



**SHIRE OF ASHBURTON**

**ORDINARY COUNCIL MEETING**

**MINUTES**

**Meeting Room, Community Recreation Centre,  
TOM PRICE**

**17 March 2010**

**SHIRE OF ASHBURTON**  
**ORDINARY COUNCIL MEETING**

Dear Councillor,

Notice is hereby given that an Ordinary Meeting of the Council of the Shire of Ashburton will be held on Wednesday 17 March 2010 at the Meeting Room, Community Recreation Centre, Tom Price, commencing at 9.00am.

The business to be transacted is shown in the Agenda.

Keith Pearson  
**CHIEF EXECUTIVE OFFICER**

10 March 2010

**DISCLAIMER**

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

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### 1.03.0 DECLARATION OF OPENING

The Shire President declared the meeting open at 9:00am

### 2.03.0 ANNOUNCEMENT OF VISITORS

The Shire President welcomed Mr Greg Finch, Rio Tinto and Ms Cecilia Fernandez to the public gallery.

### 3.03.0 ATTENDANCE

#### 3.03.01 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 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
Mr L Softley	Executive Manager Community & Economic Services
Mrs P Hanson	Executive Assistant CEO

#### 3.03.02 APOLOGIES

There were no apologies

#### 3.03.03 APPROVED LEAVE OF ABSENCE

Cr L Shields Tom Price Ward

### 4.03.0 PUBLIC QUESTION TIME

#### 4.03.01 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary meeting of Council held on 17 February 2010, the following questions were taken on notice

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

A written response was sent to Ms Fernandez. The response explained that the Shire's budgeted contribution to the proposed pergolas was conditional upon additional funding being obtained from the State Government and the aboriginal corporations associated with the communities. This additional funding has not been committed to date.

In the circumstances the options available to Ms Fernandez are to source the necessary funding from the other parties or for a new submission to be made to Council, requesting alternative funding arrangements.

**Cr White tabled a letter on behalf of Mr G and Mrs 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"?**

A written reply was sent to Mr and Mrs Whitmore. The response explained that the handling of the tender was consistent with the requirements of the Local Government Act and that the process had been clear and transparent.

#### **4.03.02 PUBLIC QUESTION TIME**

Ms Cecilia Fernandez requested clarification of the attachment on agenda item 12.02.09, in regard to a payment

[4.03.02](#)

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

#### **5.03.0 APPLICATIONS FOR LEAVE OF ABSENCE**

##### **Council Decision**

**MOVED: Cr Dias**

**SECONDED: Cr Corker**

**That Council accept the application for leave of absence from Cr Tony Bloem for the April Council meeting.**

**CARRIED 8/0**

#### **6.03.0 PETITIONS / DEPUTATIONS / PRESENTATIONS**

##### **6.03.01 PETITIONS**

There were no petitions received

**6.03.02 DEPUTATIONS**

There were no deputations presented to Council

**6.03.03 PRESENTATIONS**

Diana Russell-Coote, Garry Walker, Don Burnside, Sabine Hopf, Peter Goff and Fadi Dorkham presenting on the BHP Billiton Macedon Development Proposal

Darren Long, DL Consulting to undertake workshop on the Shire of Ashburton Local Laws

**7.03.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**7.03.01 ORDINARY MEETING OF COUNCIL HELD ON 17 February 2010**

**Council Decision / Officers Recommendation**

**MOVED: Cr White**

**SECONDED: Cr Corker**

**That the Minutes of the Ordinary Meeting of Council held on 17 February 2010, as previously circulated on 22 February 2010, be confirmed as a true and accurate record**

**CARRIED 8/0**

**8.03.0 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

Nil

**9.03.0 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 Corker had not completed reading the attachments

Cr Dann had not completed reading the attachments

Cr Rumble had not completed reading the agenda

## 10.03.0 ENGINEERING SERVICES REPORTS

### 10.03.03 DECOMMISSIONING OF MUNJINA AIRSTRIP

<b>FILE REFERENCE:</b>	TR.AT.1.4
<b>AUTHOR'S NAME AND POSITION:</b>	Jeff Breen Executive Manager Engineering Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Department of Transport
<b>DATE REPORT WRITTEN:</b>	3 <sup>rd</sup> March 2010
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### Summary

The Department of Transport is seeking to divest itself of responsibility for the Munjina Airstrip. An alternative emergency landing strip is proposed on the Great Northern Highway near Auski.

Maintaining the current strip cannot be justified and it is recommended that Council advise the Department of Transport that the Shire does not wish to take over responsibility for the strip.

#### Background

Correspondence has been received from the Department of Transport advising that the department will be seeking the Minister for Transport's approval to decommission the Munjina Airstrip. Before it pursues this course of action, however, the department is offering the Shire the opportunity to assume ownership of the strip.

A copy of the Department of Transport's letter to the Shire is attached.

#### [10.03.03](#)

#### Comment

The Munjina airstrip is situated approximately one kilometre North West of the Auski Roadhouse. The strip is owned by the Department of Transport, which is seeking to divest itself of responsibility for the strip. After its closure it is proposed to utilise the adjacent Great Northern Highway as an emergency and RFDS landing strip.

The administration has made contact by telephone with surrounding pastoralists (not all were able to be contacted) and also with Auski Roadhouse.



None of the people contacted use the existing strip, nor were any concerns expressed about its closure, providing an alternative was provided in case of emergency.

Council's Emergency Services Coordinator, Morgwyn Jones, has advised also that he has no objection to the closure of the strip.

Essentially there are three options open to Council;

1. Object to the closure of the strip and request that the Department of Transport maintain ownership
2. Offer to take over responsibility of the strip from the Department
3. Agree to the closure of the strip providing an alternative emergency landing facility is provided.

Considering the consultation carried out provides no strong objection to the Munjina Airstrip's closure, providing there is an alternative for emergency landings, retention of the strip cannot be justified.

#### **Consultation**

Shire Emergency Services Coordinator

Various people in the vicinity who may be affected by the closure.

#### **Statutory Environment**

There are no statutory matters relevant to this item

#### **Policy Implications**

There are no policy matters relevant to this item

#### **Financial Implications**

There will be unidentified costs associated with upgrading and managing the airstrip if the Shire takes ownership of the facility.

#### **Strategic Implications**

There are no strategic matters relevant to this item.

#### **Voting Requirement**

Simple Majority Required

#### **Council Decision / Officers Recommendation**

**MOVED: Cr Corker**

**SECONDED: Cr Dias**

That Council advise the Department of Transport that

1. The Shire has no objection to the closing of the Munjina Airstrip subject to prior alternative arrangements being made for Royal Flying Doctor Services and
2. The Shire does not wish to take ownership of the facility.

**CARRIED 5/3**

### 10.03.04 ENGINEERING SERVICES DECISION STATUS REPORT

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
1	02/10	10.02.01	Shire of Ashburton Bikeplan 2010 - 2015	It is recommended that Council adopt the new bike plan for implementation	Finalised
2	02/10	15.02.01	Supply and Delivery of Reinforced Concrete Pipes Request for Tender 03/10	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	Finalised Successful tender notified of Council decision (Mar 2010)
	02/10	15.02.02	Proposed Subdivision – Lot 308 Boonderoo Road, Tom Price (WAPC Ref; 141308)	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. (11 conditions)	Finalised WAPC notified of Council decision
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  Purchase of Reserve 39500 completed. Settlement in progress for remaining land (Mar 2010)
3	10/09	10.10.27	Business Plan for a Major Land Transaction – Warara Street, Strata Title Land	That Council;  1. Endorses the Business Plan - Major Land Transaction – Warara Street Strata Title Land Development	Ongoing  Awaiting WAPC approval for rezoning. Expressions of Interest to

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
			Development	2. Directs the CEO to advertise tenders for the work and to report back to Council for acceptance of the tender.	be sought in March for development of site. (Mar 2010)
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 (Mar 2010)
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 traffic of Duck Creek Road to vehicular traffic in accordance with Section 3.50 of the Local Government Act 1995.  2. Instruct the Chief Executive Officer, to place signage to this effect, and advise Main Roads Pilbara Region of Council's decision.	Ongoing MRWA notified, signage being prepared. (Mar 2010)
6	07/09	10.07.17	Tom Price Primary School – Conversion of Creek Road into One Way Thoroughfare	That Council 1. Resolve to support the proposal to convert Creek Road into a one-way thoroughfare, in an anti clockwise direction.  2. Direct the Chief Executive Officer to advise the Minister for Transport of Council's decision and request that Creek Road be formally made one-way.	Ongoing Traffic design in progress. Start work at Easter 2010. (Mar 2010)

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
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.	Finalised Purchase of properties being finalised. Proposal included in current budget (Mar 2010)
8	05/07	10.05.13	Proposed Sale of Land – Lot 308 Boonderoo Road, Tom Price	That Council; <ol style="list-style-type: none"> <li>1. Directs the EMES to carry out a preliminary subdivision design for the vacant Lot 308 Boonderoo Rd land owned by the Shire.</li> <li>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.</li> <li>3. Subject to financial viability, directs the CEO to call tenders for the subject land subject to the proviso that subdivision of the land, availability of title and provision of services be completed within 6 months of the sale, and the tender be on the basis that there is no requirement to accept any tender</li> </ol>	Ongoing Subdivision plan with WAPC for approval. Amendment to Planning Scheme to allow 1000m2 lot size minimum with WAPC for approval. (Mar 2010)
9	04/07	10.04.07	Relocation of Onslow Landfill	<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>3. That funds amounting to \$100,000 be transferred from the Urban Road Maintenance Account No E121045 (Spent to Date \$135,000 from budget</li> </ol>	Ongoing Monitoring bores completed. Geotechnical report received early August. Land lease of new site being processed by DPI. Change of DPI personnel has delayed progress. Consultants (SKM) seeking DEC approvals. State Lands Services not yet responded on excision

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				\$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.	of land from pastoral lease. .(Mar 2010)

**Council Decision / Officers Recommendation**

**MOVED: Cr Corker**

**SECONDED: Cr Dann**

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

**CARRIED 8/0**

## 11.03.0 COMMUNITY & ECONOMIC SERVICES REPORTS

### 11.03.02 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"> <li>a) Monthly rent offered under the lease agreement for 24 months with a further option of 24 months, monthly rent of \$2166.00.</li> <li>b) Agreement to pay all outgoings and utilities including water, electricity and 50% rates.</li> <li>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.</li> </ul>	<p>Finalised.</p> <p>Skilled Services Ltd have returned signed lease.</p> <p>(Feb 2010)</p>
2.	07/09	11.07.12	Location of Entry Statement – Tom Price	<p>Council appoint Crs Fernandez, Musgrave and Bloem, the Executive Manager, Community &amp; 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>	<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. (Mar 2010)</p>
3.	11/08	15.11.01	Proposed Paraburdoo Mechanical Shovel Tourist Project	<p>That Council:</p> <ul style="list-style-type: none"> <li>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.</li> <li>b) Delegation to the Chief Executive Officer the authority to make a final decision in relation to this matter after</li> </ul>	<p>Ongoing</p> <p>Rio Tinto has advised that the shovel will not be available until the second half of this calendar year. (Mar 2010)</p>

#	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. (Mar 2010)
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 Stakeholders meeting held 8 <sup>th</sup> December 2009. Further stakeholder meetings held in Tom Price on the 9 <sup>th</sup> & 10 <sup>th</sup> February 2010 and in Paraburdoo 11 <sup>th</sup> February 2010.  (Mar 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;	Ongoing  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.  Community notified by means of a Media Release (Mar 2010)

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>2. Providing that the necessary funds are available, resolves to refurbish the Vic Hayton Memorial Pool generally in the following manner;</p> <ul style="list-style-type: none"> <li>○ 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</li> <li>○ Upgrade of balance tank and plant room including new pumps and filtration system and extension of plant room</li> <li>○ 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.</li> <li>○ Demolition and construction of concrete concourse including new drainage</li> <li>○ Upgrade lighting to required standard</li> <li>○ Refurbishment of existing office, kiosk, change rooms and toilets;</li> </ul> <p>3. Providing that the necessary funds are available, resolves to direct the Executive Manager Community &amp; Economic Services to call a Design and Construct Tender for the works</p>	

**Council Decision/ Officers Recommendation**

**MOVED: Cr Bloem**

**SECONDED: Cr White**

**That Council note the contents of the Community & Economic Services Status report**

**CARRIED 8/0**



## 12.03.0 CORPORATE SERVICES REPORTS

### 12.03.12 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 March 2010

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### Summary

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

#### Background

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

#### Comment

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

Seal 306 Deed of Discharge & Release between Mitchell & Others, Wittenoom Litigation  
Seal 307 Contract between Shire of Ashburton and Pindan Contracting Pty Ltd (Multi Purpose Building, Onslow)

#### 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 Corker**

**SECONDED: Cr Thomas**

**That Council note the contents of the Corporate Services Status report**

**CARRIED 8/0**

**Declaration of Interest**

Prior to consideration of this Agenda Item Cr White declared an interest in Agenda Item 12.03.13 in accordance with Section 5.60A of the Local Government Act. The interest being she is a Licencee of Onslow Supermarket.

Cr White requested Council to consider that she be able to participate in the consideration of the agenda item but not vote.

Cr White left the meeting at 9:23am

**Council Decision**

That Council allow Cr White to discuss but not vote on item 12.03.13, in accordance with the provision of Section 5.68(1) of the Local Government Act 1995

**MOVED: Cr Rumble**

**SECONDED: Cr Dias**

**CARRIED 7/0**

Cr White re-entered the meeting at 9:26am

**12.03.13            PROPOSED LIQUOR SALE RESTRICTIONS- WEST PILBARA  
ALCOHOL MANAGEMENT GROUP**

**FILE REFERENCE:**                      TP.CX.853

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

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

**DATE REPORT WRITTEN:**                      4 March 2010

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

**PREVIOUS MEETING REFERENCE:**                      Not Applicable

### **Summary**

The West Pilbara Alcohol Management Group is a working group made up of various state and community agencies, which are exploring opportunities to minimise harm and ill health due to the over use of liquor in West Pilbara communities.

The Group has requested that the Shire make comment on its proposed strategies which, when finalised, will be submitted to the Director of Liquor Licensing who will then determine whether the proposals will be implemented.

### **Background**

The West Pilbara Alcohol Management Group (WPAMG) is a working group made up of various state and community agencies which are exploring opportunities to minimise harm and ill health due to the over use of liquor in West Pilbara communities.

Members of the group include, Western Australia Police, State Drug and Alcohol Officer, Department of Indigenous Affairs, Department Child Protection, Department of Housing, Western Australia Country Health Services, Pilbara Mental Health and Drug, Department Education and Training and the Shire of Roebourne.

More recently the Shire of Ashburton has been invited to participate as a member of the group.

As has been noted the group's objective is to explore opportunities to minimise adverse social and health outcomes due to the over use of liquor in West Pilbara communities.

The Group has stated, in a position paper which it has prepared

*“Alcohol has been identified as a key issue in the Community Safety Plan and Aboriginal Justice Agreement processes that have been undertaken in the Pilbara to date.*

*In addition, the West Pilbara Alcohol Management Group has also commenced discussions about a coordinated approach with involved agencies.*

*In 2009, the Pilbara Police District Office identified the need for proactive action regarding alcohol availability in the region, particularly in relation to harm occurring in the Town of Roebourne. As a result of a number of meetings and discussions that followed with Human Services Agency groups and other stakeholders, it has been identified that there are a number of priority towns where alcohol-related harm and problems are high. While each of the towns has unique characteristics, resources and issues, there are some common alcohol-related problems that may benefit from a regional approach.*

*Liquor restrictions have been discussed as a strategy to assist to reduce alcohol-related harm in the towns. Consistency across the west of the region is seen to be an important factor in the success of any restrictions that may be implemented.”*

The Group has requested that the Shire make comment on its proposed strategies, which, when finalised, will be submitted to the Director of Liquor Licensing who will determine whether the proposals will be implemented.

## Comments

The WPALMG has provided the Shire with a background position paper and a series of five questions which the group has requested the Shire's responses to.

A copy of the position paper and a draft set of responses to five questions is attached for Council's consideration.

[12.03.13](#)

It is noted that question 3 identifies several towns within the Shire of Roebourne, as well as Onslow and Pannawonica, as towns where it is proposed that liquor restrictions apply.

Subsequent to the questionnaire being forwarded to the Shire the Shire President and the author had a meeting with Superintendent John Ballantyne and Assistant District Officer of the Pilbara Police. During that meeting Superintendent Ballantyne explained that alcohol consumption within the Pilbara Region was equivalent to 27 litres per person compared with a state average of 10 litres per person. He also stated that excessive alcohol consumption is a region wide issue and not one limited to coastal communities. For those reasons WPALMG was proposing that proposed retail restrictions apply over the whole of the Shires of Roebourne and Ashburton, and not be limited to the towns listed in the questionnaire.

The proposed restrictions appear to be reasonable in that they are not onerous but have the potential to assist in the addressing of a serious social problem in the region. For these reasons it is recommended that Council support the proposals.

## Consultation

West Pilbara Alcohol Management Group  
Western Australia Police (Superintendent John Ballantyne)  
Shire President  
Executive Manager Western Operations  
Onslow Primary School

## Statutory Environment

Management of liquor sales is the responsibility of the Department of Racing, Gaming and Liquor which operates within the provisions of the Liquor Licensing Act 1988.

## Policy Implications

There are no policy implications relative to this matter.

## Financial Implications

There are no financial implications relative to this matter.

## Strategic Implications

Strategic Plan 2007 – 2011  
Strategic Objective 5. Community Safety and Security

**Voting Requirement**

Simple Majority

**Council Decision / Officers Recommendation**

**MOVED: Cr Corker**

**SECONDED: Cr Dann**

**That Council advise the West Pilbara Alcohol Management Group that the Shire of Ashburton supports the group's proposals for the area covered by the Shire of Ashburton and Roebourne, as they relate to its proposed submission to the Director of Liquor Licencing (see Attachment)**

**CARRIED 4/3**

**Cr White did not vote**

## 12.03.14 RENAMING OF ROEBOURNE – WITTENOOM ROAD

<b>FILE REFERENCE:</b>	RO.ROW1
<b>AUTHOR'S NAME AND POSITION:</b>	Keith Pearson Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Geographic Names Committee
<b>DATE REPORT WRITTEN:</b>	5 March 2010
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

### Summary

The Geographic Names Committee has sent correspondence advising that as it is State Government policy to remove the name "Wittenoom" from state geographic records, it proposes to rename Roebourne- Wittenoom Road.

The Committee has written to both the Shire of Ashburton and the Shire of Roebourne, requesting each Council to submit new names for the sections of the road within the respective Shires.

### Background

The Geographic Names Committee (GNC), which is the state body responsible for naming all roads within the state, has sent correspondence to the Shire, advising that, it proposes to rename Roebourne- Wittenoom Road due to the road not actually leading to Roebourne and also because it is State Government policy to remove the name "Wittenoom" from all roads. A copy of the Committee's correspondence is attached

[12.03.14](#)

### Comments

The enclosed map which was attached to GNC's correspondence identifies three distinct sections which make up Roebourne- Wittenoom Road. These are

- The north west section which extends from the North West Coastal Highway to the eastern end of Warlu Road.
- The central section which extends from Warlu Road in the west to Rio Tintos Private Rail Access Road in the east, and
- The south east section which extends from the Rail Access Road to Nanutarra-Munjina Road (see map)

The first section of the road is largely located within the Shire of Roebourne and therefore it is appropriate that it nominate a name for this section of road. The administration is awaiting confirmation from the Shire of Roebourne as to its preferred name for this section of road. (section numbered “1” on plan)

The middle section of Roebourne-Wittenoom Road presently forms a part of the recently developed road link between Tom Price and Karratha. The western section of this link, extends 100kms to the east of Karratha and is named Warlu Road, a name which reflects the link’s importance as an element in the “Warlu Way” tourist path between Exmouth in the south and Broome in the North. (section numbered “2” on plan.

The remaining eastern section of Roebourne- Wittenoom Road connects with Nanutarra-Munjina Road. Council is invited to nominate a name for this section of road. (section numbered “3” on plan.

The renaming of Roebourne- Wittenoom Road is consistent with Council Policy FIN10 “Wittenoom Town site, Wittenoom Gorge and Yampire Gorge- Rates and Services” which identifies the closure of Wittenoom as a primary objective.

It is appreciated that Council may be sympathetic to retaining the existing road name. It should be noted, however that as recent Wittenoom Asbestos Health claims have become more strongly contested, it is become even more important that the Shire be seen to be doing everything possible to remove references to the former town.

Finally, it is emphasised that the GNC will make the final decision in relation to renaming the road as the committee is only required to consult with the Shire.

### **Consultation**

Geographic Names Committee  
Shire of Roebourne  
Shire Solicitors

### **Statutory Environment**

Land Administration Act.

### **Policy Implications**

Council Policy FIN10 “Wittenoom Townsite”, Wittenoom Gorge and Yampire Gorge- Rates and Services are relevant to this matter.

### **Strategic Implications**

There are no Strategic Implications related to this issue

### **Voting Requirement**

Simple Majority Required



**Council Decision / Officers Recommendation**

**MOVED: Cr Dann**

**SECONDED: Cr Corker**

That Council advise the Geographic Names Committee that Council

1. Supports the Shire of Roebourne's choice of a name for the north western section of Roebourne Wittenoom Road between the North West Coastal Highway and the eastern end of Warlu Road.
2. Recommends the name Warlu Road for the section of the road between the eastern end of the existing Warlu Road and Rio Tinto's Private Rail Access Road, and
3. Recommends the name .....for the section of road between the Private Rail Access Road and Nanutarra Munjina Road.

**Council Decision**

**MOVED: Cr Rumble**

**SECONDED: Cr Dias**

**That agenda item 12.03.14 lay on the table**

**CARRIED 8/0**

## 12.03.15 DELEGATIONS FOOD ACT 2008

**FILE REFERENCE:** OR.DA

**AUTHOR'S NAME AND POSITION:** Marius Olson  
Principal Environmental Health  
Frank Ludovico  
Executive Manager Corporate Services

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

**DATE REPORT WRITTEN:** 8 March 2010

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

**PREVIOUS MEETING REFERENCE:**

**Summary** To appoint officers that were previously authorised under the *Health Act 1911* to carry out their duties under the new legislation and to appoint 'Designated Officers' under the Food Act 2008.

### Background

The new Food Act 2008 was gazetted on the 24 October 2009. The less prescriptive and more performance based Act replaces all parts relating to food safety in the *Health Act 1911*. In order to undertake the requirements of the new Act delegations to officers need to be made.

Previously the Department of Health issued the authorisation of Environmental Health Officers (EHOs). Under the new legislation local government can appoint EHOs. Officers that were previously authorised under the *Health Act 1911* automatically qualify.

Section 122 deals with the authorised officer appointment. Section 126 deals with Infringement Notices and 'Designated Officers'. A designated Officer who issues an Infringement Notice will not be able to extend the payment period or withdraw the infringement. An alternative person needs to be appointed as 'Designated Officer' for the purpose of subsections (3), (6) and (7).

### Officers Comment:

The Shire of Ashburton presently employs a Principal Environmental Health Officer Mr. Marius Olsen. It is recommended he is:

- Appointed as an authorised officer in accordance with section 122 of the Food Act 2008; and

- Appointed as a designated officer to issue infringement notices in accordance with section 126 (2) of the Food Act 2008

The Officer's to be appointed as 'Designated Officer' for the purpose of section 126 (3) are;

- Natasha Zeplin – Customer Service Officer
- Sarah Eames – Customer Service Officer
- Donna Reid – Manager of Administration

The Chief Executive Officer Mr. Keith Pearson is to be;

- Appointed as the designated officer for the purpose of section 126 (6) and (7) of the Food Act 2008.

Attachment 1 Details the delegations.

### **Consultation**

Chief Executive Officer

### **Statutory Environment**

Food Act 2008 Sections 65, 66, 67, 110, 112, 122, 123, 126.

### **Policy Implications**

There are no Policy Implications relevant to this issue

### **Financial Implications**

The Financial implications are similar to that previously associated with Health Act 1911.

### **Strategic Implications**

There are no strategic implications relevant to this issue.

### **Voting Requirement**

Absolute Majority Required

### **Council Decision / Officers Recommendation**

**MOVED: Cr Corker**

**SECONDED: Cr Dias**

That Council adopt Delegations DA046 and DA047 as attached.

[12.03.15](#)

**CARRIED 8/0  
ABSOLUTE MAJORITY**

## 12.03.16 PILBARA REGIONAL COUNCIL UPDATE

<b>FILE REFERENCE:</b>	OR.IG.3.8
<b>AUTHOR'S NAME AND POSITION:</b>	Keith Pearson Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Pilbara Regional Council
<b>DATE REPORT WRITTEN:</b>	8 March 2010
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 15.08.06, Ordinary Meeting of Council 18 August, 2009

### Summary

Council at its August 2009 meeting resolved, in part that:

*“Council make provisions within the Shire’s agenda for a report to Council in relation to the outcome of Pilbara Regional Council meetings...”*

This agenda item details the outcome of the Regional Council meeting held on 28 January, 2010.

### Background

Council, at its meeting on 18 August, 2009 resolved, in part, that:

*“Council make provision within the Shire’s agenda for a report to Council in relation to the outcome of Pilbara Regional Council meetings.”*

The latest meeting of the Pilbara Regional Council (PRC) was held in Port Hedland on 28 January, 2010. The Shire of Ashburton’s sole representative was, Cr Thomas as the Shire President, Cr Rumble and Cr Corker were not able to attend because of prior commitments.

It was also necessary for the Executive Manager Engineering Services to attend in the place of the Chief Executive Officer, also due to the latter having a prior commitment.

### Comments

A matter which generated significant discussion was the appointment of a replacement for the PRC’s former Executive Officer, Mr Adrian Ellson. The Regional Council resolved to upgrade the position to full “Chief Executive Officer” status and established the terms of appointment to the position.

A second agenda item of significance was a report in relation to a proposed education infrastructure plan for the Pilbara. The report noted that the lack of quality education is commonly cited as a reason why many people leave the Pilbara.

The report went on to observe that there are numerous programs and activities being undertaken to improve the quality of education in the region, however there appears to be no single plan for the development of education infrastructure in the Pilbara.

Following its deliberations on this matter the Council resolved, in part

*That Council:*

- 1. That Council advises the Pilbara Development Commission that it supports the development of a Pilbara-wide Education Infrastructure Development Plan and believes that, as the PDC is the key body responsible for the planning for the delivery and co-ordination of State government services to the region, it should play the key role in the development of the proposed plan.”*

The Minister for Regional Development, the Hon. Brendon Grylls attended the meeting as a guest. He was invited to make a presentation to the Council. The Minister highlighted the fact that the State Government’s Royalties for Regions program meant that there were significant opportunities for funding of new infrastructure projects in the region, if current funding allocations are spent wisely. He also noted that the State would look favourably upon funding the human resources necessary to manage the major projects presently being undertaken in the region.

This latter matter has been a matter of significant issue to the four Pilbara local governments due to the pressure that the significant increase in funding of capital projects has placed on their respective corporate structures.

A copy of the minutes of the meeting has been distributed separately to Councillors,

### **Consultation**

Pilbara Regional Council

The Shire of Ashburton was represented at the PRC meeting by Cr Lorraine Thomas and the Executive Manager Engineering Services.

### **Statutory Environment**

Local Government Act 1995 Part 3 Division 4 – “Regional Local Governments”

### **Policy Implications**

There are no policy implications relative to this matter

### **Financial Implications**

There are no financial implications relative to this matter

### **Strategic Implications**

There are no strategic implications relative to this matter

**Voting Requirement**

Simple Majority required

**Council Decision / Officer's Recommendation**

**MOVED:** Cr Corker

**SECONDED:** Cr Bloem

**That Council note the contents of this report.**

**CARRIED 8/0**

## 12.03.17 LOCAL GOVERNMENT REFORM

<b>FILE REFERENCE:</b>	OR.IG.2.17
<b>AUTHOR'S NAME AND POSITION:</b>	Keith Pearson Chief Executive officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	8 March 2010
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 12.03.12, Ordinary Meeting of Council 17 March, 2009 Agenda Item 12.04.17 Ordinary Meeting of Council 21 April, 2009 Agenda Item 12.04.48, Ordinary Meeting of Council 18 August, 2009 Agenda Item 12.09.53 Ordinary Meeting of Council 15 September, 2009 Agenda Item 12.10.64, Ordinary Meeting of Council 27 October 2009

### Summary

In February 2009 the Minister for Local Government announced a local government structural reform process based upon "voluntary amalgamations".

The administrative process identified by the Minister required that each Local Government prepare a written submission in relation to its own proposed reform program by 30<sup>th</sup> September, 2009. Council subsequently finalised and submitted its proposed reform program to the Minister's steering committee by the due date.

In December the Minister write to the Shire, advising it that he had considered Council's submission and as a result he was of the opinion that reform would be best progressed by means other than amalgamation.

The Minister for Local Government has now written to the Shire asking that it consider participating in a Regional Collaborative Group of likeminded local governments in the region.

## Background

Council, at its March 2009 meeting, considered a report in relation to the Minister for Local Government's proposal for local government structural reform throughout the state.

The March 2009 agenda report noted that planning for the whole reform process was to be completed by 31 August, 2009 by which time each individual local government was required to submit a written submission in relation to its own reform program. (The Minister for Local Government subsequently extended this deadline to 30 September, 2009).

Council finalised and submitted its proposed reform program to the Ministers steering committee by the due date.

In December the Minister wrote to the Shire advising it that he had considered Council's submission and as a result he was of the opinion that reform would be best progressed by means other than amalgamation.

The Shire has now received correspondence from the Minister for Local Government in which he confirms his commitment to local government reform and requests that Council consider participating in a Regional Collaborative Group (RCG)

*The Minister explained that*

*"The intent of a RCG is to enable participating local governments to take a regional approach to strategic and community planning and the social, economic and environmental development of their communities. In an RCG model there is no commitment to amalgamate".*

A copy of the Minister's letter is attached

[12.03.17](#)

## Comments

It has been very difficult to make a meaningful assessment of the proposed RCG. This is because the Minister in his letter dated 2 February 2010, advised that a "draft model agreement and flow chart will be circulated to you in the next one or two weeks". The author however did not receive a copy of the draft agreement until the 8<sup>th</sup> March when he personally pursued the document through the Department of Local Government. Even then, the shire was advised that the document was very much a draft document.

It is noted that the Minister has requested a written response by 26 March 2010.

One outcome of the late supply of the draft model agreement is that the remaining Pilbara local governments have not yet viewed the document. The matter has, however, been included as an agenda item for consideration at the PRC Executive meeting to be held on the 15<sup>th</sup> March. Presumably the topic will then be the subject of a report to the next PRC meeting to be held on 29 March 2010.

Within the time available it has only been possible to make a brief assessment of the proposal. Key features identified are



- The purpose of a RCG is “for the regional planning and implementing common service arrangement for the benefits of the participant communities.
- The process remains voluntary
- The State Government through the Department of Local Government would be a party to any agreement setting up a RCG.
- The Board of a RCG would comprise one elected member and one elected deputy member for each participating local government.
- The Board will be required to elect one participating local government to control and manage the finances.
- The initial primary task of the Board would be to produce a Regional Business Plan.
- The Regional Business Plan has to be endorsed by the Department of Local Government.
- The State will provide funding assistance for the preparation of a Business Plan.
- State funding is conditional upon the inclusion of the funding in the 2010/11 State Budget. The author has been advised verbally, that the State contribution will be in the vicinity of \$25,000 for each participating local government.

A copy of the draft Regional Collaborative Group Agreement is attached for Councillors' information

[12.03.17a](#)

In practice the proposed RCG appears in many ways to duplicate the functions of the Pilbara Regional Council. Certainly there would be little, if any, justification for both bodies to exist.

Prior to the meeting of Council, the author will seek clarification in relation to a number of outstanding matters, including, but not limited to

- Is it possible to vary the draft agreement to suit specific circumstances? (e.g., a Board of four members would not appear to allow a great variety of views)
- Ongoing funding arrangements (the model appears to have the same fault as the PRC model in that funding appears to be primarily by contributions from participating councils) and
- Does the RCG Model require amendments to the Local Government Act (LGA) in order to allow it to operate? (One significant disadvantage of the 'PRC' model is that the LGA requires it to satisfy the same administrative and governance requirements as a normal local government. It is unclear if the RCG model overcomes this problem and if so, how it does so.)

It is proposed that Council advise the Minister that it has not been possible to assess his proposal in detail in the short time that has been made available. Council will, however, respond more fully when it has had an opportunity to discuss the RCG Model with neighbouring Pilbara Local governments.

### **Consultation**

Department of Local Government  
CEO's of Pilbara local governments

### **Statutory Environment**

Local Government Act 1995

### **Policy Implications**

This issue has significant policy implications for the short and long term governance of the Shire.

### **Financial Implications**

There are significant financial implications relative to this issue, they are, however, not able to be quantified at this time.

### **Strategic Implications**

Potentially the concept of developing regional strategies and service delivery models has significant merit in terms of both efficiency and cost effectiveness. This potential needs, however, to be tested against issues which impact on Pilbara local governments, in general and the Shire of Ashburton, in particular.

### **Voting Requirement**

Simple Majority required

### **Council Decision / Officer's Recommendation**

**MOVED: Cr Corker**

**SECONDED: Cr Dias**

**That Council advise the Minister for Local Government that**

- **Due to the late provision of the draft model agreement it has not been possible to have meaningful discussion with either neighbouring local governments, or the Pilbara Regional Council, and**
- **Council will provide a more detailed response, once it as had the opportunity to discuss the proposal with neighbouring local governments.**
- **Council's initial assessment is that a Regional Collaborative Group for the Pilbara would appear to duplicate the role and responsibilities of the Pilbara Regional Council.**

**CARRIED 8/0**

## 12.03.18 QUARTERLY REPORTING ON THE STRATEGIC PLAN 2007 - 2011

<b>FILE REFERENCE:</b>	OR. CM. 10
<b>AUTHOR'S NAME AND POSITION:</b>	Teigan Don Project Officer CEO
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	2 March 2010
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 12.12.75 Ordinary Council Meeting of 15 December 2009 Agenda Item 12.09.54 Ordinary Council Meeting of 15 September 2009 Agenda Item 12.05.24 Ordinary Council Meeting of 19 May 2009 Agenda Item 12.03.09 Ordinary Council Meeting of 17 March 2009 Agenda Item 12.12.69 Ordinary Council Meeting of 16 December 2008 Agenda Item 12.03.11 Ordinary Meeting of Council 18 March 2008

### Summary

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

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

### Background

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

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

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

### **Comment**

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

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

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

[12.03.18](#)

### **Consultation**

Chief Executive Officer  
Executive Management Team

### **Statutory Environment**

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

### **Policy Implications**

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

### **Financial Implications**

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

### **Strategic Implications**

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

### **Voting Requirement**

Simple Majority Required

### **Council Decision /Officers Recommendation**

**MOVED: Cr Bloem**

**SECONDED: Cr Dias**

**That Council note the contents of the Quarterly Report on the Strategic Plan 2007 - 2011**

**CARRIED 8/0**

## 12.03.19 REVIEW OF SHIRE VEHICLE POLICY

**FILE REFERENCE:** PE.RM3

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

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

**DATE REPORT WRITTEN:** 2 March 2010

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 12.07.1045 Ordinary Council Meeting of 15 July 2003

### Summary

Council's current vehicle policy has become outdated. The proposed new draft Policy provides a comprehensive guideline for employees to follow.

The new Policy takes into account changes to state law regarding impounding vehicles and highlights employee's responsibilities.

### Background

A review of Council's current vehicle policy indicates that the document has become outdated. It does not address, for example matters associated with Anti-Hoon Laws.

At a more general level, growth of Council's' fleet, operations of business and statutory changes means that the current Policy lacks the ability to protect Council against abuse or misuse of vehicles and offers no recourse in such cases.

Extensive input was received from the Human Resources Manager, Executive Manager Engineering Services, Fleet Manager and Operations Manager in preparing the new draft document.

### Comment

In establishing a contemporary vehicle usage Policy for the Shire of Ashburton it is recognised that there is a need for a policy for both work and private purposes.

Accordingly, the Policy has now been updated to not only include guidelines in relation to private use, but also includes General Conditions for Use and guidelines with respect to:

- Allocation and handover;
- Standard of vehicles and vehicle features;
- Replacement and maintenance;

- Guidelines with respect to dangerous driving (including the Anti-Hoon Laws);
- 4WD Training;
- Hire Cars; and
- Damage to personal vehicles.

A copy of Council's Policy "EMP08 – Shire Vehicles" is attached for Council's reference.

[12.03.19](#)

**Consultation**

Chief Executive Officer  
Human Resources Manager  
Executive Manager Engineering Services  
Fleet Manager  
Project Manager Engineering Services  
Project Officer to the CEO

**Statutory Environment**

*Local Government Act 1995*  
*Motor Vehicle (Third Party) Insurance Act 1943*

**Policy Implications**

EMP08 – Shire Vehicles

**Financial Implications**

There are no financial implications relevant to this issue.

**Strategic Implications**

Strategic Plan 2007 – 2011 (Incorporating Plan for the Future)  
6 – A Well Managed and Contemporary Corporation

**Voting Requirement**

Simple Majority Required

**Council Decision / Officers Recommendation**

**MOVED: Cr Dann**

**SECONDED: Cr Dias**

**That Council adopt the new Policy "Shire Vehicles" as per the attachment 12.03.19.**

**CARRIED 7/1**

**Cr Dias voted against the motion**

**12.03.20 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS  
FOR MONTH OF JANUARY 2010**

<b>FILE REFERENCE:</b>	FI.RE
<b>AUTHOR'S NAME AND POSITION:</b>	Frank Ludovico Executive Manager Corporate Services
<b>NAME OF APPLICANT/ RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	7 March 2010
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this item
<b>PREVIOUS MEETING REFERENCE:</b>	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 January 2010 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

[12.03.20](#)

Visa Statements for Chief Executive Officer, Executive Manager Engineering Services, Executive Manager Community & Economic Services and Executive Manager Western Operations are available for January 2010.

[12.03.20a](#)

Staff have used the Materiality Variance adopted February 2010 Agenda i.e.,” 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.”

It should be noted the Staff are currently undertaking the Annual Budget Review. This Review will also deal with the Variances resulting from the January 2010 financial Statements so efforts are being concentrated on the Review.

**Consultation**

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

**Statutory Environment**

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

**Policy Implications**

There are no Council Policies relevant to this issue.

**Financial Implications**

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

**Strategic Implications**

There are no strategic implications relevant to this issue

**Voting Requirement**

Simple Majority Required

**Council Decision / Officers Recommendation**

**MOVED: Cr Dann**

**SECONDED: Cr Corker**

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

**CARRIED 8/0**



## 12.03.21 LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN FOR 2009

<b>FILE REFERENCE:</b>	OR.IG.2.13
<b>AUTHOR'S NAME AND POSITION:</b>	Frank Ludovico Executive Manager Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	15 March 2010
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 12.04.15 Ordinary Meeting of Council 21 April 2009

### Summary

Each Local Government is to carry out a Compliance Audit annually for the period of 1 January to 31 December.

The return for the year 2009 is presented to Council for adoption.

### Background

The 2009 Local Government Compliance Audit Return for the period 1 January 2009 to 31 December 2009 is attached.

[12.03.21](#)

The Compliance Audit Return is to assist Councils in monitoring how their organisation functions. Council is required to note the areas of non-compliance and endorse appropriate remedial action.

Please note the Chief Executive Officer and the relevant Executive Managers completed the Return manually and the Return was transcribed onto the Department of Local Government & Regional Development's electronic system by the Administration Manager, Donna Reid.

### Comment

The Return is required to be presented to Council for adoption before its submission to the Department of Local Government and Regional Development.

There are some issues identified regarding non-compliance. Staffs are taking corrective measures to ensure future compliance.

### Statutory Environment

Section 7.13 (i) of the Local Government Act 1995; and  
Regulations 13, 14 & 15 of Local Government (Audit) Regulations 1996

**Policy Implications**

There is no Council Policy relative to this issue.

**Financial Implications**

There are no financial implications relative to this issue.

**Strategic Implications**

Shire of Ashburton Strategic Plan (Incorporating Plan for the Future) 2007/2011

Strategic Objective 6 – A Well Managed and Contemporary Organisation

1. *Statutory Compliance, compliance with Shire of Ashburton procedures and policies.*

**Voting Requirement**

Simple Majority Required

**Council Decision / Officers Recommendation**

**MOVED: Cr Corker**

**SECONDED: Cr Dias**

**That Council:**

**Adopts the Compliance Return, as attached, as the official Return of the Council for the period 1 January 2009 to 31 December 2009 and submit the certified copy to the Executive Director of the Department of Local Government and Regional Development**

**CARRIED 8/0**

## 12.03.22 CHIEF EXECUTIVE OFFICER LEAVE ARRANGEMENTS

<b>FILE REFERENCE:</b>	PE: EM. (PEARSON. Keith)
<b>AUTHOR'S NAME AND POSITION:</b>	Keith Pearson Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Keith Pearson Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	2 March 2010
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author is the person referred to within the report and therefore declares a financial interest. The extent of the interest is in relation to the value of the leave to be taken.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

### Summary

The Chief Executive Officer wishes to take leave, between 1<sup>st</sup> and 16<sup>th</sup> April 2010 (inclusive).

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

### Background

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

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

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

### Comment

Until recently, when the need has arisen to appoint an Acting Chief Executive Officer, Council has retained the services of a person experienced in local government, from outside the organization. More recently, however, the acting role has been assigned to a member of the Executive Management team.

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

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

**Consultation**

Executive Management Team  
Shire President

**Statutory Environment**

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

**Policy Implications**

There are no known policy implications relative to this issue.

**Financial Implications**

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

**Strategic Implications**

There are no strategic implications relative to this issue.

**Voting Requirement**

Simple Majority Required

**Council Decision / Officers Recommendation**

**MOVED: Cr Corker**

**SECONDED: Cr Bloem**

**That Council**

- (1) **Note and endorse the Chief Executive Officer's leave arrangements from 1<sup>st</sup> to 16<sup>th</sup> April 2010 (inclusive); and**
- (2) **Appoint Jeff Breen Executive Manager Engineering Services, as Acting Chief Executive Officer for the period 1<sup>st</sup> to 16<sup>th</sup> April 2010 (inclusive).**
- (3) **Authorise Jeff Breen, Executive Manager Engineering Services, to act as a signatory in relation to Shire bank accounts, in accordance with Council Policy FIN09 for the period 1<sup>st</sup> to 16<sup>th</sup> April 2010 inclusive.**
- (4) **Delegate to Jeff Breen Executive Manager Engineering Services, all powers delegated to the Chief Executive Officer for the period 1<sup>st</sup> to 16<sup>th</sup> April 2010 (inclusive).**

**CARRIED 8/0  
ABSOLUTE MAJORITY**

## 12.03.24 CORPORATE SERVICES STATUS REPORT

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status						
1	02/10	16.02.02	Confidential Report – Chief Executive Officer, Annual Performance Review and Review of Tenure	That Council <ol style="list-style-type: none"> <li>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.</li> <li>(b) Consider the working group's recommendations with respect to the review, when available.</li> <li>2. Undertake a corporate structure review in order to ensure the Shire is best positioned to meet the demands placed on it, and</li> <li>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.</li> </ol>	Ongoing  Expressions of Interest have been called from qualified people. To be submitted to April Council meeting.  (Mar 2010)						
2	02/10	12.02.02	Debtors for Write Off	That Council Write Off <ol style="list-style-type: none"> <li>1. M &amp; J Building Pty Ltd - Invoice No. 4755 - \$370.00, Invoice No. 4659 - \$360.00, Invoice No. 4556 - \$360.00 – Total Value = \$1090.00</li> <li>2. Tom Price Squash Racquet – Invoice No. 873 - \$5049.00</li> </ol>	Finalised Write offs processed (Mar 2010)						
3	02/10	12.02.03	Staff Accommodation & Utilities Policy Revision	That Council approves the amended Staff Housing Policy EMP 19 as attachment  <a href="#">12.02.03</a>	Finalised  Staff informed. Added to Policy Manual (Mar 2010)						
4	02/10	12.02.04	Rate Debtors for Write Off	That Council Write Off <ol style="list-style-type: none"> <li>1. \$11,274.49 of Rates for Wittenoom properties               <table style="margin-left: 20px;"> <tr> <td>A30914 7 Windell Ave</td> <td>\$1606.40</td> </tr> <tr> <td>A32002 65 Sixth Ave</td> <td>\$2121.97</td> </tr> <tr> <td>A32011 77 Sixth Ave</td> <td>\$1979.90</td> </tr> </table> </li> </ol>	A30914 7 Windell Ave	\$1606.40	A32002 65 Sixth Ave	\$2121.97	A32011 77 Sixth Ave	\$1979.90	Finalised Write offs processed
A30914 7 Windell Ave	\$1606.40										
A32002 65 Sixth Ave	\$2121.97										
A32011 77 Sixth Ave	\$1979.90										

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>A32057 67 Sixth Ave \$1979.90  A32066 69 Sixth Ave \$1979.90  A30905 5 Windell Ave \$1606.42  revested to the Crown</p> <p>2. \$1,515.73 of penalty interest for Bambi Pty Ltd A35866</p>	
5	02/10	12.02.05	Setting Material Variance for Monthly Financial Statements and Budget Review	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.	Finalised
6	02/10	12.02.06	Annual Report & Annual General Meeting of Electors	That Council receive the minutes of the 2007/2008 Annual General Meeting held on 2 February, 2010.	Finalised
7	02/10	12.02.07	Annual Review of Delegated Authority Register	That Council adopts the Delegated Authorities Register as attached (Attachment 12.02.07).	Finalised
8	02/10	12.02.08	Review of Local Laws	<p>That Council:-</p> <ol style="list-style-type: none"> <li>1. Resolves to undertake a review of its existing local laws; and</li> <li>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.</li> </ol>	Ongoing Local Government Consultant to have workshop with Council re Local Laws on 17 March (Mar 2010)
9	02/10	12.02.10	Ashburton Land Conservation District Committee - Nomination	<p>That Council:-</p> <ol style="list-style-type: none"> <li>1. Nominates Councillor Leanne Corker for the vacant position on the Ashburton Conservation District Committee;</li> <li>2. Nominates Mr Glen Dellar of Wyloo Station for the vacant position on the Lyndon Land Conservation District Committee.</li> </ol>	Ongoing Nomination notices are being processed  (Mar 2010)
10	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	Ongoing Initial discussions are being held

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
				was considered appropriate to consider the proposals collectively.	with the Shire of East Pilbara in order to establish that Shires attitude to proposals.
11	12/09	12.12.78	Roebourne/Port Hedland Land Conservation District Committee – Committee Nomination	That Council <ol style="list-style-type: none"> <li>1. Nominates Councillor Thomas for the vacant position on the Roebourne Port Hedland District Committee.</li> <li>2. Note that a Shire vacancy exists on the Ashburton and Lyndon Land Conservation District Committees</li> </ol>	Finalised 1.LCDC notified of Cr Thomas's successful nomination. 2. Refer agenda item 12.02.10
12	12/09	12.12.79	Appointment of Bush Fire Control Officer	That Council <ol style="list-style-type: none"> <li>1. Appoint Cr Dias as a Bush Fire Control Officer pursuant Clause 38 (1) of the Bush Fires Act 1954.</li> <li>2. Instruct the Chief Executive Officer to give notice of the appointment, in accordance with Clause 38 (2) (a) of the Act.</li> </ol>	Finalised (Mar 2010)
13	12/09	12.12.80	Annual Report and Annual General Meeting of Elections	That Council:- <ol style="list-style-type: none"> <li>1. Accepts the Annual Report for 2007/2008 as tabled; and</li> <li>2. That Council hold an Annual General Meeting of Electors at 7:00pm on Tuesday, 2 February 2010, at the Tom Price Recreation Centre;</li> </ol>	Finalised (Mar 2010)
14	12/09	16.12.19	Confidential Item – Tender Development and Operation of Caravan Park	That Council <ol style="list-style-type: none"> <li>1. Advise Gumala Aboriginal Corporation that Council does not agree to a time extension until 31 January 2010 for the corporation to submit its detailed proposals for the site and that Council has resolved not to enter into a contract with the organisation.</li> <li>2. Call for new tenders to develop and operate the site.</li> </ol>	Ongoing No tenders received. Tender being re-advertised (Mar 2010)



#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
15	08/09	12.08.45	Staff Accommodation and Utilities Policy Revision	<ol style="list-style-type: none"> <li>1. That Council approves the Staff Housing Policy EMP19 as amended attachment 12.08.45</li> <li>2. Instruct the CEO for further review of the policy and report back to council</li> </ol>	<p>Ongoing</p> <p>Staff are signing up to pay for power. Rental deductions will cease 31/3/2010</p> <p>(Mar 2010)</p>
16	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> <p>(Mar 2010)</p>

**Council Decision / Officers Recommendation**

**MOVED: Cr White**

**SECONDED: Cr Dias**

**That Council note the contents of the report**

**CARRIED 8/0**

## 13.03.0 DEVELOPMENT SERVICES REPORTS

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

**FILE REFERENCE:** PS.TP.7

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

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

**DATE REPORT WRITTEN:** 3 March 2010

**DISCLOSURE OF FINANCIAL INTEREST:** The author declares a financial interest in that she was the recipient of a Development Approval for a home business

**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 Manger Building Services since the last Council Meeting are set out below.

#### Comment

Nine (9) approvals have been issued under delegation up until the date of this report. These were for:

Carol Arnold	624 Clarke Place, Onslow	Home Occupation Renewal – Hair Salon
Elaine Black	630 Clarke Place, Onslow	Home Occupation Renewal – Elaine's Hair Care
Paul Madden	696 Milpera Street. Tom Price	Home Occupation Renewal – Southern Star Motorcycles

Cassandra Bebek	696 Milpera Street. Tom Price	Home Occupation Renewal – Casandra Bebek
Samantha Tointon	214 Moonah Street, Tom Price	Home Occupation Renewal – Sammy Jay's Beauty
Trevor Hartford	Lot 20 Turee Way, Paraburdoo	Planning application - staff amenities
Belinda Main	34 Allambi Way, Tom Price	Home Occupation Application - Nail Nirvana
Davina Hancock	6A Maunsell Corner, Onslow	Home Occupation Renewal – Davey's Canvas
Jinghua Bai	660 Ashburton Ave, Paraburdoo	Home Occupation Renewal – Western Legend Computers

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 Thomas**

**SECONDED: Cr Corker**

**That the Council note the contents of the Development approvals issued under Delegation  
– Shire of Ashburton Town Planning Scheme NO. 7.**

**CARRIED 8/0**

**13.03.11 TOWN PLANNING SCHEME AMENDMENT No. 1 – LOT 300  
BOONDEROO ROAD, TOM PRICE – MINISTER’S APPROVAL  
SUBJECT TO MODIFICATIONS**

<b>FILE REFERENCE:</b>	PS.TP.7.1
<b>AUTHOR’S NAME AND POSITION:</b>	Rob Paull Shire’s Town Planning Consultant
<b>NAME OF APPLICANT/RESPONDENT:</b>	Town Planning and Urban Design (TPG)
<b>DATE REPORT WRITTEN:</b>	3 March 2010
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 13.04.13 Ordinary Meeting of Council 13 April 2007 Agenda Item 13.03.10 Ordinary Meeting of Council 18 March 2008

**Summary**

Council at its meeting of 18 March 2008 resolved to adopt for final approval, Amendment No. 1 which rezones Lot 300 Boonderoo Road, Tom Price from ‘Parks, Recreation and Drainage’ Reserve to ‘Mixed Business’ zone. In addition, Council resolved to include a provision to prohibit transient workers accommodation on Lot 300.

The Amendment was referred to the Western Australian Planning Commission (WAPC) and the Minister for Planning for final approval. The Minister has advised the Shire that he supports the rezoning but has required the removal of any reference to prohibiting incidental transient workers accommodation on Lot 300.

The Minister advises:

*“... if the Shire seeks the discretion to prohibit ‘Transient Workforce Accommodation’ within parts of the Mixed Business zone, such as Lot 300 Boonderoo Road, it may wish to consider a future amendment which changes the permissibility of this use class from ‘IP’ (incidental) to ‘D’ or ‘A’(i.e. discretionary, or subject to advertising). This would allow Council greater discretion to approve or refuse applications on planning grounds.”*

The Minister’s comments are noted however the intent of the provision associated with Amendment No. 1 was to prohibit transient workers accommodation, not to make it a discretionary use. The Minister’s correspondence appears to suggest that he is unlikely to support a prohibition of transient workers accommodation in the Mixed Business zone.

The broader planning issue of whether it is appropriate to permit workers

accommodation within a zone where the objective is to encourage commercial and industrial activities will be discussed at a later date in a further report to Council.

In relation to the Ministers decision on Amendment No. 1, there is no planning appeal or review available to Council. Accordingly, Council is recommended to note the decision of the Minister for Planning and to process the Amendment in accordance with the Planning and Development Act (and regulations).

### **Background**

Amendment No. 1 to Town Planning Scheme No. 7 was prepared to rezone Lot 300 Boonderoo Road, Tom Price from 'Parks, Recreation and Drainage' Reserve to 'Mixed Business' zone. Council at its 13 April 2007 meeting resolved as follows (Agenda Item 13.04.13):

*"That Council:*

*Resolves, pursuant of Section 75 of the Planning and Development Act 2005, to progress towards the amending of Shire of Ashburton Town Planning Scheme No. 7 by:*

- 1. Rezoning a portion of Lot 300 from 'Parks, Recreation and Drainage' to 'Mixed Business' as set out in the Amendment Maps; and*
- 2. Amending the Scheme Maps accordingly.*

*And, that Council proceeds with the necessary advertising and submissions as required in order to amend the scheme as per the Planning and Development Act 2005."*

Council at its 18 March 2008 meeting resolved as follows (Agenda Item 13.03.10):

*"That Council, in pursuance of Part V of the Planning and Development Act 2005 ("Act") adopt for final approval Amendment No.1 as advertised, subject to the following modifications:*

*1. That new parts be included in the Amendment as follows:*

*(a) an asterisk be placed next to 'I' of the zoning table coordinated between 'Transient Workforce Accommodation and 'Mixed Business'.*

*(b) include the following note immediately after the Zoning Table:*

*"\* Note: Clause 6.9.5 prohibits 'Transient Workers Accommodation use at Lot 300 Boonderoo Road, Tom Price"*

*(c) include new Clause 6.9.5 of the Scheme to read as follows:*

*"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"*

In relation to Lot 300 Boonderoo Road, an Application for Planning Approval was lodged with the Shire to construct and use a workshop and transient workers accommodation (16 beds). Council at its ordinary Council Meeting held on the 19 February 2008 resolved that the application be refused on the following grounds:

- a) *The development is contrary to the ultimate purpose of the site's present classification as a "Parks, Recreation and Drainage" reserve.*
- b) *It is premature to consider the development in the context of the possible rezoning of the subject site to Mixed Business.*
- c) *The development is inconsistent with the provisions of the planning scheme, as they relate to the Mixed Business Zone.*
- c) *The development is contrary to the orderly planning of the area.*
- e) *The development would place an unacceptable demand on public utilities, especially water and waste water services.*

The above determination provided direction for the Shire as to the type of development Council considers inappropriate for land zoned 'Mixed Business'. The Minister has advised the Shire that he supports the rezoning but has required the removal of any reference to prohibiting incidental transient workers accommodation on Lot 300. The Minister advises:

*"... if the Shire seeks the discretion to prohibit 'Transient Workforce Accommodation' within parts of the Mixed Business zone, such as Lot 300 Boonderoo Road, it may wish to consider a future amendment which changes the permissibility of this use class from 'IP' (incidental) to 'D' or 'A' (i.e. discretionary, or subject to advertising). This would allow Council greater discretion to approve or refuse applications on planning grounds."*

A copy of the WAPC letter incorporating the Minister's decision is included as Attachment 1.

[13.03.11](#)

### **Comment**

The Minister's advice is somewhat curious as the intent of the provision associated with Amendment No. 1 was to prohibit transient workers accommodation, not to make it a discretionary use. However the direction of the Minister would appear to be that he is unlikely to support a prohibition of transient workers accommodation in the Mixed Business zone.

The broader planning issue of whether it is appropriate to permit workers accommodation within a zone where the objective is to encourage commercial and industrial activities will be discussed at a later date in a further report to Council. In relation to the Minister's decision on Amendment No. 1, there is no planning appeal or review available to Council. Accordingly, Council is recommended to note the decision of the Minister for Planning.

### **Consultation**

Chief Executive Officer

### **Statutory Environment**

Planning and Development Act 2005

Town Planning Scheme amendments are processed in accordance with the Planning and Development Act and Town Planning Regulations. The decision on whether to adopt an amendment is solely that of Council. No appeal rights are available if Council elects not to adopt an amendment. The final decision on whether to grant final approval to an amendment rests with the Minister for Planning, acting upon recommendation from the Western Australian Planning Commission.

No planning appeal or review is available in relation to the Minister's decision on an amendment.

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

### **Policy Implications**

The broader planning issue of whether it is appropriate to permit workers accommodation within the 'Mixed Business' zone will be discussed at a later date in a further report to Council.

### **Financial Implications**

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

### **Strategic Implications**

The broader planning issue of whether it is appropriate to permit workers accommodation within the 'Mixed Business' zone will be discussed at a later date in a further report to Council.

### **Voting Requirement**

Simple Majority Required

### **Council Decision / Officers Recommendation**

**MOVED: Cr Corker**

**SECONDED: Cr Dias**

**That Council:**

- 1. Note the decision of the Minister for Planning in relation to Amendment No. 1 to the Shire of Ashburton Town Planning Scheme No. 7.**
- 2. Request the Chief Executive Officer to proceed with the Amendment as follows:**
  - i) Write to the proponent advising of the Minister's decision and requesting that the Amendment document be modified accordingly;**
  - ii) Upon receipt of the modified document, duly sign and refer the Amendment to the Department of Planning for processing; and**
  - iii) Upon return of the modified document from the Department of Planning, advertise the finalised Amendment in the Pilbara News and Government Gazette.**

**CARRIED 8/0**



**13.03.12 PROPOSED ADDITIONAL TRANSIENT WORKFORCE  
ACCOMMODATION UNITS, BEADON BAY VILLAGE, LOTS 557 &  
563 BEADON CREEK ROAD, ONSLOW**

<b>FILE REFERENCE:</b>	RE: BD R.34101
<b>AUTHOR'S NAME AND POSITION:</b>	Rob Paull Shire's Town Planning Consultant
<b>NAME OF APPLICANT/RESPONDENT:</b>	Greg Rowe & Associates
<b>DATE REPORT WRITTEN:</b>	6 March 2010
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter
<b>PREVIOUS MEETING REFERENCE:</b>	13.08.378 Ordinary Meeting of Council 16 August 2005 13.12.305 Ordinary Meeting of Council 10 December 2004 13.10.235 Ordinary Meeting of Council 21 October 2003 15.09.97 Ordinary Meeting of Council 16 September 2003 13.10.160 Ordinary Meeting of Council 1 November 2002 13.09.149 Ordinary Meeting of Council 17 September 2002 13.08.146 Ordinary Meeting of Council 20 August 2002

**Summary**

A development application for the Beadon Bay Village has been received seeking temporary approval (three years) for additional 64 transient workers accommodation units on Lot 557 and 40 units on Lot 563.

The proposal is consistent with the provisions of the Shire's planning scheme and policies and will provide accommodation within Onslow for companies using the town as a base. Accordingly, it is recommended that the application be approved, subject to appropriate conditions being included.

**Background**

The Beadon Bay Village is located on Lots 557 and 563 Beadon Creek Road, Onslow. Lot 563 has an area of approximately 9,130m<sup>2</sup> with a frontage to Beadon Creek Road of approximately 82 metres and a frontage to the closed Parsley Street road reserve of approximately 95 metres.

Lot 557 has an area of approximately 27,691m<sup>2</sup> with a frontage to the closed Parsley Street road reserve of approximately 60 metres.

Lot 557 contains various buildings associated with the existing Beadon Bay Village caravan park. Numerous caravan bays are located in the western portion of Lot 557 with transient workforce

accommodation units located in the eastern portion. A communal mess (kitchen and dining area), communal recreation and barbeque area are located centrally on the site. Communal toilets and laundry are located in the south eastern and northern portions of the site with a communal swimming pool located centrally.

Access to both Lots 563 and 577 is currently provided by the closed Parsley Street road reserve. An internal access road is provided between Lots 563 and 557. (note Attachments 1 and 2)

[13.03.12](#)

### **Proposal**

This application before Council proposes to construct a total of 16 transient workforce accommodation buildings comprising:

- 10 transportable buildings, each containing 4 units (total of 40), in the north eastern portion of Lot 563 and set back 44 metres from Beadon Creek Road.
- 6 transportable buildings, each containing 4 units (total of 24), in the north eastern portion of Lot 577.

(note Attachments 3-5)

[13.03.12a](#)

The landowner has advised that purpose and need for the proposed development is:

*“..... to expand the current transient worker accommodation to try and meet the current and ever increasing demand for accommodation from the local resources company’s.*

*Our proposal if approved may then assist in relieving some of the current pressures related to the residential issue in Onslow”.*

The applicant has advised that the period of the accommodation buildings is three (3) years.

Each transportable building contains 4 individual units, is 3.3m wide and 14.4 in length with a communal verandah (1.8m by 14.4m). The individual units are approximately 3.6m by 3.3m containing a toilet, basin, shower, bed, cupboard/drawer, a desk and fridge. Each unit will be accessed by one door.

The application proposes to setback each building approximately 2.0 metres apart with a setback distance to the adjoining Lot 558 of 2.0 metres. The applicant suggests that this will provide sufficient distance for pedestrian access between the buildings and enough room to access services (e.g. air conditional unit) at the rear of each building.

Landscaping is not defined on the submitted plans however the applicant advises that it is to include grass and small bushes and trees and is proposed to be located surrounding the proposed transient workforce accommodation buildings.

Parsley Road reserve has been closed (presumably by State Land Services) with the reason for the road closure currently unclear. This road closure also affects Council land at Lots 555 and

55. Accordingly, Shire Staff contacted State Land Services to ascertain the reason for the road closure and to seek consent to re-open the closed road reserve for access. Notwithstanding the above, the applicant has shown alternate access to Lot 557 and 563 proposed from Beadon Creek Road through Lot 563.

As noted, Lot 557 contains two existing communal laundry buildings, a communal mess building (kitchen and dining area) and a communal recreation and barbeque area. The applicant advises that Lot 557 also contains onsite effluent disposal infrastructure along with access to power and a potable source of water which is capable of supporting the proposed transient workforce accommodation units.

### Comments

The zoning of the land is "Tourism" under the Shire of Ashburton Town Planning Scheme No. 7 ('scheme') and Council is able to consider the inclusion of workers and holiday accommodation on the land as a discretionary use.

Advertising of an application for transient workforce accommodation in the 'Tourism' zone is not a mandatory requirement under the scheme. The need for advertising was carefully assessed by Staff, particularly in relation to notifying the adjoining owner (Lot 558). The Shire considers that the proposed set back of 2.0 metres to the adjoining lot is inadequate and that an extended landscape set back of at least 5.0 metres should be required. On this basis, and the fact that the application sought is for a three (3) year period, advertising is not considered necessary. However, should Council consider an approval for a lesser setback of 5.0 metres, then formal notification should be undertaken.

The subject site is also within the Onslow Coastal Hazard Area and Clause 7.3 of the scheme states in part, the following in relation to this area:

*7.3.8 In considering applications for planning approval, Local Government shall have regard for the following matters:*

- (a) That development and redevelopment be permitted in the hazard area subject to floor levels being raised above 4m AHD in the coastal zone areas and 5m AHD in the frontal dune areas of the townsite between Four Mile Creek in the south west and Beadon Creek in the north east.*
- (b) That any new commercial or tourist development shall be raised to comply with the 4m AHD floor level requirement in the coastal zone or 5m AHD requirement in the frontal dune areas of the townsite, between Four Mile Creek in the south west and Beadon Creek in the north east.*
- (c) That non-habitable permanent structures such as ablution facilities in caravan parks shall be permitted to have floor levels at the existing ground level.*
- (d) That any land filling shall be subject to an assessment of impact on the drainage pattern so as to retain the natural drainage to Beadon Creek.*
- (e) That any building development or building alteration approval in the hazard area be endorsed with the following:  
"The developer undertakes to absolve the State and the Local Government Authority from liability and hence financial relief in the event of damage caused by natural events".*

All of the proposed accommodation structures will have floor levels of at least 4.0 metres AHD, which will satisfy the requirements of clause 7.3 of the Scheme.

Appendix 8 of the Scheme stipulates the car parking requirements for the transient workforce accommodation land use. The applicable car parking provisions stipulated under Scheme for transient workforce accommodation requires:

*“Two per every three sleeping units, plus one oversized vehicle parking bay per every ten sleeping units (minimum two bays), plus at Local Government’s discretion the provision of oversized vehicle bays”.*

In relation to the proposed 10 transient workforce accommodation buildings (comprising 40 new units) on Lot 563, 27 car parking bays are required under the scheme. The applicant proposes 33 bays along the northern and eastern boundary of the lot, along with 2 oversized vehicle bays in the north western portion of Lot 563. Additional oversized vehicle parking could be provided in the western portion of Lot 563 directly south of the existing ‘park shop’ building.

In relation to the proposed 6 transient workforce accommodation buildings (comprising 24 new units) on Lot 557, 16 car parking bays are required under the scheme. These are proposed to be provided in the north eastern portion of Lot 557, directly west of the existing building labelled as ‘storage’ on the attached Site Plan. No additional oversized vehicle bays are proposed. The applicant considers that the existing three ‘bus bays’ located in the south western portion of Lot 557 are sufficient to service the existing and proposed transient workforce accommodation units. Additional oversized vehicle parking could be provided in the north eastern portion of the lot between the proposed 16 parking bays and the existing ‘storage’ building.

Clause 5.9 of the scheme defines the matters that Council needs to have ‘due regard’ when determining an application. One such matter is Clause 5.9 (h):

*“the capacity of the site and surrounding locality to support the development including:  
(iv) public and utility infrastructure and community services;”*

The Shire has only recently been advised that the provision of water supply services to Onslow is at capacity. Water Corporation has advised that only 30 additional connections are likely to be available using the existing infrastructure and supply. In this regard, it is possible that there could be some servicing issues with the proposal (as well as all other proposals in Onslow).

It is not clear how Council should address the issue of infrastructure, especially water supply when dealing with planning applications. It would be possible to refuse applications and require the applicant to take the matter further to the State Administrative Tribunal where the application could be determined. However, this is not considered to be a reasonable approach as the Shire would incur considerable appeal costs and the provision of such services is not the responsibility of the Shire nor the applicant.

It is suggested that Council continue to consider applications in Onslow on planning merit but where an approval is issued, the applicant be advised that the provision of a reticulated water supply may be limited and that they may need to supplement or provide alternate means for such supply.

The scheme identifies a series of more significant controls for transient workers accommodation than it does for holiday accommodation. These are largely set out in Clause 6.9, which states, in part:

- 6.9.1 *All transient workforce accommodation, whether intended as permanent or temporary structures, shall be regarded as residential development and is subject to the requirements of the Residential Planning Codes and clause 6.5 of this Scheme.*
- 6.9.2 *Except in the residential zone and notwithstanding subclause 6.9.1, the requirements of the Residential Planning codes and clause 6.5 of the Scheme may be varied for transient workforce accommodation by Local Government provided adequate justification for the variation is submitted by the proponents of the accommodation and provided Local Government considers the variation appropriate.*
- 6.9.3 *Planning applications for temporary structures to provide transient workforce accommodation shall, to Local Government's satisfaction, be accompanied by information and plans indicating how and when the development will be removed and the site rehabilitate or developed for a different use intended for the site.*

In accordance with Clause 6.9.1 transient workforce accommodation, whether a permanent or temporary structure is regarded as residential development and is subject to the provisions of the Residential Design Codes ('R Codes'). Furthermore, Clause 6.10.3 states that the density for residential development within the Tourism zone and within the Onslow Coastal Hazard Area shall not exceed the R30 density.

Under the R Codes, each transient workforce accommodation unit falls under the definition of single bedroom dwelling. Under Clause 6.1.3 A3 of the R Codes the minimum site area of a single bedroom dwelling may be reduced by up to one third, taking the average lot size of the R30 density code from 300m<sup>2</sup> to 200m<sup>2</sup>. Lot 563 is 9,130m<sup>2</sup> and could accommodate up to 46 single bedroom dwellings, whilst Lot 557 is 27,691m<sup>2</sup> and could accommodate up to 138 single bedroom dwellings.

This application is compliant with the provisions of the R Codes as it proposes to construct 40 single bedroom dwellings on Lot 563 (where currently there are no transient workforce accommodation units) and 24 single bedroom dwellings on Lot 557 (resulting in the number of singled bedroom dwellings on Lot 557 from 60 to 84).

The R Codes cover a range of matters, including open space requirements, building setbacks and separations, carparking and landscaping. The R Codes standards when applied to transient workforce accommodation are somewhat unrealistic as they apply private open space requirements. These have been developed on the basis they are suitable for houses or flats and therefore are somewhat excessive when applied to workers accommodation. The proposal under consideration is relatively well spaced when compared with other accommodation facilities within the Shire.

For this reason it is suggested that Council should exercise its discretion pursuant clause 6.9.2 of the scheme and vary the requirements of the code to the standards contained on the submitted

plans, in the event of it resolving to grant approval. However, due to infrastructure, recreational and service facilities being solely located on Lot 557(not including car parking), any approval will need to link the operation of both lots and address the sale of Lot 557 in relation to any operations on Lot 563.

One deficiency of the application is that a landscaping plan has not been submitted, in accordance with the provisions of Clause 6.19 of the scheme. This issue could be resolved by the inclusion of an appropriate condition, in the event of Council resolving to grant approval.

The proposal will ensure that accommodation structures on the site are at least 4.0 metres AHD, thus satisfying the requirements of the scheme. The proposal is consistent with the provisions of the Shire's Planning Scheme and Policy and will assist in removing the pressure off the town when organisations are seeking residential accommodation for workforce operations.

Accordingly, it is recommended that the application be approved, subject to appropriate conditions being met.

### **Consultation**

Chief Executive Officer

Advertising of an application for transient workforce accommodation in the 'Tourism' zone is not a mandatory requirement under the scheme.

The need for advertising was carefully assessed by Staff, particularly in relation to notifying the adjoining owner (Lot 558). The Shire considers that the proposed set back of 2.0 metres to the adjoining lot is inadequate and that an extended landscape set back of at least 5.0 metres should be required.

On this basis, and the fact that the application sought is for a three (3) year period, advertising is not considered necessary. However, should Council consider an approval for a lesser setback of 5.0 metres, then formal notification should be undertaken.

### **Statutory Environment**

Shire of Ashburton Town Planning Scheme No. 7

### **Policy Implications**

Transient workforce accommodation should be consistent with the provisions of Council's adopted Local Planning Policy *Transient Workforce Accommodation*. Specifically, the Policy States:

#### *4.5 Location of Camps*

*4.5.1 The particular location of any proposed camp is at the discretion of the Shire and will depend on the capability, suitability and appropriateness of the site for the proposal. The Shire does not support Transient Workforce Accommodation camps located:*

- in a position or area that would adversely affect residential, rural residential or rural smallholdings uses or lifestyles or that would detract from any particular scenic or visual attraction;*

- *adjacent to recognised tourist routes, unless suitably screened or designed for permanent use;*
- *within any sensitive areas such as industrial buffer areas or waste water treatment plant buffers or the following zones:*
  - o *Rural Residential;*
  - o *Industrial and mixed Business/Development;*
  - o *Industry; or*
  - o *Mixed Business.*

The land is within a zone that the Policy accepts as being appropriate for transient workforce accommodation. The proposal would be classified as a 'TYPE A Camp' which are:

*"... located within or in proximity to existing urban or resident populations, typically on land zoned for residential or commercial purposes. These camps may be further categorized into long term operational camps and (generally) shorter term construction camps"*.

Under the policy, Type A camps should not exceed 200 accommodation rooms and in this regard, the proposal complies with the policy.

Also relevant to the proposal is Local Planning Policy *"Transportable Dwellings, New and Second-hand"* which states:

5.1 For all transportable housing:

- *building plans comprising site, floor and elevation plans and a septic tank application (if applicable) will be required;*
- *dwellings shall be designed to reflect the existing character of development surrounding the subject site;*
- *roof pitch shall be a minimum 10° if the majority of the surrounding dwellings are so constructed;*
- *void area between floor and ground levels is to be enclosed by brickwork or other materials to the satisfaction of the Shire;*
- *where deemed necessary by the Shire, verandah(s) and/or painting shall be undertaken to enhance of the dwelling;*
- *where deemed necessary by the Shire, landscaping shall be undertaken around the dwelling;*
- *where Council requests any work to be carried out to enhance the appearance of the building and/or it surrounds, it may seek the payment of a bond/bank guarantee to ensure that such works are completed; and*
- *within 8 weeks of the building being located on the approved site, Council's Building Surveyor will carry out a final inspection to ensure that all the conditions of approval have been complied with. If these have not been met, then Council may consider issuing an order to have the building removed from the site.*

The proposal reflects the policy although the buildings propose a 3° pitch. However this reflects existing accommodation units on site.

### **Financial Implications**

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

### **Strategic Implications**

There are no identified strategic implications, which relate to this matter. However, development as proposed will assist in removing the pressure off the town when companies are seeking residential accommodation for workforce operations.

### **Voting Requirement**

Simple Majority Required

### **Council Decision / Recommendation**

**MOVED: Cr Corker**

**SECONDED: Cr Bloem**

**That Council:**

1. **Approve the development application made by Greg Rowe and Associates, to erect and use buildings on Lot 557 and 563 Beadon Creek Road for the purposes of transient workers accommodation, in accordance with the attached plans, subject to the following conditions:**
  - a) **Prior to the commencement of any works, plans are to be submitted generally in accordance with the plans and elevations submitted by the applicant and modified to provide a setback for all buildings on Lot 558 of at least 5.0 metres.**
  - b) **A building licence for the development should be obtained prior to 17 March 2012. This Planning Approval lapses if a building licence for the development has not been obtained by 17 March 2012. Further to this, if the development is not substantially commenced in accordance with the building licence by 17 March 2012, then this Planning Approval lapses at that date. With the permission of the Shire of Ashburton, this Planning Approval may be extended.**
  - c) **Prior to the development being occupied the “owner of the land” shall at the expense of the owner and accepting Council's costs, prepare and enter into a signed agreement with the Shire. The agreement shall:**
    - i) **absolve the State and the Local Government Authority from liability and hence financial relief in the event of damage caused by natural events;**
    - ii) **require the use of the structures to cease by 17 March 2013 or other period as agreed by the Chief Executive Officer and the structures be removed within 28 days;**
    - iii) **provide that should either Lot 557 or Lot 563 be individually sold or not form part of 'Beadon Bay Village', the transient workers accommodation on Lot 563 shall be removed or alternatively the owner shall to the satisfaction of the Shire, ensure that all infrastructure, recreational and service facilities are independently provided on Lot 563; and**



- iv) upon the written direction of the Chief Executive Officer, new access to Lots 557 and 563 shall be established in accordance with the endorsed plans and all access to 'Parsley Road' shall be closed. In this regard, an appropriate floodway management assessment for the crossing of the drainage easement on Lot 563 shall be undertaken ensuring that any such access shall not interfere with the drainage easement, with all access constructed to the Shire of Ashburton's specifications. All such access and drainage modifications will be at the owner's expense.
- d) The Development shall comply with the Shire of Ashburton Town Planning Scheme No. 7, the Shire's Local Planning Policy, the Health Act, the Building Code of Australia, the Western Australian Fire Board Regulations and Local Laws.
- e) All storm water produced on the site shall be disposed of either to an underground drainage system or disposed of on the site, but in either case the means of disposal must be to the satisfaction as directed by the Shire. Plans must be submitted prior to issue of a building licence showing details of the drainage layout, showing the pipes direction, invert levels, grade size and the locations of any pits.
- f) The buildings shall have a minimum floor level of at least 4.0 metres AHD.
- g) A landscaping plan must be submitted and approved for the area immediately surrounding the subject buildings, on the boundary to Lot 558 and facing Beadon Creek Road prior to the issue of a Building Licence or any works commencing. For the purpose of these conditions a detailed landscaping plan shall show the following:

  - i) the location and type of proposed trees and shrubs;
  - ii) any lawns to be established;
  - iii) those areas to be reticulated or irrigated.
- h) The landscaping and those areas to be reticulated or irrigated landscaping area shall be installed within thirteen (13) weeks of the use commencing or occupation of the development, and shall be maintained thereafter by the owner/occupier to the satisfaction of the Shire.
- i) Car parking spaces shall be provided as detailed on the submitted plans along with a minimum of three (3) additional oversize vehicle parking bays to be established to the satisfaction of the Shire of Ashburton.
- j) Vehicle parking, manoeuvring and vehicle circulation areas are to be suitably constructed, drained, kerbed, maintained and marked to the specifications and satisfaction of the Shire of Ashburton.
- k) The design and layout of the buildings shall be consistent with the provisions of

**the Residential Planning Codes.**

- 2. Advise the applicant of its right of appeal pursuant to Part 14 of the Planning and Development Act 2005.**
- 3. Advise the applicant that the issuing of development approval for the development pursuant to Shire's Planning Scheme does not constitute approval to use the complex unless all matters relating to Local Government (Miscellaneous Provisions) Act have been addressed.**
- 4. Advise the applicant that the Shire has only recently been advised that the provision of water supply services to Onslow is at capacity and it is possible that there could be some servicing issues with the proposal. It is suggested that the applicant contact the Water Corporation to determine the provision of a reticulated water supply and to be aware that they may need to supplement or provide alternate means for such supply. If holding tanks or other infrastructure is required, consent from the Shire may also be necessary.**
- 5. Advise the applicant that the approval will result in 40 single bedroom dwellings on Lot 563 and a total of 84 approved single bedroom dwellings on Lot 557.**

**CARRIED 6/2**

**Cr White & Thomas voted against the motion**

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**13.03.13 PROPOSED HOME OCCUPATION, (RETAIL SALES) LOT 636  
COOLAROO STREET TOM PRICE**

<b>FILE REFERENCE:</b>	TP.CN.636
<b>AUTHOR'S NAME AND POSITION:</b>	Rob Paull Shire's Town Planning Consultant
<b>NAME OF APPLICANT/ RESPONDENT:</b>	Kym Ettridge
<b>DATE REPORT WRITTEN:</b>	6 March 2010
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

An application has been received seeking planning consent to establish a home occupation at Lot 636 Coolaroo Street Tom Price being for the sale of shoes. The land is zoned 'Residential' and 'home occupation' provisions of the planning scheme prohibit 'retail sale, display or hire of goods'. Council has no power to approve a 'home occupation' where retail sales are proposed.

However the scheme does provide the opportunity for a 'shop' to be considered in a Residential zone. It is recommended that subject to a modified application and advertising, Council delegate authority to issue an approval for a limited shop, subject to conditions.

**Background**

An application has been received seeking planning consent to establish a home occupation (within an existing shed) at Lot 636 Coolaroo Street Tom Price. The land is zoned 'Residential' under the Shire's Town Planning Scheme ('scheme'), as per attachment.

[13.03.13](#)

**Proposal**

The applicant is seeking to sell a variety of footwear from their dwelling between the hours of 9 am – 3pm Monday to Friday and 9 am – 12 noon Saturday. Only one person is to be involved in the sales (occupant of the dwelling) and the area of the sales is no greater than 20m<sup>2</sup>. Letters of non-objection from two of the immediate neighbours have been submitted. The other two dwellings vacant.

## Comment

Under normal circumstances home occupations are approved under delegated authority, however, this proposal specifically seeks the “... retail sale, display or hire of goods of any nature”.

A home occupation is defined as:-

*“.....an occupation carried out in a dwelling or on land around a dwelling by a resident of the dwelling which:*

- (a) does not employ any person not a member of the occupier’s household;*
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;*
- (c) does not occupy an area greater than 20m<sup>2</sup>;*
- (d) does not display a sign exceeding 0.2m<sup>2</sup> in area;*
- (e) does not involve the retail sale, display or hire of goods of any nature;*
- (f) in relation to vehicles and parking, will not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volumes in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not involve provision for the fuelling, repair or maintenance of motor vehicles; and*
- (g) does not involve the use of an essential service of greater capacity than normally required in the zone”.*

Point (e) is very specific regarding the retail sale, display or hire of goods. Council has no opportunity to approve an application for home occupation where retailing is sought.

However, the scheme allows a ‘shop’ as a discretionary use (subject to advertising) within the Residential zone. It would appear that the Council has never received nor determined an application for a shop within the Residential zone so no precedent for assessment has been established.

In a strategic sense, the desire of the Shire is to establish a vibrant town centre which is depicted with the efforts undertaken through the current revitalisation program. The Scheme Report that defined the current planning scheme noted:

*“The 1990 strategy also identified a number of separate precincts in the Town Centre according to their function. It recommended the possible location for additional retail development at the rear of the existing shopping centre and other improvements relating to carparking and pedestrian facilities. Although expansion may be possible, it is recommended that a consolidation and upgrading of existing facilities may be a higher priority than expansion. This could include a more detailed assessment of carparking, pedestrian facilities and urban design issues”.*

Clearly commercial uses should be located in the town centre, however, the business proposed offers the town a service as there are no shoe shops operating in town.

Importantly, there does not appear to be any vacant premises within the Commercial and Civic zone that provides for such an outlet. In essence, the operation will reflect the use of the land for home occupation purposes.

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*Local Planning Policy Non-Residential Land Uses in the Residential Areas Location' applies due to the retail nature of the proposed business. In this regard, the policy has the following assessment requirements:*

Location of the property within the existing residential area.

**Comment.**

Coolaroo Street is essentially a cul-de-sac and Lot 636 is centrally located (adjoining a lane)

*Residential amenity and Noise generation*

**Comment**

The scale of the development in that it is similar in nature to a home occupation is unlikely to adversely affect the amenity of adjoining landowners.

Essential services and waste disposal

**Comment**

The proposed use does not involve the provision of any additional essential services.

*Traffic Implications*

**Comment**

Subject to limitations on the operation, the proposed use is unlikely to significantly increase in traffic and adversely impact on the existing nature of the street or its amenity.

*Building modifications*

**Comment**

The appearance and predominant use of the building will retain its residential character.

*Signage*

**Comment**

Signage for any 'Non-Residential' use in a residential area is to be a maximum of 0.2m<sup>2</sup>.

The application reflects the requirements of the '*Non-Residential Land Uses in the Residential Areas Location*' Local Planning Policy.

As noted, there is no opportunity for Council to approve 'home occupation' where retailing is sought. However, if Council believes that a limited 'shop' reflecting the size limitations of a 'home occupation' is appropriate, then it could advise the applicant that subject to formal advertising and no objections, Council could delegate consideration to the Chief Executive Officer.

It is considered that subject to no objections, an initial limited approval could be considered as it would probably best serve the needs of all parties involved while maintaining the scheme objectives. The normal conditions of home occupation should apply with a requirement that all potential customers be by appointment only. This would ensure that the business would remain

low-key. To ensure that the use does not lead to amenity issues for the neighbourhood, a time limit of 12 months should be placed on any approval.

### **Consultation**

Nil, however letters of non-objection from two of the four immediate neighbours were submitted. The other two dwellings were vacant. Should a 'shop' use be sought, formal advertising under the scheme would be required.

### **Statutory Environment**

Town Planning Scheme No.7.

### **Policy Implications**

Local Planning Policies - 'Home Occupation/Home Business' and 'Non-Residential Land Uses in the Residential Areas Location' are relative to this matter.

### **Financial Implications**

There are not financial implications relative to this matter.

### **Strategic Implications**

There are no strategic implications relative to this matter.

### **Voting Requirement**

Simple Majority Required.

### **Council Decision / Recommendation**

**MOVED: Cr Corker**

**SECONDED: Cr Bloem**

**That Council advise Ms Kym Ettridge, the applicant for a home occupation Lot 636 Coolaroo Street, Tom Price that as the proposal involves retail sales, Council is unable to approve the application. Accordingly, the application be refused on the following ground:**

- 1. The 'home occupation' is prohibited due to retail sales being sought.**

**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).**

**That Council advise Ms Kym Ettridge that subject to the application being modified and formal advertising and the consideration of any submissions received, Council is willing to consider an application for a limited shop at Lot 636 Coolaroo Street, Tom Price subject to (but not confined to) the following conditions:**

**Compliance with all the requirements of Council's Principal Environmental Health Officer and Building Surveyor.**

The operator of the shop shall not employ any person that is not a member of Lot 636 Coolaroo Street, Tom Price household.

The shop shall not occupy an area within the existing house greater than 20m<sup>2</sup>.

The hours of operation shall be as follows:

9 am – 3pm Monday to Friday; and  
9 am – 12 noon Saturday.

The promotion, advertising (including signage) and operation of the shop shall be by appointment only.

All vehicles associated with the use are to be parked on the site at all times.

All loading/unloading of goods to be conducted within the site at all times.

No outside storage of goods.

The approval not being transferable.

Signage to be a maximum of 0.2m<sup>2</sup>.

The approval limited to a period of 12 months.

The operation of the shop shall not cause injury to or adversely affect the amenity of the neighbourhood.

The Chief Executive Officer be delegated authority to approve an Application referred to in 3., above subject to the satisfactory conclusion of advertising.

**CARRIED 8/0**

### 13.03.14 DEVELOPMENT SERVICES DECISION STATUS REPORT

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
1.	02/10	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 Deepdale Road, Pannawonica	<p>That Council:</p> <p>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:</p> <p>Replace Condition 1 (c) as follows:</p> <p>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</p>	<p>Finalised</p> <p>Development approval issued to applicant (Feb 2010)</p>
2.	02/10	13.02.02	Planning Application – Proposed Residential Building at Lot 364 (NO.17) Clarke Place, Onslow	<p>That Council:</p> <p>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 9 conditions</p>	<p>Finalised</p> <p>Development approval issued to applicant (Feb 2010)</p>
3.	02/10	13.02.03	Planning Application – Proposed Residential Building at Lot 924 (NO. 6) Payne Way, Onslow	<p>That Council:</p> <p>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</p>	<p>Finalised</p> <p>Development approval issued to applicant (Feb 2010)</p>



#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				residential building subject to 9 conditions:	
4.	02/10	13.02.04	Planning Application – Proposed Residential Building at Lot 618 (NO.14) Clarke Place, Onslow	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 9 conditions	Finalised Development approval issued to applicant (Feb 2010)
5.	02/10	13.02.05	Proposed 15 Dwelling Grouped Dwelling Development, Lot 327 Warara Street, Tom Price	That: <b>1.</b> 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 23 conditions.	Ongoing Waiting decision of Minister in relation to Amend (Mar 2010)
6.	02/10	13.02.08	Draft Town Planning Scheme Amendment No 6. Modifications to the Minimum Lot Size Provisions in Industrial Zones (Consideration of Adoption for Final Approval)	1. That the Council, in pursuance of Part V of the <i>Planning and Development Act 2005</i> , adopt draft Amendment No. 6 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") for final approval for the purposes of modifying Clause 6.11.4 of the Scheme to read as follows:  <i>6.11.4 Local Government, in considering applications for subdivision/amalgamation of land shall not recommend approval of lots in the Mixed Business, Industry or Industrial/Mixed Business Development Zones which are below 2 000m<sup>2</sup> 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</i>	Ongoing Amendment referred to Minister for Planning (Mar 2010)

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<p><i>Development Plan pursuant to Clause 6.4 of the Scheme.</i></p> <ol style="list-style-type: none"> <li>2. That the Council endorse the schedule of submissions prepared in response to the community consultation undertaken in relation to the draft Amendment.</li> <li>3. That the Council refer the draft Amendment so adopted for final approval, of the Hon. Minister for Planning.</li> <li>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 Regulation 1967, unless it is considered by the Shire that the modification affects the intent of the amendment in which case it shall be referred to the Council for consideration</li> </ol>	
7.	12/09	13.12.86	Draft Local Planning Policy – Advertising Signs for Adoption	<p>That Council:</p> <ol style="list-style-type: none"> <li>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</li> <li>2. Give public notice of Council's decision as is required by the Shire of Ashburton Town Planning Scheme No. 7.</li> <li>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.</li> <li>4. Review the Policy in 12 months time.</li> </ol>	<p>Ongoing</p> <p>Advertising being undertaken to be resubmitted to April meeting (Mar 2010)</p>

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
8.	12/09	13.12.88	Advertising of Draft Townsite Strategy, Onslow	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Note this Report.</li> <li>2. Request the Chief Executive Officer to:               <ol style="list-style-type: none"> <li>a) advertise the draft Onslow Townsite Strategy for a period of 60 days;</li> <li>b) directly notify Onslow land owners and surrounding pastoral lease holders (by mail) advising of the draft Onslow Townsite Strategy and inviting comment;</li> <li>c) erect a display in the Shire Offices at Onslow and place the whole draft Onslow Townsite Strategy on the Shire Website;</li> <li>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;</li> <li>e) directly notify the following State Agencies:                   <ul style="list-style-type: none"> <li>• Civil Aviation and Safety Authority;</li> <li>• Dampier Port Authority;</li> <li>• Department of State Development;</li> <li>• Department of Planning;</li> <li>• Department of Indigenous Affairs;</li> <li>• Department of Environment and</li> </ul> </li> </ol> </li> </ol>	<p>Ongoing</p> <ol style="list-style-type: none"> <li>(a) Advertising closes 6 March 2010</li> <li>(b) Completed</li> <li>(c) Completed</li> <li>(d) Completed</li> <li>(e) Complete</li> <li>(f) Complete</li> <li>(g) Submissions are being assessed. Report to be submitted to April Council meeting (Mar 2010)</li> </ol>

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>Conservation;</p> <ul style="list-style-type: none"> <li>• Department of Education;</li> <li>• Department of Health;</li> <li>• Department of Mines and Petroleum;</li> <li>• Department of Regional Development and Lands;</li> <li>• Department of Water;</li> <li>• FESA;</li> <li>• Horizon Power;</li> <li>• Landcorp;</li> <li>• Main Roads WA;</li> <li>• Police Service of WA;</li> <li>• Tourism Commission of WA; and</li> <li>• Water Corporation;</li> </ul> <p>f) directly notify the following companies/organisations;</p> <ul style="list-style-type: none"> <li>• Thalanyji representatives;</li> <li>• BHP/Billiton;</li> <li>• Chevron;</li> <li>• Exxon; and</li> <li>• Onslow Salt;</li> </ul> <p>g) refer (any) submissions received during the advertising period back to Council so that a decision on to whether to adopt the draft Onslow Townsite Strategy with or without modifications can be undertaken.</p>	
9.	12/09	13.12.89	Draft Planning Scheme	That Council In pursuance of Part V of the Planning and	Ongoing

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
			Amendment to Establish North Ashburton Strategic Industrial Area, Onslow	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: (extensive text follows)	Amendment has been submitted to Environmental Protection Authority and to Department of Planning  Verbal Advice from EPA is that the Authority will not require formal environmental assessment of the proposal. Report to be submitted to April meeting (Mar 2010)
10.	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	Finalised  Awaiting proponent to submit amended plans. Matter now in the hands of the applicant (Mar 2010)

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				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:	
11.	11/09	13.11.73	Draft Local Planning Policies for Adoption	<p>That Council:</p> <ol style="list-style-type: none"> <li>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"> <li>• LPP 1 Transportable Dwellings New and Secondhand</li> <li>• LPP 2 Home Occupancy/Home Business.</li> <li>• LPP 4 Retail Uses in the Industrial Zone</li> <li>• LPP 5 Alfresco Dining.</li> <li>• LPP 6 Caretaker Accommodation</li> <li>• LPP 7 Cat Pounds and Catteries</li> <li>• LPP 8 Dog Kennels</li> <li>• LPP 9 Non Residential Land Uses in Residential Areas</li> <li>• LPP10 Design Guidelines for the Tom Price Town Centre</li> <li>• LPP11 Cash-in-Lieu Parking Requirements.</li> </ul> </li> <li>2. Give public notice of Council's decision as is required by the Shire of Ashburton Town Planning Scheme No. 7.</li> <li>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.</li> </ol>	Finalised Part 3 of resolution addressed by report to December 2009 Council meeting (Dec 2009)

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
12.	11/09	13.11.77	Draft Town Planning Scheme Amendment Modifications to Strategic Industrial Zone to Prohibit Transient Workforce Accommodation	<p>That Council In pursuance of Part V of the Planning and Development Act 2005 ("Act"), adopt for community consultation purposes draft Amendment No. 8 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") that proposes to:</p> <ol style="list-style-type: none"> <li>1. That the zoning table be modified as follows: <ul style="list-style-type: none"> <li>(a) Identifying 'Transient Workforce Accommodation' as an 'X' use class in the 'Strategic Industry' zone;</li> </ul> </li> <li>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.</li> <li>3. That following advertising of the draft Amendment, the matter be referred back to Council for further consideration.</li> </ol>	Ongoing Draft amendment Submitted to EPA (Mar 2010)
13.	08/09	13.08.41	Draft Town Planning Scheme Amendment No 5 – Comprising modifications to the scheme to rezone Lot	<ol style="list-style-type: none"> <li>5. 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:</li> </ol>	Ongoing Amendment referred to Western Australian

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
			327 Warara Street to Residential R30, to clarify the Land in special use 1 zone and to prohibit sea containers as caretaker dwellings (considerations of adoption for final approval)	(Standard Conditions Attached)	Planning Commission  Awaiting WAPC response  (Mar 2010)
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. (Jan 2010)
14	03/08	13.03.10	Town Planning Scheme Amendment No. 1 – Lot 300 Boonderoo Road, Tom Price	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: 2. That new parts be included in the Amendment as follows:  (a) an asterisk be placed next to 'I' of the zoning table coordinated between 'Transient Workforce Accommodation and 'Mixed Business'. (b) include the following note immediately after the Zoning Table: ** Note: Clause 6.9.5 prohibits 'Transient Workers Accommodation use at Lot 300 Boonderoo Road,	Finalised subject of report to March Council meeting (Mar 2010)



#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<p><i>Tom Price</i>"</p> <p>(c) include new Clause 6.9.5 of the Scheme to read as follows: "6.9.5 <i>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>3. 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>4. 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>5. 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 –	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:	Ongoing. Further information being gathered for Council. Being considered in

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
			Transient Workforce Accommodation	<ol style="list-style-type: none"> <li>1. That the zoning table be modified as follows:                             <ol style="list-style-type: none"> <li>(a) Identifying 'Transient Workforce Accommodation' as a 'X' use class in the 'Mixed Business' zone;</li> <li>(b) Identifying 'Transient Workforce Accommodation' as a 'X' use class in the 'Industrial &amp; Mixed Business Development' zone; and</li> <li>(c) Identifying 'Transient Workforce Accommodation' as a 'X' use class in the 'Rural Living' zone;</li> </ol> </li> <li>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>.</li> <li>3. That following advertising of the draft Amendment, the matter be referred back to Council for further consideration.</li> </ol>	association with Tom Price Structure Plan and review of Transient Workers Accommodation policy

**Council Decision / Officers Recommendation**

**MOVED: Cr Corker**

**SECONDED: Cr Thomas**

**That Council note the contents of the Development Services Status report**

**CARRIED 8/0**

**14.03.0 WESTERN OPERATIONS REPORTS**

**14.03.03 WESTERN OPERATIONS DECISION STATUS REPORT**

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
<b>ENGINEERING</b>					
1.	02/10	14.02.01	RFT 01/10 Sale of Lot 502 (21) First Avenue, Onslow	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.	Finalised – All actions have been attended too. (Mar 2010)
2.	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.  Open Day planned for Saturday 27 <sup>th</sup> March.  (Mar 2010)
3.	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 – Health inspector has resigned – new appointment – will follow up for next meeting.

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
					(Mar 2010)
<b>COMMUNITY</b>					
4	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> <ul style="list-style-type: none"> <li>(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</li> <li>(b) It does not support the Pannawonica Community plans prepared by the company for the following reasons: <ul style="list-style-type: none"> <li>a. The community infrastructure and services components of the plan lack definition, are limited in scope and are largely uncosted</li> <li>b. The community plan largely consists of elements which are not community infrastructure or services</li> <li>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.</li> </ul> </li> </ul>	<p>Ongoing</p> <p>Clear direction has been reached – working on plan with Rio representatives.</p> <p>(Mar 2010)</p>
<b>CORPORATE</b>					
5	03/05	12.03.120	Robe River Memorandum of Understanding	That Council agrees to the Memorandum of Understanding between the Shire of Ashburton and Robe River containing the following	Work is ongoing – both Rio and Shire committed to

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>commitments:</p> <ol style="list-style-type: none"> <li>1. The Shire of Ashburton leasing: <ul style="list-style-type: none"> <li>• The Library, Shire Office and Sentinel Chicken Coops;</li> <li>• The Dog Piund;</li> <li>• The Caravan Park and Ablutions Block</li> </ul> </li> <li>2. Robe River renovating the above facilites prior to the commencement of the leases.</li> <li>3. The Shire of Ashburton donating the amount of \$1,000 annually to each of the Occasional Child Care Centre and Neighbourhood Centre.</li> <li>4. The Shire of Ashburton committing to funding the Community Liaison Officer position for twenty (20) hours per week and to actively pursuing alternative funding sources for an additional twenty (20) hours.</li> <li>5. The Shire of Ashburton providing two free street sweeps per year with additional sweeps provided on a fee for service basis.</li> </ol>	<p>outcome before end of financial year  (Mar 2010)</p>
<b>DEVELOPMENT</b>					
6	12/05	13.12.408	Proposed Transfer of Emergency Services Building	<p>That :-</p> <ol style="list-style-type: none"> <li>1. Council agree to transfer the tenure of the Onslow Emergency Service Building to FESA subject to:- <ol style="list-style-type: none"> <li>i) FESA to become responsible for the outstanding loan on the facility and any financial outlay required for the transfer thereof; and</li> <li>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.</li> </ol> </li> </ol>	<p>Ongoing  Land issues finalised – Negotiating with FESA to finalise building handover.  (Mar 2010)</p>

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
				<ol style="list-style-type: none"><li>2. The necessary procedures required to effect the transfer be implemented.</li><li>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.</li><li>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.</li></ol>	

**Council Decision / Officers Recommendation**

**MOVED: Cr Corker**

**SECONDED: Cr Dann**

**That Council note the contents of the Western Operations Status report**

**CARRIED 8/0**

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

**Council Decision**

**MOVED: Cr Corker**

**SECONDED: Cr Bloem**

**That Council considers the following late Agenda Items**

- **15.03.03 RFT 02/10 Tender for Review of Storm Water Drainage System in Onslow**
- **15.03.04 Audit Contract 2009/2010 – 2011/2012**
- **15.03.05 Notice of Intention to take Land for “Wheatstone Alternative Campsite”**
- **15.03.06 RFT 12/10 Tender for Construction of Concrete Structures Associated with Roadworks**
- **15.03.07 RFT 11/10 Tender for Crushing of Rock for Road Making Materials**

**CARRIED 8/0**

### 15.03.03 RFT 02/10 TENDER FOR REVIEW OF STORM WATER DRAINAGE SYSTEM IN ONSLOW.

**FILE REFERENCE:** AS.TE 02/10

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

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

**DATE REPORT WRITTEN:** 15<sup>th</sup> March 2010

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### Summary

A Tender for Review of the stormwater drainage system in Onslow closed at 5<sup>th</sup> Feb 2010, 4 PM. Three tender offers were received. All tenders conformed to all requirements and have been assessed on principles of best value for the Shire.

#### Background

The existing system of storm water drainage system in Onslow need to be upgraded. Future residential development and expansion of the town needs to be accommodated. The retention ponds are playing a significant role for the breeding of mosquitoes and may have serious impact to the health of the people in the community.

#### Comment

A Request for Tender for the review of storm water drainage system in Onslow closed at 4:00 pm on Friday 5th February, 2010. Three tender offers were received from GHD, Worley Parson and AECOM. The tender conformed to all requirements and have been assessed. Tender costs of all three tenderes are provided below in the table.

<b>Tenderer</b>	<b>Services Description</b>	<b>Unit</b>	<b>Price Tendered (Exc. GST)</b>	<b>GST component</b>	<b>Total Price (Inc. GST)</b>
Worley Parson	Review of existing Drainage system on Onslow as per the Scope of work.	LS	\$27,447.00	2744.7	30,191.7



GHD	Review of existing Drainage system on Onslow as per the Scope of work.	LS	\$48,450.00	4845	53,295
AECOM	Review of existing Drainage system on Onslow as per the Scope of work.	LS	\$36,080.00	3608	39,688

Assessment matrix.

Score\ Tenderer	Weight	Worley Parson	GHD	AECOM
<b>Price Score</b>	40%	100	56.65	76.06
<b>WEIGHTED SCORE</b>		<b>40</b>	<b>22.66</b>	<b>30.42</b>
Non price				
Methodology	50%	40	50	40
Local Knowledge and experience	20%	10	20	5
Team	10%	7	10	5
Similar project	10%	5	10	5
Timing	10%	7	10	7
<b>Non Price Score</b>	<b>60%</b>	69	100	63
<b>WEIGHTED NON PRICE SCORE</b>		<b>41.4</b>	<b>60</b>	<b>37.8</b>
<b>Total</b>		<b>81.4</b>	<b>82.66</b>	<b>68.22</b>

Although GHD has provided the highest price it is considered that this will be the best price for value outcome.

### Statutory Environment

Local Government Act 1995 s.3.57

Local Government (Functions and General) Regulations 1996 Pt 4 Div 2

### Policy Implications

Purchasing and Tender Policy FIN12

### Financial Implications

Not Applicable

### Strategic Implications

Not Applicable

**Voting Requirement**  
Simple Majority Required

**Officers Recommendation/ Council Decision**

**MOVED:** Cr Corker

**SECONDED:** Cr Bloem

**Council accepts the tender from GHD for \$48,450.00 (exc.GST) for the review of Storm water drainage system in Onslow.**

**CARRIED 7/1**

#### 15.03.04. AUDIT CONTRACT 2009/2010 – 2011/2012

**FILE REFERENCE:** OR.AU

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

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

**DATE REPORT WRITTEN:** 12 March 2010

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

**PREVIOUS MEETING REFERENCE:**

##### **Summary**

The contract for Council's Current Auditors ended at the completion of the 2008/2009 Audit.

Quotations were called for Auditors for the 3 year period 2009/2010 – 2011/2012.

The appointment of BDO Audit (WA) Pty Ltd is recommended.

##### **Background**

The contract for Council's current Auditors end their contract at the completion of the 2008/2009 Audit.

Quotations were called in February 2010 for Auditors for the 3 year period 2009/2010 – 2011/2012.

##### **Officers Comment:**

The attached matrix evaluates the quotations received.

[15.03.04A](#)

From a qualitative cost point of view UHY Haines Norton scores the highest with BDO Audit and Anderson, Munroe & Wylie scoring equal second.

From a quantitative point of view UHY Haines Norton scores the lowest followed by Anderson, Munroe & Wylie and BDO Audit (Note Disbursements are included in their costs).

Staff consider the cost differential between UHY Haines Norton and those companies scored in second place qualitatively is too high to recommend them.

BDO Audit has work with Council for the last three Audits and our relationship has developed. The 2008/2009 Audit was a significant improvement on previous audits.

**Consultation**

Chief Executive Officer  
Manager of Finance

**Statutory Environment**

Section 7.3 Local Government Act 1995

**Policy Implications**

Nil

**Financial Implications**

Auditor Fees will need to be incorporated into Council Annual Budget.

**Strategic Implications**

There are no strategic implications relevant to this issue.

**Voting Requirement**

Absolute Majority Required

**Council Decision / Officers Recommendation**

**MOVED: Cr Bloem**

**SECONDED: Cr Dias**

**That Council appoint Chris Burton (Registered Company Auditor 313892) of BDO Audit (WA) Pty Ltd (Registered Company Auditor 285041) to undertake audits for the Shire of Ashburton for the period 2009/2010 to 2011/2012 at an annual fee of \$17,100 inclusive of Disbursements + GST**

**CARRIED 8/0  
ABSOLUTE MAJORITY**

**15.03.05 NOTICE OF INTENTION TO TAKE LAND FOR ‘WHEATSTONE ALTERNATIVE CAMPSITE’. ONSLOW ROAD, ‘ASHBURTON NORTH’, ONSLOW**

**FILE REFERENCE:** RD.OG.02.05

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

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

**DATE REPORT WRITTEN:** 12 March 2010

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

**Summary**

The Department of State Development (DSD) has advised that a Notice of Intention to Take land (‘NoITT’) has been submitted by Chevron Australia that includes an area east of Onslow Road and shown as ‘Wheatstone Alternative Campsite’. It is noted that this would not be a temporary camp but one that would be in place for numerous years.

The ‘Wheatstone Alternative Campsite’ is strongly opposed by the Shire as it is removed from the proposed Ashburton North Strategic Industrial Area (‘SIA’) and establishes the same sort of ‘camp entry statement’ into Onslow as found in other North West towns and which is strongly resisted by Council and the community. Shire staff have met with DSD staff and Chevron representatives advising that the alternate camp site was not supported.

It is recommended that Council resolve to advise DSD and Chevron Australia that it strongly opposes the NoITT in relation to the proposed ‘Wheatstone Alternative Campsite’ for the reasons expressed in this Report. The parties should be invited to discuss with the Shire, alternate sites for the Wheatstone Campsite that are more appropriate that that shown on the NoITT as per attachment 15.03.05

[15.03.05](#)

## Background

The Department of State Development (DSD) has advised that a Notice of Intention to Take land (‘NoITT’) has been submitted by Chevron Australia that includes an area east of Onslow Road and shown as ‘Wheatstone Alternative Campsite’.

## Comment

It is understood that the camp sought by Chevron is in the vicinity of 3000 persons. All Shire discussions with government agencies and reflected in the draft Planning Scheme Amendment No. 9 is that the 3000 person camp would be for construction purposes and located with the defined SIA.

The ‘Wheatstone Alternative Campsite’ is strongly opposed by the Shire as it is removed from the SIA and would establish the same sort of ‘camp entry statement’ to the Onslow as found in other North West towns. In addition, it would create a precedent for other proponents to establish camps in similar locations and circumstances.

Comments were sought from DSD and Chevron as follows:

### DSD

By Email dated DSD has advised that:

*“Chevron has suggested the inclusion of the alternative camp area in the NoITT so that it can locate its camp off Minderoo Station if required. The existing camp allocation within the broader SIA will also be maintained.*

*The inclusion of the area in the NoITT is required in order to take pastoral and native title rights, and in no way implies any planning or development permission for any activity on that land.*

*DSD notes that the NoITT process is designed to keep the accommodation camp options open, and that the development of any accommodation areas would follow appropriate local government development approval and planning processes”.*

### Chevron

Discussions with senior executives from Chevron reveal that the purpose of the alternative camp site is to provide options in the event that the site negotiations with Minderoo Station for the preferred site within the SIA break down

## Conclusion

The Shire appreciate that the purpose of providing the ‘Wheatstone Alternative Campsite’ in the NoITT is to provide an alternative for Chevron. However, there appear to be no circumstances that would lead to the Shire considering the alternative site as detailed in the NoITT to be appropriate.

In this regard, Council may wish to suggest to Chevron that further alternatives be pursued with the Shire to find a more optimal ‘alternate’ site. It is concluded that for the reasons expressed in

this Report, the Council strongly opposes the NoITT in relation to the proposed 'Wheatstone Alternative Campsite'.

### **Consultation**

Chief Executive Officer  
Executive Manager, Western Operations  
Department of State Development  
Chevron representatives

### **Statutory Environment**

Land Administration Act

### **Policy Implications**

Transient workforce accommodation should be consistent with the provisions of Council's Local Planning Policy *Transient Workforce Accommodation*.

### **Financial Implications**

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

### **Strategic Implications**

There are no identified strategic implications, which relate to this matter. However, development as proposed will assist in removing the pressure off the town when companies are seeking residential accommodation for workforce operations.

### **Voting Requirement**

Simple majority required.

#### **Council Decision / Officers Recommendation**

**MOVED: Cr Corker**

**SECONDED: Cr Bloem**

**That Council:**

- 1 Advise the Department of State Development (DSD) and Chevron Australia that the:**
  - i) 'Wheatstone Alternative Campsite' is strongly opposed by the Council as it is removed from the SIA and would establish the same sort of 'camp entry statement' to the Onslow as found in other North West towns. In addition, it would create a precedent for other proponents to establish camps in similar locations and circumstances.**
  - ii) Shire is willing to discuss with DSD and Chevron Australia alternate sites for**

**the Wheatstone Campsite that are more appropriate that that shown on the NoITT.**

**CARRIED 7/1  
Cr White voted against the motion**



## 15.03.06 RFT 12/10 TENDER FOR CONSTRUCTION OF CONCRETE STRUCTURES ASSOCIATED WITH ROADWORKS

<b>FILE REFERENCE:</b>	AS.TE 12/10
<b>AUTHOR'S NAME AND POSITION:</b>	Jeff Breen Executive Manager Engineering Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	16 <sup>th</sup> March 2010
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

### Summary

A Tender for Construction of Concrete Structures Associated With Roadworks closed at 15<sup>th</sup> March 2010, 1 PM. Five tender offers were received. All tenders conformed to all requirements and have been assessed on principles of best value for the Shire.

### Background

The Shire of Ashburton has entered into a MOU with Hamersley Iron for the construction of roadworks and major floodway on the Nanutarra Munjina Rd. This project was subject of a previous report to Council and approved business plan as required by the Local Government Act.

### Comment

A Request for Tender for Construction Of Concrete Structures Associated With Road works closed at 1:00 pm on Monday 15th March, 2010.

Six tenders were received five of which were conforming tenders.

BAT Contracting did not provide all required information but this was not considered significant however it has resulted in low or no scores in some assessment categories.

The Tenderers were; Tuss Concrete, Avon, Concrete Scene, Concrete Logistic, Downer EDI and BAT Contracting.

Tender costs of all three tenderes are provided below in the table.

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Item	Description	Tuss concrete (Exc. GST)	AVON (Exc. GST)	Concrete Scene (Exc. GST)	Concrete Logistic (Exc. GST)	Downer EDI (Exc. GST)	BAT Contracting (Exc. GST)
1	Establishment (Mob and demob to/from site)	12,000	15000	12441	97950	54773.27	
2	Construction of all concrete sections associated with the 9 cell RCP floodway—(Head walls. Wing walls, aprons, cut off walls)	405977	329047.95	340000	366047.29	479737.54	660,000
3	Provisional rate for excess concrete	\$500.00	\$2,990.00	\$1,000.00	\$750.00	\$2,750.00	

Assessment matrix.

Score	Weight	TUSS CONCRETE	AVON	CONCRETE SCENE	Concrete logistic	Downer EDI	BAT Contracting
Price ( Including Excess work cost)	60%	427977.00	403847.95	372440.66	478997.29	644284.11	660000
Weight		0.87	0.92	1.00	0.78	0.58	0.56
Equivalent Weight		52.21	55.33	60.00	46.65	34.68	56
Non price	40%						
Methodology	50%	45.00	30.00	20.00	30.00	40.00	0
Local experience	20%	15.00	15.00	20.00	20.00	15.00	20.00
Team member	20%	20.00	10.00	15.00	15.00	10.00	5.00
Experience of Works	10%	10.00	5.00	5.00	10.00	5.00	5.00
Weight		90.00	60.00	60.00	75.00	70.00	30.00
Equivalent Weight		36.00	24.00	24.00	30.00	28.00	12.00
Total score		88.21	79.33	84.00	76.65	62.68	68.00

Although the Tuss Concrete price is not the lowest, it is considered that this will be the best value outcome.

**Consultation**

Operations Manager  
Asset Engineer

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**Statutory Environment**

Local Government Act 1995 s.3.57

Local Government (Functions and General) Regulations 1996 Pt 4 Div 2

**Policy Implications**

Purchasing and Tender Policy FIN12

**Financial Implications**

Not Applicable

**Strategic Implications**

Not Applicable

**Voting Requirement**

Simple Majority Required

**Council Decision / Officers Recommendation**

**MOVED: Cr Corker**

**SECONDED: Cr Bloem**

**Council accepts the tender from Tuss concrete for \$ 427,977.00 (Exc.GST) for the Construction of Concrete Structures Associated With Roadworks.**

**CARRIED 8/0**

## 15. 03.07 RFT 11/10 TENDER FOR CRUSHING OF ROCK FOR ROAD MAKING MATERIALS

<b>FILE REFERENCE:</b>	AS.TE 11/10
<b>AUTHOR'S NAME AND POSITION:</b>	Jeff Breen Executive Manager Engineering Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	16 <sup>th</sup> March 2010
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

### Summary

A Tender for Crushing of rock for road making materials closed at 15<sup>th</sup> March 2010, 1pm. Three tender offers were received. All tenders conformed to all requirements and have been assessed on principles of best value for the Shire.

### Background

The Shire of Ashburton has entered into a MOU with Hamersley Iron for the construction of roadworks and major floodway on the Nanutarra Munjina Rd.

This project was subject of a previous report to Council and approved business plan as required by the Local Government Act.

### Comment

A Request for Tender for the Crushing of rock for road making materials closed at 1:00 pm on Monday 15th March, 2010.

Three tender offers were received from Dingo De Construction, SJ crushing and GLH. The tenders conformed to all requirements and have been assessed. Dingo De Construction provided an alternative tender as a material supply only option.

The tender was assessed on a price only basis.

Tender costs of all three tenderes are provided below in the table.

Item	Description	Tenderer		
		Dingo	SJ crushing	GLH
1.1	Supply and deliver of 20000 ton of 20 mm crushed rock base course	\$1,166,000	\$440,000	\$1,952,000.00
1.2	Supply and deliver of 200 ton of 7 mm sealing aggregate	\$25,740	\$5,760	\$11,712.00
1.3	Supply and deliver 220 ton of 14mm sealing aggregate	\$23,232	\$6,160	\$13,664.00
1.4	Supply and deliver 40 ton of 10mm sealing aggregate	\$4,356	\$1,150	\$2,440.00
1.5	supply and deliver 1200 ton of 200-500mm size	\$107,040	\$21,600	\$58,560.00
1.6	supply and deliver 1200 ton 600cum of 150-400mm size rock	\$143,880	\$24,000	\$58,560.00
	Total	\$1,470,248	\$498,670	\$2,096,936

Assessment *matrix*.

Score\ Tenderer	Weight	Dingo	SJ Crushing	GLH
<b>Price Score</b>	100%	34	100	24.37
<b>WEIGHTED SCORE</b>		<b>34</b>	<b>100</b>	<b>24.37</b>

Since SJ Crushing has the lowest price quoted for the job; it will be the best price for value outcome.

#### Consultation

Operations Manager  
Asset Engineer

#### Statutory Environment

Local Government Act 1995 s.3.57  
Local Government (Functions and General) Regulations 1996 Pt 4 Div 2

#### Policy Implications

Purchasing and Tender Policy FIN12

#### Financial Implications

Not Applicable

#### Strategic Implications

Not Applicable

#### Voting Requirement

Simple Majority Required

**Council Decision / Officers Recommendation**

**MOVED:** Cr Bloem

**SECONDED:** Cr Dias

**Council accepts the tender from SJ Crushing for \$498,670 (exc. GST) for the Crushing of rock for road making materials.**

**CARRIED 8/0**

**Council Decision**

**MOVED:** Cr Bloem

**SECONDED:** Cr Corker

**That Council adjourn for morning tea at 10:27am**

**CARRIED 8/0**

**Cr's Musgrave, Rumble, Dias, White, Thomas, Dann, Corker, Bloem, Keith Pearson, Jeff Breen, Larry Softley, Amanda O'Halloran, Frank Ludovico and Pam Hanson left the room at 10:28am**

**Cr's Musgrave, Rumble, Dias, White, Thomas, Dann, Corker, Bloem, Keith Pearson, Jeff Breen, Larry Softley, Amanda O'Halloran, Frank Ludovico and Pam Hanson re-entered the room at 10:57am**

**Council Decision**

**MOVED:** Cr Corker

**SECONDED:** Cr Dias

**That Council reconvene from morning tea at 10:58am**

**CARRIED 8/0**

**6.03.03 BHP BILLITON UPDATE ON THE BHP BILLITON MACEDON DEVELOPMENT PROPOSAL**

Diana Russell-Coote, Garry Walker, Don Burnside, Sabine Hopf, Peter Goff and Fadi Dorkham presented an update on the BHP Billiton Macedon Development Proposal. The following points emerged from the presentation

- Macedon Gas Development Overview – will be small domestic gas development
- Social Impact Assessment – This has been prepared at the request of the Shire of Ashburton, and in accordance with the requirements of the Shire's Local Planning Policy for Social Impact Assessment.
- The economic and social benefits to Onslow will be enhanced if the objective of a residential workforce can be attained.
- Project Timeline – Development Application to be submitted end of March 2010. Start of Access Road and Construction Village, installation by October 2010.

Members of BHP and Amanda O'Halloran left the meeting at 12:03pm

**6.03.04 DARREN LONG, DL CONSULTING**

Darren undertook a workshop for Councillors and staff on the Shire of Ashburton's Local Laws and Standing Orders. Darren highlighted several Local Government Acts which require amending in the Shire of Ashburton's Standing Orders.

Amanda O'Halloran re-entered the meeting at 12:07pm

**Council Decision**

**MOVED: Cr Corker**

**SECONDED: Cr White**

**That Council adjourn for lunch at 12:30pm**

**CARRIED 8/0**

Cr's Musgrave, Rumble, Dias, White, Thomas, Dann, Corker, Bloem, Keith Pearson, Jeff Breen, Larry Softley, Amanda O'Halloran, Frank Ludovico, Darren Long and Pam Hanson left the room at 12:31pm

Cr's Musgrave, Rumble, Dias, White, Thomas, Dann, Corker, Bloem, Keith Pearson, Jeff Breen, Larry Softley, Amanda O'Halloran, Frank Ludovico, Darren Long and Pam Hanson re-entered the room at 1:32pm

**Council Decision**

**MOVED: Cr Corker**

**SECONDED: Cr Thomas**

**That Council reconvene from lunch at 1:33pm**

**CARRIED 8/0**

Darren Long completed his Workshop at 2:15pm

## 12.03.23 ANNUAL REPORT AND ANNUAL GENERAL MEETING OF ELECTORS

<b>FILE REFERENCE:</b>	FI.RE
<b>AUTHOR'S NAME AND POSITION:</b>	Frank Ludovico Executive Manager Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	8 March 2010
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

### Summary

The *Local Government Act* requires that Council accept the draft Annual Report for 2008/2009 including the Financial and Auditors Reports within two months of the Auditors Report becoming available.

The Council is also required to select a date, time and venue for the Annual General Meeting of Electors.

### Background

Under section 5.53 of the *Local Government Act 1995*, the Shire is required to prepare an annual report for each financial year. The report is to contain:

- A report from the Shire President and Chief Executive Officer;
- An overview of the plan for the future including any major initiatives that are proposed to commence or continue in the next financial year;
- The 2008/2009 Financial Report;
- The 2008/2009 Auditor Report;
- Prescribed information in relation to payments made to employees; and
- Any other prescribed information.

The draft Annual Report will be distributed prior to the Council Meeting.

Council is also requested to give consideration to determining the date, time and location of the Annual General Meeting. The meeting must be held within 56 days from the date Council accepts the Annual Report and Financial Statements. If Council accepts the Annual Report at this meeting, the latest date for the meeting is 12 May 2010.



### **Comment**

We expect the report to be received before the March 2010 Council meeting and are planning to hold an Audit Committee meeting before the March 2010 Council meeting. This will enable the Council to determine the date of the Annual Electors Meeting.

It is recommended that the Annual Report be considered by the electors of the Shire at an Annual General Meeting to be held in RM Forrest Hall Onslow on Wednesday 21 April 2010 commencing at 7.00pm, which is within the 56 day period from the date of Council adopting the draft Annual Report.

It is proposed to hold Information Sessions/Electors Meeting in the Ashburton Hall in Paraburdoo on Wednesday 28 April 2010 commencing at 7:00pm and in the Recreation Centre in Tom Price on Thursday 29 April 2010

### **Consultation**

Internal consultation between the CEO and the Executive Management Team

### **Statutory Environment**

Sections 5.27, 5.53 and 5.54 of the *Local Government Act 1995*

### **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 and possibly for the subsequent Elector Information 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 recognisable for high calibre staff, services, processes and interaction with key stakeholders.

### **Voting Requirement**

Absolute Majority required for the acceptance of the Annual Report.

Simple Majority required for the selection of dates, times and venue for the Annual general Meeting of Electors.

It was reported that the Audit Committee had met with the auditor during lunch and discussed the following issues

- The 2008/2009 Audit had been a better process than in previous years
- During their audit they found no evidence of non compliance or fraud.
- Issues in Appendix 1 of their Audit Committee Report (attachment 8.03.01B) were discussed.

- The substantial grants funds received may create issues in respect to workload and the ability to continue to ensure compliance.
- Council reporting requirements and what issues Council should be looking at in the future.
- Major projects – need to be segregated for reporting purposes
- The issues in Appendix 6 of the Audit Committee Report (attachment 8.03.01B) were discussed

**Council Decision / Officers Recommendation**

**MOVED: Cr White**

**SECONDED: Cr Thomas**

**That Council:-**

- 3. Accepts the Annual Report for 2008/2009 as tabled; and**
- 4. That Council hold an Annual General Meeting of Electors in RM Forrest Hall in Onslow on Wednesday 21 April 2010 commencing at 7.00pm,**
- 5. Hold additional Information Sessions/Electors Meeting at venues to be determined by the CEO in conjunction with Local Ward Councillors.**

**CARRIED 8/0**

**ABSOLUTE MAJORITY**

**16.03.0 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.*

### **17.03.0 NEXT MEETING**

The next Ordinary Meeting of Council will be held on 21 April 2010, at RM Forrest Memorial Hall, Second Avenue, Onslow, commencing at 9:00am

### **18.03.0 CLOSURE OF MEETING**

The Shire President declared the meeting closed at 2:27pm