

# Ordinary Meeting of Council

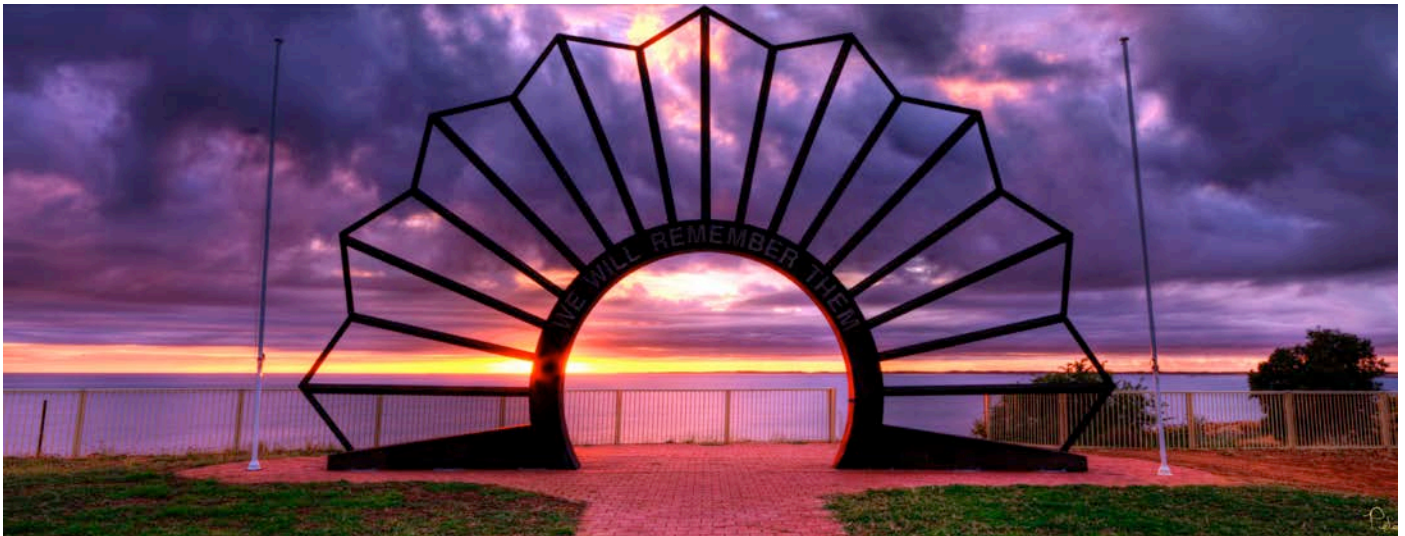
Onslow



## Minutes – Public Document

16 August 2016

Onslow Multi-Purpose Centre  
Cnr McGrath Rd & Hooley Ave  
Onslow  
1.00pm



The Shire of Ashburton 10 year Community Strategic Plan (2012-2022) provides focus, direction and represents the hopes and aspirations of the Shire.

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## Our Vision

The Shire of Ashburton will be a vibrant and prosperous place for work, leisure and living



## Our Mission

Working together, enhancing lifestyle and economic vitality



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### Community Goals

- Vibrant and Active Communities
- Economic Prosperity
- Unique Heritage and Environment
- Distinctive and Well-services Places
- Inspiring Governance

### Future Focus

The next four years will see a strong focus on:

1. Community inclusion and participation
2. Provision of infrastructure that enables economic strength
3. Economic strength
4. Organisation stability
5. Staying ahead of the game
6. Development of our governance





**SHIRE OF ASHBURTON  
ORDINARY MEETING OF COUNCIL**

**MINUTES  
(Public Document)  
Onslow Multi-Purpose Centre,  
Cnr McGrath Rd and Hooley Ave,  
Onslow  
16 August 2016**

**1.00 pm**

# MINUTES - ORDINARY MEETING OF COUNCIL 16 AUGUST 2016

## SHIRE OF ASHBURTON ORDINARY MEETING OF COUNCIL

Dear Councillor

Notice is hereby given that an Ordinary Meeting of Council of the Shire of Ashburton will be held on 16 August 2016 at Onslow Multi-Purpose Centre, Cnr McGrath Rd and Hooley Ave, Onslow commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.

Neil Hartley  
**CHIEF EXECUTIVE OFFICER**

### **DISCLAIMER**

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

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## MINUTES - ORDINARY MEETING OF COUNCIL 16 AUGUST 2016

### 1. **DECLARATION OF OPENING**

The Shire President declared the meeting open at 1.02 pm.

#### 1.1 **ACKNOWLEDGEMENT OF COUNTRY**

As representatives of the Shire of Ashburton Council, we respectfully acknowledge the local Indigenous people, the traditional custodians of this land where we are meeting upon today and pay our respects to them and all their elders both past and present.

### 2. **ANNOUNCEMENT OF VISITORS**

The Shire President welcomed members of the public to the gallery.

### 3. **ATTENDANCE**

#### 3.1 **PRESENT**

Cr K White	Shire President, Onslow Ward
Cr L Rumble	Deputy Shire President, Paraburdoo Ward
Cr D Dias	Paraburdoo Ward
Cr L Thomas	Tableland Ward
Cr P Foster	Tom Price Ward
Cr G Dellar	Ashburton Ward
Mr N Hartley	Chief Executive Officer
Ms A Serer	Executive Manager, Strategic & Economic Development
Ms L Reddell	Executive Manager, Development & Regulatory Services
Mrs L O'Reilly	Executive Manager, Community Development
Mr T Davis	Executive Manager, Infrastructure Services
Ms J Smith	Executive Officer
Mrs D Walkington	Executive Assistant, Community Development

#### 3.2 **APOLOGIES**

Cr C Fernandez	Tom Price Ward
Cr M Gallanagh	Pannawonica Ward

#### 3.3 **APPROVED LEAVE OF ABSENCE**

There were no Councillors on approved leave of absence.

### 4. **QUESTION TIME**

#### 4.1 **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

#### 4.2 **PUBLIC QUESTION TIME**

There were no questions from the public.

### 5. **APPLICATIONS FOR LEAVE OF ABSENCE**

There were no applications received for leave of absence.

## MINUTES - ORDINARY MEETING OF COUNCIL 16 AUGUST 2016

### 6. DECLARATION BY MEMBERS

#### 6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

That Councillors White, Rumble, Dias, Dellar, Thomas, and Foster have given due consideration to all matters contained in the Agenda presently before the meeting.

#### 6.2 DECLARATIONS OF INTEREST

##### Councillors to Note

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

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

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

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

#### **NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)**

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

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

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



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6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
  - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
  - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

### Declarations of Interest provided:

Item Number/ Name	Type of Interest	Nature/Extent of Interest
<b>AGENDA ITEM TITLE</b>		
		There were no declarations of interest submitted.

## 7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Shire President advised that Cr Fernandez has submitted her resignation as a Councillor for the Tom Price Ward of the Shire of Ashburton, as of the 23 August 2016. She will be invited to a future Council Meeting as a guest to be recognised for her contribution as a Councillor of the Shire of Ashburton.

## 8. PETITIONS / DEPUTATIONS / PRESENTATIONS

### 8.1 PETITIONS

There were no petitions presented to Council.

### 8.2 DEPUTATIONS

There were no deputations presented to Council.

### 8.3 PRESENTATIONS

There were no presentations to Council.



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### 10. AGENDA ITEMS ADOPTED "EN BLOC"

#### 10.1 AGENDA ITEMS ADOPTED 'EN BLOC'

The following information is provided to Councillors for guidance on the use of En Bloc voting as is permissible under the Shire of Ashburton Standing Orders Local Law 2012:

*"Part 5 – Business of a meeting*

*Clause 5.6 Adoption by exception resolution:*

- (1) In this clause 'adoption by exception resolution' means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the officer recommendation as the Council resolution.*
- (2) Subject to subclause (3), the Local Government may pass an adoption by exception resolution.*
- (3) An adoption by exception resolution may not be used for a matter;*
  - (a) that requires a 75% majority or a special majority;*
  - (b) in which an interest has been disclosed;*
  - (c) that has been the subject of a petition or deputation;*
  - (d) that is a matter on which a Member wishes to make a statement; or*
  - (e) that is a matter on which a Member wishes to move a motion that is different to the recommendation."*

Item No.	Agenda Title
	No Agenda Items were adopted 'En Bloc'

## MINUTES - ORDINARY MEETING OF COUNCIL 16 AUGUST 2016

### 11. GOVERNANCE & EXECUTIVE SERVICE REPORTS

#### 11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS JULY 2016

MINUTE: 15

<b>FILE REFERENCE:</b>	GV04
<b>AUTHOR'S NAME AND POSITION:</b>	Nicky Pratt Administration Assistant
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	1 August 2016
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 10.1 (Minute: 11477) - Ordinary Meeting of Council 10 April 2013

#### **Summary**

The purpose of this agenda item is to report back to Council on the progress of the implementation of Council decisions.

#### **Background**

The purpose of this agenda item is to report back to Council on the progress of the implementation of Council decisions

#### **Comment**

Wherever possible, Council decisions are implemented as soon as practicable after a Council meeting. However there are projects or circumstances that mean some decisions take longer to action than others.

This report presents a summary of the "Decision Status Reports" for Office of the CEO, Corporate Services, Infrastructure Services, Strategic & Economic Development, Community Development and Development & Regulatory Services.

**ATTACHMENT 11.1**

#### **Consultation**

Chief Executive Officer  
Executive Management Team

#### **Statutory Environment**

Not Applicable

#### **Financial Implications**

Not Applicable

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### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

### Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Low" risk and can be managed by routine procedures, and is unlikely to need specific application of resources.

### Policy Implications

Not Applicable

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED: Cr P Foster**

**SECONDED: Cr D Dias**

**That Council receives the "Decision Status Reports" as per ATTACHMENT 11.1.**

**CARRIED 6/0**

**Crs White, Rumble, Dias, Foster, Thomas and Dellar voted for the motion**

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### 11.2 USE OF COMMON SEAL AND ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF JULY 2016

MINUTE: 16

<b>FILE REFERENCE:</b>	GV21 IT03 CM02 LP10.7.0
<b>AUTHOR'S NAME AND POSITION:</b>	Janyce Smith Executive Officer  Sheree Selton Administration Assistant Planning
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	1 August 2016
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The authors have no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### Summary

The purpose of this agenda item is to report to Council for information, Use of the Common Seal and actions performed under delegated authority requiring referral to Council, for the month of July 2016.

#### Background

Council has historically sought a monthly update of the more significant activities for the organisation relative to (1) Use of the Common Seal, and (2) actions performed under delegated authority requiring referral to Council as per the Shire of Ashburton Delegated Authority Register 2016.

#### ATTACHMENT 11.2

#### Comment

A report on Use of the Common Seal and relevant actions performed under delegated authority has been prepared for Council.

#### Consultation

Relevant officers as listed in the Attachment.

#### Statutory Environment

Local Government Act 1995

Clause 9.3 of the Shire of Ashburton Town Planning Scheme No. 7



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### Financial Implications

As outlined in Attachment 11.2.

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

### Risk Management

This item has been evaluated against the Shire of Ashburton’s Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be “Low” in light of the report being for information purposes only and the risk can be managed by routine procedures, and is unlikely to need specific application of resources.

### Policy Implications

ELM 13 – Affixing the Shire of Ashburton Common Seal.

FIN12 – Purchasing and Tendering Policy.

### Voting Requirement

Simple Majority Required

#### Council Decision

**MOVED:** Cr P Foster

**SECONDED:** Cr L Thomas

**That Council accept the report “11.2 Use of Common Seal and Actions Performed Under Delegated Authority for the Month of July 2016”.**

**CARRIED 6/0**

**Crs White, Rumble, Dias, Foster, Thomas and Dellar voted for the motion**

## 12. COMMUNITY DEVELOPMENT REPORTS

There were no Community Development Reports for this agenda.

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### 13. CORPORATE SERVICES REPORTS

#### 13.1 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF JUNE 2016 & JULY 2016

MINUTE: 17

<b>FILE REFERENCE:</b>	FM03
<b>AUTHOR'S NAME AND POSITION:</b>	Freemond Ng Finance Manager
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	1 August 2016
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<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**

##### **June 2016**

- Statements of Financial Activity and associated statements for the Month of June 2016.

**ATTACHMENT 13.1A**

##### **July 2016**

- Schedule of Accounts and Credit Cards paid under delegated authority for the Month of July 2016.

**ATTACHMENT ATTACHMENT 13.1B**

#### **Consultation**

Executive Manager - Corporate Service  
Executive Management Team  
Finance Manager  
Finance Coordinator  
Finance Officers  
Consultant Accountant

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### Statutory Environment

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

### Financial Implications

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

### Strategic Implications

Shire of Ashburton 10 year Community Strategic Plan 2012-2022

Goal 5 - Inspiring Governance

Objective 4 - Exemplary Team and Work Environment

### Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Low" risk and can be managed by routine procedures, and is unlikely to need specific application of resources.

### Policy Implications

There are no policy implications in this matter.

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED: Cr P Foster**

**SECONDED: Cr L Rumble**

**That Council:**

- 1. Accepts the Financial Reports for June 2016 ATTACHMENT 13.1A; and**
- 2. Notes the Schedule of Accounts and Credit Cards paid in July 2016 as approved by the Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds as per ATTACHMENT 13.1B.**

**CARRIED 6/0**

**Crs White, Rumble, Dias, Foster, Thomas and Dellar voted for the motion**

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### 14. DEVELOPMENT AND REGULATORY SERVICES REPORTS

#### 14.1 PROPOSED RECOMMENDATION NOT TO PROCEED WITH SCHEME AMENDMENT NO. 16 TO THE SHIRE OF ASHBURTON TOWN PLANNING SCHEME NO. 7 - REZONING OF PRECINCT 2 AS OUTLINED IN THE OLD ONSLOW AIRPORT MASTER PLAN

MINUTE: 18

<b>FILE REFERENCE:</b>	LP10.7.16
<b>AUTHOR'S NAME AND POSITION:</b>	Andrew Patterson Principal Town Planner
<b>NAME OF APPLICANT/RESPONDENT:</b>	Shire of Ashburton
<b>DATE REPORT WRITTEN:</b>	8 August 2016
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 13.03.15 – Ordinary Meeting of Council 16 March 2011

#### Summary

At its Ordinary Meeting held on 16 March 2011, Council resolved to initiate Amendments 15 and 16 to Shire of Ashburton Town Planning Scheme No. 7. These Amendments proposed to rezone two discrete portions of land at the Onslow Airport (Lot 16 on Deposited Plan 161140) from 'Public Purposes – Airport' reserve to 'Mixed Business' zone. The use of two separate Amendments anticipated the staged release and development of two superlots, with Amendment 15 rezoning the northern portion, followed by the second stage to be rezoned by Amendment 16.

#### ATTACHMENT 14.1A

The Minister for Planning recently approved Amendment 15, and the land is now rezoned with a potential purchaser and developer negotiating with the Shire to acquire the land. It is noted that detailed consideration and design work has resulted in the Amendment area differing in size and dimensions from the original proposal, with the rezoned land now described as Lot 9500 on Deposited Plan 405414.

The anticipated demand for the additional Mixed Business zoned land described in Amendment 16 failed to eventuate in Onslow, and accordingly the Amendment has not progressed beyond the initiation phase. Given that current indications are that the development of Lot 9500 will absorb the demand for Mixed Business development for the foreseeable future, it is proposed to discontinue Amendment 16.

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It is also relevant that the Shire is currently undertaking the preparation of its first Local Planning Strategy, and a needs analysis for future Mixed Business development will be considered as part of this process. It is therefore more appropriate to consider Onslow's future growth in the context of this wider planning strategy, and if required, rezone additional Mixed Business land following these considerations.

### **Background**

The Shire has not been in a position to initiate thus far, tasks required to describe Amendment 16, including preparation of a zoning map, commissioning specialist reports to support the amendment (such as environmental, traffic, indicative plan of subdivision, water management, and servicing reports) that need to then be submitted for assessment by the Environmental Protection Authority (EPA), advertised for public comment, and referred to any relevant significant stakeholders such as service providers, State Government departments, with these comments considered prior to Council considering the Amendment for final adoption. Should it be determined to continue Amendment 16, these reports would need to be commissioned, at the Shire's expense.

Alternatively, these studies and reports are all currently being considered on a Shire-wide basis as part of the Local Planning Strategy currently being prepared by a consultant team on the Shire's behalf. The Local Planning Strategy, when completed and adopted (anticipated late 2017), will provide recommendations and justification for urban growth within the Shire.

The *Planning and Development Act 2005* and the *Planning and Development (Local Planning Scheme) Regulations 2015* establish the process for considering, advertising, and approving an amendment to a Local Planning Scheme. This process requires that once the amendment is initiated, Council must continue the statutory process to seek approval from the Environmental Protection Authority (EPA) to advertise the amendment, undertake this advertising, and subsequently resolve to either support with or without modifications, or not support the amendment. Due to competing priorities and resource levels, none of these processes has commenced for Amendment 16.

The *Planning and Development (Local Planning Schemes) Regulations 2015* also established new processes and requirements for Scheme Amendments that affect how Amendment 16 would need to be treated, should it be progressed. One major change in particular is the standardization of Planning Scheme zones and reserves that removes the zone 'Mixed Business' from the Model Scheme Text. Given this statutory change, it is unlikely that the Department of Planning would support further rezoning to currently proposed 'Mixed Business' zone.

At its Ordinary Meeting on 15 March 2016, Council adopted the Onslow Airport Master Plan (OAMP). This plan provides an indicative framework for initial stages of development surrounding Onslow Airport and addresses existing airport activities as well as opportunities for growth in aviation and aviation-related activities. The new OAMP replaces the previous OAMP report written in 2010 that provided the original rationale for Amendments 15 and 16.

### **ATTACHMENT 14.1B**

Within the old OAMP, Precinct One comprised the first stage of development within Lot 16 with this land now rezoned and in the process of being sold to a developer. There are no active plans to subdivide or sell other land within Lot 16.

The development of Precinct Two within the old OAMP was initially intended to be rezoned and developed following Precinct One, with Amendment 16 initiated in anticipation of a short to medium term demand for zoned land. This anticipation has not materialized and the

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anticipated development of either precincts is experiencing far less demand than anticipated in 2011.

Given that Council initiated Amendment 16 in accordance with relevant 2011 planning legislation, the statutory framework requires that Council either undertake the necessary referrals and advertising, or resolve to advise the Minister for Planning that it no longer supports the Amendment.

### **Comment**

In 2011, the appetite for land zoned for commercial and other mixed business uses significantly exceeded existing supply, prompting Council to initiate Amendments 15 and 16. The demand for such land is currently much reduced, with the land rezoned through Amendment 15 anticipated to absorb Onslow's mixed business growth requirements for at least the short to medium term.

Future demand for all land use zones is to be considered in the Local Planning Strategy that the Shire has recently commissioned, with this strategy due for completed in 2017, well within the timeframe for the full development of the land rezoned in Amendment 15.

As Amendment 16 never proceeded to formal public advertising or final adoption following its initiation at the Ordinary Meeting of Council held on 16 March 2011 it is technically still a live document.

The *Planning & Development (Local Planning Schemes) Regulations 2015* requires that if Council resolves not to proceed with an amendment, it must notify the Western Australian Planning Commission and Minister for Planning. The purpose of this report is to propose a Council resolution which will lead to this notification.

The alternative option is to prefer not to discontinue Amendment 16 in order to avoid delay in releasing additional Mixed Business zoned land in Onslow if demand should rise. Given the reasons above, namely that:

1. The current land release will absorb existing and short to medium term land demand.
2. That the Shire is undertaking a detailed investigation in future land use and development options and requirements through the Local Planning Strategy.
3. Should demand suddenly spike to the extent that additional land is required, it will not significantly delay the amendment process to initiate a better-informed amendment to rezone such land; it is considered that little if anything will be lost with abandoning Amendment 16 and it would be simpler to initiate a new amendment to rezone this land, undertaking the necessary research and reporting prior to determining the new zone.

As noted earlier in the report, this background research will be expensive, and is considered an unnecessary drain on Shire resources, particularly given this work is currently underway across the whole Shire as part of the Local Planning Strategy. Accordingly, it is recommended that Amendment 16 be discontinued, and any further consideration of rezoning land for commercial purposes be postponed pending the outcome of the Local Planning Strategy.



## MINUTES - ORDINARY MEETING OF COUNCIL 16 AUGUST 2016

### Consultation

Executive Manager Strategic & Economic Development  
Manager Economic & Land Development  
Onslow Airport Manager

### Statutory Environment

*Planning and Development Act 2005*  
*Planning and Development (Local Planning Schemes) Regulations 2015*  
*Shire of Ashburton Town Planning Scheme No. 7*

### Financial Implications

Preparation of amendment documentation and processing the amendment through the statutory process requires time allocation by Shire staff and it is not considered necessary to spend this time on processing redundant Scheme Amendments.

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022  
Goal 04 - Distinctive and Well Serviced Places  
Objective 01 – Quality Public Infrastructure  
Objective 02 – Accessible and Safe Towns  
Objective 03 – Well Planned Towns

### Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Low" risk and can be managed by routine procedures, and is unlikely to need specific application of resources.

### Policy Implications

There are no policy implications.

### Voting Requirement

Simple Majority Required

#### Council Decision

**MOVED: Cr P Foster**

**SECONDED: Cr L Rumble**

**That Council:**

**Resolves in pursuance with Section 75 of the *Planning and Development Act 2005 (as amended)*, that it does not proceed with Scheme Amendment 16 to the *Shire of Ashburton Town Planning Scheme No. 7* by:**

- 1. Advising the Western Australian Planning Commission and Minister for Planning of its decision not to proceed with the Amendment; and**
- 2. Removes Scheme Amendment No. 16 from the Shire's list of active Scheme Amendments.**

**CARRIED 5/1**

**Crs White, Rumble, Dias, Foster and Thomas voted for the motion  
Cr Dellar voted against the motion**

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### 15. INFRASTRUCTURE SERVICES REPORTS

#### 15.1 RFT 15/16 ONSLOW WASTE TRANSFER STATION INTERSECTION UPGRADE

MINUTE: 19

<b>FILE REFERENCE:</b>	CM15.16
<b>AUTHOR'S NAME AND POSITION:</b>	Troy Davis Executive Manager, Infrastructure Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	4 August 2016
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### Summary

Tenders were recently called for the improvements to the Onslow Rd / Onslow Waste Transfer Station road intersection. These proposed works have been held over for a number of months awaiting approvals from Main Roads WA (MRWA).

Tenders closed on 19 July with three compliant tenders received. The Evaluation Panel has now completed its assessment and recommends NTC Contracting be awarded the Contract.

**CONFIDENTIAL ATTACHMENT 15.1A**

#### Background

As a consequence of the increased development in and around Onslow, Council was required to close its landfill facility in Onslow. As a recently completed Site Selection Study highlighted, the most feasible site for a new landfill was approximately 35km from Onslow and it would take several years to realise an operational landfill facility on that site, a Waste Transfer Station (WTS) was constructed on the outskirts of Onslow to provide an interim service (and with potential for it to be ongoing).

The intention of the WTS was to receive all waste generated in Onslow until a new landfill facility was constructed on the preferred site, when the WTS would become a community drop off facility.

Part of the agreed scope for the WTS was the construction of a MRWA compliant intersection to allow the safe vehicle movements in and out of the facility. Recent changes to the MRWA regional boundaries realised considerable delays in gaining the necessary approvals and these were only received a few months ago. MRWA were requested to review its conditions should the WTS only be a 'temporary' facility, however this approach was rejected. It takes upwards of three years to take a new landfill from concept to being operational and MRWA

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regard 'temporary' as only a month or two.

### ATTACHMENT 15.1

#### Comment

This proposed intersection upgrade is an original component of the WTS project. It involves the reconstruction and upgrade of the entire intersection to receive B-Triple road trains. The intersection will be asphalt surfaced and constructed 80m beyond the intersection to allow for vehicle queuing. Improvements to drainage approaching and entering the intersection will also be undertaken.

### ATTACHMENT 15.1B

### ATTACHMENT 15.1C

Once the applications to DER for the WTS Works Approval and to Department of Lands (DoL) for the formalisation of the access road reserve were made, an application to MRWA was made for access onto Onslow Road via the formal MRWA application process. MRWA have subsequently approved the design details. The other linked issue is the longevity of the WTS. Any new landfill will likely be located approximately 35km from Onslow and its likely availability is still several years away (probably about 2020). It was anticipated that residents might prefer to only travel to the WTS and not further, to the new landfill area, but that is a question that will require Council's later consideration as there will undoubtedly be savings gained for the Shire in centralising its refuse facilities.

The intention was to have the intersection constructed at the same time as the WTS however the urgency of getting the WTS commissioned and the delays in gaining MRWA approvals meant the projects could not be aligned.

With the agreed intersection design and scope finally in place, tenders were called on 24 June 2016 and closed 19 July 2016. Three compliant tenders were received.

<b>Tenderer</b>	<b>Price (ex GST)</b>	<b>Score</b>
<b>NTC Contracting</b>	\$292,785.88	85.5
<b>Drilline Pty Ltd</b>	\$359,101.86	71.0
<b>Norwest Contracting</b>	\$450,637.36	53.5

#### Consultation

Executive Manager Development and Regulatory Services  
Network Operations Manager (Pilbara Region) – Main Roads Western Australia

#### Statutory Environment

Main Roads Act 1930 and Road Traffic Code 2000  
Section 3.57 "Tenders for providing goods and services' of the Local Government Act 1995.

#### Financial Implications

These works were identified and budgeted for in the original WTS budget allocated in 2014/15. A carry over budget of \$750,000 was applied in 2015/16 while negotiations were ongoing with MRWA on the intersection improvements. A 2016/17 budget allocation of \$429,000 was provided for based on the final, agreed design. It was anticipated any savings in the competitive tender process could be directed to minor road improvements (like resheeting) along the remainder of the WTS road whilst the Contractor was on site.

#### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022  
Goal 04 – Distinctive and Well Serviced Places

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Objective 02 – Accessible and Safe Towns

### Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk, should Council resolve not to proceed with the project is considered to be "High". Principally this risk level is related to Operational, Reputational and Compliance consequences, such as that a major project deliverable; and also, a road design standard placed by the State Road Authority (MRWA), will not be achieved.

### Policy Implications

AMP01 – Asset Management Policy

FIN12 – Purchasing and Tender Policy

FIN04 – Buy Local – Regional Price Preference Policy

### Voting Requirement

Simple Majority Required

#### Council Decision

**MOVED: Cr G Dellar**

**SECONDED: Cr D Dias**

**That Council notes that these works are a requirement of Main Roads WA, and:**

- 1. Accepts the Lump Sum Tender of \$292,785.88 (GST exclusive) from NTC Contracting for RFT1516 Construction of Sealed Intersection for Waste Transfer Station, Onslow in accordance with its Tender submission;**
- 2. Authorises the Chief Executive Officer to negotiate the final terms and execute the Contract documentation; and**
- 3. Authorises the Chief Executive Officer to manage the Contract, including variations to the design specifications and contract value, providing this does not exceed the project budget or reduce the overall scope.**

**CARRIED 4/2**

**Crs White, Rumble, Dias and Dellar voted for the motion  
Crs Foster and Thomas voted against the motion**

## 16. STRATEGIC AND ECONOMIC DEVELOPMENT REPORTS

There were no Strategic and Economic Development reports for this agenda.

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### 17. COUNCILLORS AGENDA ITEMS / NOTICES OF MOTIONS

#### 17.1 NOTICE OF MOTION - REVIEW OF COUNCIL POLICY EMP24 - CORPORATE CREDIT CARD

**FILE REFERENCE:** FM15  
GV20

Cr Foster tabled the following Notice of Motion in regard to policy EMP24 – Corporate Credit Card:

##### **Notice of Motion**

Request a report to Council on review of Council Policy EMP24 Corporate Credit Card on including a requirement that staff credit card statements be lodged as attachments in the Schedule of Accounts & Credit Card purchases section in the monthly financial report to Council at each monthly Ordinary Meeting of Council.

The Shire President noted that this matter would be referred to officers for a report, which will be put before Council at the earliest reasonable opportunity.

#### 17.2 NOTICE OF MOTION - REQUEST A REPORT ON HOW SHIRE OF ASHBURTON TOWNS CAN BECOME 'RV FRIENDLY'

**FILE REFERENCE:** ED01.01

Cr Foster tabled the following Notice of Motion in regard how the Shire of Ashburton towns can be become RV Friendly:

##### **Notice of Motion**

Request a report to Council on how Shire of Ashburton towns can become “RV Friendly Towns” to encourage further tourism and associated benefits to our towns. RV Friendly Towns scheme is an initiative of the Campervan and Motorhome Club of Australia and is a helpful way for caravans’ and campers to help identify friendly towns for stop overs. Further information can be found at <https://www.cmca.net.au/>

The Shire President noted that this matter would be referred to officers for a report, which will be put before Council at the earliest reasonable opportunity.

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### 17.3 NOTICE OF MOTION - REVIEW OF COUNCIL POLICY ENG02 - ACCESS TO PASTORAL PROPERTIES

**FILE REFERENCE:** GV20

Cr Foster tabled the following Notice of Motion in regard to a review of the Council policy ENG02 – Access to Pastoral Properties:

#### **Notice of Motion**

Request a report to Council on review of Council Policy ENG02 Access to Pastoral Properties as to whether the policy is still relevant (Last reviewed in 2003); whether roads named in the policy are still appropriate; whether any changes are needed to modernise this policy including reference to pastoral station airstrips, and finally whether Council wishes to continue to support this policy, or revoke it.

The Shire President noted that this matter would be referred to officers for a report, which will be put before Council at the earliest reasonable opportunity.

### 17.4 NOTICE OF MOTION - REVIEW OF COUNCIL POLICY EMP02 - PROHIBITED AREAS - WITTENOOM AND YAMPIRE GORGE

**FILE REFERENCE:** GV20

Cr Foster tabled the following Notice of Motion in regard to a review of Council policy – EMP02 – Prohibited Areas – Wittenoom and Yampire Gorge:

#### **Notice of Motion**

Request a report to Council on review of Council Policy EMP02 Prohibited Areas – Wittenoom and Yampire Gorge. The State Government has recently updated its' information on this prohibited area including map and current conditions. The new map and conditions may need to be added to the current Council policy. The updated State Government policy is on [www.lands.wa.gov.au/Crown-Land/Contaminated-Site/Pages/Wittenoom](http://www.lands.wa.gov.au/Crown-Land/Contaminated-Site/Pages/Wittenoom)

The Shire President noted that this matter would be referred to officers for a report, which will be put before Council at the earliest reasonable opportunity.



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### 17.5 NOTICE OF MOTION - REQUEST A REPORT ON THE FORMULATION OF A POLICY ON 'GREENING ASHBURTON'

**FILE REFERENCE:** GV20

Cr Foster tabled the following Notice of Motion in regard to a request for a report on the formulation of a policy on "Greening Ashburton":

#### **Notice of Motion**

Request a report to Council on the formulation of a policy on "Greening Ashburton" or something similar. As a guide Council Policy LPP14 "Percent for Public Art" policy. The Shire of Ashburton is experiencing rapid growth, particular in Onslow with new infrastructure with housing, of which appears to be a lack of trees and gardening, or "greening" in these areas. Similarly existing development – in particular Tom Price and Paraburdoo, trees are being removed, seemingly without permission, at the detriment of the townscape. Recent example is that the Rio Tinto owned properties in North Road in Tom Price all had trees removed on North Road, creating a barren landscape. The policy would need to take into consideration "greening" new infrastructure.

The Shire President noted that this matter would be referred to officers for a report, which will be put before Council at the earliest reasonable opportunity.

### 17.6 NOTICE OF MOTION - PLANTING OF TREES

**FILE REFERENCE:** CS01

Cr Thomas tabled the following Notice of Motion in regard to planting of trees:

#### **Notice of Motion**

Cr Thomas - Planting of Trees – Shire Townsite / Communities tree planting programme over a 3 year programme. Staff to propose planting areas. No. trees sought. Costs of plants / planting projects / community club activity. School projects. Purchase of plants locally. Purchase of fertiliser locally.

The Shire President noted that this matter would be referred to officers for a report, which will be put before Council at the earliest reasonable opportunity.

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### 17.7 NOTICE OF MOTION - ANNUAL TOWNSITE RESIDENTIAL GARDEN COMPETITION

**FILE REFERENCE:** GV20

Cr Thomas tabled the following Notice of Motion in regard to an annual townsite residential garden competition:

#### **Notice of Motion**

Annual Townsite Residential Garden Competition for Tom Price, Paraburdoo, Pannawonica and Onslow, to be announced now for the judging to be completed within month of September 2016. Suggested awards to consist of plants suitable for planting within. Staff to provide organisation, costing and procedures.

The Shire President noted that this matter would be referred to officers for a report, which will be put before Council at the earliest reasonable opportunity.

**18. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

Council Decision

MOVED: Cr K White

SECONDED: Cr L Rumble

That Council considers the following New Business of an Urgent Nature:

19.1 CONFIDENTIAL ITEM – INDUSTRIAL RELATIONS ADVICE

CARRIED 6/0

Crs White, Rumble, Dias, Foster, Thomas and Dellar voted for the motion

**19. CONFIDENTIAL MATTERS**

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

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

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

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

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

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

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

**(I) *a trade secret;***

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

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

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

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

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

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

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

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*(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 L Rumble**

**SECONDED: Cr D Dias**

**That Council close the meeting to the public at 1.25 pm pursuant to sub section 5.23 (2) (a) of the Local Government Act 1995.**

**CARRIED 6/0**

**Crs White, Rumble, Dias, Foster, Thomas and Dellar voted for the motion**

Staff and members of the public gallery left the meeting at 1.25 pm.

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### 19.1 CONFIDENTIAL ITEM - INDUSTRIAL RELATIONS ADVICE

MINUTE: 23

**FILE REFERENCE:** GV05

**AUTHOR'S NAME AND POSITION:** Not Applicable

**NAME OF APPLICANT/RESPONDENT:** Cr K White

**DATE REPORT (VERBAL):** 16 August 2016

**DISCLOSURE OF FINANCIAL INTEREST:** Not Applicable

**PREVIOUS MEETING REFERENCE:** Not Applicable

#### Council Decision

**MOVED:** Cr G Dellar **SECONDED:** Cr L Thomas

**That Council authorise the Shire President and the Deputy Shire President to seek industrial relations advice from WALGA.**

**CARRIED 6/0**  
**Crs White, Rumble, Dias, Foster, Thomas and Dellar voted for the motion**

**Reason:** That Council authorise the Shire President Cr White and the Deputy Shire President Cr Rumble to seek industrial advice from WALGA in regards to confidential matters discussed today, 16 August 2016.

#### Council Decision

**MOVED:** Cr P Foster **SECONDED:** Cr L Rumble

**That Council re-open the meeting to the public at 2.05 pm and for the motion passed behind closed doors to be read.**

**CARRIED 6/0**  
**Crs White, Rumble, Dias, Foster, Thomas and Dellar voted for the motion**

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Staff and members from the public gallery re-entered the room at 2.05 pm. The CEO read out the motion passed behind closed doors.

### **20. NEXT MEETING**

The next Ordinary Meeting of Council will be held on 26 September 2016, at the Mayu Mayu Centre, Pannawonica, commencing at 1.00 pm.

### **21. CLOSURE OF MEETING**

The Shire President closed the meeting at 2.05 pm.