Comment

Debtor No. 708 – M & J Building Pty Ltd

The above company has gone into liquidation. An email has been received from the liquidators – WHK Horwath stating there is no prospect of recovering the outstanding amount.

Total request to write off for M & J Building Pty Ltd - **\$1090.00**

Debtor No. 246 – Tom Price Squash Racquet

This debt has been carried over from Authority to Quickbooks and then on to Synergy Accounting System. Staff have been unable to identify the nature of the debt and therefore are unable to enforce collection.

Total request to write off for Tom Price Squash Racquet - **\$5049.00**

TOTAL AMOUNT OF COMBINED DEBT TO BE WRITTEN OFF - \$6139.00

Consultation

Executive Manager Corporate Services
Finance Manager
Accounts Receivable/Payable Officer

Statutory Environment

Section 6.12 of the Local Government Act 1995 states:

- (1) Subject to subsection (2) and any other written law, a local government may –
- a) When adopting the budget, grant* a discount or other incentive for the early payment of any amount of money;
 - b) Waive or grant concessions in relation to any amount of money or
 - c) Write off any amount of money,
Which is owed to the local government

* Absolute majority required

Policy Implications

Policy DA008 Delegated Authority – Writing Off Debts
Policy FIN13 Accounts Receivable Recovery

Financial Implications

The total amount of Debt under consideration is \$6139.00

Strategic Implications

Strategic Objective 6 – A well managed and contemporary Corporation, Action 6 - Implement a transparent, equitable and financially sustainable finance and rates strategy.

Voting Requirement

Absolute Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Corker

SECONDED: Cr Dias

That Council Write Off

- 1. M & J Building Pty Ltd - Invoice No. 4755 - \$370.00, Invoice No. 4659 - \$360.00, Invoice No. 4556 - \$360.00 – Total Value = \$1090.00
- 2. Tom Price Squash Racquet – Invoice No. 873 - \$5049.00

**CARRIED 9/0
ABSOLUTE MAJORITY**

Declaration of Interest

Prior to consideration of this Agenda Item Cr Shields declared an interest in Agenda Item 12.02.03 in accordance with Section 5.60A of the Local Government Act. The interest being her husband is a Shire employee.

Cr Shields left the room at 10:18am

12.02.03 STAFF ACCOMMODATION AND UTILITIES POLICY REVISION

FILE REFERENCE: PE.RM.1

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 5 February 2010

DISCLOSURE OF FINANCIAL INTEREST: The Author has declared a financial interest in that the proposed restructure will impact on his terms of employment.

PREVIOUS MEETING REFERENCE: Agenda Item 12.08.45 Ordinary Meeting of Council 18 August 2009
Agenda Item 12.12.71
Ordinary Meeting of Council 16 December 2008

Summary

In August 2009 Council resolved to alter its Staff Accommodation and Utilities Policy. In working through the process for implementation, further amendments to the policy and the August 2009 decision of Council are recommended.

Background

At Council December 2008 and August 2009 meetings several amendments were made to the Staff Accommodation and Utilities Policy EMP19. These included:

- a) *Cease the payment of rents and include the cost in the individual package of the employee's position.*
- b) *Instruct staff to take on the direct payment of utilities with no subsidy from the Shire.*
- c) *Amend the lease agreement to include the payment of \$500.00 bond from the final pay of the employee and the further charging of maintenance expenses as deemed appropriate from the final inspection of the Shire property. All funds not required will be repaid to the employee.*

- d) *Cease the sundry debtor “bank like” practice and refund the employees funds on reconciliation of the accounts.*

ATTACHMENT 12.02.03

Staff have commenced the implementation of this Policy Amendment and developed the following timeline:

Memo issued to Staff concerning the new Policy on 18 February 2010.(Delayed so Council could consider this Agenda Item)

Memo returned agreeing to new Policy by 5 March 2010

Power Provider advised by 12 March 2010.

Last pay that housing rental will be deducted from Payroll 26 March 2010

Employees will be responsible for Power consumption 29 March 2010

However during this process the issue of Rental Bond was again reviewed.

Staff are still considering the issue of Water subsidies in particular the equity issues.

Comment

The existing policy states that the Bond is to be removed from the employee's final pay. Staff consider that it would be more appropriate to take a Rental Bond at the beginning of the rental to make it clear to the employee their obligation to look after the property. Circumstance may also arise that there insufficient funds in the final pay to cover work required to the property and it is better to have some funds in hand.

Staff believe that the Rental Bond clause should be amended to the following:

On signing the rental agreement a Bond as determined by the CEO (to be reviewed annually) will be paid by the employee. Three working days prior to the ending of the rental agreement and inspection of the property will occur.

If the property is damaged or left unreasonably dirty sufficient funds will be withheld from the employees final termination pay (additional to the Bond) to reinstate the property to a satisfactory standard.

This amendment maintains Councils view on Rental Bonds, enables the Bond to be reviewed without bring the issue back to Council and provides a reasonable mechanism for ensuring the employee understand their responsibilities and obligations.

Consultation

Executive Management Team

Individual Staff Members

Shire of Ashburton Staff

Statutory Environment

Local Government Act 1995
Local Government Finance Regulations.

Policy Implications

As per Attached – Staff Housing Policy EMP 19

Financial Implications

Water costs for the Shire will remain unchanged in the short term. All other previously documented benefits as per December 2008 and August 2009 resolutions of Council remain.

Strategic Implications

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

6 – Well Managed and Contemporary Corporation

1. Implement Strategy to optimise Leadership, performance and staff retention
5. Increase business prowess
6. Implement a transparent, equitable and financially sustainable finance and rates strategy.

Voting Requirement

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Corker

SECONDED: Cr Bloem

That Council approves the amended Staff Housing Policy EMP 19 as attachment

[ATTACHMENT 12.02.03](#)

CARRIED 6/2

Cr White & Thomas voted against the motion

Cr Shields returned to the meeting at 10:25am

Council Decision

MOVED: Cr Corker

SECONDED:

Cr Dias

That Council adjourn for morning tea at 10:26am

CARRIED 9/0

Council Decision

MOVED: Cr Shields

SECONDED: Cr Corker

That Council reconvene from morning tea at 10:50am

CARRIED 9/0

Amanda O'Halloran entered the meeting at 10:50am

Council Decision

MOVED: Cr Shields

SECONDED: Cr Corker

That Council suspend standing orders at 10:52am in order for Bonnie Mularczyk & Peter Roberts from MCG Architects to make a presentation in relation to the proposed Onslow Sporting Precinct.

**CARRIED 9/0
ABSOLUTE MAJORITY**

6.02.05 MCG ARCHITECTS – UPADTE ON THE ONSLOW SPORTING PRECINICT

MCG Architects updated Council on the Onslow Sporting Precinct. Points emerging from the discussion were:

- Significant consultation had occurred during this process.
- A three stage development was proposed totalling approx \$16.5 Million.
- Stage one the Mutli Purpose Complex was currently underway
- Other stages included the development of a Pool, Water Playground, increased sporting facilities (Basket Ball and Tennis courts) and Outdoor Stage.

Council Decision

MOVED: Cr Thomas

SECONDED: Cr White

That Council reinstate standing orders at 11:25am

**CARRIED 9/0
ABSOLUTE MAJORITY**

Members of MCG Architects and Ms Amanda O'Halloran left the meeting at 11:25am

12.02.04 RATE DEBTORS FOR WRITE OFF

FILE REFERENCE: FI.RE

AUTHOR'S NAME AND POSITION: Nicole Haines
Finance Officer - Rates

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 28th January 2010

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

This is a request for writing off Rates of Wittenoom revestments for \$11,274.49 and write off penalty Interest for Bambi Pty Ltd for \$1,515.73

Background

WITTENOOM REVESTMENTS

In November 2009 six properties were revested to the State of WA. The total balance outstanding for these assessments was \$49,428.79.

On 8th December 2009 the Shire received a cheque from The Department of Regional Development and Lands for \$38,154.30 for these properties leaving a balance of \$11,274.49 to be written off. The amount of \$38,154.30 was agreed to between the Shire and DRDL being balances as at 3rd January 2008.

Had the Shire not been entered into an arrangement with the State Government to have these properties transferred back to the Crown for the non payment of rates, it is unlikely that the Shire would have recouped much, if any of these outstanding rates.

A35866 – Lease 3114/946 Maroonah Station

Bambi Pty Ltd has Freehold Land, Crown Leases and Mining Tenements

A request was received to change postal details for Mining Tenements where Mr Dellar is a joint holder. The address was changed for all of his assessments which meant Rates were sent to the incorrect address for Freehold and Crown Leases and were not received by him.

Mr Dellar subsequently paid all Rates and ESL applicable on 15th January 2010. He has requested the write off of the \$1,515.73 penalty interest incurred.

Comment

The Wittenoom assessments requiring write off are:

A30914	7 Windell Ave	\$1606.40
A32002	65 Sixth Ave	\$2121.97
A32011	77 Sixth Ave	\$1979.90
A32057	67 Sixth Ave	\$1979.90
A32066	69 Sixth Ave	\$1979.90
A30905	5 Windell Ave	\$1606.42
TOTAL		\$11,274.49

Please note that no other charges will be levied against these assessments.

As they have been revested back to the WA State Government Council has no alternative but to approve the write off.

In respect to Bambi Pty Ltd as staff incorrectly altered the address details of the assessments the ratepayer did not have any opportunity pay his rates on time.

Consultation

Chief Executive Officer
Executive Manager Corporate Services
Rates Officer

Statutory Environment

Section 6.12 of the Local Government Act 1995 states:

- (1) Subject to subsection (2) and any other written law, a local government may –
- When adopting the budget, grant* a discount or other incentive for the early payment of any amount of money;
 - Waive or grant concessions in relation to any amount of money; or
 - Write off any amount of money,
- Which is owed to the local government

**Absolute majority required*

Policy Implications

Policy DA008 Delegated Authority – Writing Off Debts
Policy FIN13 Accounts Receivable Recovery

Financial Implications

The total amount of Rates and Interest to be written off is \$12,790.22

Strategic Implications

Strategic Objective 6 – A well managed and contemporary Corporation, Action 6 - Implement a transparent, equitable and financially sustainable finance and rates strategy.

Voting Requirement

Absolute Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Shields

SECONDED: Cr Dias

That Council Write Off

1. \$11,274.49 of Rates for Wittenoom properties

A30914	7 Windell Ave	\$1606.40
A32002	65 Sixth Ave	\$2121.97
A32011	77 Sixth Ave	\$1979.90
A32057	67 Sixth Ave	\$1979.90
A32066	69 Sixth Ave	\$1979.90
A30905	5 Windell Ave	\$1606.42

revested to the Crown

2. \$1,515.73 of penalty interest for Bambi Pty Ltd A35866

**CARRIED 9/0
ABSOLUTE MAJORITY**

12.02.05 SETTING MATERIAL VARIANCE FOR MONTHLY FINANCIAL STATEMENTS AND BUDGET REVIEW

FILE REFERENCE: FI.BU 09.10 ; FI.RE

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 1 February 2010

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

Council is required to adopt a value for reporting material variances to be used in analysing the monthly Statement of Financial Activity. This item sets the level for the 2009/2010 financial year.

Background

Regulation 34 (5) of the Local Government (Financial Management Regulations) 1996 requires Council to, each year adopt a percentage or value to be used in statements of financial activity for reporting material variances.

The material variance is between the budget estimates to the end of the reporting period and the actuals to the end of the reporting period.

Definition of material variance as taken from AASB 1031 paragraph 9:

“Information is material if its omission, misstatement or nondisclosure has the potential to adversely affect:

a) Decisions about the allocation of scarce resources made by users of the financial report.

or

b) The discharge of accountability by the management or governing body of the entity.”

Comment

Council needs to decide on the amount to be used for the reporting material variances. A combination of percentage (equal to or greater than 10%) or a value (equal to or greater than \$20,000) is proposed.

A combination of percentage (equal to or greater than 10%) or a value (equal to or greater than \$20,000) would capture all major variances and eliminate small variances.

Consultation

CEO and Management Team

Statutory Environment

Local Government Act 1995, Part 6 – Financial Management, Section 6.4 and Local Government (Financial Management) Regulation 1996, Part 4 – Financial Reports – Regulation 34.

Policy Implications

There are no Council Policies relevant to this issue.

Financial Implications

There are no financial implications resulting from this report.

Strategic Implications

There are no strategic implications relevant to this issue.

Voting Requirement

Simple Majority Required

Officers Recommendation

That Council adopt a level of materiality of percentage (equal to or greater than 10%) or a value (equal to or greater than \$10,000) for the 2009/2010 financial year.

Council Decision

MOVED: Cr Rumble

SECONDED: Cr Dias

That Council adopt a level of materiality of percentage (equal to or greater than 10%) or a value (equal to or greater than \$20,000) for the 2009/2010 financial year.

CARRIED 9/0

Reason for change: An administration error resulted in the amount of \$10,000 being recommended instead of \$20,000

12.02.06 ANNUAL REPORT & ANNUAL GENERAL MEETING OF ELECTORS

FILE REFERENCE:	OR.CI.3
AUTHOR'S NAME AND POSITION:	Donna Reid Administration Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	5 February 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Agenda Item 12.03.03 Ordinary Meeting of Council 15 December 2009

Summary

To receive and note the minutes of the Annual General Meeting of Electors held on the 2 February 2010 in Tom Price.

Background

Council is required to hold an Annual General Meeting of Electors. At its meeting on 15 December 2009, Council at point 2 resolved as follows:

- “2. *That Council hold an Annual General Meeting of Electors at 7.00pm on 2 February 2010 at the Tom Price Recreation Centre.*

Comment

The Annual General Meeting of Electors (AGM) was held on 2 February 2010 at the Recreation Centre Council Chambers, Tom Price.

The AGM in Tom Price was attended by Councillor Lisa Shields, CEO, EMCS, EMCES, and Administration Manager, Councillor Tony Bloem arrived shortly after the meeting was closed. There were no local electors present.

In accordance with section 5.32 of the *Local Government Act 1995* (the Act), minutes were kept of the meeting and these are attached.

[ATTACHMENT 12.02.06](#)

Section 5.33 of the Act provides that all decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable at the first ordinary council meeting after that meeting or at a special meeting called for that purpose, whichever happens first. This is the first meeting that it is practicable to present the minutes to Council.

There were no decisions made at the AGM in Tom Price which require specific consideration by Council.

The lack of attendance by electors at the Annual Electors Meeting at Tom Price is disappointing, however, there is a history of poor attendances at Annual Electors Meetings, not only in the Shire, but also other local governments.

Consultation

Not Required.

Statutory Environment

Local Government Act 1995 Section 5.27 (1), 5.29, 5.33 and 5.54

Policy Implications

There is no Council policy relative to this issue.

Financial Implications

There is a governance cost associated with travel and accommodation for Councillors to attend the Annual General Meeting.

Strategic Implications

Strategic Plan 2007-2011 (Plan for the Future)

Objective 6 – A Well Managed and Contemporary Corporation: Deliver effective and accountable governance, widely recognised for high calibre staff, services, processes and interaction with key stakeholders.

Voting Requirement

Simple Majority Required.

Council Decision / Officers Recommendation

MOVED: Cr Rumble

SECONDED: Cr Corker

That Council receive the minutes of the 2007/2008 Annual General Meeting held on 2 February, 2010.

CARRIED 9/0

Ms Amanda O'Halloran returned to the meeting at 11:30am

12.02.07 ANNUAL REVIEW OF DELEGATED AUTHORITY REGISTER

FILE REFERENCE:	OR.DA
AUTHOR'S NAME AND POSITION:	Frank Ludovico Executive Manager Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	2 February 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter
PREVIOUS MEETING REFERENCE:	Agenda Item 12.03.03 Ordinary Meeting of Council 17 March 2009

Summary

The author has conducted a review of Council's Delegated Authority Register in consultation with the Chief Executive Officer and the Executive Management Team. The review concluded that only minor amendments to the Delegated Authority Register are necessary at this point in time.

Background

In accordance with the Local Government Act 1995, Part 5, Division 4, Section 5.46, the author has conducted a review of Council's Delegated Authority Register. The review concluded that there are minor changes required.

Comment

The register consists of delegations to the Chief Executive Officer, who is then able to sub-delegate to other staff e.g. Executive Managers, Principal Environmental Health Officer, Rangers etc.

An outline of the recommended changes is outlined below:

- Delegations DA002 "Concession for Minor Charges", DA004 "Payment from Municipal and Trust Funds", DA005 "Preparation of Annual Financial Report", DA006 "Investment of Council Funds" and DA008 "Writing off Debts" have been altered to recognize the filling of the Executive Manager Corporate Services Position and removing of Executive Manager Western Operations and Finance Manager's sub-delegation.

- Delegations DA041 “Authority to Enter upon and Inspect Land and/or Buildings” and DA044 “Health Act Provisions”: include sub-delegation to the Aboriginal Environmental Health Officer.
- Delegations DA010 “Dangerous Dogs” and DA011 “Application to keep more than two dogs on a property” DA012 “Legal Proceedings – Dog Act 1976” DA013 “Legal Proceedings – Control of Vehicles (Off Road Areas) Act 1978” DA014 “Legal Proceedings – Litter Act 1979” DA015 “Infringement Notices – Various Acts and Local Laws” DA016 “Legal Proceedings – Bush Fires Act 1954” DA017 “Burning During Prohibited Burning Period” DA019 “Application to keep, or allow to remain, more than two cats on a property” DA020 “Application for Exemption of Requirements of Cats to Wear Collars” DA021 “Issue of Trading in Public Places Licences” DA041 “Authority to Enter upon and Inspect Land and/or Buildings”: include sub-delegation to the Ranger Southern Section.

The proposed also include minor amendments to reflect changes to officer titles. A copy of the full Delegated Authority Register will be available for reference at the Council Meeting.

[ATTACHMENT 12.02.07](#)

Consultation

Chief Executive Officer
Executive Management Team

Statutory Environment

Local Government Act 1995, Part 5, Division 4, Section 5.46

Policy Implications

Council Policy ADM01 requires the Delegation Register to be reviewed annually.

Financial Implications

There are no financial implications relative to this issue.

Strategic Implications

There are no strategic implications relevant to this issue.

Voting Requirement

Absolute Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Shields

SECONDED: Cr Bloem

That Council adopts the Delegated Authorities Register as attached (Attachment 12.02.07).

**CARRIED 9/0
ABSOLUTE MAJORITY**

12.02.08

REVIEW OF LOCAL LAWS

FILE REFERENCE:	LE.LL
AUTHOR'S NAME AND POSITION:	Teigan Don Project Officer CEO
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	7 January 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter
PREVIOUS MEETING REFERENCE:	Not applicable

SUMMARY

To undertake a statutory review of Shire of Ashburton local laws in accordance with section 3.16 of the Local Government Act 1995.

Background

Section 3.16 of the *Local Government Act 1995* requires that a periodic review of all local laws is undertaken within a period of 8 years from the date the local law commenced or was last reviewed. Section 3.16 states:

3.16. Periodic review of local laws

- (1) *Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*
- (2) *The local government is to give Statewide public notice stating that —*
 - (a) *the local government proposes to review the local law;*
 - (b) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*
 - (c) *submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*

- (2a) *A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.*
- (3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*
- (4) *When its council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.*

* Absolute majority required.

Comment

Due to the lack of a proper review process being undertaken previously, a fresh review process was required and accordingly a local government consultant specialising in local Government Local Laws was engaged to conduct the major review.

The following table lists the Shire Local Laws and the action proposed by the Consultant:

Local Law/Amendment	Gazettal/Amendment Date	Proposed Action
Camels	27 February 1914	Repeal
Traffic Heavy – Onslow Townsite	13 August 1926	Repeal
Empty Drums on Roads	11 April 1930	Repeal
Rates Discount	15 December 1933	Repeal
Damage to Roads	21 September 1951	Repeal
Control of Dogs and Establishment of Pound	5 March 1954	Repeal
Regulation and Manner of Keeping of Goats in any townsite (amendment)	25 October 1957	Repeal
Damage to Streets Draft Model Bylaws	15 February 1962	Repeal
Old Refrigerators and Cabinets Draft Model Bylaw No 8	4 October 1962	Repeal
Removal of Refuse	7 February 1963	Repeal
Standing orders Draft Model Bylaw No.4	7 February 1963	Repeal
Animals and Vehicles Obstruction Draft Model Bylaw No 1	3 April 1964	Repeal
Old Refrigerators and Cabinets Draft Model Bylaw No 8	3 April 1964	Repeal
Damage to Streets Draft Model Bylaw No 15 (Tablelands Shire)	9 September 1965	Repeal
Damage to Streets Draft Model Bylaw No 15	12 October 1965	Repeal
Disposal of Refuse and Litter Draft Model Bylaw No 16 (Tablelands Shire)	19 January 1966	Repeal
Holiday Cabins and Chalets Draft Model Bylaws No 13	22 January 1969	Repeal
Refuse Adversely Affecting Neighbours	24 December 1976	Repeal
Management and Hire of Halls (Amendment)	24 February 1984	Repeal
Management and Hire of Halls (Amendment)	28 February 1986	Repeal
Bylaws Relating to Dogs (Amendment)	16 March 1990	Repeal
Management and Control of Vic Hayton Memorial Swimming Pool (Amendment)	16 March 1990	Repeal
Cemetery Bylaws (Amendment)	30 March 1990	Repeal
Standing Orders Bylaws	30 March 1990	Repeal
Trading in Public Places Bylaws	30 March 1990	Repeal and

		replace with new local law
Management and Hire of Public Halls (Amendment)	12 October 1990	Repeal
Bylaws Relating to Dogs (Amendment)	23 November 1990	Repeal
Holiday Accommodation Draft Model Bylaws No 18	19 April 1991	Repeal
Bylaws Relating to Dogs (Amendment)	3 April 1992	Repeal
Extractive Industries Bylaws	12 December 1995	Repeal
Bylaws Relating to Dogs	12 January 1996	Amend
Bylaws Relating to Aerodromes	6 December 1996	Repeal
Parking Facilities Bylaws	6 December 1996	Review and amend
Health Local Laws	9 March 1998	Review and amend
Local Law Relating to the Conduct of Proceedings and the Business of Council – Standing Orders	9 March 1998	Repeal and replace with new local law
Trading in Public Places Local Law	10 March 1998	Repeal and replace with new local law
Local Laws Relating to Cats	3 June 1996	Review and repeal
Local Law Relating to Dogs	3 June 1998	Review and amend
Management and Control of Public Swimming Pools	3 June 1998	Repeal
Management and Control of Cemeteries	17 July 1998	Review and amend
Local Law Relating to the Conduct of Proceedings and the Business of Council – Standing Orders (Amendment)	30 April 1998	Repeal and replace with new local law
Management and Control of Public Swimming Pools (Amendment)	3 November 2000	Repeal

Clause (2) of section 3.16 of the Act requires that public consultation be conducted for a period of at least 6 weeks as part of the review process. The public notice of the proposed review must be advertised State-wide, following which all submissions are to be considered by the local government and a report prepared of the review process and presented to Council. Council is then required to consider the report and determine whether or not it considers that the local law should be repealed or amended.

Those local laws that are considered obsolete do not need to go through the review process and should be directly incorporated into a repeal local law. This was confirmed by the Department of Local Government via circular 34-2000 on 4 December 2000.

Consultation with internal officers has been initiated. To supplement the review process, a discussion paper will be prepared and made available to members of the public highlighting the proposed amendments to each local law, arising from the internal review process.

The following process and timeline is envisaged for the review process:

Stage	Date
1. Council resolution to conduct review	17 February 2010
2. Preparation of Discussion Paper & Placement of Public Notice	28 February 2010
3. Closure of Public Notice and Consultation Period	16 March 2010
4. Review of submissions and preparation of report to Council	21 April 2010

Draft new local laws and any amendments to existing local laws will be available for the April 2010 meeting. Should the Council determine that a Local Law requires amendment a separate process under section 3.12 of the Act will take place, which covers the making and amending of local laws.

It is also proposed that a Working Group will be held following the March 2010 Council Meeting in order to discuss the Standing Orders Local Law, as well as the local laws in general.

Consultation:

Shire Officers have examined the existing local laws and in conjunction with the consultant, have identified potential amendments to most local laws.

Public consultation will be undertaken as part of the review process.

Councillors will be given further opportunity to make comment on the draft amendments after the public consultation period has closed.

Statutory Environment:

Cemeteries Act 1986
Dog Act 1976
Health Act 1911
Local Government Act 1995

The required eight year review of the local laws is now overdue and Council is requested to resolve that the Local Laws review process be commenced and that the review be advertised in accordance with section 3.16 (2) of the Act

Policy Implications:

There are no policy implications associated with this item at this point in time. However as a result of the review process and amendments made to local laws, amendments to specific Council policies may be required. Policy amendments, (if any), will be addressed in the review report to Council.

Financial Implications:

The placement of an advertisement in the West Australian Newspaper is required at an estimated cost of \$400-\$700, depending on structure and layout.

Strategic Implications:

Strategic Plan (Incorporating the Plan for the Future) 2007- 2011: A well Managed and Contemporary Corporation.

Voting Requirements:

Simple Majority Required.

Council Decision / Officers Recommendation

MOVED: Cr Shields

SECONDED: Cr Corker

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.**

CARRIED 9/0

12.02.09 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF DECEMBER 2009

FILE REFERENCE: FI.RE

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

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

DATE REPORT WRITTEN: 9 February 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

The objective of this report is to present a summary of the financial activity for the months of December 2009 to Council. Documents included are:

- Schedule of Accounts paid under delegated authority
- Statements of Financial Activity and associated statements including the Financial Variance Report.
- Payroll reconciliation

[ATTACHMENT 12.02.09](#)

Visa Statements for Chief Executive Officer, Executive Manager Engineering Services, Executive Manager Community & Economic Services and Executive Manager Western Operations are available for November and December 2009.

[ATTACHMENT 12.02.09a](#)

Staff have used the Materiality Variance formula suggested in the Agenda Item “Materiality Variance” listed in the February 2010 Agenda ie” the percentage of +/-10% and a value of +/- \$20,000 as the minimum for reporting material variances for the 2009/2010 financial year” in determining the Variance to report to Council.

Consultation

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

Statutory Environment

Local Government Act 1995, Part 6 – Financial Management, Section 6.4 and Local Government (Financial Management) Regulation 1996, Part 4 – Financial Reports – Regulation 34, (regulation 35 repealed in Gazette 31 March 2005).

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

Council Decision / Officers Recommendation

MOVED: Cr White

SECONDED: Cr Thomas

That Council receive the Financial Reports, Schedule of Accounts, Payroll for December 2009 and Visa Credit Card Statements for November and December 2009

CARRIED 9/0

**12.02.10 ASHBURTON LAND CONSERVATION DISTRICT COMMITTEE
– COMMITTEE NOMINATION**

FILE REFERENCE: EV.ST.03.00

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

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

DATE REPORT WRITTEN: 11 February 2010

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

**PREVIOUS MEETING
REFERENCE:** Agenda Item 12.12.78, Ordinary Meeting of
Council, 15 December 2010

Summary

The Office of the Commissioner of Soil and Land Conservation is seeking nominations from the Shire of Ashburton for appointment to the Ashburton/Lyndon Land Conservation District Committee.

Councillor Leanne Corker has advised that she would like to fill the Shire's vacant position on the Ashburton Land Conservation District Committee.

Background

Council, at its December 2009 meeting nominated Cr Lorraine Thomas as its representative on the Roebourne/Port Hedland Conservation District Committee.

In view of that, there still remains a vacant position available on the Ashburton and Lyndon Land Conservation District Committee.

Comment

As all member terms have now expired, Councillor Leanne Corker has advised that she would like to nominate herself as a representative on the Ashburton Land Conservation District Committee.

Consultation

Chief Executive Officer

Statutory Environment

There are no statutory implications relevant to this issue.

Policy Implications

There are no policy implications relevant to this issue.

Financial Implications

There are no financial implications relevant to this issue.

Strategic Implications

Strategic Plan 2007 – 2011

4 – Conserve & Enhance the Environment & Cultural Heritage

Voting Requirement

Absolute Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Dias

SECONDED: Cr Bloem

That Council:-

- 1. Nominates Councillor Leanne Corker for the vacant position on the Ashburton Conservation District Committee;**
- 2. Note that a Shire vacancy exists on the Lyndon Land Conservation District Committee.**

**CARRIED 9/0
ABSOLUTE MAJORITY**

12.02.11 CORPORATE SERVICES STATUS REPORT

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
1	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.
2	12/09	12.12.78	Roebourne/Port Hedland Land Conservation District Committee – Committee Nomination	That Council 1. Nominates Councillor Thomas for the vacant position on the Roebourne Port Hedland District Committee. 2. Note that a Shire vacancy exists on the Ashburton and Lyndon Land Conservation District Committees	1.LCDC notified of Cr Thomas's successful nomination. 2. Refer agenda item 12.02.10
3	12/09	12.12.79	Appointment of Bush Fire Control Officer	That Council 1. Appoint Cr Dias as a Bush Fire Control Officer pursuant Clause 38 (1) of the Bush Fires Act 1954. 2. Instruct the Chief Executive Officer to give notice of the appointment, in accordance with Clause 38 (2) (a) of the Act.	Ongoing To be advertised Pilbara News on 17 February 2010
4	12/09	12.12.80	Annual Report and Annual General Meeting of Elections	That Council:- 1. Accepts the Annual Report for 2007/2008 as tabled; and 2. That Council hold an Annual General Meeting of Electors at 7:00pm on Tuesday, 2 February 2010, at the Tom Price Recreation Centre;	Finalised AGM of Electors held, refer to agenda item 12.02.07
5	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	Ongoing GAC notified of Council

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>corporation to submit its detailed proposals for the site and that Council has resolved not to enter into a contract with the organisation.</p> <p>2. Call for new tenders to develop and operate the site.</p>	<p>decision. New tenders called and is the subject of agenda item for March Council meeting</p>
12	08/09	12.08.45	Staff Accommodation and Utilities Policy Revision	<p>1. That Council approves the Staff Housing Policy EMP19 as amended attachment 12.08.45</p> <p>2. Instruct the CEO for further review of the policy and report back to council</p>	<p>Ongoing</p> <p>Amended Policy included in Policy Register</p> <p>More extensive policy review commenced</p>
13	08/09	16.08.13	Shire Financial Management Systems	That Council refer this report to the Audit Committee	<p>Ongoing</p> <p>Audit Committee meeting deferred consideration of this item in light of imminent finalisation of Audited Accounts</p>

Council Decision / Officers Recommendation

MOVED: Cr Corker

That Council note the contents of the Corporate Services Status Report

SECONDED: Cr Dann

CARRIED 9/0

13.12.0 DEVELOPMENT SERVICES REPORTS

Declaration of Interest

Prior to consideration of this Agenda Item Crs Dias, Rumble, Bloem and White declared a financial interest in Agenda Item 13.02.01 in accordance with Section 5.60A of the Local Government Act. In the case of Cr Dias & Bloem their interest was that they are employees of Rio Tinto Ltd, while Cr Rumble and White own shares in the same company.

Cr's Dias, Rumble, Bloem & White left the meeting at 11:45am

13.02.01 RECONSIDERATION OF CONDITION 1(c) – PLANNING APPROVAL - 140 PERSON TRANSIENT WORKERS ACCOMMODATION FACILITY ON LOT 54, SOUTHERN CORNER OF PANNAWONICA ROAD AND DEEPPDALE ROAD, PANNAWONICA

FILE REFERENCE:	PN DP
AUTHOR'S NAME AND POSITION:	Rob Paull Shire's Town Planning Consultant
NAME OF APPLICANT/ RESPONDENT:	Robe River Mining Pty Ltd (who is the Primary Leaseholder)
DATE REPORT WRITTEN:	5 December 2009
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE	Agenda Item, 13.11.45, Ordinary Meeting of Council, 18 November 2008 Agenda Item 13.12.51, Ordinary Meeting of Council, 16 December 2008

Summary

At the meeting of Council on 18 November, 2008 Council issued Planning Approval for a 140 Transient Workers Facility at facility on Lot 54, Southern corner of Pannawonica Road and Deep Dale Road, Pannawonica. The Approval was subject to nine conditions. The Applicant has asked Council to review Condition 1 (c) which currently states:

1(c) Prior to the development being occupied the "owner of the land" shall enter into a signed agreement with the Shire of Ashburton pursuant to Clause 6.9.4 of the Scheme. The agreement shall nominate the removal of rooms and require the structures to cease as follows:

- *March 2010 - removal of 60 nominated rooms; and*
- *May 2012 - removal of all rooms;*

or other period as agreed by the Chief Executive officer and the structures be moved within 28 days of the agreement.

The modification to the condition sought relates to timing of the construction works which the Applicant has advised were delayed due to the severe flooding in the Pilbara in February 2009. The Applicant has asked that the Approval be modified such that all rooms are removed by 31 December 2012.

It is recommended that the modification of the removal date to 31 December 2012 be accepted on the basis that the extension to remove of all rooms was caused by unforeseen (natural) circumstances and would not impact upon Council's original Planning Approval.

Background

At the meeting of Council on 18 November, 2008 Council issued Planning Approval for a 140 Transient Workers Facility at facility on Lot 54, Southern corner of Pannawonica Road and Deep Dale Road, Pannawonica. This proposal essentially added an additional 80 rooms on to the 60 bed consent issued by Council at its meeting of 18 March, 2008. The Applicant advised that the expanded facility was required to meet works arrangements for Pannawonica. The camp was to be a maximum of 140 persons in 2009 and would then scale down to a total of 80 rooms until the end of the project in 2010. All rooms were to be removed by May 2012.

The Approval was subject to nine conditions.

Comment

The Applicant has asked Council to review Condition 1 (c) which currently states:

1(c) Prior to the development being occupied the "owner of the land" shall enter into a signed agreement with the Shire of Ashburton pursuant to Clause 6.9.4 of the Scheme. The agreement shall nominate the removal of rooms and require the structures to cease as follows:

- *March 2010 - removal of 60 nominated rooms; and*
- *May 2012 - removal of all rooms;*

or other period as agreed by the Chief Executive officer and the structures be moved within 28 days of the agreement.

In correspondence to Council, the Applicant states as follows:

“In February 2009, severe flooding in the Pilbara damaged a number of rail bridges essential to Company operations. Repairing and replacing the critical infrastructure changed the Company’s priority of works, and subsequently accommodation priorities. Personnel undertaking the critical rail works were given priority accommodation in the construction camp causing delays to progress the works in Pannawonica as originally planned.

These unforeseen delays necessitate the Company seeking to vary the contents of the 15 May 2009 letter such that all rooms comprising the Facility will be removed by 31 December 2012”.

A copy of the company’s correspondence is attached.

[ATTACHMENT 13.02.01](#)

It is noted that condition 1(c) provides the discretion for the Chief Executive Officer to modify the dates defined.

However, the matter is referred back to Council to advise of the impacts of the floods on February 2009 on RTIO operations and to address the issue of extending the period of time for the removal of the rooms.

It is considered that the modification sought by the Applicant would not impact upon Council’s original Planning Approval and can be accepted on the basis that is a change to the Approval caused by unforeseen (natural) circumstances.

Consultation

Chief Executive Officer

Statutory Environment

Shire of Ashburton Town Planning Scheme No.7.

Clause 5.13 of the Scheme provides the statutory power to amend or revoke a planning approval as follows:

“The Local Government may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval prior to the commencement of the use or development subject of the planning approval.”

In addition condition 1 (c) provides the discretion to modify the dates defined.

Policy Implications

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

Financial Implications

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

Strategic Implications

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

Voting Requirement

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Thomas

SECONDED: Cr Dann

That Council:

Modify the Planning Approval issued by Council for 140 person transient workers accommodation facility (approved by Council at its meeting on November 18, 2008) on Lot 54, Southern Corner of Pannawonica Road and Deep Dale Road, Pannawonica as follows:

Replace Condition 1 (c) as follows:

1(c) Prior to the development being occupied the “owner of the land” shall enter into a signed agreement with the Shire of Ashburton pursuant to Clause 6.9.4 of the Scheme. The agreement shall nominate the removal of the 140 rooms and require the structures to cease 31 December 2012 or other period as agreed by the Chief Executive officer and the structures be moved within 28 days of the agreement

CARRIED 5/0

Cr's Dias, Rumble, Bloem & White re-entered the meeting at 11:47am

13.02.02 PLANNING APPLICATION – PROPOSED RESIDENTIAL BUILDING AT LOT 634 (NO. 17) CLARKE PLACE, ONSLOW

FILE REFERENCE: ON.CL.634

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

NAME OF APPLICANT/RESPONDENT: Eileen Glynn
(Owner and Applicant)

DATE REPORT WRITTEN: 6 February 2010

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

A development application has been received from the owner of Lot 634 (No. 17) Clarke Place, Onslow to operate a "residential building" use within the existing dwelling on the subject site.

The Shire's Local Planning Scheme No. 7 ('Scheme') zones the land Residential with a R Code of 12.5/30 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 and no objections 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 within the existing 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

Lot 634 (No. 17) Clarke Place, Onslow has an area of 850m² and is occupied by a two (2) bedroom dwelling.

Proposal

A development application has been submitted by the owner of Lot 634 (No. 17) Clarke Place, Onslow to operate a “residential building” use within the existing dwelling on the subject site. A location plan is included as Attachment 1 with Attachments 2 and 3 providing the plans and letter accompanying the Application.

[ATTACHMENT 13.02.02](#)

Comment

The proposed use fits within the definition of a ‘Residential Building’ which is defined in the Shire’s Local Planning Scheme No. 7 (‘Scheme’) 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”.*

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 Local Planning Scheme No. 7 (‘Scheme’) with an R Coding of 12.5/30. 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 objections were received. In addition, the Applicant provided letters of no objection from adjoining residents.

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:*
- i) *potential for increased levels of noise, disturbance and car parking and the likely greater impact on the residential amenity of neighbouring or nearby dwellings;*
 - ii) *to ensure that any such uses will not adversely impact on residential amenity values currently enjoyed by those in surrounding properties;*
 - iii) *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*
 - iv) *residences must be connected to the Water Authority's reticulated water supply.*
- b) *Should Council consider Approval of an Application, the following will apply:*
- i) *approval is a particular approval, and is not transferable without prior written approval of Council;*
 - ii) *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;*
 - iii) *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;*
 - iv) *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;*
 - v) *car parking spaces shall be well constructed, kerbed and drained to the satisfaction and specifications of the Shire; and*
 - vii) *in areas where driveways are steeply inclined or stabilisation problems are likely to occur Council may require sealing of the car park and access/egress to avoid problems occurring at a later date.*

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, however, it is recommended that Council, if it decides to grant approval, should initially limit any approval it may issue 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

The plans submitted with the Application depict four (4) tandem car parking spaces although in accordance with Council Policy, only two (2) would be required. 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.

Emergency Escape Plan

The Applicant has provided a 'fire escape plan' that shows an assembly area within the driveway of the dwelling. It is suggested that Approval be granted, a condition should be included that provides information to residents on cyclone evacuation contingency should be required. The Applicant advises that she will be the designated manager.

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. It is not proposed to make any external modifications to the existing dwelling which would result in this occurring.

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.

Council Decision / Officers Recommendation

MOVED: Cr Corker

SECONDED: Cr White

That Council:

1. Approve the development application made by Eileen Glynn to use the existing dwelling at Lot 634 (No. 17) Clarke Place, 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 (4) guests shall be accommodated within the premises at any one time.
 - c. Not less than two (2) onsite parking spaces in accordance with Appendix 9 of the Scheme shall be made available to the Residential at any one time.
 - d. All car parking generated by the use shall occur within the boundaries of the property.

- e. Prior to the use commencing, an Emergency Escape Plan shall be prepared providing information and the method of advising residents of cyclone evacuation contingency and approved in writing by 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.
- 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 Lot 634 (No. 17) Clarke Place, Onslow.
- i. Without the further written consent of the Chief Executive Officer, Ms Eileen Glynn is entrusted with the management responsibility for the use hereby approved.

2. Note:

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).

CARRIED 8/1

Cr Musgrave voted against the motion

13.02.03 PLANNING APPLICATION – PROPOSED RESIDENTIAL BUILDING AT LOT 924 (NO. 6) PAYNE WAY, ONSLOW

FILE REFERENCE: ON.PY.924

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

NAME OF APPLICANT/RESPONDENT: William and June Harry as trustees for the Harry Family Superannuation Fund
(Owner and Applicant)

DATE REPORT WRITTEN: 6 February 2010

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

A development application has been received from the owner of Lot 924 (No. 6) Payne Way, Onslow to operate a "residential building" use within the existing dwelling on the subject site.

The Shire's Local Planning Scheme No. 7 ('Scheme') zones the land Residential with a R Code of 12.5/30 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 and no objections 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 within the existing 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

Lot 924 (No. 6) Payne Way, Onslow has an area of 849m² and is occupied by a three (3) bedroom dwelling.

Proposal

A development application has been submitted by the owner of Lot 924 (No. 6) Payne Way, Onslow to operate a “residential building” use within the existing dwelling on the subject site. A location plan is included as Attachment 1 with Attachments 2 and 3 providing the plans and letter accompanying the Application.

ATTACHMENT 13.02.03

Comment

The proposed use fits within the definition of a ‘Residential Building’ which is defined in the Shire’s Local Planning Scheme No. 7 (‘Scheme’) 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”.*

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 Local Planning Scheme No. 7 (‘Scheme’) with an R Coding of 12.5/30. 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 one objection was received which has since been formally withdrawn.

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:*
 - i) *potential for increased levels of noise, disturbance and car parking and the likely greater impact on the residential amenity of neighbouring or nearby dwellings;*
 - ii) *to ensure that any such uses will not adversely impact on residential amenity values currently enjoyed by those in surrounding properties;*
 - iii) *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*
 - iv) *residences must be connected to the Water Authority's reticulated water supply.*
- b) *Should Council consider Approval of an Application, the following will apply:*
 - i) *approval is a particular approval, and is not transferable without prior written approval of Council;*
 - ii) *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;*
 - iii) *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;*
 - iv) *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;*
 - v) *car parking spaces shall be well constructed, kerbed and drained to the satisfaction and specifications of the Shire; and*
 - vii) *in areas where driveways are steeply inclined or stabilisation problems are likely to occur Council may require sealing of the car park and access/egress to avoid problems occurring at a later date.*

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, however, it is recommended that Council, if it decides to grant approval, should initially limit any approval it may issue 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.

Emergency Escape Plan

The Applicant has provided a 'fire escape plan' that shows an assembly area within the driveway of the dwelling. It is suggested that Approval be granted, a condition should be included that provides information to residents on cyclone evacuation contingency should be required. The Applicant advises that Mr Terry Harry of 8 Payne Way Onslow has been appointed manager.

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. It is not proposed to make any external modifications to the existing dwelling which would result in this occurring.

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.

Council Decision / Officers Recommendation

MOVED: Cr Dann

SECONDED: Cr Thomas

That Council:

1. Approve the development application made by William and June Harry as trustees for the Harry Family Superannuation Fund to use the existing dwelling at Lot 924 (No. 6) Payne Way, 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 six (6) guests shall be accommodated within the premises at any one time.
 - c. Not less than three (3) onsite parking spaces in accordance with Appendix 9 of the Scheme shall be made available to the Residential at any one time.
 - d. All car parking generated by the use shall occur within the boundaries of the property.
 - e. Car parking and vehicle circulation areas shall be available for these purposes at all times and shall not be used for any other purpose.
 - f. Prior to the use commencing, an Emergency Escape Plan shall be prepared providing information and the method of advising residents of cyclone evacuation contingency and approved in writing by the Shire of Ashburton.

- 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 Lot 924 (No. 6) Payne Way, Onslow.**
- i. Without the further written consent of the Chief Executive Officer, Mr Terry Harry is entrusted with the management responsibility for the use hereby approved.**

2. Note

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).

CARRIED 8/1

Cr Musgrave voted against the motion

13.02.04 PLANNING APPLICATION – PROPOSED RESIDENTIAL BUILDING AT LOT 618 (NO. 14) CLARKE PLACE, ONSLOW

FILE REFERENCE:	ON.CL.618
AUTHOR'S NAME AND POSITION:	Rob Paull Shire's Town Planning Consultant
NAME OF APPLICANT/RESPONDENT:	Colin Munro (Owner and Applicant)
DATE REPORT WRITTEN:	6 February 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

A development application has been received from the owner of Lot 618 (No. 14) Clarke Place, Onslow to operate a "residential building" use within the existing dwelling on the subject site.

The Shire's Local Planning Scheme No. 7 ('Scheme') zones the land Residential with a R Code of 12.5/30 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 and no objections 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 within the existing 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

Lot 618 (No. 14) Clarke Place, Onslow has an area of 850m² and is occupied by a two (2) bedroom dwelling.

Proposal

A development application has been submitted by the owner of Lot 618 (No. 14) Clarke Place, Onslow to operate a “residential building” use within the existing dwelling on the subject site. A location plan is included as Attachment 1 with Attachments 2 and 3 providing the plans and letter accompanying the Application.

ATTACHMENT 13.02.04

Comment

The proposed use fits within the definition of a ‘Residential Building’ which is defined in the Shire’s Local Planning Scheme No. 7 (‘Scheme’) 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”.*

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 Local Planning Scheme No. 7 (‘Scheme’) with an R Coding of 12.5/30. 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 objections 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:*
 - i) *potential for increased levels of noise, disturbance and car parking and the likely greater impact on the residential amenity of neighbouring or nearby dwellings;*
 - ii) *to ensure that any such uses will not adversely impact on residential amenity values currently enjoyed by those in surrounding properties;*
 - iii) *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*
 - iv) *residences must be connected to the Water Authority's reticulated water supply.*
- b) *Should Council consider Approval of an Application, the following will apply:*
 - i) *approval is a particular approval, and is not transferable without prior written approval of Council;*
 - ii) *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;*
 - iii) *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;*
 - iv) *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;*
 - v) *car parking spaces shall be well constructed, kerbed and drained to the satisfaction and specifications of the Shire; and*
 - vii) *in areas where driveways are steeply inclined or stabilisation problems are likely to occur Council may require sealing of the car park and access/egress to avoid problems occurring at a later date.*

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, however, it is recommended that Council, if it decides to grant approval, should initially limit any approval it may issue 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

The plans submitted with the Application depict a general parking area. In accordance with Council Policy, only two (2) would be required. 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.

Emergency Escape Plan

The Applicant has provided a 'fire escape plan' that shows an assembly area within the driveway of the dwelling. It is suggested that Approval be granted, a condition should be included that provides information to residents on cyclone evacuation contingency should be required. In this regard, the Applicant advises that:

"...I do not have any emergency escape plan advising residents of cyclone evacuation contingency as to my knowledge neither the Shire of Ashburton nor FESA have ever distributed any evacuation procedure to the residents of Onslow. The main sources of cyclone information during a cyclone threat are radio and television stations and the Bureau of Meteorology provide latest watches, warnings and supporting information on its website. I do not hold any position of authority to force residents to stay or leave during the event of a cyclone. The house survived Cyclones Bobby, Vance and Glenda with no structural damage and all windows have cyclone screens in place, the rest is a matter of common sense and whether residents want to stay or go, there are pros and cons to both, but ultimately it is their choice.

I am assuming it would be obvious that as I have paid the Shire Rates for twenty years I would be the person with management responsibility".

The intent of the Shire requiring operators to provide occupants of a Residential Building information on cyclone evacuation contingency is that it is likely that the occupants are recent residents to the Onslow and have not had the same degree of cyclone experience of the Applicant. Cyclone alert information is provided by the Shire to residents on a continuous basis and it is this information along with emergency contact details the Shire wishes to ensure that as a manager, the Applicant ensures is made available to occupants. The intent is to have a manager responsible for the distribution of such information to the occupants.

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. It is not proposed to make any external modifications to the existing dwelling which would result in this occurring.

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.

Council Decision / Officers Recommendation

Moved: Cr Corker

Seconded: Cr Bloem

That Council:

1. Approve the development application made by Colin Munro to use the existing dwelling at Lot 618 (No. 14) Clarke Place, 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 (4) guests shall be accommodated within the premises at any one time.**
- c. Not less than two (2) onsite parking spaces in accordance with Appendix 9 of the Scheme shall be made available to the Residential at any one time.**
- d. All car parking generated by the use shall occur within the boundaries of the property.**
- e. Prior to the use commencing, an Emergency Escape Plan shall be prepared providing information and the method of advising residents of cyclone evacuation contingency and approved in writing by 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.**
- 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 Lot 618 (No. 14) Clarke Place, Onslow.**
- i. Without the further written consent of the Chief Executive Officer, Mr Colin Munro is entrusted with the management responsibility for the use hereby approved.**

2. Note:

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).

CARRIED 8/1

Cr Musgrave voted against the motion

**13.02.05 PROPOSED 15 DWELLING GROUPED DWELLING
DEVELOPMENT, LOT 327 WARARA STREET, TOM PRICE**

FILE REFERENCE:	TP.WA.327
AUTHOR'S NAME AND POSITION:	Rob Paull Shire's Town Planning Consultant
NAME OF APPLICANT/ RESPONDENT:	Shire of Ashburton
DATE REPORT WRITTEN:	12 February 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author is a consultant to the Shire of Ashburton
PREVIOUS MEETING REFERENCE:	Agenda Item 13.06.22 Ordinary Meeting of Council, 16 June 2009 Agenda Item 13.08.41 Ordinary Meeting of Council, 18 August 2009

Summary

The Shire of Ashburton has lodged a development application to construct a 15 dwelling grouped dwelling complex on the north side of Warara Street, Tom Price. The land has an area of 5560^m² and was originally reserved under the Land Administration Act (1997) for 'telecommunications'. It was then altered to a 'Staff Housing' reserve in September 2008. The Shire has purchased the land from the state government and there is now no known development limitations placed on the title.

The land is subject to Scheme Amendment No. 5 in which it is proposed to rezone Lot 327 from Reserve for 'Public Purposes – Telecommunications' to 'Residential R30'. Amendment No.5 was adopted by Council for final approval in August 2009 and has been referred to the Western Australian Planning Commission and the Minister for approval. The Minister is yet to determine the Amendment.

The development application was advertised and at the time of preparing the report, no objections were received. The proposal satisfies the provisions of the Scheme and the Residential Design Codes.

It is recommended that should the Minister for Planning approve Amendment No. 5, the CEO be delegated to approve the application subject to appropriate conditions.

Background

Lot 327 has an area of 5560^m². The purpose of this development application is to gain the appropriate planning approval necessary to construct fifteen (15) dwellings on the site. The proposed dwellings are single storey, generally with 'dutch gable' gable roofs. The plans along with comment from the designer are included as attached. The architectural design of individual housing and units is based on four standard dwelling types:

- Dwelling A - 4 units comprising 3 bedrooms each;
- Dwelling B - 6 units comprising 2 bedrooms each;
- Dwelling C - 3 units comprising 2 bedrooms each; and
- Dwelling D - 2 units comprising 2 bedrooms each.

[ATTACHMENT 13.02.05](#)

Wall cladding is to be Colorbond with a mixed use of fibre cement cladding. Roofing is also to be Colorbond. The advice from the service provider is that reticulated sewerage, water and power are available to the land. The developer would be responsible for the provision of these services as well as internal road construction, storm water drainage and street lighting. Should strata subdivision be sought, Council would seek a cash payment in lieu of public open space to the value of 10% of the land, as condition of the subdivision.

Comment

Scheme Amendment No. 5

Lot 327 Warara Street, Tom Price was originally reserved under the Land Administration Act (1997) for 'telecommunications' and modified to a 'Staff Housing' reserve on 24 September 2008. The land is subject to Scheme Amendment No. 5 where it is proposed to rezone Lot 327 from Reserve for 'Public Purposes – Telecommunications' to 'Residential', with an R Code of 'R30'. In order to achieve densities similar to the RTIO development in North Road, Tom Price, the Amendment proposes that Lot 327 be rezoned to Residential, with an R Code of R30. This will also ensure that the Shire undertakes a public planning process on the same basis as a private developer.

Amendment No.5 was adopted by Council for final approval in August 2009 and has been referred to the Western Australian Planning Commission and the Minister for approval. The Shire has purchased the land from the state government and there is now no known development limitations placed on the title.

Clause 3.2.2 of the Scheme states:

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

The Shire is the relevant organisation in this case and it is clear that there is no intent to use the land for the purpose of telecommunications. Subject to Planning Approval, the Scheme allows

development not in keeping with the reserve. The rezoning of the land under Amendment No. 5 to Residential R30 is a 'seriously entertained' planning proposal and significant regard should be given to it.

This application for 15 grouped dwellings therefore requires planning approval under the Scheme.

Advertising of the application

As an initial comment, it is noted that there is no requirement in the Scheme for the application to be publicly advertised. However, as the Shire has a clear interest in the land and the reserve has not as yet been rezoned to Residential R30, it was advertised pursuant to Clause 5.7.2 of the Scheme. Advertising included notices to landowners in Warara Street and a sign on site.

Residential Design Codes

When assessing a group dwelling proposal, regard is to be given to the Residential Design Codes (RCodes). The RCodes provide the basis for controlling the siting and design of residential development throughout Western Australia. The RCodes do this by providing a set of 10 design elements to assess the impact of the development on the surrounding neighbourhood. The 10 elements to be assessed are:

- Residential Density
- Streetscape front setbacks
- Side and rear boundary setbacks
- Open space (individual dwellings)
- Access and car parking
- Site works
- Building height
- Privacy
- Design for climate
- Incidental development

'Acceptable Development Standards' are set for individual Design Elements and if these are met compliance with then the RCodes is achieved. When standards are not met, Council has the discretion to assess whether the proposal meets criteria which means that a proposal while not satisfying a technical standard, does achieve the practical goal. The proposed grouped dwelling complex has been subject to a detailed assessment against the Development Standards contained in the Codes.

Density - Lot 327 has an area of 5560^{m2}. Under the current 'Public Purposes – Telecommunications' reserve, no density provision is defined. Theoretically, a proponent could seek to justify a proposal to any level of density.

As noted however, Amendment No. 5 to rezone the land to Residential R30 is a 'seriously entertained' planning proposal and accordingly, the proposal should be assessed in accordance with the R30 provisions. The density requirement for R30 is for a minimum dwelling site area of 270^{m2} and an average of 300^{m2}. The potential yield therefore for Lot 327 could be up to 18.5 dwellings. The proposal is for 15 dwellings.

Streetscape front setbacks – The design of the development from the frontage will reflect that of single detached dwellings. The difference from the properties across the road will be a set back to the road reserve of 4metres as per the RCodes and an appearance of buildings being closer together.

Side and rear boundary setbacks – The proposed development reflects the setback requirements of the RCodes.

Private Open Space - The RCodes specifies that each grouped dwelling shall be provided with a minimum outdoor living area of 20^m² with a minimum dimension of 4 metres. All grouped dwellings comply with this requirement. Each area of private open space has good solar access, is capable of being used in conjunction with a habitable room of each dwelling and is supported under the criteria of Clause 6.4.2.

Communal Open Space - Within the R30 zone, the RCodes do not stipulate the need for communal open space. However, the proposal has included an area of approximately 120^m² for community open space. This is shown as a grassed area under shade cloth with seating and bbq facilities.

Access - Under Clause 6.5.4, formed driveways for multiple and grouped dwellings (where there are more than 5 units) must be designed to allow vehicles to pass and have a minimum width of 4 metres, however this may be reduced to 3 metres where appropriate. The internal road width is proposed to be 6 metres in width although this can be varied.

Parking - Under Clause 6.5.1 the relevant provision for each single dwelling should be provided with the following:

- two spaces per dwelling; and at least one space provided for the exclusive use of each dwelling and where two spaces are so allocated they may be in tandem; or
- in addition, visitor's parking spaces are provided at a rate of one space for each four dwellings, or part thereof in excess of four dwellings, served by a common access.

In the proposal, all dwellings are provided with parking for two vehicles (not tandem). Four visitor parking bays (two of which are disabled parking) are to be provided. Using the R Code calculation, 34 car parking spaces are required and 34 have been provided.

As noted in 'Access', the internal road width is proposed to be 6 metres. There would be scope to provide additional parallel parking within the 'road' and this should be considered by the developer.

Site works - In accordance with the RCodes, the development will generally retain the visual impression of the natural level of a site, as seen from the street or other public place, or from an adjoining property.

Building height - In accordance with the RCodes, the height of the single storey buildings subject of the Application is consistent with the height of buildings in the locality and will not negatively impact on the amenity of adjoining properties.

Privacy - Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimised by the:

- building layout;
- location and design of major openings; and
- outdoor active habitable spaces;
- screening devices; and
- landscape.

Incidental development – Clause 6.7.2 of the Scheme requires every dwelling to be provided with a store room of not less than 4^m² in floor area for the purposes of storing domestic outdoor items during cyclones. This provision is also reflected in the RCodes. The proposal provides such a room in all dwellings.

Landscaping - Under Clause 6.4.5, the street setback area must be developed without car parking, except for visitor's bays, and with a maximum of 50% hard surface. The RCodes further specifies that unroofed visitors parking bays should be screened from view. The proposal complies with the acceptable development criteria as all private parking bays are covered. Under the performance criteria, the common property areas of grouped dwellings must:

- *be fully developed with appropriate planting and landscaping that:*
- *meet the projected needs of the future residents*
- *enhance security and safety for residents; and*
- *retain significant trees; and*
- *contributes to the streetscape.*

The proposed development provides the opportunity for landscaping within communal areas. Should Council consider that the performance criteria have been met, it is recommended that the submission and implementation of a landscaping plan to the satisfaction of the Shire be conditioned. It is also recommended that an additional condition be added which requires lighting to pathways and communal access areas.

In addition to the Residential Codes, Clause 6.19 of the planning scheme, relates to landscaping and is applicable to the proposal. This Clause of the Scheme requires landscaping to be implemented in residential development of two or more dwellings. The Scheme is seeking to ensure that the amenity of grouped dwelling developments is not compromised by several dwellings being built on a site at one time.

Landscaping provides diversity and amenity within a neighbourhood and for this reason the Scheme requires landscaping to be put in place and maintained within the grouped dwelling development.

Conclusion

Lot 327 is considered to be one of the few presently 'developable' lots available in Tom Price that can be easily serviced and constructed. The issue of the lack of land available to be developed has been a significant matter for the Council and the Government for some time. In the

Legislative Assembly on 21 May 2009, Mr. T.G. Stephens asked to the Hon J.H.D. Day, Minister for Planning as follows:

- (1) What initiatives is the Minister taking through his Planning portfolio to bring about rapid relief to the acute housing crisis in Tom Price?*
- (2) What additional land has been identified for immediate release for residential use in Tom Price in the immediate future?*

In response, the Minister advised on 18 June 2009 referred to Lot 327 and the urgent need for housing sites in Tom Price as follows:

(1) The recent 'mining boom' resulted in a significant shortage of housing in Tom Price and notwithstanding the current economic downturn I expect demand for residential, industrial, commercial and recreational land will continue in the medium term. In recent times the Shire of Ashburton with the support of Department of Planning and Infrastructure has initiated the preparation of the Tom Price Structure Plan and Town Centre Revitalisation Strategy, as a first step to implementing practical solutions to these issues. The draft structure plan has identified two major potential development directions for Tom Price:

- Urban consolidation within the Tom Price townsite; and*
- Urban expansion to the north of the Tom Price townsite.*

Six sites have been identified as potentially suitable for urban consolidation within the Tom Price townsite and will be further investigated. The area to the north of the townsite has an area of around 90 hectares but environmental, native title and infrastructure servicing constraints will need to be addressed. The development of land in Tom Price has been inhibited by aging infrastructure but these issues are now being resolved as a result of ongoing discussions between the Shire and the service provider.

(2) To address the immediate shortage of residential land the Shire of Ashburton is seeking to develop two parcels of land within the townsite which could potentially yield 37 residential lots and 16 residential strata lots respectively. Unvested Crown Land on the north side of Warara Street and Pilkina Street and west of Yaruga Street is zoned Residential R20. The Shire has approached DPI (State Land Services) to purchase the land and to assist the Shire DPI is undertaking the native title assessment, in accordance with its processes and legislation. The second parcel of land, a disused telecommunications site in Warara Street, is also being purchased by the Shire. This land is the subject of a local planning scheme amendment which will be advertised for public comment this month".

The use of Lot 327 for residential purposes was defined when the land was accepted by the State Government for 'staff housing' and at that time, vested as such. The location of Lot 327 is approximately 1200m (direct) to the centre of the Tom Price shopping area and approximately 550m (direct) to the Tom Price Senior High School). This distance is further than the WAPC's 'Livable Neighbourhoods sustainable residential design' initiative which generally recommends seeking an 800m walkable radius of residential development to a town centre. The linear design and approach to Tom Price makes this radius difficult for the town (including Lot 327) to achieve.

The following comparisons can be made for other R30 sites in the Shire that indicate the extended distance from town centres and schools is not unique nor a hindrance to use and development in the Shire:

Extended distance of R30 land to town centers in Tom Price and Onslow:

- land (2 sites) Canberra Drive, Area W – Tom Price approximately 2,200m (direct).
- land North Road, Tom Price - approximately 870m (direct).
- land Watson Drive, Onslow - approximately 1250m (direct).

Extended distance of R30 land to Senior Schools in Tom Price and Onslow:

- land (2 sites) Canberra Drive, Area W – Tom Price approximately 1,500m (direct).
- land North Road, Tom Price - approximately 500m (direct).
- land Watson Drive, Onslow - approximately 1000m (direct).

It is concluded that as the site is appropriate for grouped dwelling development and the proposal complies with the RCodes, it is recommended that the application be approved, subject to appropriate conditions.

Statutory Environment

Planning and Development Act 2005
Shire of Ashburton Town Planning Scheme No. 7
Residential Design Codes

Policy Implications

There are no policy implications in relation to this matter.

Financial Implications

The financing of the proposed development would be subject to Council's usual budgeting process

Strategic Implications

There are no strategic implications in relation to this matter.

Voting Requirement

Simple majority required.

Council Decision / Officers Recommendation

MOVED: Cr Corker

SECONDED: Cr Bloem

That:

1. Subject to the Minister for Planning approving Scheme Amendment No. 5 thus rezoning Lot 327 to Residential R30, Council provide CEO with delegation to approve the development application from the Shire of Ashburton to construct and use 15 single storey grouped dwellings on Lot 327 Warara Street, Tom Price, generally in accordance with the submitted plans subject to the following conditions:
 - (a) A building licence for the development shall be obtained prior to 17 February 2012. This Planning Approval lapses if a building licence for the development has not been obtained by 17 February 2012. Further to this, if the development is not substantially commenced in accordance with the building licence by 17 February 2012, then this Planning Approval lapses at that date. With the permission of the Shire of Ashburton, this Planning Approval may be extended.
 - (b) Unless with the written consent of the Council, the grouped dwellings, car parking and landscaping shall be completed to the satisfaction of the Shire prior to occupation of the grouped dwellings.
 - (c) The development shall comply with the Shire of Ashburton Town Planning Scheme No. 7, the Health Act, the Building Code of Australia, the Western Australian Fire Board Regulations and Local Laws.
 - (d) A geotechnical report covering the development area being prepared by the Applicant at the Applicant's cost and to the satisfaction of the Shire of Ashburton. The report to be lodged with the building licence application, together with certification from a structural engineer that the design is suitable for the site conditions as outlined in the geotechnical report.
 - (e) The development shall comply with the provisions of the Residential Design Codes.
 - (f) Plans submitted with the building licence are to be generally in accordance with plans submitted and show finished ground levels and finished floor levels to the satisfaction of the Shire of Ashburton.
 - (g) The development being designed and constructed to allow easy access for people with disabilities to the satisfaction of the Shire of Ashburton. Details to be submitted with the building licence application.
 - (h) The external wall colours and materials for the development shall be to the satisfaction of the Shire of Ashburton with no zincalume or similar finish on any external wall. Details to be submitted with the building licence application.

- (i) All parking and manoeuvring areas to be bitumen sealed, concrete or brick paved to the satisfaction of the Shire of Ashburton prior to issue of a Permit to Use. Details to be submitted with building licence application.
- (j) Car parking layout and dimensions to comply with the requirements of Town Planning Scheme No. 7. Details to be submitted with the building licence application.
- (k) A separate internal pedestrian pathway shall be constructed and designed according to (AS 1428.1, 2001) and at least 1.2 metres in width with details to be provided on the building licence.
- (l) All storm water produced on the site shall be disposed of either in the Council's drainage system or disposed of on the site, but in either case the means of disposal must be to the satisfaction as directed by the Council Plans of the drainage layout, showing the pipes direction, invert levels, grade size and the locations of any pits to be submitted with the building licence application.
- (m) Landscaping of common property and communal open spaces shall be undertaken in accordance with:
 - i the street setback area developed without car parking, except for visitors' bays, and with a maximum of 50 per cent hard surface;
 - ii separate pedestrian paths providing wheelchair accessibility connecting all entries to buildings with the public footpath and car parking areas;
 - iv lighting to pathways, and communal open space and car parking areas;
 - v bin storage areas conveniently located and screened from view;
 - vii adequate sight lines for pedestrians and vehicles;
 - viii clear line of sight between areas designated as communal open space and at least two habitable room windows; and
 - ix clothes drying areas which are secure and screened from view.
- (n) A Landscape Plan shall be prepared to the satisfaction of the Shire by a suitably qualified and/or experienced landscape consultant and be submitted to the Shire prior to the commencement of development. The Landscape Plan shall be drawn to a scale and show:
 - i. the location, name and mature heights of existing and proposed trees and shrubs and ground covers;
 - ii. any lawns and paved areas to be established;
 - iii. any natural landscaped areas to be retained; and
 - iv. those areas that are to be reticulated or irrigated are demonstrated to be designed using water sensitive principles.

Details to be submitted with the building licence application.

- (o) Landscaping areas shall be installed and car parking areas and access ways be constructed prior to the use commencing or occupation of the development, and being maintained thereafter by the owner/occupier to the satisfaction of the Shire of Ashburton.
- (p) Vehicle parking areas, access ways and crossover(s) shall be designed, constructed, lit (in the form of a timer), sealed, kerbed, drained, line marked and thereafter maintained in accordance with Australian Standard AS 2890.1-1993 and the Shire's standards and specifications, prior to occupation of the development.
- (q) The design, materials and colours of all fencing are to be to the satisfaction of the Shire of Ashburton. Fencing should generally consist of a minimum 1.8 metres in height (except for within frontages) and should complement the development and be designed to protect the amenity of adjoining dwellings. Details to be submitted prior to or with the building licence application.
- (r) The private yard areas to be identified on the building licence plan, these areas to be suitably screened from adjoining dwelling(s) and the street prior to occupation of the development. Details to be submitted with building licence application.
- (s) Lighting, internal to the development, shall be provided to the satisfaction of the Shire. Details to be submitted with the building licence application.
- (t) All earth works and or associated drainage shall be in accordance with plans and specifications submitted to and approved by the Shire. Details to be submitted with the building licence application.
- (u) Pedestrian ramps shall be provided at all kerb crossings, contained within the development.
- (v) The Proponent shall provide a number of street trees along the frontage of the site. Type, size and quantities of trees shall be approved by the Shire prior to the Proponent applying for a Building Licence.
- (w) The development shall be connected to a reticulated water, deep sewer and electricity to the satisfaction of the Shire of Ashburton and the Pilbara Iron Infrastructure prior to occupation of the development. Full plumbing and electrical details to be submitted with the building licence application.

Advice

1. You are reminded to:

- a) submit a landscape plan in accordance with Condition (n) of this approval at your earliest convenience so as to avoid any unnecessary delay at the building licence stage; and
- b) provide details on a number of street trees along the frontage of the site prior to applying for a Building Licence (Condition (v)).

- 2. Further to this approval, the Applicant is required to submit working drawings and specifications to comply with the requirements of Part 4 of the Building Regulations, 1989 (as amended) and the Health Act, 1911 (as amended) which are to be approved by the Shire's Principal Building Surveyor and Principal Environmental Health Officer prior to the issue of the Building licence.
- 3. The drawings submitted for a building licence are to be properly drawn and certified by a practising structural engineer to confirm that they comply with the requirements of the Building Code of Australia.
- 4. It is noted that the internal road width of the development is proposed to be 6 metres. It is suggested that there would be scope to provide additional parallel parking within the 'road'. The Shire would be willing to support plans that indicate additional parking within the internal road 'reserve'.
- 5. Please note for future reference that levels, contours, drainage and sewer lines, etc must be shown on development plans to ensure a proper assessment can be made. Failure to provide this information may require design changes at the building licence stage, resulting in possible delays and inconvenience.
- 6. Should the development be strata subdivided, the Council will request the WAPC to include a condition on any subdivision requiring cash-in-lieu of public open space in accordance with Section 153 of the Planning and Development Act to reflect the value of 10% of the land (calculated to be 556^m2).
- 7. 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).
- 8. The Shire of Ashburton contains many places of Aboriginal Heritage significance. Proponents are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage of planning. Further information can be obtained from the Department of Indigenous Affairs on 9235 8000 or at the following website <http://www.dia.wa.gov.au/Heritage/default.aspx>.

9. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in obtaining a vegetation clearing permit from the Department of Environment in accordance with the Environment Protection Act 1986. Further information can be obtained from the Department of Environment or at the following website www.environment.wa.gov.au.
10. This Planning Approval issued by the Shire of Ashburton does not remove any responsibility the Applicant may have in notifying Environment Australia of the proposal for consideration of impacts in accordance with the Environmental Protection and Biodiversity Conservation Act 1999. Further information can be obtained from Environment Australia on (02) 6274 1111 or by visiting <http://www.deh.gov.au/epbc/assessmentsapprovals/index.html>.

CARRIED 9/0

**13.02.07 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 Manager for Building Services
NAME OF APPLICANT/RESPONDENT:	Not applicable
DATE REPORT WRITTEN:	4 February 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
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

Ten (10) approvals have been issued under delegation up until the date of this report. These were for:

- Byford Ceilings
Lot 21 Mine Rd (LIA), Tom Price
Planning Application – Industrial Storage
- Pilbara Trucks Pty Ltd
71 Mettawandy Ave, Paraburdoo
Planning application – office, shade structure, ablution

- RL & SJ Stump
38 Boonderoo Road, Tom Price
Planning Application – office, staffroom and storage
- Hamersley Iron Pty Ltd
Rocklea Palms, Paraburdoo
Planning Application – demountable locker and ablution
- Blossom Temple of Beauty
598 Narrabula Street, Tom Price
Home Occupation renewal
- Party in the Pilbara
367 Poinsettia Street, Tom Price
Home Occupation Application
- All is HAIR in Love and War
Home Occupation Application
549 Algona Street, Tom Price
- The Wool Den
568 Coolaroo Street, Tom Price
Home Occupation Application
- TP Kanga Hire
1098 Eungella Place, Tom Price
Home Occupation renewal
- Golder Associates
570 Beadon Creek Road
Planning Application

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

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Corker

SECONDED: Cr White

That the contents of the Development Approvals Issued Under Delegation – Shire of Ashburton Town Planning Scheme No.7 be noted.

CARRIED 9/0

Cr Shields left the meeting at 11:55am

**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)**

FILE REFERENCE: PS.TP.7.6

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

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

DATE REPORT WRITTEN: February 3, 2010

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

**PREVIOUS MEETING
REFERENCE:** Not applicable

Summary

Council at the 21 July 2009 meeting initiated draft Local Planning Scheme Amendment No. 6 to the Shire of Ashburton Local Planning Scheme No. 7 ('Scheme'). The Scheme currently defines a minimum subdivision lot size of 2000^{m2} for Industry zone and Mixed Business zone. This limitation is considered to be unreasonable where the provision of full-reticulated services can be made available. Draft Amendment No. 6 provides that where lot sizes in the Industry zone and Mixed Business zone can be less than 2000m2 where reticulated services are provided and where the land is defined in a Development Plan.

Draft Amendment No. 6 was advertised and three (3) submissions of no objection or comment were received, all from Government Agencies. The submissions are addressed in the attached Schedule.

After considering the submissions, it is recommended that Council adopt draft Amendment No. 6 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 Scheme includes the following provision:

“6.11.4 Local Government, in considering applications for subdivision/ amalgamation of land under clause 24(2) of the Act, shall not recommend approval of lots in the Mixed Business, Industry or Industrial/Mixed Business Development Zones which are below 2 000 m² or include battleaxe access legs”.

An associated notation with clause 6.11.4 states:

“Note: Local Government has a preference for mixed business and industrial zones to have a range of lot sizes to accommodate diversity in industrial activity”.

Comment

It is considered that Clause 6.11.4 conflicts with the above notation in that the Clause prevents diversity of industrial activity.

Amendment No. 6 seeks to modify Clause 6.11.4 to provide the opportunity for a proponent to pursue lot sizes smaller than 2000^{m²} where reticulated services (water, sewer, drainage and power) form part of the subdivision and where it comprises a Development Plan pursuant to the Scheme. The Development Plan requirement would ensure a comprehensive assessment of any subdivision layout. Further, the Western Australian Planning Commission would review any proposal prior to it being approved.

Conclusions

No negative submissions were received during the community consultation period and accordingly, it is recommended that the Council adopt draft Amendment No. 6 for final approval without modification.

[ATTACHMENT 13.02.08](#)

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*.

During the advertising period three (3) submissions of no objection or comment were received from government agencies and are addressed in the Schedule of Submissions.

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 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

Council Decision / Officers Recommendation

MOVED: Cr Corker

SECONDED: Cr Bloem

1. That the Council, in pursuance of Part V of the *Planning and Development Act 2005*, 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:

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 2 000^{m2} 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.*

- 2. That the 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.**

CARRIED 8/0

Cr Shields re-entered the meeting at 11:56am

13.02.09 DEVELOPMENT SERVICES DECISION STATUS REPORT

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
1.	12/09	13.12.83	Planning Application – Proposed Residential Building at Lot 910 (No. 13) McGrath Avenue, Onslow	That Council: 1. Approve the development application made by Gordon Douglas and Rhonda Michelle Thomas to use the existing dwelling at Lot 910 (No. 13) McGrath Avenue, Onslow for the purposes of a residential building subject to the following conditions: (9 conditions)	Finalised Development approval issued
2.	12/09	13.12.86	Draft Local Planning Policy – Advertising Signs for Adoption	That Council: 1. Adopt LPP 3 Advertising Signs as modified (Attachment 13.12.86) as a Local Planning Policy under the provisions of the Shire of Ashburton Town Planning Scheme No. 7, altering the Policy such that reference to on sign as recommended be increased to three (3); and 2. Give public notice of Council's decision as is required by the Shire of Ashburton Town Planning Scheme No. 7. 3. The Chief Executive Officer be requested to advise the sporting organisations of the revised Local Planning Policy and provided with a copy of the Shire Report. 4. Review the Policy in 12 months time.	Ongoing Has been advertised
3.	12/09	13.12.87	Planning Application for Staff Quarters, Lot 851 Central Road, Tom Price	That Council: 1. Approve the development application made by Scott Park Homes for six (6) transportable accommodation units for	Finalised Development Approval issued

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>the purpose of staff accommodation associated with Raminea Pty Ltd at Lot 851 Central Road, Tom Price in accordance with the endorsed plans and subject to the following conditions:</p> <p>(4 conditions and 8 notes to approval)</p>	
4.	12/09	13.12.88	Advertising of Draft Townsite Strategy, Onslow	<p>That Council:</p> <ol style="list-style-type: none"> 1. Note this Report. 2. Request the Chief Executive Officer to: <ol style="list-style-type: none"> a) advertise the draft Onslow Townsite Strategy for a period of 60 days; b) directly notify Onslow land owners and surrounding pastoral lease holders (by mail) advising of the draft Onslow Townsite Strategy and inviting comment; c) erect a display in the Shire Offices at Onslow and place the whole draft Onslow Townsite Strategy on the Shire Website; d) place an advertisement for the draft Onslow Townsite Strategy in the Pilbara Times on two occasions and the Onslow Times on at least one occasion; e) directly notify the following State Agencies: <ul style="list-style-type: none"> • Civil Aviation and Safety Authority; 	<p>Ongoing</p> <ol style="list-style-type: none"> (a) Advertising closes 6 March 2010 (b) Completed (c) Completed (d) Completed (e) Complete (f) Complete (g) To occur at March 2010 meeting of Council

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<ul style="list-style-type: none"> • Dampier Port Authority; • Department of State Development; • Department of Planning; • Department of Indigenous Affairs; • Department of Environment and Conservation; • Department of Education; • Department of Health; • Department of Mines and Petroleum; • Department of Regional Development and Lands; • Department of Water; • FESA; • Horizon Power; • Landcorp; • Main Roads WA; • Police Service of WA; • Tourism Commission of WA; and • Water Corporation; <p>f) directly notify the following companies/organisations;</p> <ul style="list-style-type: none"> • Thalanyji representatives; • BHP/Billiton; • Chevron; • Exxon; and • Onslow Salt; <p>g) refer (any) submissions received during the advertising period back to Council so that a</p>	

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				decision on to whether to adopt the draft Onslow Townsite Strategy with or without modifications can be undertaken.	
5.	12/09	13.12.89	Draft Planning Scheme Amendment to Establish North Ashburton Strategic Industrial Area, Onslow	<p>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. 7 ("Scheme") that proposes:</p> <p>5. That as the draft Amendment is in the opinion of the Council consistent with Part V of the Act and regulations made pursuant to the Act, that upon preparation of the necessary documentation, the draft Amendment be referred to the Environmental Protection Authority (EPA) as required by Part V of the Act, and on receipt of a response from the EPA indicating that the draft Amendment is not subject to formal environmental assessment, be advertised for a period of 42 days, in accordance with the <i>Town Planning Regulations 1967</i>. In the event that the EPA determines that the draft Amendment is to be subject to formal environmental assessment, this direction for an assessment is to be referred to Council prior to advertising of the draft Amendment.</p> <p>6. That prior to advertising, the views of the Western Australian Planning Commission and the Department of State Development be sought concerning the draft Amendment. Should modifications to the Amendment be recommended that in the opinion of the Chief Executive Officer, fundamentally affect the purpose and nature of the</p>	Ongoing Amendment has been submitted to Environmental Protection Authority and to Department of Planning

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				Amendment, the matter be referred to Council prior to advertising of the draft Amendment. 7. That following advertising of the draft Amendment, the matter be referred back to Council for further consideration.	
6.	12/09	13.12.90	Planning Application – Hotel/Motel Development Comprising 132 Tourist Accommodation Units and Ancillary Restaurant, Cafe, Gymnasium and Associated Car Parking at Lot 3011, Central Road, Tom Price	That Council: A. With respect to the Planning Application made by Auzcorp Pty Ltd for Hotel/Motel Development comprising 132 Tourist Accommodation Units (96 Single Bedroom Villas, 20 Single Bedroom Apartments, 16 Two Bedroom Tourist Units) and Restaurant, Café, Gymnasium and Associated Car Parking at Lot 3011, Central Road, Tom Price, Council note the submissions to the application lodged by RTIO and WA Tourism Commission. B. Approve the Planning Application made by Auzcorp Pty Ltd for Hotel/Motel Development comprising 132 Tourist Accommodation Units (96 Single Bedroom Villas, 20 Single Bedroom Apartments, 16 Two Bedroom Tourist Units) and Restaurant, Café, Gymnasium and Associated Car Parking at Lot 3011 and part Lot 3017 Central Road, Tom Price, subject to the following conditions: i) .	Ongoing Awaiting proponent to submit amended plans
7.	11/09	13.12.82	Planning Application – Proposed Residential Building at Lot 615, (No 8) Clarke Place, Onslow	That Council: 3. Approve the development application made by John Norman Birkett to use the existing dwelling at Lot 615 (No. 8) Clarke Place, Onslow for the purposes of a residential building subject to the following conditions:	

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				(9 conditions)	
8.	11/09	13.11.73	Draft Local Planning Policies for Adoption	<p>That Council:</p> <ol style="list-style-type: none"> 1. Adopt the following policies (attachment 13.11.73) as a Local Planning Policy under the provisions of the Shire of Ashburton Town Planning Scheme No. 7: <ul style="list-style-type: none"> • LPP 1 Transportable Dwellings New and Secondhand • LPP 2 Home Occupancy/Home Business. • LPP 4 Retail Uses in the Industrial Zone • LPP 5 Alfresco Dining. • LPP 6 Caretaker Accommodation • LPP 7 Cat Pounds and Catteries • LPP 8 Dog Kennels • LPP 9 Non Residential Land Uses in Residential Areas • LPP10 Design Guidelines for the Tom Price Town Centre • LPP11 Cash-in-Lieu Parking Requirements. 2. Give public notice of Council's decision as is required by the Shire of Ashburton Town Planning Scheme No. 7. 3. That the Chief Executive Officer prepare a report for the December 2009 meeting of Council in relation to Local Planning Policy LPP3 "Advertising Signs", having particular regard to the matter of advertising signs on sporting ovals. 	Ongoing Part 3 of Resolution addressed in report to Council. December 2009 meeting
9.	11/09	13.11.77	Draft Town Planning Scheme Amendment Modifications to Strategic	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	Ongoing Draft amendment being prepared

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
			Industrial Zone to Prohibit Transient Workforce Accommodation	<p>of Ashburton Town Planning Scheme No. 7 ("Scheme") that proposes to:</p> <ol style="list-style-type: none"> 1. That the zoning table be modified as follows: <ul style="list-style-type: none"> (a) Identifying 'Transient Workforce Accommodation' as an 'X' use class in the 'Strategic Industry' zone; 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. 3. That following advertising of the draft Amendment, the matter be referred back to Council for further consideration. 	for referral to EPA
10.	08/09	13.08.41	Draft Town Planning Scheme Amendment No 5 – Comprising modifications to the scheme to rezone Lot 327 Warara Street to Residential R30, to clarify the Land in	<ol style="list-style-type: none"> 8. That the Council, in pursuance of Part V of the <i>Planning and Development Act 2005</i>, adopt draft Amendment No. 5 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") for final approval for the purposes of: <p>(Standard Conditions Attached)</p> 	Ongoing Amendment referred to Western Australian Planning Commission

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
			special use 1 zone and to prohibit sea containers as caretaker dwellings (considerations of adoption for final approval)		Awaiting WAPC response
11.	07/09	13.07.30	Draft Town Planning Scheme Amendment – Modifications to the Minimum lot size Provisions in 'Industrial' Zones	<p>That Council In pursuance of Part V of the Planning and Development Act 2005 ("Act"), adopt for community consultation purposes draft Amendment No. 6 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") that proposes to:</p> <p>1. Modify Clause 6.18 (c) of the Scheme to read as follows:</p> <p>6.11.4 <i>"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 2 000 m² 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>4. 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</p>	Report to Feb Council meeting for final approval

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>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>5. That following advertising of the draft Amendment, the matter be referred back to Council for further consideration.</p>	
13	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. In line with a new AEHW being appointed recently, the PEHO will update the existing SOA Aboriginal Health Strategy.
14	03/08	13.03.10	Town Planning Scheme Amendment No. 1 – Lot 300 Boonderoo Road, Tom Price	<p>That Council, in pursuance of Part V of the <i>Planning and Development Act 2005</i> ("Act") adopt for final approval Amendment No.1 as advertised, subject to the following modifications:</p> <p>1. That new parts be included in the Amendment as follows:</p> <p>(a) an asterisk be placed next to 'I' of the zoning table coordinated between 'Transient Workforce Accommodation and 'Mixed Business'.</p> <p>(b) include the following note immediately after the Zoning Table:</p> <p><i>** Note: Clause 6.9.5 prohibits 'Transient Workers Accommodation use at Lot 300 Boonderoo Road, Tom Price'</i></p>	Ongoing Amendment submitted to Western Australian Planning Commission/Minister for Planning for final approval.

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>(c) include new Clause 6.9.5 of the Scheme to read as follows: <i>"6.9.5 Notwithstanding any other provision of this Scheme, the use and development of 'Transient Workers Accommodation at Lot 300 Boonderoo Road, Tom Price is prohibited"</i></p> <p>2. That Council, upon receipt of the necessary amending documentation, refers the Amendment so adopted for final approval to the Western Australian Planning Commission with a request for approval of the Minister for Planning and Infrastructure.</p> <p>3. Where notification is received from the Department for Planning and Infrastructure that a modification of the Amendment is required prior to approval of the Amendment by the Minister, this modification be undertaken in accordance with the requirements of the <i>Town Planning Regulations 1967</i> unless it is considered by the Chief Executive Officer that the modification affects the intent of the for consideration.</p> <p>4. Should the Proponent not provide the necessary amending documentation referred to in 2. above to the satisfaction of the Executive Manager Development Services, the Chief Executive Officer be requested to make appropriate arrangements to ensure that the modifications to Amendment No. 1 are carried out.</p>	
15	03/08	13.03.11	Town Planning Scheme Amendment No. 2 – Modification to the Scheme to reflect local planning policy – Transient Workforce	<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 No. 1</i> ("Scheme") that proposes:</p> <p>1. That the zoning table be modified as follows:</p>	Ongoing. Further information being gathered for Council. Being considered in association with

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
			Accommodation	<p>(a) Identifying 'Transient Workforce Accommodation' as a 'X' use 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>	Tom Price Structure Plan.

Council Decision / Officers Recommendation

MOVED: Cr White

SECONDED: Cr Dias

That Council note the contents of the Development Services Decision Status Report

CARRIED 8/0

14.02.0 WESTERN OPERATIONS REPORTS

14.02.01 RFT 01/10 SALE OF LOT 502 (21) FIRST AVENUE ONSLOW

FILE REFERENCE: ASTE.01/10

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 3 February 2010

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

PREVIOUS MEETING REFERENCE: Agenda Item 14.09. Ordinary Meeting of Council
13 September 2009

Summary

Previous to this agenda item, the land at Lot 502 (21) First Avenue Onslow was tendered and Council accepted their tender. The successful tenderer Deane Contracting subsequently reneged on their offer. The Shire again called for Tenders for the sale of vacant land in Onslow on 16 January 2010, with a closing date of 3 February 2010. At the tender opening on Wednesday, 3 October 2010 four tenders were received.

Background

Council has previously determined that vacant lot 502 (21) First Avenue, Onslow is excess to its requirements. For this reason the land was offered for sale by tender in August 2009. Subsequently Council, at its September 2009 meeting resolved

MOVED: Cr Fernandez

SECONDED: Cr Musgrave

That Council;

- 1. Accept the Tender from Deane's Contracting WA Pty Ltd for the sum of \$606,100.00 (incl GST); and*
- 2. Instructs the Chief Executive Officer to complete the required documentation in order to complete the tender process for the sale of land at Lot 502 (21) First Avenue Onslow.*

CARRIED 8/0

The Shire wrote to Deane Contracting of Council's decision in September 2009. Subsequently in October 2009, Deane Contracting informed the Chief Executive Officer by way of letter that due to their financial situation were unable to proceed with the purchase of the property.

[**ATTACHMENT 14.02.01**](#)

Further to this, the Shire sought legal opinion on the way forward and has since written to Deane Contracting informing them of the Shire's intent to resell the property and that they are liable for any loss on the sale of the property. If the Council were to adopt the officer's recommendation, the shortfall between the highest tender and Dean Contracting's tender price is \$51,100 (incl GST).

[**ATTACHMENT 14.02.01a**](#)

Comment

The second tender for the sale of the property (Tender 01/10) closed on Wednesday, 3 February 2010. An extensive advertising campaign was undertaken including the following

- West Australian – Tenders and Real Estate Advertising
- Pilbara News - Tenders Advertising
- North West Telegraph - Tenders Advertising
- Email distribution to local and interested parties
- Local Shire of Ashburton Notice boards

Copies of the tender document were requested by 13 interested parties who were located in Perth and the Pilbara.

Four tenders were received. These included three tenders which complied with the relevant criteria set within the tender document and one which did not. Listed below are the tenders received:

NAME OF COMPANY & OR PERSON TENDER RECEIVED FROM	ADDRESS OF COMPANY& PERSON TENDER RECEIVED FROM	FORMAT TENDER RECEIVED	TENDERS OFFER DATE STAMPED & INITIALED Y/N PRICE	TENDER MET CRITERIA Y/N & REASON
Janette L Bevan, Paul A Thomas & Skyla & Kenneth Grant	17 First Avenue Onslow 6710	Tender box	Y \$555,000	Y
Richard Trainer Operations Manager 20*20 Pty Ltd	467 Canning Highway, Como 6152	Email	Y \$508,000	Y
Stephen Goodwin	52 Alderbury St, Florets 6014	Email	Y \$151,102	Y
Cecilia Fernandez Community Progress Manager IBN Corporation	PO Box 266 Tom Price WA 6751	Email	Y \$225,000	N Tender late (4.09pm) & part 3 "Tenders offer" not completed & submitted

Consultation
Chief Executive Officer
Administration Officer – Onslow
Executive Manager Corporate Services

Statutory Environment

Local Government Act, Sections 3.57 Tender for providing goods or services and 3.58 Disposing of property

Policy Implications

FIN 12 Purchasing and Tender Policy.

Financial Implications

The tender quality criteria weighting, within the tender was set to 100%, therefore the highest tendered price by Janette L Bevan, Paul A Thomas & Skyla & Kenneth Grant of \$555,000 (incl GST) should be accepted.

The amount offered in the tender is adequate and the officer believes that it is the best value outcome that can be achieved at this time. Any further action taken to secure a higher price will in turn be less cost effective to the Shire. It is also important to note the following:

- The Shire budgeted \$550,000 (excl GST) for staff housing in Onslow and the amount of the highest tender excluding GST is \$499,500, there will be a need to find \$50,500 (excl GST) to continue with staff housing;
- If the Shire is successful in recouping the “short fall” from Deane Contracting of \$51,100 (incl GST), this will cover a large portion of the money required to build the staff housing;
- Legal costs that may be incurred in the process of recouping money from Deane Contracting is unknown; and
- Advertising costs to date for both tenders is in the vicinity of \$12,200 (\$6,190.31 ea) as the final invoice has not been received for RFT 01/10.

Strategic Implications

Under the Shire of Ashburton’s strategic plan, the following objectives have been met;

1. “Diversify & Strengthen the Economy”
6. “A well managed and Contemporary Organisation”.

Voting Requirement

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Corker

SECONDED: Cr Bloem

That Council;

1. Accept the Tender from Janette L Bevan, Paul A Thomas & Skyla & Kenneth Grant for the sum of \$555,000.00 (incl GST);
2. Instruct the Chief Executive Officer to further complete the required documentation to

- complete the tender process for the sale of land at Lot 502 (21) First Avenue Onslow;
and
3. Instruct the Chief Executive Officer to continue with the appropriate legal process in relation to recouping the “short fall” of \$51,100 (incl GST) from Deane Contracting Pty Ltd.

CARRIED 9/0

14.02.02 WESTERN OPERATIONS DECISION STATUS REPORT

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
ENGINEERING					
1.	12/09	14.12.20	Tender RFT 07/09 Design and Construct Onslow Multi Purpose Complex	That Council nominate Pindan Contracting Pty Ltd as the preferred tender and delegate to the CEO the authority to award the contract subject to satisfactory negotiation.	Finalised Negotiation Complete – Contract Awarded – Design being finalised, Pindan on site in Onslow
2.	12/09	14.12.21	Tender RFT 12/09 Design and Construct of Four Residential Dwellings in Onslow	That Council (a) Appoint RFT 12/09 to 20*20 Pty Ltd as the preferred tender (b) Delegate the CEO to award the contract to 20*20 subject to successful negotiation	Ongoing Negotiations continuing
3.	12/09	15.12.19	Proposed New Policy – Closed Circuit Television (CCTV) Policy	That Council adopts the proposed Council Policy CCTV as per attached	Finalised New Policy included in policy register
4.	11/09	14.11.16	Lot 944 First Street, Onslow Reserve 42626	That Council instruct the Chief Executive Officer to: a. refer this matter to the Onslow Townscape Advisory Group for their ideas on alternative uses for the property at 944 First Street, Onslow and b. to make arrangements for an “open day” to be held at the property for the general public to view and make suggestions as to the end-use for the property and c. to report the results of (a) and (b) back to Council	Ongoing Arrangements are being made to carry out the actions endorsed by Council. Ongoing

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#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
5.	09/09	14.09.13	Tender RFT 06/09 Sale of Lot 502 (21) First Avenue, Onslow	That Council; 4. Accept the Tender from Deane's Contracting WA Pty Ltd for the sum of \$606,100.00 (incl GST); and 5. Instructs the Chief Executive Officer to complete the required documentation in order to complete the tender process for the sale of land at Lot 502 (21) First Avenue Onslow.	Item at Feb 2010 Council Meeting
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 PEHO to prepare Shire wide strategy PEHO is on annual leave and strategy not yet ready for distribution, will be forwarded to Council as soon as possible
7.	02/03	10.01.673	Onslow Sea Wall Ownership and Progress Report MES	Advise the contractor, WA Limestone/Roadstone JV, that the surface of the boat ramp at First Avenue, Onslow, is not acceptable due to the unevenness of the patched section and the small voids that exist in other parts of the surface; Approve the additional works associated with the Onslow sea wall project to be: (a) Ocean View Caravan Park Reserve retaining soil \$20,000; (b) Seniors Units & Sun Chalet reserves area fill to level behind sea wall \$35,000; (c) Beach replenishment \$15,000; (d) Design disabled access \$5,000; and (e) Survey and peg reserve boundaries \$7,000.	Ongoing Survey completed Feb 2009 (a) Complete (b) Complete (c) Complete Development Services

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
				Have the property boundaries surveyed and marked on site before further considering formal control of the sea wall being accepted.	progressing
COMMUNITY					
4	11/09	14.11.18	Service Centre Agreement between the Shire of Ashburton and WA Country Health Service	<ol style="list-style-type: none"> 1. Council endorses the leasing of the unoccupied pensioner unit to HACC for use as their service delivery centre. 2. Instructs the CEO to advertise Councils intent to lease the property to HACC for 5 years at a nominal fee of \$3,640.00 as required by the Local Government Act 1995 s.3.58(3) 	Ongoing MOU being actioned
5	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> <ol style="list-style-type: none"> (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 (b) It does not support the Pannawonica Community plans prepared by the company for the following reasons: <ol 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 	Ongoing Clear direction has been reached – working on plan with Rio representatives.

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>consists of elements which are not community infrastructure or services</p> <p>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.</p>	
CORPORATE					
9	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"> 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 Robe River renovating the above facilities prior to the commencement of the leases. The Shire of Ashburton donating the amount of \$1,000 annually to each of the Occasional Child Care Centre and Neighbourhood Centre. 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. The Shire of Ashburton providing two free 	Work is ongoing – both Rio and Shire committed to outcome before end of financial year

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
				street sweeps per year with additional sweeps provided on a fee for service basis.	
DEVELOPMENT					
10	12/06	14.12.018	Residential Plan for the Shire of Ashburton – Onslow	That Council instruct CEO to prepare tender documents for the building residences at 318 Second Avenue, 360 Third Avenue, and 578 Hedditch Street.	Review of this strategy taking place – item will be presented to Council, April 2010
11	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 effect 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>

Council Decision / Officers Recommendation

MOVED: Cr Corker

SECONDED: Cr Dias

That Council note the contents of the Western Operations Decision Status Report

CARRIED 9/0

15.02.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

Council Decision

MOVED: Cr Dann

SECONDED: Cr Bloem

That Council considers the following late Agenda Items

- 15.02.01 Supply and Delivery of Reinforced Concrete Pipes Request for Tender 03/10
- 15.02.02 Proposed subdivision – Lot 308 Boonderoo Road, Tom Price (WAPC Ref: 141308)

CARRIED 9/0

15.02.01 SUPPLY AND DELIVERY OF REINFORCED CONCRETE PIPES- REQUEST FOR TENDER 03/10

FILE REFERENCE: AS.TE.03.10

**AUTHOR'S NAME AND
POSITION:** Jeff Breen
Executive Manager Engineering Services

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

DATE REPORT WRITTEN: 12thFebruary

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

**PREVIOUS MEETING
REFERENCE:** Agenda Item 10.05.09, Ordinary Meeting of Council 10
May 2009

Summary

The Shire of Ashburton has entered into an agreement with Hamersley Iron Pty Ltd to carry out works on the Nanutarra Munjina Road. Part of the works include the construction of a nine barrel culvert and floodway for which the pipes are required.

Background

At the May 2009 Ordinary Meeting of Council, Council resolved to endorse a Business Plan for a Major Business Undertaking – Nanutarra Munjina Rd Reconstruction.

The agreement to carry out the works is through an MoU which provides for Council to carry out the work on a “do and charge” basis.

The work requires the supply and installation of a nine barrel culvert system. Tenders were called for the supply and delivery of 104.92 metres of 1800mm diameter, Class 4 reinforced concrete pipes.

Two tenders were received both conforming to the tender specification.

Comment

The table below outlines the tendered prices and recommended actions.

Tenderer	Description	Tendered Price ex GST
Humes	Supply of 104.92 m of 1800 diameter pipe	\$162,101.40
	Delivery	\$38,576.16
Rocla	Supply of 104.92 m of 1800 diameter pipe	\$231,873.20
	Delivery	\$53,300.00

It is recommended that the tender for supply and delivery of reinforced concrete pipes be awarded to Humes.

Consultation

Operations Manager

Statutory Environment

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

Policy Implications

Financial Implications

Best value outcomes achieved.

Strategic Implications

Nil

Voting Requirement

Simple Majority Required

Council Decision / Officers Recommendation

MOVED: Cr Corker

SECONDED: Cr white

That Council;

**Accepts the tender from Humes for the supply and delivery of 1800mm diameter,
Class 4, reinforced concrete pipes for the sum of \$200,677.56.**

CARRIED 9/0

15.02.02 PROPOSED SUBDIVISION – LOT 308 BOONDEROO ROAD, TOM PRICE (WAPC Ref: 141308)

FILE REFERENCE:	TP.BN.308
AUTHOR'S NAME AND POSITION:	Rob Paull Shire 's Town Planning Consultant
NAME OF APPLICANT/RESPONDENT:	Whelans (on behalf of the Shire of Ashburton)
DATE REPORT WRITTEN:	February 15, 2010
DISCLOSURE OF FINANCIAL INTEREST:	The author is a consultant to the Shire of Ashburton
PREVIOUS MEETING REFERENCE	Not applicable

Summary

An application to subdivide land at Lot 308 Boonderoo Road, Tom Price, has been lodged with the Western Australian Planning Commission (WAPC) by Whelans on behalf of the Shire. The WAPC has referred the Application to the Council for comment and the recommendation of possible conditions. Under the Shire of Ashburton Local Planning Scheme No. 7, the land is zoned 'Mixed Business' and 'Industry'.

The proposal involves the subdivision of the 2.48 ha into 7 lots (plus the balance of the title). The proposed lots have the minimum subdivision area of 2000m², as required under the Planning Scheme. The subdivision represents a staged approach for the future subdivision and development of the land. Subject to final approval of Scheme Amendment No. 6 to the Scheme to allow industrial lots less than 2000m² where reticulated services are provided and where the land is defined in a Development Plan (note Item 13.02.08 in this Agenda), the remainder of Lot 308 could be further subdivided.

It is recommended that Council advise the WAPC that it has no objection to the subdivision but that it requests that the conditions set out in the report recommendation be included in any Approval.

Background

Whelans land surveyors, have lodged an application to subdivide land at Lot 308 Boonderoo Road, Tom Price into 7 lots with the Western Australian Planning Commission (WAPC).

The WAPC has referred the Application to the Council for comment and for the recommendation of possible conditions. The WAPC referral of the application to the Shire is a requirement of the Planning & Development Act.

The proposal involves the subdivision of the 2.48ha into 7 lots (plus the balance of the title), with access from the continuation of Boonderoo Road. A 502m² area of a road reserve is also sought to be closed as part of the subdivision. Under the Shire of Ashburton Local Planning Scheme No. 7, the land is zoned 'Mixed Business' and 'Industry'.

The proposed lots represent a minimum subdivision area of 2000m², as required under the Planning Scheme. The subdivision represents a staged approach for the future subdivision and development of the land.

The Scheme includes the following provision:

"6.11.4 Local Government, in considering applications for subdivision/ amalgamation of land under clause 24(2) of the Act, shall not recommend approval of lots in the Mixed Business, Industry or Industrial/Mixed Business Development Zones which are below 2 000 m² or include battleaxe access legs".

An associated notation with clause 6.11.4 states:

"Note: Local Government has a preference for mixed business and industrial zones to have a range of lot sizes to accommodate diversity in industrial activity".

Relevant to the site is Scheme Amendment No. 6 to the Scheme to allow industrial lots less than 2000m² where reticulated services are provided and where the land is defined in a Development Plan (note Item 13.02.08 in this Agenda Subject).

The layout of the proposed subdivision along with a 'concept plan' (referred to as 'Option 3') are attached.

[ATTACHMENT 15.02.02 & 15.02.02a](#)

Comment

The layout and minimum area of the proposed subdivision is consistent with the provisions of the Scheme. The provision of public open space is not required for industrial land. The subdivision and development will ease the shortage of industrial lots in Tom Price. The area of subdivision has generally been disturbed over the years with rubbish, fill and weed infestation.

It is recommended that Council provide conditional support for the proposed subdivision and advise the WAPC accordingly

Statutory Environment

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

Financial Implications

There are no financial implications in relation to this matter as it relates to the future subdivision of the land and not ownership. Any proposal to purchase and development the land by Council would be subject to a further Report to Council.

Strategic Implications

The subdivision as sought will assist in achieving the focus as stated in the Shire's Strategic Plan 2007-2011: —*Strengthen and diversify opportunities and experiences for people living, visiting, working and learning in the Shire*'. The provision of industrial land in the Shire is an important operational and strategic need for the Shire.

Voting

Simple majority required.

Council Decision / Officers Recommendation

MOVED: Cr Corker

SECONDED: Cr Dias

That Council advise the Western Australian Planning Commission that:

- 1. The WAPC Subdivision Application Ref 141308 was lodged by Whelans P/L on behalf of the Shire of Ashburton.**
- 2. Council offers no objection to WAPC Subdivision Application Ref 141308 by Whelans to subdivide land at Lot 308 Boonderoo Road, Tom Price, into seven (7) lots with portion of Boonderoo Road to be closed, subject to the following conditions being included in the subdivision approval:**
 - a) "As Constructed Drawings", detailing the variations and amendments from approved drawings, shall be provided on transparencies, prior to clearance of the Diagram of Survey. Information provided in "As Constructed" form will include drainage construction details, earthworks levels and road levels and alignments. Where available and practicable, the information shall be provided in computer disk form, where the Consultant has used computer-aided drafting methods. Files are to be supplied in order of preference:**
 - * Microstation "DGN" file format**
 - * Autocad "DWG" file format**
 - * "DXF" file format**
 - b) Satisfactory arrangements being made with the Shire of Ashburton for the upgrading of Boonderoo Road prior to the issue of clearance(s). In this regard, the upgrading would involve kerbing and general road construction works.**

- c) Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road, connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost to the specifications approved by, and to the satisfaction of, the Shire of Ashburton.
- d) The cul-de-sac head(s) being designed to the satisfaction and specifications of the Shire of Ashburton. Please liaise with the Shire of Ashburton prior to submitting engineering drawings.
- e) Street corners within the subdivision being truncated to a standard truncation of 8.5 metres.
- f) The land being filled and / or drained at the subdivider's cost to the satisfaction and specifications of the Shire of Ashburton, and any easements and / or reserves necessary for the implementation thereof, being provided free-of-cost to the Shire of Ashburton and in accordance with their requirements. Details to be submitted with engineering drawings and approved by the Shire of Ashburton prior to commencement of any works.
- g) The land being connected to reticulate water and comprehensive drainage system at the subdivider's cost to the specifications and satisfaction of the Shire of Ashburton.
- h) The land being graded and stabilised at the subdivider's cost to the specifications and satisfaction of the Shire of Ashburton.
- i) Drainage easements as may be required by the Shire of Ashburton to cover drainage infrastructure developed within reserves being shown on the Diagram of Survey as such and granted free-of-cost and vested to that Authority under Section 152 of the Planning and Development Act.
- j) The applicant providing the Shire of Ashburton with information relating to existing contours and natural features, location of existing vegetation, the extent of earthworks and final contours for the land prior to any site clearance or sub divisional construction work being commenced.
- k) The provision of underground power to all lots within the subdivision.

CARRIED 9/0

16.02.0 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.

Council Decision

MOVED: Cr Corker

SECONDED: Cr Dias

That Council close the meeting to the public at 12:03pm pursuant to sub section 5.23 (2) (a) and (c) of the Local Government Act 1995

CARRIED 9/0

16.02.01 CONFIDENTIAL ITEM – WITTENOOM ASBESTOS LITIGATION

FILE REFERENCE: AS.WI.2

AUTHOR'S NAME AND POSITION: Keith Pearson
Chief Executive Officer
Teigan Don
Project Officer to the Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 29 January 2010

DISCLOSURE OF FINANCIAL INTEREST: Not Applicable

PREVIOUS MEETING REFERENCE: Confidential Item 16.03.01 Ordinary Meeting of Council 17 March 2009
Confidential Item 16.05.08 Ordinary Meeting of 19 May 2009
Confidential Item 16.12.18 Ordinary Meeting of 15 December 2009

Please refer to Confidential Item Attachment under separate sheet

Council Decision / Officers Recommendation

MOVED: Cr Corker

SECONDED: Cr Shields

That Council note the contents of the Confidential Item – Wittenoom Asbestos Litigation Report.

CARRIED 9/0

Staff left the meeting at 12:04pm

**16.02.02 CONFIDENTIAL REPORT – CHIEF EXECUTIVE OFFICER
ANNUAL PERFORMANCE REVIEW AND REVIEW OF TENURE**

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: 1 February 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, 16.02.04, Ordinary
Meeting of Council, 19 February 2008

Please refer to Confidential Item Attachment under separate sheet

Council Decision / Officers Recommendation

MOVED: Cr Bloem

SECONDED: Cr Dias

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.**

CARRIED 9/0

Council Decision

MOVED: Cr Dann

SECONDED: Cr Bloem

That Council re-open the meeting to the public at 12.06pm

CARRIED 9/0

Staff returned to the meeting at 12.10pm.

17.02.0 NEXT MEETING

The next Ordinary Meeting of Council will be held on 17 March 2009, at the Ashburton Hall, Ashburton Avenue, Paraburdoo, commencing at 9:00am

18.02.0 CLOSURE OF MEETING

The Shire President declared the meeting closed at 12:10pm