



**SHIRE OF ASHBURTON**

**ORDINARY COUNCIL MEETING**

**MINUTES**

**Ashburton Hall, Ashburton Avenue,  
PARABURDOO**

**19 May 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 19 May 2010 at the Ashburton Hall, Ashburton Avenue, Paraburdoo commencing at 9.00am.

The business to be transacted is shown in the Agenda.

Keith Pearson  
**CHIEF EXECUTIVE OFFICER**

12 May 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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### 1.05.0 DECLARATION OF OPENING

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

### 2.05.0 ANNOUNCEMENT OF VISITORS

The Shire President welcomed Mr Peter Lindey from Rio Tinto, Ms Jo Barron-Perry representing Parraburdoo Tidy Towns Committee and members of the public to the public gallery.

### 3.05.0 ATTENDANCE

#### 3.05.01 PRESENT

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

#### 3.05.02 APOLOGIES

Cr T Bloem Tom Price Ward

#### Council Decision

**MOVED:** Cr L Rumble **SECONDED:** Cr Shields

**That Council accept an apology from Cr Tony Bloem.**

**CARRIED 8/0**

#### 3.05.03 APPROVED LEAVE OF ABSENCE

### 4.05.0 PUBLIC QUESTION TIME

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

At the Ordinary meeting of Council held on 21 April 2010, the following questions were taken on notice.

**Mr Bob Harris, an Onslow resident, asked Council how long do we wait for footpaths and curbing to be done? We have only had 80 metres done in the last 10 years.**

**Who is going to pay for the maintenance on the coming projects, Water Park, skateboard track, viewing platform and swimming pool when we are already have some of the highest rates in WA?**

**Why was there no public consultation on projects within the town –**

- a) A water park when we are already short of water**
- b) A viewing platform over a rotten salt swamp**
- c) Shifting tennis courts which have been rarely used**
- d) A skateboard track, in the south they are being bulldozed because of lack of use**

A written response was sent to Mr Harris advising him that;

1. The Shire has constructed significantly more than 80 metres of footpath in the last ten years and there will be significantly more footpath construction undertaken in Onslow in the immediate future as a result of Council adopting a Five Year Footpath/Cycling Plan.
2. There are costs associated with maintaining and operating most Shire services and these are traditionally met through the rating system; and
3. There was an extensive public consultation process in relation to the proposed development of the Onslow Recreation Precinct. This culminated in a one day long Open Day on the 9<sup>th</sup> February, 2010 in the Onslow Community Hall.

#### **4.05.02 PUBLIC QUESTION TIME**

##### **[ATTACHMENT 4.05.02.01](#)**

**4.05.02.01** Cr White tabled, questions in relation to the Shire allegedly releasing Reserve 30333 (Cameron Avenue, Onslow) to the Department of Housing and Works for public housing. The questions were taken on notice and a written response will be prepared.

1. When did Council transfer / sell / swap this land with Department Housing & Works?
2. When did Council decide on an integration policy for the residents of Bindi Bindi Community?
3. Was the decision made with consultation with the residents of the community?
4. At which meetings of Council were these decisions made?

Ms Jo Barron-Perry notified Council that the Paraburdoo Tidy Towns Committee had a number of questions for Council, President Musgrave asked Ms Barron-Perry to table the questions, which would be answered before the next meeting.

**4.05.02.02 Questions on Notice by the Paraburdoo Tidy Towns Committee**

**[ATTACHMENT 4.05.02.02](#)**

1. Royalties for Regions- Why is Paraburdoo receiving a very low amount of funds from the Royalties for Regions of which the Shire applied for? In comparison to other towns it is abysmal. The funds that have been allocated to date, in what budget year will they be received?
2. Revitalisation Programme - When is feedback and updated plans for Paraburdoo expected to be received for review to the public? We have had no response from our additions to the second set of plans from the 1<sup>st</sup> April 2010. When will works commence?
3. Bin Surrounds – Council have agreed to purchase more of the bin surrounds like the two that the Tidy Towns Committee have purchased and place them around the town. This commitment was made back in July 2009, when will this be taking place?
4. Tree Removal along Camp Road, Paraburdoo Tom Price Road and Rocklea Roads – Why were they chopped down? Over 30 trees were removed and most live trees? Some are now beginning to shoot again from ground level. There was no consultation or notification to Paraburdoo residents on this matter. Is the Shire aware that the Flame Trees were planted after Paraburdoo won its Second State Tidy Town title in 1993?
5. Federation Playground Park a - Why is there a perceived lack of support from Council for the park upgrade, which is a CAG and Tidy Towns initiative? This has been on our agenda for the last two years?
6. Maintenance of facilities – Why does it take Council so long to resolve general maintenance issues on town facilities i.e. keeping the grass in good condition on parks and fixing lights on sporting facilities?
7. Recycling – Can the residents of Paraburdoo have more concise information on the facility usage? Further breakdown on what the process is such as what to recycle, washing of items, where the items are going after collection is required. This is a large Tidy Towns category and the committee can assist if required. Discussions at Tidy Towns meetings have included the availability or purchase of coloured bins for residents as an initiative. Can the Tidy Towns Committee assist with this?
8. Shire Website - Can the shire website please have the link to the new Paraburdoo website a CAG initiative? (<http://www.paraburdoo.org.au>) And can

there be some acknowledgment on the website of the Paraburdoo Tidy Towns – Regional Award from 2009. Maybe a Tidy Towns folder to acknowledge all towns and communities efforts over the years including listing when Paraburdoo and Tom Price won their state titles.

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

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

Invitation– On the behalf of CAG we would like to invite the Shire President to next Paraburdoo Community Advisory Group Meeting, Wednesday, 26<sup>th</sup> May 2010. Dinner is at 6.30pm for a meeting start of 7.00pm start at the Paraburdoo Function centre.

11. Question Time 19<sup>th</sup> May 2010- Why was the Chairperson of Tidy Towns not allowed to ask more than three (3) questions?

The President took the questions on notice and advised Ms Barron-Perry that the CEO would provide her with a written response, a copy of which will be included in the minutes for the June 2010 meeting.

## **5.05.0 APPLICATIONS FOR LEAVE OF ABSENCE**

## **6.05.0 PETITIONS / DEPUTATIONS / PRESENTATIONS**

### **6.05.01 PETITIONS**

### **6.05.02 DEPUTATIONS**

### **6.05.03 PRESENTATIONS**

Rio Tinto – Peter Lindey

Mr Lindey made a short presentation in relation to a proposed illuminated sign, which will advise the Paraburdoo community of proposed utility maintenance works. It is proposed to erect the sign on the Ashburton Avenue frontage to the shopping centre car park.

## **7.05.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

### **7.05.01 ORDINARY MEETING OF COUNCIL HELD ON 21 APRIL 2010**

<b>Council Decision / Officers Recommendation</b>
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**MOVED:** Cr Dann

**SECONDED:** Cr Dias

**That the Minutes of the Ordinary Meeting of Council held on 21 April 2010, as previously circulated on 3 May 2010, be confirmed as a true and accurate record.**

**CARRIED 8/0**

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

Joyce Drummond – Wakathuni Community

President Musgrave advised Council that Ms Drummond had called into his office to convey the Community's appreciation and thanks to Council for the help given for the new pergola project.

**9.05.0 DECLARATION BY MEMBERS**

Cr's Musgrave, Corker, Dann, Dias, Shields, Thomas, and White, stated they had given due consideration to all matters contained in the agenda before the meeting. Cr Rumble did not read the Attachment 12.05.32 Receipt of Financials & Schedule of Accounts because he did not receive the attachment.

## 10.05.0 ENGINEERING SERVICES REPORTS

### Declaration of Interest

Prior to consideration of this Agenda Item Cr Musgrave and Cr White declared an interest in Agenda Item 10.05.09 in accordance with Section 5.60A of the Local Government Act. The interest being they pay Commercial tip fees.

Cr Musgrave left the meeting at 9:23am.

Cr Rumble took the Chair at 9:23am.

Cr White requested Council to consider that she be able to participate in the consideration and vote of the agenda item.

Cr White left the meeting at 9:24am.

### **Council Decision**

**That Council allow Cr White to discuss and vote on item 10.05.09 Landfill Sites – Recycling and Tip Fee Charges, in accordance with the provisions of section 5.68 (1) of the Local Government Act 1995**

**MOVED: Cr Thomas**

**SECONDED: Cr Dias**

**LOST 4/3**

**On casting vote of Acting President**

### **Council Decision**

**That Council allow Cr White to discuss but not vote on item 10.05.09, in accordance with the provision of Section 5.68(1) of the Local Government Act 1995.**

**MOVED: Cr Dias**

**SECONDED: Cr Thomas**

**CARRIED 4/2**

Cr White re-entered the meeting at 9:28am.

## 10.05.09 LANDFILL SITES – RECYCLING AND TIP FEE CHARGES

**FILE REFERENCE:** LO.ASBN.173, LO.TIPA, TI.R.39084

**AUTHOR'S NAME AND POSITION:** Margaret Rowe  
Engineering Administration Officer

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<b>NAME OF APPLICANT/ RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	9 April 2010
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

### **Summary**

In order to encourage Recycling in Tom Price, Paraburdoo and Onslow, it is proposed that the Shire's landfill sites will accept separated recyclable materials at no cost from commercial operators. However if the recyclable materials are not separated normal charges will apply.

### **Background**

At present the Shire of Ashburton manages three landfill sites at Tom Price, Paraburdoo and Onslow. The issue of waste management has grown in complexity due to the resources boom and a changing approach from government and community to the disposal of waste.

The Shire needs to re-assess waste management practices with a greater focus on the reduction of the amount of waste going into landfill. The Shire will therefore be increasing the encouragement of recycling practices at all three landfill sites.

### **Comment**

As well as the two existing recycle stations in Tom Price and Paraburdoo (used for the collection of domestic recyclables) all three refuse landfill sites will accept recyclable materials.

Recyclables in Onslow will be dealt with by the following methods. Metal will continue to be collected and stockpiled for disposal.

Glass will be collected and crushed for use in road base as there is no other viable recycling option at present.

Plastics, cardboard, cans, etc will be collected and stored later for processing when volumes are sufficient.

The following recyclables only will be accepted.

- Paper and Cardboard
- Glass
- Aluminium cans, steel cans (clean)
- Plastics (PET or HDPE only)
- Metal waste (excluding large metal shutters, tanks etc, unless cut into sections that can be handled by on site equipment).

Tyres and green waste from commercial operators will be charged as the Shire doesn't yet have the equipment to effectively recycle these materials.

All domestic waste will continue to be accepted at no charge.

Encouragement of commercial operators to participate in the recycling program is an important step in the reduction of waste in landfill. It is therefore proposed to allow commercial operators to dispose of their recyclables at no charge when they are separated and not contaminated. However if the recyclables are not separated and /or contaminated, then normal disposal fees will apply.

All other commercial materials will incur the normal fees.

There will be no change to the current Fees and Charges under this proposal. (\$37/m3 inclusive of GST).

The proposed changes will be advertised by flyers and posters and appropriate signage at the landfill sites. It is proposed to implement the changes immediately.

**Consultation**

Executive Manager Engineering Services  
Tip Attendants

**Statutory Environment**

Not Applicable

**Policy Implications**

Not Applicable

**Financial Implications**

There is no significant financial implication for the Shire. There will be a processing cost and marginally reduced fees which will be offset by the reduction in waste going to landfill.

**Strategic Implications**

Consistent with Strategic Objective 4.1, Total Waste Management Plan of the Shire of Ashburton Strategic Plan 2007 - 2011

**Voting Requirement**

Absolute Majority Required

**Council Decision / Officers Recommendation**

**MOVED:** Cr L Corker

**SECONDED:** Cr Dias

**That Council approves the following tip fee structure for commercial operators disposing of waste and recyclables at all Shire sites.**

- **Current Fees Applicable \$37/m3 including GST**

- **Recyclable materials not separated and/or contaminated**
- **All other commercial waste**
  
- **Fees not Applicable**
  - **Separated and uncontaminated recyclables (as defined in the report).**

**CARRIED 6/0**

Cr Musgrave re-entered the meeting and retook the chair at 9:40am

## 10.05.10 SHIRE LOGO AND POLICY

<b>FILE REFERENCE:</b>	OR.CI.2
<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>	9 April 2010
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

### Summary

As part of the Tom Price Revitalisation process a logo was developed to provide a focal brand for the project. The logo may be applied specifically to Tom Price or more generally to the Shire of Ashburton whilst retaining the Shire crest.

A policy for the use of the logo has also been developed to control and direct the use of the logo.

### Background

The Town Centre revitalization consultant, TPG, was required to devise a logo for the project and for the town of Tom Price to be used to promote the project and the town.

### Comment

The logo that TPG devised is a collection of bubbles symbolising the natural resources percolating upwards, sustaining the Shire's communities and inhabitants.

The colours echo the Pilbara environment and the logo is in the shape of a footprint which acknowledges the Indigenous people in the region.

The logo for the promotion of Tom Price has the tag line "Experience it" (Attachment 1).

### ATTACHMENT 10.05.10a

The logo could also be used across the Shire with the relevant town name (and tag line if desired) or as a Shire logo simply displaying Ashburton (Attachments 2,3,4).

### ATTACHMENT 10.05.10b

It is proposed that the Shire crest be retained for official letters, Meeting Minutes, Annual Reports and Council and Committee of Council agendas.

The use of the logo will require direction as to when it is appropriate and control as to who can use it.

A Logo Policy **Use of Shire of Ashburton and Associated Town Logo Policies ADM06** has been developed for this purpose (Attachment 5).

**ATTACHMENT 10.05.10c**

The policy, amongst other things, defines when and where the logo can be used and the conditions of its use.

### **Consultation**

CEO

Consultants

Communications Officer

Project Manager TP Town Centre Revitalisation

### **Statutory Environment**

Not applicable

### **Policy Implications**

New Policy if adopted

### **Financial Implications**

Nil

### **Strategic Implications**

Supports communication and tourism strategies

### **Voting Requirement**

Simple Majority Required

### **Council Decision / Recommendation**

**MOVED: Cr Dias**

**SECONDED: Cr Corker**

**That Council;**

- 1. Approves the Logo Policy (Attachment 10.05.10c)**
- 2. Approves the Tom Price logo and tag line “Experience It”**
- 3. Approves in principle of the logo for the Shire of Ashburton, Paraburdoo, Onslow and Pannawonica and directs the CEO, through public consultation, to provide to Council recommendations for approval of tag lines for each.**

**CARRIED 6/2**

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

## 10.05.11 KARIJINI DRIVE BETWEEN MARANDOO ACCESS ROAD AND GREAT NORTHERN HIGHWAY– ROAD DEDICATION

<b>FILE REFERENCE:</b>	RO.TPNO
<b>AUTHOR'S NAME AND POSITION:</b>	Margaret Rowe Engineering Administration Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Whelans, Surveyors
<b>DATE REPORT WRITTEN:</b>	7 <sup>th</sup> May 2010
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

### Summary

Surveyors, representing Main Roads WA have submitted a set of Deposited Plans numbered 55645, 63350, 62473 and 62474 for Council's consideration in order to dedicate the land contained within the Karijini Drive road reserve between Marandoo Access Road and Great Northern Highway.

It is recommended that Council agree to the dedication of the road reserve provided there is an indemnity against any costs arising.

### Background

Surveyors, representing Main Roads WA have submitted a set of Deposited Plans numbered 55645, 63350, 62473 and 62474 for Council's consideration in order to dedicate the land contained within the Karijini Drive road reserve between Marandoo Access Road and Great Northern Highway. Importantly the surveyed road boundaries generally accord with existing fence lines

### Comment

The road dedication is a formal process being undertaken on behalf of Main Roads Western Australia. The process requires that all relevant parties and interests are advised. The interests include Government Agencies, particularly the Department of Mines and Petroleum, Landgate, Local Government, mining interests and native claimants, whilst landholders include lessees, vestees and freehold proprietors.

The dedication process or taking order has no effect on Council land or assets.



**Consultation**

EMES

**Statutory Environment**

Land Administration Act 1997, Section 56

**Policy Implications**

There is no Council Policy relative to this issue

**Financial Implications**

There are no financial implications. Main Roads Western Australia is responsible for the road.

**Strategic Implications**

There are no strategic implications relative to this issue.

**Voting Requirement**

Simple Majority Required

**Council Decision / Officer's Recommendation**

**MOVED: Cr Shields**

**SECONDED: Cr Corker**

**That Council;**

- 1. agree to the taking of land for the purpose of the road reserve for Karijini Drive between Marandoo Access Road and the Great Northern Highway, as set out in the Department of Land Administration Deposited Plans 55645, 63350 and 62474, and**
- 2. also agree to the dedication of the land under Section 56 of the Land Administration Act 1997, subject to the Shire being indemnified against all costs.**

**CARRIED 8/0**

Amanda O'Halloran left the room at 9:53am.

Amanda O'Halloran re-entered room at 9:57am.

**Declaration of Interest**

Prior to consideration of this Agenda Item Cr Musgrave and Cr Shields declared an interest in Agenda Item 10.05.12 in accordance with Section 5.60B of the Local Government Act. The interest being their businesses were in proximity of the proposed development.

Cr Musgrave left the meeting at 10:01am.

Cr Rumble took the Chair at 10:01am.

Cr Shields left the meeting at 10:04am.

**10.05.12 TOM PRICE TOWN CENTRE REVITALISATION**

**FILE REFERENCE:** PS.DV.22

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

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

**DATE REPORT WRITTEN:** 9 May 2010

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

**Summary**

In late 2009 Council was provided with \$10 million to revitalise the Tom Price Town Centre. Funding was provided via a grant from Royalties for Regions Program and the initial contract for the Supply of Urban Planning and Consultancy Services (Contract 09/09) was let to the Town Planning Group (TPG) in October 2009.

The Final Report is due at the end of May.

The attached plans show in detail the design concepts for the mall area and associated land uses for Council's consideration and approval.

**Background**

The Shire of Ashburton has previously identified the need to formulate a Strategy to plan for the future of Tom Price and surrounding areas.

A vital first step in addressing the planning needs is to provide future direction with a Town Centre Revitalisation Plan and a detailed program of Design Guidelines for the Town Centre to inform changes to the planning framework and allow the town to negotiate future growth in a sustainable manner.

In late 2009 Council was provided with \$10 million to revitalise the Tom Price Town Centre. Funding was provided via a grant from Royalties for Regions Program and the initial contract for the Supply of Urban Planning and Consultancy Services (Contract 09/09) was let to the Town Planning Group (TPG) in October 2009.

The contract brief required that the Consultants formulate a Town Planning Strategy and Revitalisation Plan to address issues within the Town Centre and provide a solution that represented the Community's vision of the future.

Extensive Community consultation occurred over a number of months, and feedback directed planning, design and engineering processes. Consultants met with representatives from the Business, Sporting and Indigenous Communities, High School Students and the Stakeholder and Community Reference Group and conducted workshops with all parties to identify and articulate a Vision for the Town that represented a cohesive summary of the ideas put forward throughout the consultation process.

Three planning options were formulated and returned to the Steering Committee for perusal and comment. The Steering Committee resolved to accept one option for display and Community Comment.

The final Community Open Day was held in the Mall on Wed 14<sup>th</sup> April, which was very well attended. A total of 217 people sought information and 77 written responses were received.

### **Comment**

The Plan for the Town Centre Revitalisation provides a clear way forward with multiple Construction Stages and concisely addresses the needs of the Community.

### **ATTACHMENT 10.05.12**

Extensive consultation within the Shire Administration has confirmed the Planning and Engineering viability of the Plan, and it addresses the issues faced by the Town in regards to 'future-proofing'.

The extensive community consultation has seen overwhelming support for the plan with over 300 responses via the web site and over 200 people actively participated at the open day.

The steering committee comprising Crs. Musgrave, Bloem and Shields, Project manager, Justine Hyams and EMES has met and agreed to the design.

Following Council's endorsement of the plan detailed design will be undertaken as will finalisation of the design and planning guidelines for future buildings in the town centre.

**Consultation**

CEO  
Council Steering Committee  
EMES  
Project Manager  
Community Interest Groups  
Rio Tinto  
FMG

**Statutory Environment**

Not applicable

**Policy Implications**

Some changes to the Town Planning Scheme and Design Guidelines are anticipated in order to accommodate the Town Centre Revitalisation and to guide the future planning of the Town – particularly to avoid the ad-hoc approach that has been employed in the past.

**Financial Implications**

The grant funds of \$10M will finance the initial stages of the Town Centre revitalisation. It is anticipated that 50-55% of the grant will be required to achieve the required outcomes in the mall area (as defined in Attachment 10.05.12).

Additional funding is still to be sourced for the various projects associated with the Town Centre Revitalisation, and funding source options may include further grants, private investment and Shire investment.

**Strategic Implications**

The Town Centre Revitalisation forms part of the Tom Price Strategy (yet to be ratified) and will represent the initial step towards achieving the long term outcomes for the Town.

**Voting Requirement**

Simple Majority Required

**Council Decision / Officer's Recommendation**

**MOVED: Cr White**

**SECONDED: Cr Corker**

**That Council endorses the Tom Price Town Centre Revitalisation Plan.**

**CARRIED 6/0**

Cr Musgrave and Cr Shields re-entered the meeting and Cr Musgrave retook the chair at 9:40am.

**10.05.13 ENGINEERING SERVICES DECISION STATUS REPORT**

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status																																																							
1	04/10	10.04.06	Plant Hire Tender Award	<p>That Council approves the award of the following Contracts to the recommended Tenderers for the hire of plant and equipment on Shire supervised works.</p> <table border="1"> <thead> <tr> <th>LOCATION</th> <th>Contract Number 10/10</th> <th>Hire Type</th> <th>Equipment/Labour</th> <th>RECOMMENDED CONTRACTOR</th> </tr> </thead> <tbody> <tr> <td><u>TOM PRICE</u></td> <td>A</td> <td>Dry Hire</td> <td>Grader, Loader, Excavator, Roller, Backhoe, Dozer, Bobcat</td> <td>DINGO DE</td> </tr> <tr> <td></td> <td>B</td> <td>Dry Hire</td> <td>Miscellaneous Plant</td> <td>COATES HIRE</td> </tr> <tr> <td></td> <td>C</td> <td>Wet Hire</td> <td>Trucks up to 11M3</td> <td>DINGO DE</td> </tr> <tr> <td></td> <td>D</td> <td>Wet Hire</td> <td>Truck and Trailer up to 20m3</td> <td>DINGO DE</td> </tr> <tr> <td></td> <td>E</td> <td>Wet Hire</td> <td>Trucks and Trailers over 20m3</td> <td>DINGO DE</td> </tr> <tr> <td></td> <td>F</td> <td>Wet Hire</td> <td>Prime Mover and Float</td> <td>DINGO DE</td> </tr> <tr> <td></td> <td>G</td> <td>Wet Hire</td> <td>Grader</td> <td>DINGO DE</td> </tr> <tr> <td></td> <td>H</td> <td>Wet Hire</td> <td>Loader (wheeled), Backhoe</td> <td>DINGO DE</td> </tr> <tr> <td></td> <td>I</td> <td>Wet Hire</td> <td>Excavator</td> <td>DINGO DE</td> </tr> <tr> <td></td> <td>J</td> <td>Wet</td> <td>Roller - Steel</td> <td>DINGO DE</td> </tr> </tbody> </table>	LOCATION	Contract Number 10/10	Hire Type	Equipment/Labour	RECOMMENDED CONTRACTOR	<u>TOM PRICE</u>	A	Dry Hire	Grader, Loader, Excavator, Roller, Backhoe, Dozer, Bobcat	DINGO DE		B	Dry Hire	Miscellaneous Plant	COATES HIRE		C	Wet Hire	Trucks up to 11M3	DINGO DE		D	Wet Hire	Truck and Trailer up to 20m3	DINGO DE		E	Wet Hire	Trucks and Trailers over 20m3	DINGO DE		F	Wet Hire	Prime Mover and Float	DINGO DE		G	Wet Hire	Grader	DINGO DE		H	Wet Hire	Loader (wheeled), Backhoe	DINGO DE		I	Wet Hire	Excavator	DINGO DE		J	Wet	Roller - Steel	DINGO DE	Finalised Contracts awarded and Tenderers notified. May 2010
LOCATION	Contract Number 10/10	Hire Type	Equipment/Labour	RECOMMENDED CONTRACTOR																																																								
<u>TOM PRICE</u>	A	Dry Hire	Grader, Loader, Excavator, Roller, Backhoe, Dozer, Bobcat	DINGO DE																																																								
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MINUTES – ORDINARY MEETING OF COUNCIL  
19 May 2010

22

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision					Current Status
						Hire	Drum		
					K	Wet Hire	Roller - Multi Tyred	DINGO DE	
					L	Wet Hire	Dozer	DINGO DE	
					M (i)	Wet Hire	Miscellaneous Plant ie road profiler, kerb machine, screening plant	DINGO DE	
					M (ii)	Wet Hire	Miscellaneous Plant ie road profiler, kerb machine, screening plant	BAT CONTRACTING	
					N	Wet Hire	Water Cart up to 18,000 litres	DINGO DE	
					O	Wet Hire	Water Cart over 18,000 litres	DINGO DE	
				<u>ONSLOW</u>	P	Dry Hire	Grader, Loader, Excavator, Roller, Backhoe, Dozer	BASEFIELD	
					Q	Dry Hire	Miscellaneous Plant	NO AWARD	
					R	Wet Hire	Trucks up to 11M3	BASEFIELD	
					S	Wet Hire	Truck and Trailer up to 20m3	BASEFIELD	
					T	Wet Hire	Trucks and Trailers over 20m3	NTC	
					U	Wet Hire	Prime Mover and Float	BASEFIELD	

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision					Current Status
				V	Wet Hire	Grader	NTC		
				W	Wet Hire	Loader (wheeled) , Backhoe	NTC		
				X	Wet Hire	Excavator	NTC		
				Y	Wet Hire	Roller - Steel Drum	NTC		
				Z	Wet Hire	Roller - Multi Tyred	NO AWARD		
				AA	Wet Hire	Dozer	NTC		
				AB	Wet Hire	Miscellaneous Plant ie road profiler, kerb machine, screening plant	BASEFIELD		
				AC	Wet Hire	Water Cart up to 18,000 litres	NTC		
				AD	Wet Hire	Water Cart over 18,000 litres	BASEFIELD		
			<u>PARABURDOO</u>	AE	Dry Hire	Grader, Loader, Excavator, Roller, Backhoe, Dozer	PILBARA PLANT HIRE		
				AF	Dry Hire	Miscellaneous Plant	GLH		
				AG	Wet Hire	Trucks up to 11M3	GLH		
				AH	Wet Hire	Truck and Trailer up to 20m3	Rowe Family Trust		
				AI	Wet Hire	Trucks and Trailers over	Rowe Family Trust		

MINUTES – ORDINARY MEETING OF COUNCIL  
19 May 2010

24

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision					Current Status
							20m3		
				AJ	Wet Hire		Prime Mover and Float	GLH	
				AK	Wet Hire		Grader	GLH	
				AL	Wet Hire		Loader (wheeled) , Backhoe	GLH	
				AM	Wet Hire		Excavator	GLH	
				AN	Wet Hire		Roller - Steel Drum	PILBARA PLANT HIRE	
				AO	Wet Hire		Roller - Multi Tyred	NO AWARD	
				AP	Wet Hire		Dozer	GLH	
				AQ	Wet Hire		Miscellaneous Plant ie road profiler, kerb machine, screening plant	MARTEL	
				AR	Wet Hire		Water Cart up to 18,000 litres	GLH	
				AS	Wet Hire		Water Cart over 18,000 litres	IWATER HAULAGE	
2	04/10	10.04.07	Funding of Proposed Pergolas, Bellary Springs, Wakathuni Aboriginal Communities	That Council Approves the contribution of \$30,000 as allocated in the 2009/10 budget to IBN Corporation for the construction of steel framed pergolas at the Wakathuni and Bellary communities.					Ongoing Advised IBN of Council decision. Quotes sighted. Acquittal process being formulated. May 2010



**MINUTES – ORDINARY MEETING OF COUNCIL**  
19 May 2010

25

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
3	04/10	16.04.03	Confidential Report – Shire of Ashburton Structure Review	That Council;  1. Endorses the process for the appointment of a consultant to carry out a structure review consistent with the attached brief 2. Approves expenditure of up to \$350,000 being \$50,000 from the 2009/10 budget and \$300,000 from the 10/11 budget.	Ongoing, subject to June 2010 report
4	03/10	10.03.03	Decommissioning of Munjina Airstrip	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.	Finalised Letter sent to DoT
5	03/10	15.03.03	RFT 02/10 Tender for Review of Stormwater Drainage System in Onslow	Council accepts the tender from GHD for \$48,450.00 (exc.GST) for the review of Storm water drainage system in Onslow.	Finalised Contract awarded, work commenced
6	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 approval received in April 2010. Meeting with RTIO May 2010 re services.
7	11/09	10.11.29	Proposed purchase of Reserve 39500 Willow Road and Reserve 40222 Poinsettia Street, Tom Price	That Council agree, in principal, to purchase land in Willow St, Reserve 39500 and Poinsettia St Reserve 40222 subject to the purchase price being good value for money, within Council's financial and budgetary capacity and titles being free of encumbrances that may diminish the effective use of the land.	Ongoing No new action
8	10/09	10.10.27	Business Plan for a Major Land Transaction – Warara Street, Strata Title Land Development	That Council;  1. Endorses the Business Plan - Major Land Transaction – Warara Street Strata Title Land Development 2. Directs the CEO to advertise tenders for the work and to report back to	Ongoing  WAPC approval for rezoning

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				Council for acceptance of the tender.	received. (Mar 2010) Meeting with RTIO May 2010 re services. Tender for development subject to RTIO meeting outcomes
9	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)
10	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)
11	07/09	10.07.17	Tom Price Primary School – Conversion of Creek Road into One Way Thoroughfare	That Council 1. Resolve to support the proposal to convert Creek Road into a one-way thoroughfare, in an anti clockwise direction.  2. Direct the Chief Executive Officer to advise the Minister for Transport of Council's decision and request that Creek Road be formally made one-way.	Ongoing  Work has commenced (Mar 2010)
12	05/07	10.05.13	Proposed Sale of Land – Lot 308 Boonderoo Road, Tom Price	That Council; 1. Directs the EMES to carry out a preliminary subdivision design for the vacant Lot 308 Boonderoo Rd land owned by the Shire.	Ongoing  WAPC

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>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.</p> <p>3. Subject to financial viability, directs the CEO to call tenders for the subject land subject to the proviso that subdivision of the land, availability of title and provision of services be completed within 6 months of the sale, and the tender be on the basis that there is no requirement to accept any tender</p>	<p>approval received. Design commenced.  (Mar 2010)</p>
13	04/07	10.04.07	Relocation of Onslow Landfill	<p>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.</p> <p>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.</p> <p>3. That funds amounting to \$100,000 be transferred from the Urban Road Maintenance Account No E121045 (Spent to Date \$135,000 from budget \$410,000) and that a new account be established to carry out further investigative works on Site 3 prior to seeking approvals and final design.</p>	<p>Ongoing  Consultants (SKM) seeking DEC approvals. State Lands Services not yet responded on excision of land from pastoral lease.  (Mar 2010)</p>

**Council Decision / Officers Recommendation**

**MOVED: Cr Dann**

**SECONDED: Cr White**

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

**CARRIED 8/0**

## 11.05.0 COMMUNITY & ECONOMIC SERVICES REPORTS

### 11.05.04 COMMUNITY & ECONOMIC SERVICES DECISION STATUS REPORT

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
1.	07/09	11.07.12	Location of Entry Statement – Tom Price	Council appoint Crs Fernandez, Musgrave and Bloem, the Executive Manager, Community & Economic Services Larry Softley and the Executive Manager, Engineering Services, Jeff Breen to a working group for the purpose of looking at all the options for the establishment of the Tom Price Town Entry Statement.	Ongoing Met with Cr Shield Cr Bloem and SOA President Cr Musgrave on 6/01/10. Site Identified.
2.	11/08	15.11.01	Proposed Paraburdoo Mechanical Shovel Tourist Project	That Council: a) Support the installation of a “mechanical shovel” to be gifted by Rio Tinto Ltd on the Paraburdoo Caravan Park site, subject to a satisfactory investigation into the impact of the proposal on the proposed Paraburdoo Caravan Park and Public safety. b) Delegation to the Chief Executive Officer the authority to make a final decision in relation to this matter after having regard to (a) and (ii) above and after consultation with Cr Linton Rumble and Cr Ivan Dias	Finalised Rio Tinto has advised that the shovel will not be available until the second half of this calendar year. (Mar 2010) This item is to be removed from the Status Report, but will be reinstated if there are developments.
3.	05/08	11.05.08	Review of Council Policies – Recreation & Culture	Requests the Chief Executive Officer to conduct a further review in relation to Council Policies REC05 & REC07 and report back to Council.	Ongoing Administration Manager has reviewed a number of policies that have been adopted by Council and remaining policy reviews are awaiting legal advice. (Mar 2010)
4.	05/08	11.05.09	Proposed Tom Price Structure Plan & Town Centre Revitalisation Plans	That Council; 1. Form a Tom Price Structure Plan and Town Centre Revitalisation Working Group, consisting of Cr Bloem, Cr Martin & Cr Fernandez, Chief Executive Officer, Executive Manager Community and Economic Services, Executive Manager Engineering Services, representative of Department for Planning & Infrastructure, representative of Department of	Finalised 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)

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				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	Final draft plans presented to Tom Price stakeholders and public 14 <sup>th</sup> April 2010. Paraburdoo draft plans to go to public late April.(April 2010)
5. 1	10/08  02/08	11.10.26  11.02.01	Reconstruction of Vic Hayden Memorial Swimming Pool	<p>1. Resolves to bring forward funding of \$400,000 this fiscal year 2008/2009 for the construction of the smaller pool at the Vic Hayton Memorial Pool Tom Price.</p> <p>2. Resolves to endorse the early start of construction (pending confirmation of RIFP funding) by ACS Pty Ltd for the construction of the smaller pool at the Vic Hayton Memorial Pool Tom Price</p> <p>Council decision as at February 2008 That Council;</p> <p>1. Directs the CEO to secure the necessary funding to refurbish the Vic Hayton Memorial Pool;</p> <p>2. Providing that the necessary funds are available, resolves to refurbish the Vic Hayton Memorial Pool generally in the following manner;</p> <ul style="list-style-type: none"> <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> </ul>	<p>Ongoing</p> <p>Due to the contractors leaving site last week of April and early May the administration building has not been completed, however the change rooms and showers will be operational by 17<sup>th</sup> May, which is the date we will open the pool for a two week period as previously reported. SOA Building Manager Bernie Smith will support the pool opening providing the site is cleaned up of all building debris and orange barriers are up to unfinished areas of the building.</p>

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<ul style="list-style-type: none"> <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 Corker**

**SECONDED: Cr Thomas**

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

**CARRIED 8/0**

## 12.05.0 CORPORATE SERVICES REPORTS

### 12.05.31 USE OF COMMON SEAL UNDER DELEGATED AUTHORITY

<b>FILE REFERENCE:</b>	AS.AS
<b>AUTHOR'S NAME AND POSITION:</b>	Pam Hanson Executive Assistant CEO
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	12 May 2010
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter.
<b>PREVIOUS MEETING REFERENCE:</b>	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 this matter was last reported to council.

Seal 316	Agreement between SOA and Regional Development and Lands, for a Royalties for Regions Project
Seal 317	Contract of sale, 21 First Avenue, Onslow – Transfer of Land
Seal 318	Contract between SOA and SJ Crushing Pty Ltd, for concrete works
Seal 319	Pilbara Regional Grants Scheme Agreement
Seal 320	Transfer of Land, Lots 500, 501 & 502, Deposited Plan 63348

#### **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 Dann**

**SECONDED: Cr Thomas**

**That Council note the contents of the use of Common Seal under Delegated Authority Report.**

**CARRIED 8/0**



## 12.05.32 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF MARCH 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>	12 May 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

This report presents a summary of the financial activity for the month of March 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. (This is included in the 2009/2010 Budget Review Item)
- Payroll reconciliation

Visa Statements for Chief Executive Officer, Executive Manager Engineering Services, Executive Manager Corporate Services, Executive Manager Community & Economic Services and Executive Manager Western Operations are available for March 2010 as well as graphs showing Budget and Actual comparisons.

**ATTACHMENT 12.05.32**

### 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 Corker**

**SECONDED: Cr Shields**

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

**CARRIED 8/0**

Cr Shields left the meeting at 10:28am.

Cr Shields re-entered the meeting at 10:30am.

**Council Decision**

**MOVED: Cr Corker**

**SECONDED: Cr Thomas**

**That Council adjourn for morning tea at 10:39am**

**CARRIED 8/0**

**Cr's Musgrave, Rumble, Dias, Shields, White, Thomas, Dann, Corker, and Keith Pearson, Jeff Breen, Larry Softley, Amanda O'Halloran, Frank Ludovico, Justine Hyams and Donna Reid left the room at 10:40am.**

Cr's Musgrave, Rumble, Dias, Shields, White, Thomas, Dann, Corker, and Keith Pearson, Jeff Breen, Larry Softley, Amanda O'Halloran, Frank Ludovico, Justine Hyams and Donna Reid re-entered the room at 10:57am

**Council Decision**

**MOVED:** Cr Shields

**SECONDED:** Cr Corker

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

**CARRIED 8/0**

**12.05.33 LOCAL GOVERNMENT REFORM**

**FILE REFERENCE:** OR.IG.2.17

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

**NAME OF APPLICANT/RESPONDENT:** Minister for Local Government

**DATE REPORT WRITTEN:** 8 March 2010

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

**PREVIOUS MEETING REFERENCE:** 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  
Agenda Item 12.03.17, Ordinary Meeting of Council 17 March 2010

**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 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.

In February 2010, the Minister wrote to the Shire asking that it consider participating in a Regional Collaborative Group of likeminded local governments in the region. Council considered this request at its March 2010 meeting and resolved that it advise the Minister that it had not been possible to discuss the proposal with neighbouring local governments because of the late provision of the draft agreement.

The opinion of the neighbouring local governments has now been canvassed.

### **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.

In February the shire received correspondence from the Minister for Local Government in which he confirmed his commitment to local government reform and requested 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.

### **ATTACHMENT 12.05.33a**

The March officer's report noted that it had been very difficult to make a meaningful assessment of the Minister's proposal because the Minister's office was very late in distributing the draft agreement, which, in turn meant that the Pilbara Regional Council had not been able to consider the matter.

It was in this context that Council resolved;

*“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 has 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.”*

Subsequent to the March Council meeting, the matter was informally discussed at the March 2010 meeting of the PRC.

### **Comments**

As has previously been noted, a draft of an “Agreement for the Regional Collaborative Group” was distributed by the Ministers office shortly before the March Council meeting. A copy is attached for Councillors information.

### **ATTACHMENT 12.05.33b**

An initial review of the document resulted in the following observations

- The purpose of an 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 an RCG.
- The Board of an 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.

At this point it is noted that the Minister has been at pains to emphasise that the draft agreement which was circulated is a “draft template” only and it could be modified to suit particular circumstances.

When the matter of a possible Regional Collaborative Group was discussed informally at the PRC Council meeting in late March 2010, it became apparent that the three other Pilbara Local Governments were of a similar mind to the Shire of Ashburton in that they were of an opinion that while they agreed with the objectives of the proposed RCG concept, there was the potential for significant overlap with the PRC. For this reason it was proposed that the RCG concept be incorporated into the framework of the PRC.

**Consultation**

Department of Local Government  
CEO's of Pilbara local governments  
Pilbara Regional Council

**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 Dann**

**SECONDED: Cr Corker**

**That Council advise the Minister for Local Government that the Shire of Ashburton;**

- 1. supports the objectives of the Regional Collaborative Group concept; and**
- 2. agrees to participate with the neighbouring Pilbara local governments through the framework of the Pilbara Regional Council.**

**CARRIED 8/0**

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**12.05.34 PILBARA REGIONAL COUNCIL AND KIMBERLEY- PILBARA  
FORUM 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>	5 May 2010
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the matter which is the subject of this report
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 12.12.77 Ordinary Meeting of Council, 15 December 2009

**Summary**

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

This agenda item details the outcomes of the PRC meeting held on 29 March 2010 as well as the Special Meeting held on 14 April 2010

**Background**

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

This agenda item details the outcomes of the PRC meeting held on 29 March 2010 as well as the Special Meeting held on 14 April 2010.

The Shire was represented at the former meeting (which coincided with the Kimberley-Pilbara Forum in Perth) by the Shire President and Cr Thomas, while Cr White attended the meeting as an observer.

The Shire President and Cr Thomas also attended the Special meeting which was undertaken by teleconference.

Minutes from the two meetings have been previously distributed to Councillors.

**Comments**

The ordinary meeting held 29 March 2010 commenced with three presentations, these being by;

- **Department of State Development**

This was a presentation by the department to highlight the way forward for local governments, when processing development and building approvals for mining companies.

- **WALGA (Roadwise Program)**

The presentation included an overview of the “Towards Zero – The Road Safety Strategy”.

- **Department of Planning**

The department made a presentation in relation to the Pilbara Planning and Infrastructure Framework which is being prepared by the Pilbara Regional Planning Committee.

Amongst the agenda items of significance was a report in relation to the preparation of a Pilbara Education Infrastructure Plan by relevant state agencies, with input from the PRC. The need to improve educational infrastructure within the region has been recognised as a critical requirement if living standards in the Pilbara are to be improved.

Work on the plan has progressed to the point that a consultant study brief is being finalised.

During General Business, discussion took place in relation to the desirability of preparing a regional infrastructure “wish list” to be used as a joint voice when lobbying for funds from the Federal Government. The four CEO’s are to prepare a draft document.

Finally, it was noted that seven applications were received for the PRC CEO position, however, none were suitable and it is proposed to re-advertise the position.

The Special meeting of the PRC was called to consider a report in relation to the proposed “Pilbara to the Parliament” initiative.

This project involves a proposal whereby those organisations with a role in the development of the Pilbara Region. (i.e., state government, local government, resource companies etc) are to visit Canberra in an endeavour to influence Canberra based decision makers in relation to the need for the Commonwealth Government to contribute to the future development of the region.

The initial proposal was for the PRC, Pilbara Development Commission and Regional Development Australia Pilbara to be the lead agencies, the four local governments to participate in their own right and for other sponsoring organisations (e.g., Landcorp, Rio Tinto and BHP) to participate also.

The Shire of Roebourne has now progressed the concept to the point that there was a proposal to hold the promotion in the Great Hall at Parliament House on 15 June 2010.

The 14 April Special Meeting of the PRC considered the matter and as a result of its deliberations resolved.

*“That Pilbara Regional Council:*

1. *Commit to the Pilbara to the Parliament initiative on the proviso that it is seen as part of the Pilbara Leading Agencies partnership with the Pilbara Development Commission,*



*Regional Development Australia Pilbara and the PRC, with all three agencies being displayed in the headings of all advertising and promotions material.*

2. *Pending receipt of a Balance Budget, from the Shire of Roebourne, commit up to \$40,000 to be part of the event by utilising the excess funds from the 2010 Joint Forum and the deferral of the Structural Review of the ICT and the Development of the NRM Policy.*
3. *Congratulate the Shire of Roebourne on its endeavours to ensure that the Pilbara to the Parliament initiative did eventuate, and*
4. *Offer assistance to the Shire of Roebourne in the form of staff time if operational circumstances allow it.”*

Recent events, more specifically the Commonwealth Government’s proposed introduction of a “Super Resources Tax” have, in fact, resulted in raising serious questions as to whether a promotion in mid June is the most appropriate time. For this reason it has been decided by all participants to defer the project until later in the year. (The 26<sup>th</sup> October, 2010 is the presently preferred date.)

#### **Consultation**

Pilbara Regional Council

#### **Statutory Environment**

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

#### **Policy Implications**

There are no policy implications relative to this matter

#### **Financial Implications**

There are no financial implications relative to this matter

#### **Strategic Implications**

There are no strategic implications relative to this matter

#### **Voting Requirement**

Simple Majority Required

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

**MOVED: Cr White**

**SECONDED: Cr Corker**

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

**CARRIED 8/0**

## 12.05.35 LOCAL GOVERNMENT CONVENTION AND EXHIBITION 2010

<b>FILE REFERENCE:</b>	OR.IG.3.5
<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>	4 May 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 annual Local Government Convention will be held from 5 August 2010 – 7 August 2010 and Council is asked to determine which Councillors and staff members are to attend.

### Background

The annual Local Government Convention is the premier event on the WALGA Events Calender. It is held each year in August and will be held this year at the Perth Convention and Exhibition Centre ("PCEC") from 5 August 2010 – 7 August 2010.

Last year's attendance from the Shire of Ashburton was as follows:

- Cr Cecilia Fernandez
- Cr Lorraine Thomas
- Cr Kerry White
- Cr Ivan Dias
- Chief Executive Officer

Generally the opportunity exists for Councillors to network with representatives from other Councils and Government Departments as well as relevant Ministers.

### Comment

WALGA have released its information brochure, which outlines the program of the convention which we have attached for Council's reference.

**ATTACHMENT 12.05.35a**

A summary of the program is outlined below:

**Thursday, 5 August 2010**

- 7:00am: Delegate Service Desk Open for Registration  
7:00am – 8:30am: ICLEI Oceania Recognition and Briefing Breakfast  
9:00am – 3:30pm: Local Government Officer's Day
- 9:00am: Opening of the 2010 WA Local Government Convention  
Session 1:- It's all about Community  
11:15am: Session 2:- Better Governance – From Good to Great  
2:00pm: Session 3:- Better Transition – Not just change  
4:00pm: Session 4:- Better Society - Special Connections  
5:30pm: Telstra Sundowner in Trade Pavilion

**Friday, 6 August 2010**

- 7:00am: Delegate Service Desk Open  
9:00am – 4:30pm: Officers HR Forum  
10:00am – 3:00pm: Officers Fleet Day
- 8:30am – 8:45am: Breakfast with Special Guest – David Wirrpanda  
9:00am: Session 5:- Better Solutions – Trends in Technology and Behaviour  
11:15am: Session 6:- Better Relations – a Ministerial Dialogue  
1:45pm: Session 7:- Better Representation – The Changing Face of Local Government  
3:45pm: Session 8:- Concurrent Sessions  
5:15pm – 6:30pm: Mayors and President's Reception at Government House hosted by His Excellency, Dr Ken Michael AC, the Governor of WA and Mrs Julie Michael

**Saturday, 7 August 2010**

- 7:00am: Delegate Service Desk Open  
7:00am – 8:45am: ALGWA (WA) AGM and Breakfast
- 9:00am: Session 9:- Reform Continues – A Sector Conversation  
11:00am: Session 10:- Convention Keynote Address  
1:00pm: WALGA Annual General Meeting  
3:30pm: WALGA AGM Continuance  
5:00pm: Close of AGM and the 2010 Local Government Convention  
7:00pm – 11:30pm: Pre-Dinner Drinks and Gala Dinner

Along with the Convention Program, WALGA have also released a Partner Program which offers an interesting range of options for accompanying guests. A copy of the Partners Program is attached for Council's reference.

**ATTACHMENT 12.05.35b**

**Consultation**

Chief Executive Officer

**Statutory Environment**

There are no known statutory implications relative to this issue.

### Policy Implications

Council Policy ELM05 – Councillor Training

Council Policy ELM06 – Councillors/Staff Accommodation/Travel and Incidental Expenses whilst on Council Business

### Financial Implications

Council has provisions in the annual budget for delegates to attend the Local Government Convention. Council had an adopted allocation for “Councillors Travelling/Training” of \$42,000.00 in this year’s budget. Next year’s budget has not yet been determined.

An estimate of the cost of one person attending the Local Government Convention is as follows:

• Full Delegate Registration:	\$1,200.00
• Gala Dinner:	\$ 185.00
• Networking Telstra Sundowner:	Inc
• David Wirrpanda Breakfast:	\$ 77.00
• ALGWA Breakfast:	\$ 55.00
• Accommodation per person for 4 nights:	\$ 800.00
• Return Airfares per person:	\$ 600.00
• Other Expenses:	\$ 300.00

**Total Estimate: \$3,200.00 approx.**

Partners are required to meet their own expenses.

### Strategic Implications

There are no strategic implications relative to this issue

### Voting Requirement

Absolute Majority Required

### Council Decision / Officers Recommendation

**MOVED: Cr Rumble**

**SECONDED: Cr Dias**

**That Council,**

- 1. approve the attendance of Cr Musgrave, Cr Rumble, Cr Shields, Cr White (to confirm), Cr Thomas, Cr Dias and Keith Pearson at the Local Government Convention from Thursday 5 August 2010 – Saturday, 7 August 2010, and**
- 2. allocate an amount of \$25,000 in the 2010/11 Budget to cover all costs associated with the Convention.**

**CARRIED 8/0**

## 12.05.36 NATIVE TITLE APPLICATION – WUNNA NYIAPARLI PEOPLE

<b>FILE REFERENCE:</b>	LE.CA.3
<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>	5 May 2010
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

### Summary

This report summarises the status of litigation in relation to new Native Title claim by the Wunna Nyiyaparli People.

Council is requested to consider whether the Native Title Application is of particular significance to it and whether the Shire should instruct solicitors in order to protect its interests and assets.

### Background

On 3 May 2010, the Shire of Ashburton received correspondence from the National Native Title Tribunal (“NNTT”) notifying it that the Wunna Nyiyaparli People had lodged a Native Title Application with the tribunal.

Currently, the Registrar has not accepted this claim for registration.

The area subject to this Application covers about 40,600km<sup>2</sup> and is located in the vicinity of Newman.

The Application falls within the Local Government Authorities of the Shire of East Pilbara, Shire of Ashburton, Shire of Meekatharra and the Shire of Wiluna.

A copy of the National Native Title Tribunal's Location Diagram outlining the boundaries of the Application is attached for Council's reference.

**ATTACHMENT 12.05.36**

### Comment

Although this Application has not been registered, the Federal Court may still refer the Application to the Tribunal or another body for Mediation and/or make a determination in relation to it.

Should the Shire of Ashburton wish to become a Party to the Application, in order to ensure its interests are taken into account, it must notify the District Registrar of the Federal Court by the 18 August 2010.

Council is requested to consider whether the Shire of Ashburton should apply to the Federal Court to become a party to the Application, and whether Shire Solicitors, Civic Legal, should be instructed to maintain a watching brief over this matter.

It is, however, the author's opinion that on review of the documentation, only a small portion of the land covered by the claim is within the Shire of Ashburton and it does not include any significant Shire assets or infrastructure.

In the circumstances, it is recommended that Council advise the Federal Court that it does not wish to be a party to any agreement.

### **Consultation**

Chief Executive Officer

### **Statutory Environment**

Native Title (State Provisions) Act 1999

### **Policy Implications**

There are no known policy implications relative to this matter.

### **Financial Implications**

Should Council resolve not to become a party to the claim there will be no financial costs to the Shire. In the event of it joining the claim, however, the costs incurred by the Shire could be significant.

### **Strategic Implications**

There are no known strategic implications relative to this matter.

### **Voting Requirement**

Simple Majority Required

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

**MOVED: Cr Thomas**

**SECONDED: Cr Corker**

**That Council;**

- 1. note the contents of this report;**
- 2. advise the Federal Court that the Shire of Ashburton does not wish to be a party to the Native Title Claim by the Wunna Nyiyaparli People.**

**CARRIED 8/0**

## 12.05.37 REPEAL OF DEFUNCT AND OBSOLETE LOCAL LAWS

<b>FILE REFERENCE:</b>	LE.LL
<b>AUTHOR'S NAME AND POSITION:</b>	DL Consulting Darren Long, Consultant
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	21 April 2010
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter
<b>PREVIOUS MEETING REFERENCE:</b>	Presentation at Ordinary Meeting of Council held on 17 March 2010

### Summary

The purpose of this report is to commence the local law making process to repeal defunct and obsolete by-laws relating to the Shire of Ashburton, and the former districts of the Shire of Tableland and the Shire of West Pilbara, in accordance with section 3.12 of the Local Government Act 1995.

### Background

The Shire of Ashburton has a series of old by-laws, which are now superfluous or obsolete as a result of the introduction of the Local Government Act 1995 and/or other legislation. It is proposed that these old by-laws be repealed in accordance with section 3.12 of the Local Government Act 1995, as they no longer serve any functional purpose.

Section 3.12 of the *Local Government Act 1995* specifies the procedure to be followed when making a local law. Section 3.12 states:

#### ***“3.12. Procedure for making local laws***

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to —*
  - (a) *give Statewide public notice stating that —*
    - (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice;*

- (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
  - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
  - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
  - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.

*\* Absolute majority required.*

- (5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the Gazette the local government is to give local public notice —
- (a) stating the title of the local law;
  - (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
  - (c) advising that copies of the local law may be inspected or obtained from the local government's office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.
- (8) In this section —  
**making** in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.”

The Shire has the following defunct and obsolete by-laws:

By-Law	Gazettal/Amendment Date	Reason
Draft Model By-laws relating to Old Refrigerators and Cabinets No. 8 (Shire of Tableland)	4 October 1962	Obsolete
Model By-laws relating to Prevention of Damage to Streets No. 15 (Shire of Tableland)	9 September 1965	Obsolete
Draft Model By-laws relating to the Deposit of Refuse and Litter No. 16 (Shire of Tableland)	20 January 1966	Obsolete



Draft Model By-laws relating to Holiday Cabins and Chalets (Shire of Tableland)	22 January 1969	Obsolete
By-laws relating to Refuse Adversely Affecting Neighbours (Shire of West Pilbara)	24 December 1976	Obsolete
By-laws relating to Camels (Shire of Tableland)	27 February 1914	Obsolete
By-laws relating to Heavy Traffic in the Onslow Townsite (Ashburton)	13 August 1926	Obsolete
By-laws relating to Empty Drums on Roads (Ashburton)	11 April 1930	Obsolete
By-laws relating to Rates Discounts (Ashburton)	15 December 1933	Obsolete
By-laws relating to Damage to Roads (Ashburton)	21 September 1951	Obsolete
By-laws relating to Goats (Shire of Tableland)	25 October 1957	Obsolete
Uniform General Building By-laws	8 September 1961	Obsolete

Draft Model By-laws relating to Prevention of Damage to Streets No. 1 (Road Closure) (Ashburton)	15 February 1962	Obsolete
By-laws relating to the Removal of Refuse (Ashburton)	7 February 1963	Obsolete
Draft Model By-laws relating to Removal and Disposal of Obstructing Animals or Vehicles (Ashburton)	3 April 1964	Obsolete
Draft Model By-laws relating to the Rendering Safe of Old Refrigerators and Cabinets No. 8 (Ashburton)	3 April 1964	Obsolete
Draft Model By-laws relating to the Prevention of Damage to Streets No. 15 (Ashburton)	12 October 1965	Obsolete
Amendment to By-laws relating to Control of Dogs (Ashburton)	16 March 1990	Obsolete
By-laws relating to Standing Orders (Ashburton)	30 March 1990	Obsolete
Amendment to Cemetery By-laws (Ashburton)	30 March 1990	Obsolete
By-laws relating to Trading in Public Places (Ashburton)	8 June 1990	Obsolete
Amendment to By-laws relating to Dogs (Ashburton)	23 November 1990 3 April 1992	Obsolete
Draft Model By-laws relating to Holiday Accommodation No. 18 (Ashburton)	19 April 1991	Obsolete
Extractive Industries By-law	12 December 1995	Obsolete

By-laws relating to the Management and Hire of Halls and By-laws relating to the Management of Swimming Pool will remain in force for the time being, and repealed as part of the local law making process for the proposed Local Government Property local law.

#### Comment

Up to date and relevant local laws are an important cornerstone of good governance. Local

Government has a statutory and moral obligation to ensure that the regulation of local matters is conducted in a fair, efficient and reasonable manner. The repeal of obsolete and defunct local laws will result in more efficient and effective local government by removing outdated local laws from the public record.

To comply with the provisions of section 3.12 of the Act, when proposing to make a local law, the Presiding Person is required to give notice of the purpose and effect of the proposed local law at the Council meeting where the local law is being considered.

This is achieved by:

- (a) ensuring that the purpose and effect of the local law is included in the agenda for that meeting; and
- (b) by ensuring that the minutes of the meeting of the council include the purpose and effect of the proposed local law.

The purpose and effect of the proposed Repeal local law is –

**Purpose**

To repeal superfluous, defunct and obsolete local laws

**Effect**

Being more efficient and effective local government by removing outdated local laws from the public record.

A copy of the proposed Repeal Local Law is attached for Council's reference.

**ATTACHMENT 12.05.37**

**Consultation:**

Public consultation will be undertaken as part of the advertising process required by section 3.12(3), for a period of 42 days.

**Statutory Environment**

Caravan Parks and Camping Grounds Act and associated regulations  
Cemeteries Act 1986  
Dog Act 1976  
Local Government Act 1995  
Local Government (Miscellaneous Provisions) Act 1960, as amended

**Policy Implications**

There are no policy implications associated with this item at this point in time.

**Financial Implications**

Advertising costs amounting to approximately \$600 will be incurred during the state-wide advertising process.

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**Strategic Implications**

Strategic Plan 2001-2011, A well Managed and Contemporary Corporation.

**Voting Requirements**

Absolute Majority Required.

**Council Decision / Officer Recommendation**

**MOVED: Cr Corker**

**SECONDED: Cr Shields**

**That Council pursuant to section 3.12 of the Local Government Act 1995, give state wide public notice that it intends to make the Shire of Ashburton Repeal Local Law 2010, as contained in the Attachment, the purpose of which is to repeal superfluous, defunct and obsolete local laws; with the effect being more efficient and effective local government by removing outdated local laws from the public record. (Attachment 12.05.37).**

**CARRIED 8/0  
ABSOLUTE MAJORITY**

## 12.05.38 2009/2010 BUDGET ADJUSTMENTS

<b>FILE REFERENCE:</b>	FI.BU.09/10
<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>	1 May 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 delay in the provision of funds for the Country Local Government Fund Year 2 and the discovery of works undertaken on our behalf by Main Roads WA on Twitchen Road Bridge has necessitated a budget review.

### Background

Councils 2009/2010 budget shows certain monies are to be spent for the Country Local Government (CLGF) year one and year two projects. Councillors recently been advised that CLGF2 monies will not be allocated until after the 30/06/2010.

Council did make some determinations at its 21 July 2009 (item 12.07.41) and 18 August 2009 (item 7.08.01) meetings of where CLGF1 monies should be spent in our 2009/2010 budget.

Also when the Council adopted its 2009/2010 Budget it made allocations for CLGF2 projects in anticipation of receiving these funds. Other than the budget allocations made in the 2009/2010 Budget, Councillors made no formal decisions regarding the CLGF2 allocations.

Some monies allocated against CLGF2 have been spent or are in the process of being spent before the 30/06/2010. Some monies allocated against CLGF1 has not been spent and nor will be spent before 30/06/2010.

Executive Staff have reviewed the expenditures made for CLGF projects to determine what projects will not be progressed or commenced by the 30 June 2010 and any likely savings that may occur from projects currently underway.

This has resulted in movements between projects to arrive at an amended projects amended budget that utilises only the 1.8 million dollars available from the CLGF1 allocations. A spreadsheet showing the adjustments is attached for Council information.

### **ATTACHMENT 12.05.38**

The second adjustment required refers to allocations made by the WA Grants Commission. When Council was advised from the WA Grants Commission of its allocations for 2009/2010 an amount of \$580,000.00 was allocated by the Commission to the Shire for repair works to be undertaken on the Twitchen Road Bridge.

This funding allocation was made for the bridge as a result of an application from Main Roads WA who has been undertaking bridge maintenance on behalf of Local Governments for a number of years. Previously these funds have been made directly to Main Roads WA without reference to the Local Government concerned.

The first staff become aware of this commitment was the receipt of an invoice from Main Roads WA indicating that the work had been done. Investigation into the matter indicated that funds from the WA Grants Commission had in fact been forwarded to the Shire of Ashburton but it was not recognised at budget time.

A budget adjustment is required to allow for the payment of this amount.

It is proposed to delay sealing at Job C216 Roebourne Wittenoom Rd and utilise these funds available to cover this expenditure. Our commitments to Regional Road Group and Royalties for Regions will not be affected by this adjustment.

#### **Consultation**

CEO and other Executive Managers

#### **Statutory Environment**

Local Government Act 1995

#### **Financial Implications**

The 2009/2010 Budget needs to be amended to reflect the two circumstances concerning the Country Local Government Funding and the Grants Commission bridge funding. Staff have adjusted expenditure on items that are not intending to proceed before the 30/06/2010.

A number of the items that have being adjusted will need to be considered by Council for funding during the CLGF 2 and 2010/2011 Budget processes to ensure the projects that Council have determined will be continued into the future.

The other aspect Council needs to consider is that CLGF2 funds will not be provided until all CLGF1 monies have been spent and it may be appropriate to manage these funds in order allow access to CLGF2 monies as soon as they are available.

#### **Voting Requirements**

Absolutely majority required

**Council Decision / Officer Recommendations**

**MOVED: Cr Dann**

**SECONDED: Cr White**

**That Council;**

1. approve the 2009/2010 Budget adjustments as detailed in Attachment 12.05.38, and
2. vary the budget for Job C216 by \$580,000 to allow for the payment of the Twitchen Road Bridge works.

**AMENDMENT**

**MOVED: Cr Corker**

**SECONDED: Cr Shields**

**That the Motion be amended to insert after item 2**

3. “consider the items adjusted in the 2009/2010 Budget Adjustment as carried forward items in the 2010/11 Budget.”

**MOVED: Cr Corker**

**SECONDED: Cr Shields**

**Amended Motion  
That Council**

1. approve the 2009/2010 Budget adjustments as detailed in Attachment 12.05.38
2. vary the budget for Job C216 by \$580,000 to allow for the payment of the Twitchen Road Bridge works.
3. consider the items adjusted in the 2009/2010 Budget Adjustments Report as carried forward items in the 2010/11 Budget, and

**CARRIED 8/0  
ABSOLUTE MAJORITY**

**12.05.39 TENDER RFT 09/10 – DEVELOPMENT AND OPERATION  
PARABURDOO TOURIST PARK, LOT 1, CAMP ROAD,  
PARABURDOO**

<b>FILE REFERENCE:</b>	AS.TE.6.8
<b>AUTHOR'S NAME AND POSITION:</b>	Keith Pearson Chief Executive Officer Teigan Don Project Officer CEO
<b>NAME OF APPLICANT/ RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	10 May 2010
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter
<b>PREVIOUS MEETING REFERENCE:</b>	Confidential Agenda Item 16.12.19 Ordinary Council Meeting of 15 December 2009 Agenda Item 13.06.26 Ordinary Council Meeting of 16 June 2009 Agenda Item 13.08.33 Ordinary Council Meeting of 19 August 2008 Agenda Item 13.09.30 Ordinary Council Meeting of 18 September 2007 Agenda Item 13.03.08 Ordinary Council Meeting of 20 March 2007 Agenda Item 13.02.03 Ordinary Council Meeting of 13 February 2007

**Summary**

Council at its March 2007 Meeting resolved to investigate a range of options in relation to the former Paraburdoon Caravan Park, the objective being to improve the availability of short term accommodation in Paraburdoon.

To achieve this, the Shire of Ashburton entered into a 15 year Lease with Pilbara Iron Pty Ltd, the owner of Lot 1, Camp Road, Paraburdoon. Tenders were then called for the development and operation of a short term accommodation facility. Gumala Aboriginal Corporation ("GAC") was Council's preferred tenderer.

Unfortunately it was not possible to finalise details of GAC's proposal and so Council at its December 2009 Meeting resolved not to enter into a contract with the organisation and call for new Tenders to develop and operate the site.

Tenders for the latest attempt to sub-lease the property were advertised in the West Australian and Pilbara News and closed on Friday, 9 April 2010. Two Tenders were received.

### Background

Council at its March 2007 Meeting resolved to investigate a range of options in relation to the former Paraburdoo Caravan Park, the objective being to improve the availability of short term accommodation in Paraburdoo.

At the September 2007 Council Meeting, it was resolved that the Shire of Ashburton enter into a 15 year lease with Pilbara Iron Pty Ltd, the owner of Lot 1, Camp Road, Paraburdoo. Subject to an agreement being reached with Pilbara Iron Pty Ltd, tenders were to be called for the development and operation of a short term accommodation facility by a third party. Tenders were advertised in the West Australian and Pilbara News and closed on Friday, 25 July 2008. Two Tenders were received.

Council at its August 2008 Meeting, resolved to appoint Gumala Aboriginal Corporation (“GAC”) as the preferred tenderer in relation to the proposed development and operation of a caravan park on the site.

The Administration attempted unsuccessfully to finalise a lease with GAC and therefore, Council at its December 2009 Meeting resolved not to enter into a contract with the company and to call for new Tenders to develop and operate the site.

A Request for Tender document was prepared for the Development and Operation of Paraburdoo Tourist Park, Lot 1, Camp Road, Paraburdoo. This Request for Tenders was advertised in the West Australian and Pilbara News and closed on Monday, 8 February 2010. No tenders were received.

Subsequently, a Request for Tender document was again prepared for the Development and Operation of Paraburdoo Tourist Park, Lot 1, Camp Road, Paraburdoo. This Request for Tenders was advertised in the West Australian and Pilbara News and closed on Friday, 9 April 2010. Two Tenders were received.

The Selection Criteria for evaluation of the Tenders were as follows:

Consideration	Weighting
a) Rental (monthly and/or nightly charge).	50%
b) Extent and quality of short term tourist accommodation provided by tender.	30%
c) Experience of Tenderer in operating tourist accommodation.	20%

Additionally, the following compliance criteria applied:



Description of Compliance Criteria	Yes/No
1. Compliance with the Conditions of Tendering this Request.	Yes/No
2. Compliance with and completion of the price schedule.	Yes/No

**Comment**

At the close of Tenders, two (2) Tenders had been received. The two Tenders were:

- Condor Enterprises WA Pty Ltd (“Condor”);
- Guardian Special Projects (“Guardian”).

Both Tenders were compliant with the Conditions of Tendering. Copies of both tender submissions will be tabled at the Council Meeting.

**Assessment Comment**

**a) Rental**

Condor is prepared to offer a flat rental to the Shire of \$1,000.00 per month.

Guardian has proposed a per night rental of \$10 per site/room, indexed annually by CPI. The company has advised that it is prepared to discuss a minimum per annum rental figure of some \$200,000.00 per annum.

**b) Extent and Quality of Short Term Tourist Accommodation**

Condor’s initial proposal offers the minimum of 12 Caravan Bays and 12 Camp Sites with ablutions to suit. Cabin style accommodation for tourists and transient workers will be provided for the market on an as and when required basis.

It is noted in their submission that Council will consider any future applications for extensions on their own merits and therefore has complete control over ongoing development of the Park.

Guardian’s proposed facility offers the minimum with 12 camping sites at a minimum of 25m<sup>2</sup> per site and 10 “back in” Caravan Bay sites for towing vehicle with large van with annexe or a large RV and 2 “pull-through” Caravan Bay sites for late arrivals/overnight stay (no annexe etc).

The Guardian proposal also contains what appears to be 320 worker accommodation rooms. An initial assessment of this component of the proposal suggests that this represents a significant overdevelopment of the site and would be contrary to the Shire’s Planning Scheme.

A copy of the plans for each development is attached for Council’s Reference.

**c) Experience**

Condor Enterprises WA Pty Ltd is a company owned by Philip and Mary Boase. Condor has owned and operated the Paraburdoo Inn for 8 years and has extensive experience in the Accommodation Industry, especially within the local region of Paraburdoo. During its 8 years of ownership of the Paraburdoo Inn, Condor has increased its annual turnover by 300%.

Guardian Special Projects are Karratha based and although some individual members of the group have had some involvement in the Western Australian tourist industry, Guardian itself does not appear to have operated in the tourist accommodation industry.

**Assessment Table**

Consideration	Weighting	Score (out of 10)		Weighted Score	
		Condor	Guardian	Condor	Guardian
a) Rental (monthly and/or nightly charge).	50%	0.6	10	0.3	5.0
b) Extent and quality of short term tourist accommodation provided by tender.	30%	10	10	3.0	3.0
c) Experience of Tenderer in operating tourist accommodation.	20%	10	6	2.0	1.2
<b>Total Weighted Score</b>				<b>5.3</b>	<b>8.2</b>

On the basis of the above assessment, Guardian Special Projects' proposal scores best. That outcome, however, is based on a design concept which is contrary to the Shire's Planning Scheme. In the circumstances it is suggested, the Condor Enterprises WA Pty Ltd proposal be preferred.

**Consultation**

Chief Executive Officer

**Statutory Environment**

*Local Government Act 1995*

*Local Government Act (Functions and General) Regulations 1996*

*Caravan Parks and Camping Ground Act 1995*

### **Policy Implications**

There are no Council Policies relative to this issue.

### **Financial Implications**

There will be a financial return to Council. The size of return will largely depend on the level of occupancy achieved.

### **Strategic Implications**

Strategic Plan 2007- 2011

2 - Include and Engage our Community

8 – Paraburdoo Caravan Park: Facilitate the establishment of a Caravan Park in Paraburdoo

### **Voting Requirement**

Simple Majority Required

Letter from Tenderer Guardian Special Projects was tabled.

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

**MOVED: Cr Corker**

**SECONDED: Cr Thomas**

**That Council;**

- 1. appoint Condor Enterprises WA Pty Ltd as the preferred Tender for the Development and Operation of the Paraburdoo Caravan Park.**
- 2. instruct the CEO to negotiate all aspects of the Tender with Condor Enterprises WA Pty Ltd; and**
- 3. providing negotiations with Condor Enterprises WA Pty Ltd are satisfactory, approve the CEO to award the contract.**

**CARRIED 8/0**

## 12.05.40 CORPORATE SERVICES STATUS REPORT

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
1	04/10	12.04.26	Rate Debtors for Write Off	That Council Write Off \$1,351.58 of Interest and Legal Fees for assessment A1027 L635 H1 Forrest Court, Onslow	Finalised  Write off processed
2	04/10	12.04.27	Budget Requests	That Councillors provide Administration with any activities and/or projects they would like considered in the 2010/2011 Budget process	Ongoing Submission have been received
3	04/10	12.04.29	Budget Review	<ol style="list-style-type: none"> <li>1. That Council adopts the 2009/2010 Budget Review and directs the Chief Executive Officer to take action on the issues it raises;</li> <li>2. That Council adopts the various Budget variations contained in the Shire of Ashburton 2009/2010 Budget Review (Attachments 12.04.29 and 12.04.29a)</li> </ol>	Finalised  Documentation sent to Dept. Local Govt.
4	03/10	12.03.13	Proposed Liquor Sale Restrictions – West Pilbara Alcohol Management Group	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 Licensing (see Attachment)	Finalised West Pilbara Alcohol Management Group notified of Council's decision
5	03/10	12.03.17	Local Government Reform	<p>That Council advise the Minister for Local Government that</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• Council will provide a more detailed response, once it has had the opportunity to discuss the proposal with neighbouring local governments.</li> <li>• 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.</li> </ul>	Finalised See May Agenda Item
6	03/10	12.03.23	Annual Report and Annual General Meeting of Electors	<p>That Council:-</p> <ol style="list-style-type: none"> <li>1. Accepts the Annual Report for 2008/2009 as tabled; and</li> </ol>	Finalised Annual Report sent to the Dept of Local

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>2. That Council hold an Annual General Meeting of Electors in RM Forrest Hall in Onslow on Wednesday 21 April 2010 commencing at 7.00pm,</p> <p>3. Hold additional Information Sessions/Electors Meeting at venues to be determined by the CEO in conjunction with Local Ward Councillors.</p>	<p>Government.</p> <p>Annual Electors Meeting held in Onslow 21/4/10 Minutes in May 10 Council Agenda</p> <p>Information Sessions in other venues have not yet been organised</p>
7	02/10	16.02.02	Confidential Report – Chief Executive Officer, Annual Performance Review and Review of Tenure	<p>That Council</p> <p>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.</p> <p>(b) Consider the working group’s recommendations with respect to the review, when available.</p> <p>2. Undertake a corporate structure review in order to ensure the Shire is best positioned to meet the demands placed on it, and</p> <p>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.</p>	<p>Ongoing</p> <p>Expressions of Interest have been called from qualified people</p>
8	02/10	12.02.08	Review of Local Laws	<p>That Council:-</p> <p>1. Resolves to undertake a review of its existing local laws; and</p> <p>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.</p>	<p>Ongoing</p> <p>See report to May meeting</p>

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
9	02/10	12.02.10	Ashburton Land Conservation District Committee - Nomination	That Council:-  1. Nominates Councillor Leanne Corker for the vacant position on the Ashburton Conservation District Committee; 2. Nominates Mr Glen Dellar of Wyloo Station for the vacant position on the Lyndon Land Conservation District Committee.	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 was considered appropriate to consider the proposals collectively.	Ongoing Initial discussions are being held with the Shire of East Pilbara in order to establish that Shires attitude to proposals.
11	12/09	16.12.19	Confidential Item – Tender Development and Operation of Caravan Park	That Council  1. Advise Gumala Aboriginal Corporation that Council does not agree to a time extension until 31 January 2010 for the corporation to submit its detailed proposals for the site and that Council has resolved not to enter into a contract with the organisation.  2. Call for new tenders to develop and operate the site.	Finalised See Agenda Item May meeting

**Council Decision / Officers Recommendation**

**MOVED: Cr Corker**

**SECONDED: Cr Dann**

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

**CARRIED 8/0**

## 13.05.0 DEVELOPMENT SERVICES REPORTS

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

<b>FILE REFERENCE:</b>	PS.TP.7
<b>AUTHOR'S NAME AND POSITION:</b>	Belinda Main Executive Assistant to Building Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not applicable
<b>DATE REPORT WRITTEN:</b>	4 May 2010
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter
<b>PREVIOUS MEETING REFERENCE:</b>	Not applicable

#### Summary

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

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

#### Background

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

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

#### Comment

One (1) approval has been issued under delegation up until the date of this report. This was for:

McGrath Homes	Lot 668, House 8 Anketell Court, Onslow	Planning Application – Three (3) Dwellings (Group)
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Details of the approval may be obtained from the Manager Building Services.

#### Statutory Environment

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

### **Policy Implications**

There are no policy implications relative to this matter.

### **Financial Implications**

There are no financial implications relative to this matter.

### **Strategic Implications**

Values:

- Professionalism
- Quality service delivery & services

Our Focus:

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

Critical Success Factors:

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

Action Plan, Improved Services & Infrastructure:

- Review & implement managerial policies and practices

### **Voting Requirement**

Simple Majority Required

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

**MOVED: Cr Corker**

**SECONDED: Cr Thomas**

**That the contents of the Development Approvals issued under Delegation, Shire of Ashburton Town Planning Scheme 7 report be noted.**

**CARRIED 8/0**



**Declaration of Financial Interest**

In accordance with Section 5.69 (3) (a) of the Local Government Act Cr Rumble, Cr Dias, and Cr White declared an indirect financial interest in Agenda Item 13.05.27, the nature of the interest being Cr Dias is an employee of Rio Tinto or a subsidiary of Rio Tinto Pty Ltd and Cr Rumble and Cr White are shareholders of Rio Tinto Pty Ltd.

Crs Rumble, Dias and White left the meeting at 11:39am.

**13.05.27 REQUEST BY HAMERSLEY IRON P/L TO EXTEND THE LIFE OF THE EXISTING 120 PERSON CONSTRUCTION WORKER ACCOMMODATION FACILITY AT PARABURDOO (KIRRA KULLI), AND TO EXPAND IT 400 ROOMS**

<b>FILE REFERENCE:</b>	MI.TPMS
<b>AUTHOR'S NAME AND POSITION:</b>	Rob Paull Shire's Town Planning Consultant
<b>NAME OF APPLICANT/RESPONDENT:</b>	Department of State Development/Hamersley Iron P/L
<b>DATE REPORT WRITTEN:</b>	May 9, 2010
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 13.11.46 Ordinary Meeting of Council 18 November 2008 Agenda Item 13.11.41 Ordinary Meeting of Council 20 November 2007 Agenda Item 13.10.36 Ordinary Meeting of Council 16 October 2007 Agenda Item 13.02.03 Ordinary Meeting of Council 13 February 2007 Agenda Item 12.10.070 Ordinary Meeting of Council 24 October 2006

**Summary**

Hamersley Iron P/L has requested the Minister for State Development to vary the Iron Ore (Hamersley Ranges) State Agreement Act whereby the life of the existing 120 person construction worker accommodation facility at Paraburdoo (Kirra Kulli) is extended to 31 December 2030. In addition, Hamersley Iron P/L is seeking to increase the capacity of Kirra Kulli by 280 rooms (total of 400 rooms).

The request needs to be viewed in the context of the longer term future of Paraburdoo. In this regard, it is appropriate that the Minister for Regional Development be requested to chair a 3-

way dialogue with the Shire, Hamersley Iron P/L and the State in an attempt to establish a long term strategic direction for Paraburdoo.

Accordingly, it is recommended that the Minister for State Development, Minister for Regional Development and Hamersley Iron P/L be advised that Council does not support the company's proposal due to:

- there being no assessment on the potential adverse social and other impacts of the expanded camp on the town of Paraburdoo;
- proposed changes to the facility from 'construction' to 'operational'; and
- approval not encouraging Hamersley Iron P/L to work with the government and the Shire in improving infrastructure and the supply of land in Paraburdoo.

However, a 12month extension of the operating life of Kirra Kulli facility (retaining the existing 120 person capacity) is considered acceptable to allow the dialogue to be undertaken. Any extension beyond 12 months should be assessed via an independent social impact assessment of the proposal on Paraburdoo.

### **Background**

In 2008, Rio Tinto Ltd sought to extend the life of the existing 120 person construction worker accommodation facility at Paraburdoo (Kirra Kulli) by two years pursuant to the Iron Ore (Hamersley Ranges) State Agreement Act. It also sought to increase the size of the Tom Price Mine Camp (Jundamunah) to from 400 beds to 700 beds and extend the life of the Tom Price Camp by three years.

At the Council meeting of 18 November 2008, resolved:

*"That Council advise the Minister for State Development and Rio Tinto Iron Ore P/L that the Shire of Ashburton does not support the company's proposal to extend the life of the Tom Price and Paraburdoo Mine site accommodation camps by three years and two years respectively, nor does it support the expansion of the Tom Price camp from 400 to 700 beds, for the following reasons;*

- (a) the conditions attached to Council's conditional agreement to extending the life of the camps (Council resolution 20 November 2007) have not been satisfactorily addressed by the company ; and*
- (b) no assessment of the potential adverse social and other impacts of the expanded Tom Price camp on the town of Tom Price has been undertaken."*

A copy of the Report to Council for 18 November 2008 (providing background to the Council decision) is included as Attachment.

### **ATTACHMENT 13.05.27a**

On 24 November 2008, the Minister for State Development extended the Tom Price and Paraburdoo Mine site accommodation camps by three years and two years respectively and

agreed to the expansion of the Tom Price camp from 400 to 700 beds. The decision by the Minister for State Development of November 2008 was at odds with Council's position. At the time, the Shire had lobbied the (then) State Labour Government and had some acceptance for the Council position by the previous Minister. The Government changed in October 2008 and the current Minister accepted Hamersley Iron P/L's request.

### Proposal

Hamersley Iron P/L has now requested the Minister for State Development to vary the Iron Ore (Hamersley Ranges) State Agreement Act whereby the life of the existing 120 person construction worker accommodation facility at Paraburdoo (Kirra Kulli) be extended to 31 December 2030. In addition, Hamersley Iron P/L is seeking to increase the capacity of Kirra Kulli by 280 rooms (total of 400 rooms). A copy of Hamersley Iron P/L's request to the Minister for State Development is included as Attachment.

### ATTACHMENT 13.05.27b

### Comment

The matter before Council is the request by Hamersley Iron P/L for the operating life of the existing 120 person construction worker accommodation Kirra Kulli facility to be extended to 31 December 2030 and to increase the capacity by 280 rooms (total of 400 rooms). The proposal clearly removes the camp from being a construction camp to an operational camp, as it is extremely unlikely that construction needs would take up to 20 years.

In this regard, the Hamersley Iron P/L proposal fails to acknowledge the potential capacity of Paraburdoo which is less than 5km from Kirra Kulli facility. Paraburdoo is in need of significant infrastructure upgrades. The investment by Hamersley Iron P/L in upgrading the Kirra Kulli facility would be better spent within Paraburdoo where Hamersley Iron P/L owns and operates the clear majority of properties, including the existing Rocklea Palms transient workforce accommodation facility.

For a number of years, Council has expressed concern as to the commitment of Hamersley Iron P/L to the ongoing function of Paraburdoo. In February 2007 Council considered a report in relation to development application for a workers accommodation facility on Lot 14 – 16 Turee Way, Paraburdoo. The use was, in fact, not permitted by the Shire's planning scheme. Council, did, however, appreciate the problem of a lack of a range of the types of accommodation in both Tom Price and Paraburdoo. As a result Council resolved, in part:

*“Council initiate urgent & immediate discussions with Pilbara Iron and endeavour to identify solutions to an existing critical housing shortage within the towns of Tom Price and Paraburdoo.”*

The 2006 Census (held on 8th August 2006) recorded that there were 1,607 persons usually resident in Paraburdoo. Strategically, within Paraburdoo there is a very limited supply of housing and accommodation available as the majority of the 660 dwellings are owned and operated by Hamersley Iron P/L. Very few of these dwellings are available to non-Hamersley Iron P/L staff.

Recent discussions with senior Hamersley Iron P/L representatives have indicated that perhaps Hamersley Iron P/L's long term future of Paraburdoo is perceived to be 'downsized' to a core of

commercial/transient workforce accommodation/residential development while at the same time, expanding accommodation at Kirra Kulli facility.

The accommodation deficiency in Paraburdoo means that there is a lack of immediate, short and long term accommodation for contractors. As noted, some industry operators have illegally established transient workforce accommodation on land zoned 'Industry'. However, this simply highlights the need for dialogue with Hamersley Iron P/L and the State to address the availability of land in Paraburdoo.

It is suggested that changing the Kirra Kulli construction worker accommodation facility from:

- 'construction' to 'operational' camp; and
- allowing it to operate for at least another 20 years; and
- increasing the capacity from 120 rooms to 400 rooms,

will not encourage Hamersley Iron P/L to work with the government and the Shire in improving infrastructure and the supply of land in Paraburdoo. In addition, an expanded Kirra Kulli accommodation facility represents a camp population almost one third the size of Paraburdoo.

It is suggested that the Minister for Regional Development be requested to chair a 3-way dialogue with the Shire, Hamersley Iron P/L and the State in an attempt to establish a strategic direction for Paraburdoo. Only then would the long term extension of Kirra Kulli facility and any expansion be contemplated.

In the meantime however, it would be appropriate to consider a 12 month extension of the operating life of Kirra Kulli construction workers accommodation facility whilst the dialogue is undertaken. Any extension beyond 12 months should be assessed via an independent social impact assessment of the proposal on Paraburdoo.

### **Consultation**

Chief Executive Officer

### **Statutory Environment**

Iron Ore (Hamersley Ranges) Act

### **Policy Implications**

The Council of the Shire of Ashburton does not support "fly- in, fly-out" mining as Council considers that it leads to a loss of economic and social value to the Shire and the regional area as a whole. The Council does acknowledge that there will be circumstances such as remoteness and limited life of a particular mining or industrial activity that result in a need for Transient Workforce Accommodation camps to be established.

### **Financial Implications**

There are no immediate financial implications for the Shire in relation to this matter.

### **Strategic Implications**

Under the Shire of Ashburton's Strategic Plan (2007-2011) an objective is to ensure that the economic base of the towns are robust, broad and able to service future growth and community

needs through a coordinated approach involving government agencies, industry and other key stakeholders. Clearly, any downgrading of Paraburdoo or limitation on infrastructure will severely impact on this objective.

### **Voting Requirement**

Simple Majority Required

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

**MOVED: Cr Thomas**

**SECONDED: Cr Corker**

#### **That Council:**

1. **Request the Minister for Regional Development to chair a 3-way dialogue with the Shire, Hamersley Iron P/L and the State in an attempt to establish a long term strategic direction for Paraburdoo.**
2. **Advise the Minister for State Development, Minister for Regional Development and Hamersley Iron P/L that the Council of the Shire of Ashburton does not support the company's proposal to extend the operational life of the existing 120 person construction worker accommodation Kirra Kulli facility to 31 December 2030 and to increase the capacity by 280 rooms (total of 400 rooms) for the following reasons:**
  - a) **no assessment on the potential adverse social and other impacts of the expanded camp on the town of Paraburdoo has been undertaken;**
  - b) **the proposal changes the facility from 'construction' to 'operational' camp;**
  - c) **approval not encouraging Hamersley Iron P/L to work with the government and the Shire in improving infrastructure and the supply of land in Paraburdoo.**
3. **Advise the Minister for State Development that Council considers a 12 month extension of the operating life of Kirra Kulli construction workers accommodation facility (retaining the existing 120 person facility) is acceptable as it will enable the dialogue referred to in 1. above to be undertaken. Any extension beyond 12 months should be assessed via an independent social impact assessment of the proposal on Paraburdoo.**

**CARRIED 5/0**

Crs Rumble, Dias and White re-entered the meeting at 11:42am.

## 13.05.28 ADOPTION OF DRAFT TOWNSITE STRATEGY - ONSLOW

<b>FILE REFERENCE:</b>	PS.TP.07
<b>AUTHOR'S NAME AND POSITION:</b>	Rob Paull Shire's Town Planning Consultant
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not applicable
<b>DATE REPORT WRITTEN:</b>	1 May 2010
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 13.12.88 Ordinary Meeting of Council 16 December 2009

### Summary

Council at its 16 December 2009 meeting resolved to advertise the draft Townsite Strategy for Onslow (OTS) for public and agency comment. The draft OTS was extensively advertised in the Pilbara News, the West Australian newspaper and the local Onslow Telegraph for a 60 day period. A community open day was held on 9 February, 2010.

The draft OTS was available for public comment for 60 days and 25 submissions were received during the advertising period. In addition, 9 late submissions were received.

The finalized OTS will require modification as recommended in Schedules 1-3.

### Background

Council at its 16 December 2009 meeting resolved to advertise the draft Townsite Strategy for Onslow (OTS) for public and agency comment. The purpose of the OTS is to establish a vision for Onslow, and the longer-term directions for land use and development in and around the town. The proposed OTS establishes a basic structure in terms of future population and employment, and outlines the broad strategies for housing, industrial, shopping and business activities, and proposals for transport, open space and other public uses. The draft OTS also accounts for the land use, settlement pattern, management and development of Onslow.

The draft OTS was extensively advertised in the Pilbara News, the West Australian newspaper and the local Onslow Telegraph for a 60 day period. A community open day was held on 9 February, 2010 when the Onslow community was invited to meet and discuss the draft OTS with State agency representatives and Shire Staff. The draft OTS was available for public comment for 60 days and 25 submissions were received during the advertising period. In addition, 9 late submissions were received.

The submissions from State agencies and the community (including late submissions) are addressed in Schedules 1-3. The Schedules record the submissions and offers recommendations as to whether to modify the draft OTS based on the submissions.

**ATTACHMENTS 13.05.28a**  
**13.05.28b**  
**13.05.28c**

### **Comment**

A total area of 140 hectares has been identified in the draft OTS for the development of new living areas in Onslow. This land would be developed as a number of residential precincts but would include shopping area, hospital, TAFE and school site. In addition, the commercial centre is recommended to be to be restructured and developed by the creation of a town centre that:

- is a flood-free commercial and civic centre;
- is lively and has a character that melds the old with the new;
- offers opportunities for a range of commercial and civic activities;
- is accessible to neighbouring residential areas; and
- that connects with the beachfront and maximises ocean vistas.

The plan recognises that there is a fundamental need to develop the town in a manner that minimises the risk of adverse impacts of severe cyclonic activity. This includes direct collateral damage caused by storm surge inundation as well as the risk of the town being cut off. A significant reorientation of Onslow's urban structure is required to accommodate the residential, community and civic needs of an anticipated population expansion.

The draft OTS notes that the anticipated 8,000ha Ashburton North Strategic Industrial Area ('SIA') site will be accessible by multiple users (but at this point in time, expected to be Chevron, BHP Billiton and Exxon/Mobil). Ashburton North SIA is expected to place development pressures on Onslow and will result in the need for new residential, commercial, industrial and recreational areas.

The draft OTS seeks to balance pressure for the establishment of new living areas with the need to revitalise and where appropriate, restructure the existing residential precincts. Introducing higher densities in the existing areas will tend to:

- make these areas more viable in terms of urban and community services; and
- reduce the urban footprint thus conserving land with high biodiversity, cultural and pastoral value.

In relation to potential population growth, the draft OTS notes (page 4):

*“Based on the anticipated development of Ashburton North SIA and the Council’s position on “fly-in fly-out”, a “Medium” to “High development scenario is anticipated. Assuming a “Medium” to “High” development scenario eventuates, it is calculated that over 750 new base jobs would be established, reflecting an additional population of over 2,600 persons in*

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*Onslow. Using the State average of 2.2 persons per dwelling and the population calculation, it is therefore concluded that an additional 1,200 dwellings would be required.”*

The draft OTS will provide the direction for a more definitive and detailed ‘structure plan’ which would then be prepared by LandCorp in consultation with the Shire and the DoP. This will allow development in accordance with the OTS to commence.

### **Recommended Modification to the draft OTS**

It is suggested that the draft OTS be modified as recommended in Schedules 1-3 and as follows:

Include the hospital site and its associated housing in ‘Urban Development zone’ on the Strategy Plan with the following notation:

- *“Structure Planning to review the constraints and opportunities in retaining the hospital in its current location. Any new hospital site is to be located in close proximity to the existing hospital”.*

Include the following notation in Part 3.6 COMMUNITY FACILITIES

- *Determine the need or otherwise to relocate the police station and associated police housing from the current flood prone site. If relocation is considered appropriate and supported by Western Australian Police, then structure planning be undertaken to review the development opportunities for the site.*

Modify Part 3.5 Industry of the OTS to read:

- *SIA re-zoned to Special Use:*
  - *The Council does not support two strategic industrial areas associated with Onslow. The Council believes that the existing Onslow strategic industrial area is not required and its removal will allow opportunities for further town expansion and a mix of other uses including; light industry, large scale community uses and rural uses to be defined through the structure plan process.*
  - *The Shire will initiate an Amendment for the removal of the existing SIA and establishment of the Special Use zone in parallel with any zoning Amendment initiated for the Ashburton North SIA.*

Include the following notation on the OTS (plan):

- *For land shown as urban development and land selected for a marina, comprehensive ethnographic and archaeological surveys will be undertaken in association with any structure planning.*

Modify the OTS (plan) to include the following reference to land zoned Residential with an R code of 12.5 as follows:



- *Potential to modify the Scheme to allow for lots currently zoned R12.5 to have an opportunity to seek a higher density on the basis of two dwellings per lot and higher density where amalgamation of lots is sought. This will be subject to an overall assessment to be undertaken on the implications on the floodway and development within it.*

Modify the OTS (plan) to delete any locational reference to a marina.

Modify Section 2.7 of the OTS to read:

- *A residential tourist marina is considered to be an acceptable form of development for Onslow, subject to stringent environmental, social and development assessment. Should a residential marina be proposed, the general character should be “low key”, comprising in the main single or two story dwellings. However, there would be scope for multi storey apartment buildings and for a multi storey “landmark” building to be included within the complex.*

Modify the OTS (plan) to include the following notations:

- *In preparing the structure plan, alternate access to Lot 381 and the Water Corp site be considered.*
- *In relation to Lot 381, Council would be prepared to consider a mixed zoning that provided for residential use in the context of an overall tourist/residential development.*

Modify the OTS (plan) to include the following reference:

- *The existing overhead supply line into the Town should be placed underground to ensure security of supply to the Town.*

Modify the OTS (plan) to show that reference to the proposed shopping centre, school, TAFE college and hospital is indicative.

Modify the OTS (plan) to show that reference to the expanded ‘industrial area’ and ‘new commercial/civic area’ is indicative and should be within an ‘urban development’ area (in order to indicate that detailed structure planning will determine the extent of any development).

Modify all reference to ‘Urban Development zone (within the OTS and plan) to read ‘Development Investigation area’ (to reflect the fact that any such area is subject to detailed structure planning).

A conceptual plan is attached that indicates where most of the changes to the OTS (plan) are proposed.

**ATTACHMENT 13.05.28d**

Further, the ‘Infrastructure’ plan will need to be modified by removing reference to ‘future jetty and wharf’.

### Consultation

The draft OTS was advertised for a period of 60 days. Comment was also sought from the relevant State agencies.

### Statutory Environment

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

### Policy Implications

There are no policy implications relative to the draft OTS. Advertising of the draft OTS exceeded the requirements of *“Local Planning Policy – Consultation for Planning Proposals”*.

### Financial Implications

There are no short term financial implications relative to this issue. The longer term financial implications have the potential to be significant but are unknown at this time.

### Strategic Implications

Under the Shire’s *“Strategic Plan 2007-2011”* under the heading *“Diversify and Strengthen the Economy”* the Plan notes; *“The Shire of Ashburton’s objective is to ensure that our economic base is robust, broad and able to service future growth and community needs through a coordinated approach involving government agencies, industry and other key stakeholders”*.

Under this objective, the Shire noted that the establishment of the OTS is a key component. Finalisation to the OTS will allow Council to achieve this objective.

### Voting Requirement

Simple majority required.

### Council Decision / Officers Recommendation

**MOVED: Cr Shields**

**SECONDED: Cr Dann**

**That Council:**

- 1. Note this Report and Schedules 1-3. (Attachments 13.05.28(a)(b)(c))**
- 2. Accept the late submissions (Schedule 3).**
- 3. Modify and adopt the draft Onslow Townsite Strategy in accordance with the recommendations reflected in Schedules 1-3 and the Report to Council.**
- 4. Request the Western Australian Planning Commission to endorse the Onslow Townsite Strategy as adopted by Council.**

**CARRIED 8/0**

### 13.05.29 DEVELOPMENT SERVICES DECISION STATUS REPORT

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
1	04/10	13.04.16	Proposed Cafe/Restaurant/Bar, Lot 21 Stadium Road, Tom Price	That Council:  A. That Council exercise its discretion pursuant to Clause 16.7.5 of the Shire of Ashburton Town Planning Scheme No.7 and not require off street carparking for the use and development referred to in B below.  B. That the development application lodged by Leadkinto Pty Ltd for a restaurant ('outdoor bar and grill') on part Lot 21 Stadium Road, Tom Price in accordance with the submitted plans be approved, subject to the following conditions: (8 Conditions and 4 Notes)	Finalised Development Approval issued
2	04/10	13.04.17	Planning Application – Transient Workforce Accommodation, Part Lot 61, between Coppin Court and Bellary Avenue Paraburdoo	That Council:  A. That Council exercises its discretion pursuant to Clause 6.17.5 and 6.9.2 of the Shire of Ashburton Local Planning Scheme No.7 for the use and development referred to in B below.  B. Approve the development application made by Cedar Woods Properties Pty Ltd, to erect and use buildings on Part Lot 61 between Coppin Court and Bellary Avenue, Paraburdoo for the purposes of transient workers accommodation, in accordance with the attached plans, subject to the following conditions: (9 Conditions and 6 Notes)	Finalised Development Approval issued
3	04/10	13.04.18	Proposed Retail Hire, Lot 229 Coogelup Way, Tom Price	1. Approve the Planning Application made by Alison Sherriff for retail hire (costume hire) at Lot 229 Coogelup Way subject to the following conditions: (10 Conditions and 1 Note)	Finalised Development Approval issued
4	02/10	13.02.05	Proposed 15 Dwelling Grouped Dwelling Development, Lot 327 Warara Street, Tom Price	That:  1. Subject to the Minister for Planning approving Scheme Amendment No. 5 thus rezoning Lot 327 to Residential R30, Council provide CEO with delegation to approve the development application from the Shire of Ashburton to construct and use 15 single storey grouped dwellings	Finalised Approval Issued as Minister has approved

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				on Lot 327 Warara Street, Tom Price, generally in accordance with the submitted plans subject to 23 conditions.	Amendment No. 5) (April 2010)
5	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)	<ol style="list-style-type: none"> <li>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 Development Plan pursuant to Clause 6.4 of the Scheme.</i></li> <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>	Ongoing – documents sent to the WAPC/Minister for final approval) (April 2010)
6	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> </ol> </li> </ol>	Finalised See Agenda Item May Council Meeting

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
				<ul style="list-style-type: none"> <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</li> </ul>	
7	12/09	13.12.89	Draft Planning Scheme Amendment to Establish North Ashburton Strategic Industrial Area, Onslow	That Council In pursuance of Part V of the Planning and Development Act 2005 ("Act"), adopt for community consultation purposes draft Amendment No. 9 ("draft Amendment") to Shire of Ashburton Town Planning Scheme No. 7 ("Scheme") that proposes: (extensive text follows)	Ongoing Amendment presently the subject of six weeks public advertising
8	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 (April 2010)

#	Council Meeting (mm/yy)	Agenda Ref.	Report Title	Council Decision	Current Status
9	05/08	13.05.23	Council Policy Review – Health	Directs the Chief Executive Officer to draft a new Council Policy relating to Aboriginal Environmental Health Strategy and report back to Council	Ongoing – Close to finalising AEH-Strategy
10	03/08	13.03.11	Town Planning Scheme Amendment No. 2 – Modification to the Scheme to reflect local planning policy – Transient Workforce Accommodation	<p>That Council, in pursuance of Part V of the <i>Planning and Development Act 2005</i> ("Act"), adopt for community consultation purposes draft Amendment No. 2 ("Amendment") to <i>Shire of Ashburton Town Planning Scheme No. 1</i> ("Scheme") that proposes:</p> <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>	Ongoing. Further information being gathered for Council. Being considered in association with Tom Price Structure Plan and review of Transient Workers Accommodation policy (April 2010)

**Council Decision / Officers Recommendation**

**MOVED: Cr Dann**

**SECONDED: Cr Corker**

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

**CARRIED8/0**

## 14.05.0 WESTERN OPERATIONS REPORTS

### 14.05.08 RFT 13/10 DESIGN & CONSTRUCTION OF WATER PLAY SPRAY PARK IN ONSLOW

<b>FILE REFERENCE:</b>	AS.TE.13.10
<b>AUTHOR'S NAME AND POSITION:</b>	Megan Walsh Project Coordinator
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	11 May 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 Shire of Ashburton invited tenders for the design & construct of a water spray park in Onslow.

Three tenders were received. Two complying which were well in excess of budgeted funds for this project and one alternative Tender (technically non compliant as it did not offer water play features from a specific supplier as requested)

It is recommended that council re-tender on the basis of allowing greater flexibility in the supply of products and design, enabling a tender to be submitted they may be within the limitations of council's budget for this project.

#### **Background**

The construction of the water spray park is part of Stage One of the Onslow Sporting Precinct Upgrade Project. The water spray park is a zero-depth play area where water is sprayed from colourful upright structures or ground sprays and then drained before it can accumulate. Water is drained away into a holding pond where it is treated and then recirculated through to the park again. An overspray pad is also installed to catch and drain any water spillage or sprays. Included in the construction would be shade sails which will cover  $\frac{3}{4}$  of the park and fencing to match the existing playground.

The tender for design & construct of the water spray park was advertised in 27<sup>th</sup> March edition of the West Australian newspaper and on the 31<sup>st</sup> March edition of the Pilbara news. Public notices were also displayed on notice boards throughout the Shire and on the Shires website. The tender closed at 4.00pm on the 13<sup>th</sup> April 2010.

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### **Comment**

Three tenders were received, two complying and one non compliant. The alternative tender did not comply as it did not offer features specifically requested in the scope of works.

The two compliant prices submitted were;

- AVP Commercial Pool \$990,440.00 incl GST
- Pindan Construction \$904,351.36 incl GST

while the non compliant tender was;

- Water Features by Design \$590,771.50 incl GST

The original tender was based on the supply of nominated water play features based on the understanding they were the only quality product available. However as a result of the tender process it is now noted other options are available.

The two compliant tenders were individually assessed against the documented compliance and qualitative criteria in conjunction with pricing submitted by each tenderer. The preferred tenderer was well in excess of budgeted funds for this project.

### **Consultation**

Geoff Shoemark – Shire consulting engineer

### **Statutory Environment**

Section 3.57, Local Government Act 1995 and Part 4, Local Government Act (functions and General) Regulation 1996

Tenders are required to be called in accordance with the provisions of the Local Government Tender regulations, where it is expected that goods and services will exceed a value of \$100,000

### **Policy Implications**

Purchasing and Tender Policy FIN 12

### **Financial Implications**

Budget for this project was \$600,000.00 with funding received from Royalties for Regions as part of the Onslow Sporting Precinct Upgrade.

### **Strategic Implications**

Strategic plan 2007-2011

Strategic objective 2: Include and engage our community

5: Ensure community facilities are developed and maintained to a standard commensurate with community expectations and affordability

### **Voting Requirement**

Simple Majority Required



**Council Decision / Officers Recommendation**

**MOVED: Cr White**

**SECONDED: Cr Corker**

**That Council;**

- 1. not accept any tender for Tender RFT 13/10, and**
- 2. authorise the CEO to recall tenders for this project based on revised scope and specifications with greater flexibility on component supply options.**

**CARRIED 8/0**

## 14.05.09 AUTHORISED OFFICERS DOG ACT 1976

<b>FILE REFERENCE:</b>	LE.AC.3
<b>AUTHOR'S NAME AND POSITION:</b>	Amanda O'Halloran Executive Manager Western Operations
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	10 May 2010
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The Author has no financial interest in this matter.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 15.10.05 Ordinary Meeting of Council 16 October 2007 Agenda Item 14.02.01 Ordinary Meeting of Council 19 February 2008

### Summary

This report is to revoke all authorisations issued to the Shire of Ashburton's previous Ranger Western Operations Ian Whyborn and to authorise Ian Chance the newly appointed Ranger Western Operations as a Dog control officer and other authorisations as listed.

### Background

This report is to ensure that all staff dealing with legal issues under the various Act's and Local Laws pertaining to the Shire of Ashburton are authorised to do so in accordance with the relevant Act or Law.

### Comment

Mr Ian Whyborn, the former Ranger West has left the employment of the Shire and Mr Ian Chance has been appointed to the position.

Authorisations are required to enable:

1. Ian Chance to act as Dog Registration Officers under the provisions of the Dog Act 1976.
2. Ian Chance to act under the provisions of the
  - Off Road Vehicle (Off Road Areas) Act 1978
  - Dog Act 1976
  - Bush Fires Act 1954
  - Litter Control Act 1979
  - Caravan and Camping Grounds Act 1995
  - Local Government Act 1995
  - Local Government (Miscellaneous Provisions) Act 1960

3. Ian Chance to be authorised to enforce the Local Laws of the Shire as delegated by Council –
- Local Law Trading in Public Places
  - Local Law Health
  - Local Law Aerodromes
  - Local Law Dogs
  - Local Law Parking Facilities
  - Local Law Cats

### **Consultation**

Senior Ranger Morgwn Jones

### **Policy Implications**

Nil

### **Financial Implications**

There are no financial implications relative to this issue.

### **Statutory Environment**

- Dog Act 1976 and associated regulations.
- Off Road Vehicle (Off Road Areas) Act 1978 and associated regulations
- Bush Fires Act 1954 and associated regulations
- Litter Control Act 1979 and associated regulations
- Caravan and Camping Grounds Act 1995 and associated regulations
- Local Government Act 1995 and associated regulations
- Local Government (Miscellaneous Provisions) Act 1960 and associated regulations

#### *Shire of Ashburton Local Laws:*

- Local Law Trading in Public Places
  - Local Law Health
  - Local Law Aerodromes
  - Local Law Dogs
  - Local Law Parking Facilities
  - Local Law Cats

### **Voting Requirement**

Absolute Majority Vote.

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

**MOVED: Cr Shields**

**SECONDED:**

**Cr Rumble**

- 1. That all previous authorizations for Ian Whyborn be revoked.**
- 2. That Council appoint Ian Chance as a Dog Registration Officer, Ranger and Pound Keeper under the Dog Act 1976.**

That Council authorise Ian Chance to enforce the Dog Act 1976, including the “registering of dogs”, “impounding of dogs” “seize”, “detain”, and “dispose of dogs” in accordance with the provisions of that Act.

3. That Council appoint Ian Chance as an authorised officer under the control of the following –

- Off Road Vehicle (Off Road Areas) Act 1978 and regulations
- Bush Fires Act 1954 and regulations
- Litter Control Act 1979 and regulations
- Caravan and Camping Grounds Act 1995 and regulations
- Local Government Act 1995 and regulations
- Local Government (Miscellaneous Provisions) Act 1960 and regulations
- Local Law Trading in Public Places
- Local Law Health
- Local Law Aerodromes
- Local Law Dogs
- Local Law Parking Facilities
- Local Law Cats

And the area of jurisdiction entrusted to him under the above mentioned Acts and Local Laws is the Shire of Ashburton.

**CARRIED 8/0  
ABSOLUTE MAJORITY**

**14.05.10 WESTERN OPERATIONS DECISION STATUS REPORT**

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
<b>ENGINEERING</b>					
1.	04/10	14.04.04	RFT 08/10 Design & Construction of a Public Facility in Onslow	That Council delegate authority in accordance with the provisions of section 5.42 and 5.43 of the Local Government Act 1995 to the CEO to accept tender 08/10 design & construction of public ablution facility in Onslow up to the value of \$300,000.00 (exc.GST) through further negotiations with the two submitted tenderers to achieve value for money	Ongoing Negotiations taking place – will have finalised by May 30 2010.
2.	04/10	14.04.06	Lot 944 First Street, Onslow Reserve 42626	That Council  (a) call for expressions of interest from the Onslow community to establish an arts and culturally based use for the property 944 First Street, and (b) that Council list the appropriate budget funding for the upkeep and progressive restoration of the property 944 First Street	Ongoing
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 Waiting for finalised document from Health Team. (May)
<b>COMMUNITY</b>					
1.	11/08	14.11.18	Pannawonica Community Plan	That Council advise the Minister for State Development and Robe River Mining Company Pty Ltd, that  (a) The Shire views with concern the company's public release of the Pannawonica Community Plan prior to the Council having an opportunity to formally consider the Shire initiated plan  (b) It does not support the Pannawonica Community plans prepared by the company for the following reasons:  a. The community infrastructure and services components of the plan lack definition, are limited in scope and are largely uncosted  b. The community plan largely consists of elements which are	Ongoing Continue to negotiate with Rio Tinto

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
				<p>not community infrastructure or services</p> <p>c. The community plan is based on a workforce which appears to have a greater emphasis on Fly In – Fly Out operators based in Pannawonica than when the Mesa A project was submitted to the Minister for State Development for approval pursuant to the State Agreement.</p>	
<b>CORPORATE</b>					
1	03/05	12.03.120	Robe River Memorandum of Understanding	<p>That Council agrees to the Memorandum of Understanding between the Shire of Ashburton and Robe River containing the following commitments:</p> <ol style="list-style-type: none"> <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 Pound;</li> <li>• The Caravan Park and Ablutions Block</li> </ul> </li> <li>2. Robe River renovating the above facilities 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>	Work is ongoing – both Rio and Shire committed to outcome before end of financial year
<b>DEVELOPMENT</b>					
1	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> </ol> </li> </ol>	<p>Ongoing</p> <p>Land issues finalised – Negotiating with</p>

#	Council Meeting	Agenda Ref.	Report Title	Council Decision	Current Status
				ii) A condition being placed on the Management Order over the premises that they are to be used only to house the local Volunteer Emergency Services including the Marine Rescue Service. 2. The necessary procedures required to affect the transfer be implemented. 3. The present designation of Lot 971 in the Shire's Town Planning Scheme No.7 be amended to reflect the existing land use during the Planning Scheme review for Onslow. 4. The future need of the Onslow Emergency Services Building Management Committee and Instrument of Delegation DA503 be noted and in due course be discontinued.	FESA to finalise building handover.

<b>Council Decision/ Officers Recommendation</b>	
<b>MOVED: Cr Corker</b>	<b>SECONDED: Cr Dann</b>
<b>That Council notes the contents of the Western Operations Decision Status Report</b>	
	<b>CARRIED 8/0</b>

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

**Council Decision**

**MOVED: Cr Shields**

**SECONDED: Cr Corker**

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

- **15.05.08 Write Off Of Rates – Rio Tinto Iron Ore**
- **15.05.09 Offer – Financial Assistance To Undertake Business Planning For Delivery Of Local Government Services Into Indigenous Communities**

**CARRIED 8/0**

**Declaration of Financial Interest**

**In accordance with Section 5.69 (3) (a) of the Local Government Act Cr Rumble, Cr Dias, and Cr White declared an indirect financial interest in Agenda Item 13.05.27, the nature of the interest being Cr Dias is an employee of Rio Tinto or a subsidiary of Rio Tinto Pty Ltd and Cr Rumble and Cr White are shareholders of Rio Tinto Pty Ltd.**

Crs Rumble, Dias and White left the meeting at 12:00am.

**15.05.08 WRITE OFF OF RATES – RIO TINTO IRON ORE**

**FILE REFERENCE:** FI.RA

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

**NAME OF APPLICANT/  
RESPONDENT:** Rio Tinto Iron Ore

**DATE REPORT WRITTEN:** 17 May 2010

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

**PREVIOUS MEETING REFERENCE:** Not Applicable



**Summary:** Rate notices were issued 27 November 2009 with a due date of 6 January 2010. Rate payment was received on 8 February 2010. As a result of the late payment penalty interest of \$26,044.54 was incurred.

### **Background**

Council adopted its 2009/2010 Budget on 24 November 2009 and Rate Notices were sent out on 27 November 2010 with a due date of 6 January 2010.

Rio Tinto paid these rates on 8 February 2010 incurring Penalty interest of \$26,044.54 because of the late payment.

Rio Tinto has written to Council indicating the circumstances for late payment requesting a write off 50% of the Penalty interest

### **ATTACHMENT 15.05.08a**

### **Comments**

Staff forwarded the Rates notice to the address indicated by Rio Tinto as the place where the payment of Rates would be processed.

Staff made several attempts to create a document that would be acceptable to the Rio Tinto creditor system (something that no other Ratepayer has requested, even those with numerous multiple properties eg Homeswest).

Rio Tinto townsite rates amount to \$ 3,002,408.9 (Tom Price & Paraburdoo \$2,671,092.21 and Pannawonica (through Robe River Iron Ore \$331,316.69). They are our largest single Ratepayer and Staff have attempted to accommodate their requests to provide documents that are supported by their systems.

Christmas Holiday period did disrupted payments, however the payment received was 33 days.

A meeting was held with Rio Tinto representatives on 7 May 2010 and a protocol was developed to ensure that this circumstance does not occur in 2010/2011.

### **Consultation**

CEO  
A/Finance Manager  
Rates Officer

### **Statutory Environment**

Section 6.12 of the Local Government Act 1995 states:

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

*\*Absolute majority required*

**Policy Implications**

**Financial Implications**

The request for Write Off amounts to \$26,044.54

**Strategic Implications**

**Voting Requirement**

Simple Majority Required

**Council Decision / Officers Recommendation**

**MOVED: Cr Corker**

**SECONDED:**

**Cr Shields**

**That Council not approve the write off of Penalty Interest incurred by Rio Tinto (\$26,044.54).**

**CARRIED 5/0**

Crs Rumble, Dias and White re-entered the meeting at 12:02am.

Frank Ludovico left the room at 12:11pm.

Frank Ludovico re-entered the room at 12:14pm.

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

**FILE REFERENCE:** FI.AG.9

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

**NAME OF APPLICANT/RESPONDENT:** Jennifer Matthews – Director General Department of Local Government.

**DATE REPORT WRITTEN:** 18 May 2010

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

### **Summary**

This report recommends Council enter into a Financial Assistance Agreement for the Development of Business Plans for Local Government Service Delivery into Indigenous Communities.

### **Background**

In response to the *Bilateral Agreement*, the Local Government Advisory Board (LGAB) conducted an Inquiry into Local Government Service Delivery to Indigenous Communities and reported its findings and recommendations to Government in August 2008. A key recommendation of the LGAB was:

“That Business Plans detailing costs and service standards for the delivery of services to Indigenous communities be developed by each of the affected local governments with funding provided by the State Government.”

### **Comment**

The State Government has committed funding, through the Country Local Government Fund, for the development of these Business Plans for each of the 22 affected local governments. The Financial Assistance Agreement contains an offer of \$30,000 to assist the Shire of Ashburton to prepare its Business Plan.

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

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

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

DLG do not have this data at the moment. All the Department has is a National Audit of Municipal and Essential Services undertaken by the Commonwealth Government last year, which, in DLG’s view, was incomplete (based on a sample only), and not reflective of the true scope of service needs in WA.

The business plans are an important step in gathering the information, including particular localised issues that will allow the State Government to enter into meaningful negotiations with the Commonwealth.

This is a State-wide approach, DLG are asking all affected local governments to participate, and DLG are developing a standard framework and template that can guide how local governments collect this data. DLG will also be sharing the draft of this template with the Shire of Ashburton (SOA) when it is finished and will be seeking SOA comments on it, before we commence our business plans.

DLG are offering these grants now, as they know the funds are available in current 2009/10 budget, whereas there is no guarantee a similar offer can be made in the next financial year. This will ensure that SOA have the funds in their own budget to undertake this work during 2010-11, and that the specific needs of our indigenous communities can be properly identified before any future service delivery agreements with the Commonwealth are signed.

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

### **Consultation**

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

Tony Dean - Manager Policy Strategic Planning & Asset Management, Department of Local Government.

Keith Pearson - CEO Shire of Ashburton.

Larry Softley – EMCES Shire of Ashburton.

### **Statutory Environment**

There are no specific statutory implications related to this issue.

### **Policy Implications**

There is no policy implications related to this issue.

### **Financial Implications**

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

### **Strategic Implications**

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

### **Voting Requirement**

Simple Majority Required.

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

**MOVED:** Cr Corker

**SECONDED:** Cr Dias

**That Council instruct the CEO to enter into a financial Assistance Agreement between The Director General of the Department of Local Government for and on behalf of the State of Western Australia and the Shire of Ashburton for the Development of a Business Plan for Local Government Service delivery into Indigenous Communities.**

**CARRIED 8/0**

## **16.05.0 CONFIDENTIAL REPORTS**

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

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

**(a) a matter affecting an employee or employees;**

**(b) the personal affairs of any person;**

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

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

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

**(I) a trade secret;**

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

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

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

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

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

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

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

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

**(h) such other matters as may be prescribed.**

**Council Decision**

**MOVED:** Cr Corker

**SECONDED:** Cr Dann

**That Council close the meeting to the public at 12:13pm pursuant to sub section 5.23 (2) (a) and (b) of the Local Government Act 1995**

**CARRIED 8/0**

**16.05.04 CONFIDENTIAL ITEM - SHIRE OF ASHBURTON STRUCTURE REVIEW**

**FILE REFERENCE:** OR.COM.9

**AUTHOR'S NAME AND POSITION:** Jeff Breen  
Acting Chief Executive Officer

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

**DATE REPORT WRITTEN:** 9 May 2010

**DISCLOSURE OF FINANCIAL INTEREST:** The author has a prospective financial interest in this matter in that the review will consider staff remuneration.

**PREVIOUS MEETING REFERENCE:** Confidential Agenda Item 16.04.03 Ordinary Meeting of Council 21 April 2010

Please refer to Confidential Item Attachment under separate cover

**Council Decision / Officers Recommendation**

**MOVED:** Cr Corker

**SECONDED:** Cr Shields

**That;**

- 1. Council appoints an assessment panel to select the consultant to carry out the structure review comprising Cr Musgrave, Cr Rumble, CEO and EMES.**
- 2. Council delegates the CEO to award the contract to the consultant selected by the assessment panel up to the value of \$350,000 (ex GST)**

**CARRIED 8/0  
ABSOLUTE MAJORITY**

**16.05.05 CONFIDENTIAL ITEM – NEW WITTENOOM ASBESTOS LITIGATION MATTER**

**FILE REFERENCE:** AS.WI.2

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

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

**DATE REPORT WRITTEN:** 10 May 2010

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

**PREVIOUS MEETING REFERENCE:** Confidential Item 16.03.01 Ordinary Meeting of Council 17 March 2009  
Confidential Item 16.05.08 Ordinary Meeting of 19 May 2009  
Confidential Item 16.12.18 Ordinary Meeting of 15 December 2009  
Confidential Item 16.02.01 Ordinary Meeting of 17 February 2010

Please refer to Confidential Item Attachment under separate cover

**Council Decision / Officers Recommendation**

**MOVED:** Cr Thomas **SECONDED:** Cr Corker

**That the contents of this New Wittenoom Asbestos Litigation Matter Report be noted.**

**CARRIED 8/0**

**16.05.06 CONFIDENTIAL ITEM – DRAFT ASHBURTON NORTH COMMUNITY INVESTMENT STRATEGY**

**FILE REFERENCE:** PS.TP.8

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

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

**DATE REPORT WRITTEN:** 10 May 2010

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

Please refer to Confidential Item Attachment under separate cover

**Council Decision / Officers Recommendation**

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

**That Council support in principle the draft Ashburton North Community Infrastructure Strategy.**

**CARRIED 8/0**



**Council Decision**

**MOVED: Cr Corker**

**SECONDED: Cr Shields**

**That Council re-open the meeting to the public at 12:29 pursuant to sub section 5.23 (2) (a) and (b) of the Local Government Act 1995**

**CARRIED 8/0**

**17.05.0 NEXT MEETING**

The next Ordinary Meeting of Council will be held on 16 June 2010, at Barry Lang Centre, Pannawonica, commencing at 8:00am.

**18.05.0 CLOSURE OF MEETING**

The Shire President declared the meeting closed at 12:30pm.