



**SHIRE OF ASHBURTON
ORDINARY MEETING OF COUNCIL**

**MINUTES
Clem Thompson Sports Pavilion, Stadium
Road, Tom Price
25 October 2016**

1.00 pm

MINUTES - ORDINARY MEETING OF COUNCIL 25 OCTOBER 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 25 October 2016 at Clem Thompson Sports Pavilion, Stadium Road, Tom Price 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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1. **DECLARATION OF OPENING**

The Shire President declared the meeting open at 1.00pm

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.

1.2 **SWEARING IN OF COUNCILLORS ELECT**

In accordance with section 2.29 of the Local Government Act 1995 Councillors Elect were sworn in by making the Declaration by an Elected Member of Council (Electoral Form 7).

The Returning Officers report (attached) was read out by the CEO and – Cr Matthew Lynch was sworn in as Councillor for Tom Price Ward; and Cr Douglas Diver was sworn in as Councillor for Tom Price Ward.

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 M Gallanagh	Pannawonica Ward
Cr P Foster	Tom Price Ward
Cr D Diver	Tom Price Ward
Cr M Lynch	Tom Price Ward
Mr N Hartley	Chief Executive Officer
Ms L Reddell	Executive Manager, Development & Regulatory Services
Mrs L O'Reilly	Executive Manager, Community Development
Mr T Davis	Executive Manager, Infrastructure Services
Ms A Serer	Executive Manager, Strategic and Economic Development
Ms J Smith	Executive Officer
Mrs T Forbes	CEO and Councillor Support Officer

3.2 **APOLOGIES**

Cr Glen Dellar Ashburton Ward

3.3 **APPROVED LEAVE OF ABSENCE**

Cr Thomas Tableland Ward

4. QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 27 September 2016, no public questions were tabled.

4.2 PUBLIC QUESTION TIME

The following questions were asked:

4.2.1 SHANE ROULSTON, (TOM PRICE):

Q1. Last Wednesday i attended a community briefing from the BBI group about a proposed new mine (Peaop) and the associated construction of a rail link from the mine to Balla Balla port.

The briefing indicated that during the construction stage the rail link and mine would employ around 3400 employees during the construction stage and around 700 ongoing roles in the mine operations. We were informed the construction phase is planned to commence in 2018 with the operations phase under way in 2020. The BBI spokesperson's indicated that they would like to engage and use Tom Price business and residents in the construction and mine operations phases of the project. They also indicated that they would be willing to consider a range of local employment opportunities for Tom Price including town based Administration hub as well as DIDO maintenance and service providers if there was enough community interest.

The recent mining industry downturn has seen a significant reduction in the number of residential employment opportunities in Tom Price. These reductions appear to be ongoing and continue to have a devastating impact on the viability of our community.

Given the small number of business and residential employment, opportunities currently available in Tom Price what is councils actual plan to encourage and facilitate these opportunities for the local community, businesses and residents?

If council doesn't have a plan why wouldn't they develop one to take advantage of this opportunity?

Answer:

The CEO advised that –

BBI and Shire representatives have met on several separate occasions over the last couple of years as BBI's project has progressed. Discussions at those times covered subjects such as local economic development, local residential opportunities, and community infrastructure contributions. The CEO along with several local business representatives, attended the BBI Business Presentation on 19 October. The CEO also attended the High School presentation on the same day (which promoted future job opportunities for current students) .

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The Shire of Ashburton Corporate Business Plan outlines that the Shire will support economic development and for example, has initiated land deconstraining in Tom Price to enable future housing development by both local families wishing to remain in Tom Price and also current and new businesses, like BBI.

BBI has been asked to provide a summary of information relevant to its mine development so that this can be forwarded to local businesses in Paraburdoo and Tom Price. It is important to highlight that local businesses need to promptly engage with BBI so that it can plan its commercial arrangements for both the construction, and longer term operations, of its mine.

It is also hoped that the local chamber of commerce will rebuild itself so that it can become an active advocate for local businesses to BBI. A strong local chamber will provide a valuable resource for local businesses to discuss and progress issues of common interest.

4.2.2 LOUISE SPEARING, (TOM PRICE):

Q2. 1) In regard to environmental beautification of Tom Price township, four well established trees were tree lopped approximately 4 months ago (adjacent to Muzzy's Hardware and the rear town centre car park).

Is the shire subject to annual or five yearly costings?

Who authorised the limbs of the trees to be demolished to the extent that: a) shade was eradicated, b) the business in the zone of the Muzzy Hardware carpark incurred visual distraction, c) the regrowth of what were substantial limbs has been severely inhibited, d) is this not an infringement of general enjoyment upon community, visitors, carpark users, community investment in Tom Price?

2) How many ratepayers in Tom Price?

How many ratepayers in the Ashburton Shire?

Answer:

- 1) CEO advised that he was not certain of the ownership of the land/trees and would seek further clarification. He suspected the trees may be on privately owned land and as such would have been lopped by the owners of the property and did not come under the authority of the Shire.
- 2) The CEO asked if the question could be taken on notice in order that the information could be researched.

A written response to Ms Spearing would be forwarded in answer to both the above questions (which would also be included within the November Council Meeting Agenda).

5. APPLICATIONS FOR LEAVE OF ABSENCE

Applications have been received from Cr Foster for leave of absence for the Council meeting being held on 22 November 2016.

Council Decision

MOVED: Cr Dias

SECONDED: Cr Rumble

That Council accept the application for leave of absence from Cr Foster for the Ordinary Meeting of Council being held on 22 November 2016.

CARRIED 7/0

Cr White, Rumble, Dias, Gallanagh, Diver, Foster, and Lynch voted for the motion

6. DECLARATION BY MEMBERS

6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

That Councillors White, Rumble, Dias, Gallanagh, Foster, Diver and Lynch 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

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closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.

2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

Declarations of Interest provided:

Item Number/ Name	Type of Interest	Nature/Extent of Interest
AGENDA ITEM TITLE		
14.1 FINAL ADOPTION OF AMENDMENT 31 TO REZONE LOT 26 ON DEPOSITED PLAN 216556 KILLAWARRA DRIVE, TOM PRICE FROM LOCAL SCHEME RESERVE 'PARKS RECREATION AND DRAINAGE' TO 'RESIDENTIAL' ZONE WITH AN APPLIED DENSITY CODE OF R20.		
Cr Rumble	Indirect Financial	The nature of my interest Share Holder. Sub Contractor Chandler McLeod for Sodexo – Rio Maintenance Service and the extent of my interest is Shares greater than \$10000. Amount of Shares 3800.
Cr Dias	Proximity	That nature of my interest is long serving, appreciated, dedicated and loyal employee of Rio Tinto Pty Ltd. The extent of my interest is Rio Tinto Ltd Share Holder with shares well in excess of \$10000 in value.

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Cr Gallanagh	Proximity/Financial	The nature of my interest is that my husband, son and myself are all employed by Rio Tinto. The extent of my interest is that my husband has share in Rio Tinto not in excess of \$10000.
Cr Foster	Proximity	That nature of my interest is that my partner is employed by Rio Tinto. The extent of my interest is that my partner receives a salary and reduced rent on a property from Rio Tinto and also owns 100 shares in Rio Tinto.
Cr Diver	Proximity	The nature of my interest is that I am employed by Rio Tinto Pty Ltd. The extent of my interest is that I am paid a salary by Rio Tinto Pty Ltd.
Cr Lynch	Proximity	The nature of my interest is that I am employed by owner of proximity properties (Rio Tinto). The extent of my interest is that I am paid by Rio Tinto.

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

There were no announcements without discussion by the presiding person for this meeting.

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.

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING OF COUNCIL HELD ON 27 September 2016

Council Decision

MOVED: Cr Foster

SECONDED: Cr Gallanagh

That the Minutes of the Ordinary Meeting of Council held on 27 September 2016, as previously circulated on 7 October 2016, be confirmed as a true and accurate record.

CARRIED 7/0

Cr White, Rumble, Dias, Gallanagh, Diver, Foster and Lynch voted for the motion

10. AGENDA ITEMS ADOPTED "EN BLOC"

10.1 MOVE AGENDA ITEMS '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."*

NOTE: There were no En-Bloc items.

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11. GOVERNANCE & EXECUTIVE SERVICE REPORTS

11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS SEPTEMBER 2016

MINUTE: 55

FILE REFERENCE: GV04

AUTHOR'S NAME AND POSITION: Tahnee Forbes
CEO & Councillor Support Officer

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

DATE REPORT WRITTEN: 14 October 2016

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

PREVIOUS MEETING REFERENCE: 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 Foster

SECONDED: Cr Rumble

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

CARRIED 7/0

Cr White, Rumble, Dias, Gallanagh, Foster, Diver and Lynch voted for the motion

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

MINUTE: 54

FILE REFERENCE:	GV04
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Officer Sheree Selton Administration Assistant Planning
NAME OF APPLICANT/RESPONDENT:	Not applicable
DATE REPORT WRITTEN:	14 October 2016
DISCLOSURE OF FINANCIAL INTEREST:	The authors do not have a financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	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 September 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.

Comment

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

ATTACHMENT 11.2

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

Financial Implications

As outlined in Attachment 11.2.

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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" 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 Foster

SECONDED: Cr Dias

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

CARRIED 7/0

Cr White, Rumble, Dias, Gallanagh, Foster, Diver and Lynch voted for the motion

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11.3 SCHEDULE OF ORDINARY MEETINGS OF COUNCIL FOR 2017

MINUTE: 53

FILE REFERENCE:	GV04
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	3 October 2016
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 11.3 (Minute No: 12033) – Ordinary Meeting of Council 18 November 2015 Agenda Item 11.3 (Minute No: 11864) – Ordinary Meeting of Council 15 October 2014 Agenda Item 10.4 (Minute No: 11688) - Ordinary Meeting of Council 20 November 2013 Agenda Item 10.6 (Minute No: 11586) - Ordinary Meeting of Council 17 July 2013 Agenda item 10.1 (Minute No: 11395) - Ordinary Meeting of Council 16 January 2013

Summary

It is a requirement for Council to adopt the schedule of meeting dates, times and locations for all Ordinary Meetings of Council each year.

The following are submitted to Council for approval:

1. Schedule of Meeting, times and locations. (Dates have not been proposed).
2. Commencement times for Elected Member Information Forums (EMIF).
3. Elected Member Information Forums "Carried Over" Compliance Items.

Background

In November 2015, Council adopted the meeting schedule for the entire 12 month period from January to December 2016.

This report sets out the proposed locations and commencement times of Council Meetings for the following calendar year. The dates have not been proposed for Council Meetings Elected Member Information Forums (EMIF's) for the following calendar year as at the Ordinary Meeting of Council held 18 November 2015 the dates for Council Meetings were changed in order to accommodate the working roster of two Councillors.

The Shire currently now has two vacant positions for the Tom Price Ward. Successful candidates will be sworn in at the October 2016 Council Meeting. In order to propose suitable

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dates that suit all Councillors consideration will need to be given to the availability of the two incoming Councillors.

Comment

In determining the dates, times and locations for the Ordinary Meeting of Council for the upcoming year consideration has been given to a number of factors including travel, facilitation of Elected Member Information Forums (EMIF's) with Councillors and Executive Managers and the working rosters of Councillors.

Suggested locations and times are outlined in the table below. If this proposal is adopted there will be four meetings in Onslow, four meetings in Tom Price, three meetings in Paraburdoo and one meeting in Pannawonica during the year.

It is suggested that the January 2017 meeting be scheduled for later in the month and the December 2017 meeting be scheduled for earlier in the month to best accommodate the Christmas and New Year period.

The proposed schedule is set out below.

DATE	LOCATION	TIME
Tuesday, 17 January 2017	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00 pm
Tuesday, 14 February 2017	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00 pm
Tuesday, 14 March 2017	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00 pm
Wednesday, 26 April 2017	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00 pm
Tuesday, 23 May 2017	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00 pm
Tuesday, 20 June 2017	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00 pm
Tuesday, 18 July 2017	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00 pm
Tuesday, 15 August 2017	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00 pm
Thursday, 21 September 2017	Mayu Maya Centre / Barry Lang Centre, Pannawonica	1:00 pm
Tuesday, 24 October 2017	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00 pm
Tuesday, 21 November 2017	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00 pm
Friday, 15 December 2017	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00 pm

The Council Meeting Day also includes Elected Member Information Forums (EMIF's). The EMIF's are intended to provide a forum at which Elected Members:

- Can become fully informed on matters that will be considered by Council; and
- Can raise and discuss a broad range of matters of strategic and operational significance.

This will ensure that Councillors' time and expertise to deal with strategic issues is maximised on the Council Meeting days when all Councillors are together.

The EMIF's items of business are divided into four distinct sections:

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- En Bloc Discussion
- EMIF Compliance Items
- EMIF Workshop/Presentation
- Councillor Reports on Contemporary Issues and Relevant Meetings Attended
- EMIF “Carried Over” Compliance Items

The proposed commencement times for EMIF’s is set out below.

- Tom Price / Paraburdoo: 10.00 am (2 hours available including ½ hour for Agenda Review / En Bloc items / Opportunity to bring forward issues / CEO Discussion).
- Onslow / Pannawonica: 11.00 am (1 hour available including ½ hour for Agenda Review / En Bloc items / Opportunity to bring forward issues / CEO Discussion).

A schedule has been developed for Elected Members to complete the Compulsory Annual Compliance Items not dealt with at the Council Meeting day Elected Member Information Forums. It is proposed that this forum occur on a monthly basis. The date of these forums is two weeks after the Council Meeting or as required and will be scheduled once the Council Meeting dates are set. Proposed times for EMIF “Carried Over” Compliance Items are set out below.

	DATE	TIME
Carry Over December 2016 EMIF	30 December 2016	7 pm or as required
Carry Over January 2017 EMIF	31 January 2017	7 pm or as required
Carry Over February 2017 EMIF	28 February 2017	7 pm or as required
Carry Over March 2017 EMIF	28 March 2017	7 pm or as required
Carry Over April 2017 EMIF	10 May 2017	7 pm or as required
Carry Over May 2017 EMIF	6 June 2017	7 pm or as required
Carry Over June 2017 EMIF	4 July 2017	7 pm or as required
Carry Over July 2017 EMIF	1 August 2017	7 pm or as required
Carry Over August 2017 EMIF	29 August 2017	7 pm or as required
Carry Over September 2017 EMIF	5 October 2017	7 pm or as required
Carry Over October 2017 EMIF	7 November 2017	7 pm or as required
Carry Over November 2017 EMIF	5 December 2017	7 pm or as required
Carry Over December 2017 EMIF	29 December 2017	7 pm or as required

Consultation

Chief Executive Officer
Councillors

Statutory Environment

Local Government Act 1995, Section 5.3 requires Council to hold an Ordinary Meeting not more than three months apart.

Section 5.25(g) Local Government Act 1995 indicates regulations may be made concerning the giving of public notice of the date and agenda for council or committee meetings.

Local Government Admin Regulations 12 specifies the Date, Time and Venue of Ordinary Council Meetings for the next 12 months must be advertised once a year.

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Financial Implications

Council sets aside sufficient funds in its budget to meet the cost of the advertisement and the associated Council meetings.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 03 – Council Leadership

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

Council Policy ELM01 – Council and other meetings

Council Policy ELM09 – Elected Member Information Forums

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr Foster

SECONDED: Cr Rumble

That Council:

1. **Adopt the Schedule of Ordinary Council Meeting dates, times and locations for the period January 2017 to December 2017 as outlined below.**

DATE	LOCATION	TIME
Tuesday, 17 January 2017	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00 pm
Tuesday, 14 February 2017	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00 pm
Tuesday, 14 March 2017	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00 pm
Wednesday, 26 April 2017	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00 pm
Tuesday, 23 May 2017	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00 pm
Tuesday, 20 June 2017	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00 pm
Tuesday, 18 July 2017	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00 pm
Tuesday, 15 August 2017	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00 pm
Thursday, 21 September 2017	Mayu Maya Centre / Barry Lang Centre, Pannawonica	1:00 pm
Tuesday, 24 October 2017	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00 pm

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Tuesday, 21 November 2017	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00 pm
Friday, 15 December 2017	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00 pm

2. Pursuant to section 5.25(g) of the Local Government Act 1995, give local public notice of the Schedule of Meeting dates, times and locations for the period January 2017 to December 2017.
3. Approve the commencement times for the Council Meeting Day Elected Member Information Forums as set out below:
 - Tom Price and Paraburdoo: 10.00 am.
 - Onslow and Pannawonica: 11.00 am.
4. Approve the dates and commencement times for the Elected Member Information Forums “Carried Over” Compliance Items as set out below:

	DATE	TIME
Carry Over December 2016 EMIF	30 December 2016	7 pm or as required
Carry Over January 2017 EMIF	31 January 2017	7 pm or as required
Carry Over February 2017 EMIF	28 February 2017	7 pm or as required
Carry Over March 2017 EMIF	28 March 2017	7 pm or as required
Carry Over April 2017 EMIF	10 May 2017	7 pm or as required
Carry Over May 2017 EMIF	6 June 2017	7 pm or as required
Carry Over June 2017 EMIF	4 July 2017	7 pm or as required
Carry Over July 2017 EMIF	1 August 2017	7 pm or as required
Carry Over August 2017 EMIF	29 August 2017	7 pm or as required
Carry Over September 2017 EMIF	5 October 2017	7 pm or as required
Carry Over October 2017 EMIF	7 November 2017	7 pm or as required
Carry Over November 2017 EMIF	5 December 2017	7 pm or as required
Carry Over December 2017 EMIF	29 December 2017	7 pm or as required

CARRIED 7/0

Cr White, Rumble, Dias, Gallanagh, Foster, Diver and Lynch voted for the motion

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11.4 NOTICE OF MOTION - PROPOSAL FOR NOTICE OF MOTION PROCEDURE

MINUTE: 52

FILE REFERENCE:	GV04
AUTHOR'S NAME AND POSITION:	Neil Hartley Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Cr Kerry White
DATE REPORT WRITTEN:	10 October 2016
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Agenda Item 17.3 – Ordinary Meeting of Council 27 September 2016

Summary

At the Ordinary Council Meeting held on 17 September 2016, Cr Kerry White tabled the following Notice of Motion in regard to developing a procedure for addressing Notices of Motion:

“That the CEO prepare a report on how best Council might practically manage future Notices of Motion at its meetings.”

With a high number of Notices of Motion progressing through the Council Chamber over the last several months, it is appropriate that a dedicated process for dealing with them efficiently is practiced. Providing Councillors with the option of “filtering” future Notices of Motion through a two stage process of assessment/consideration will enable an overall more efficient process to prevail, for the organisation and for the Council Meeting.

Background

The Shire’s Standing Orders like all local governments, provides for Motions of which Previous Notice has Been Given (at Local Law 5.3). In summary, it provides the right of every Councillor to lodge a Notice of Motion (or NoM); it sets minimum notice periods and highlights that the NoM should relate to the good governance of the district. It also provides for the capacity to exclude certain portions of the NoM before it progresses to Council; make amendments and provide other information relevant for Council’s considerations; and how a NoM might lapse.

Local Law 5.5 requires that NoM’s not be decided before a report is prepared for Committee/Council consideration, unless it is considered by the Council to be urgent and requiring an immediate decision.

The Shire President’s NoM to the Council Meeting of 17 September 2016 highlights that capacity to maintain a reasonable opportunity to lodge Notices of Motions at the Shire of Ashburton Council needs to be maintained, but it also needs to have suitable controls in place

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so as not to unduly burden the Council or the Organisation. The option of a staged consideration process was put forward, namely, where the NoM is given an initial consideration by Council as to whether it even wishes a Council Report to be prepared.

Comment

Over the past 10 Council Meetings, there have been 24 *Notices of which Previous Notice has been Given* lodged at Shire of Ashburton Council for consideration. Officers have endeavoured to “fast track” these by preparing reports for the next Council Meeting and in the main that has occurred. On some occasions it has been concluded that changes to Policy or practice are warranted, and on others it has been concluded that current practices and procedures do not need modification. It would seem that a “filtering process” might be of value such that it would provide Councillors with the opportunity to decide which notices of motion should be progressed to a comprehensive report, and which ones can be abandoned or addressed differently, perhaps through other administrative processes.

“Good Governance” is not a defined term in the Local Government Act, but it is a commonly used term and used mostly in the context of the role of local government leaders maintaining appropriate ethical, impartiality, and legal standards. It is considered in the context of the Standing Orders, that the more liberal definition previously permitted for notices of motion is appropriate, so that they might consider a wider range of relevant topics applicable to the Council and the Ashburton community.

There does not appear to be any reason why a Council Policy (see draft at **ATTACHMENT 11.4**) could not compliment the Local Law, such that a clear process was defined highlighting the steps to be taken to lodge and consider a Notice of Motion. A suggested alternative to the current practice could therefore be a “two stage process” as follows –

- 1) Lodgement of Notice of Motion with the CEO or Council (no changes to Standing Orders Local Law 5.3 procedures);
- 2) Reference of the Notice of Motion to Council for “first stage consideration” –
 - a) If a Notice of Motion is received 14 days prior to a Council Meeting, first consideration would be at that Council Meeting; and
 - b) If a Notice of Motion is received at a Council Meeting itself, first consideration would be at the following Council Meeting.
- 3) First Stage Consideration would involve the Notice of Motion being presented to Council by the nominating Councillor. Councillors would then vote on whether to –
 - a) seek Officers to research and provide a comprehensive report (to the next Council Meeting if practical),
 - b) abandon the proposal,
 - c) refer the matter to be dealt with administratively, or
 - d) an alternative to the above three options.

Consultation

Executive Team

Statutory Environment

Shire of Ashburton Standing Orders Local Law

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Financial Implications

Each report to Council requires varying degrees to research and officer time to reach the Council Meeting. Costs for a report would vary considerably, depending on complexity, but it would not be uncommon for a report to cost the Shire between \$1 – 2,000 each by the time it reached the Council Chamber. There is also the need for each Councillor to study each Council Agenda report before contemplating the best resolution.

Strategic Implications

Living Life – 10 Year Strategic Plan
Objective 3 – Council Leadership

Corporate Business Plan
Governance 5.1 Policies and Procedures

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk of not adopting the proposal for a Notice of Motion Procedure is considered to be "Low" but could elevate to "Medium" if a larger numbers of Notice of Motions continue to be forthcoming. These risks are considered to be manageable by routine procedures and monitoring by the CEO.

Policy Implications

A Policy might be valuable if the proposed alternative practice of dealing with a Notice of Motion is concluded as beneficial.

Voting Requirement

Simple Majority Required

Recommendation:

That Council initiate a "two stage" process of dealing with any future Notice of Motions and adopts the attached Policy (**ATTACHMENT 11.4**).

Council Decision

MOVED: Cr Dias

SECONDED: Cr Foster

That Council initiate a "two stage" process of dealing with any future Notice of Motions and adopts the attached Policy (**ATTACHMENT 11.4**). That point number 3 of the policy be deleted and exchanged with a provision where the CEO and/or President discuss the proposed Notice of Motion with the nominating Councillor following which the nominating Councillor can decide to proceed or withdraw the Notice of Motion.

CARRIED 7/0

Cr White, Rumble, Dias, Gallanagh, Foster, Diver and Lynch voted for the motion

Reason for Change: It was felt that the modified policy proposal would deal with any future notices of motion more efficiently.

12. COMMUNITY DEVELOPMENT REPORTS

12.1 INCLUSION OF THE RM FORREST MEMORIAL HALL & COUNCIL CHAMBERS ONSLOW IN THE 2016/2017 SCHEDULE OF FEES & CHARGES

MINUTE: 51

FILE REFERENCE:	RC39857
AUTHOR'S NAME AND POSITION:	Chantelle Bryce Facilities Manager – Community Development
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	12 October 2016
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Shire of Ashburton has previously offered the RM Forrest Memorial Hall to the Onslow community and business for hire with applicable fees. The schedule of Fees & Charges for the 2016/2017 annual financial year has been adopted without the inclusion of the RM Forrest Memorial Hall and Onslow Council Chambers.

To continue Council's commitment to assist the community and local business with suitable facilities to hire for events, meetings, and activities it is proposed that the fees and charges should be included in the 2016/2017 Schedule of Fees and Charges.

Background

The RM Forrest Memorial Hall Onslow has been unavailable for hire to the community and businesses of Onslow since January 2013 due to the destruction to the Onslow Shire Administration building and RM Forrest Memorial Hall. Construction of the Onslow Shire Complex and RM Forrest Memorial Hall is now complete.

The new Onslow Shire Complex has available two areas which can be hired to the Onslow community or businesses. RM Forrest Memorial Hall has the following key features available when the facility is hired, access to a kitchen, toilet amenities, projector & screen, sound system, portable stage, stage lighting, tables and chairs and also an outdoor decking area. The RM Forrest Memorial Hall is an ideal location for meetings, children's activities such as dance or discos, club/community presentations.

The Onslow Council Chambers can also be hired and would suit the needs for corporate meetings and or conferences for businesses, community groups and government agencies. The Onslow Council Chambers has the following key features available, boardroom table and chairs, projector & Screen, 2 x LCD TV's, HDMI / internet ports.

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A review of the adopted 2016/17 Schedule of Fees and Charges by Shire Officers identified that fees and charges have not been set for the two new facilities available to Onslow. To continue council's commitment to provide the community with facilities for use fees and charges need to be adopted for the 2016/17 Schedule of Fees and Charges.

Comment

It is proposed the RM Forrest Memorial Hall be available to hire 7 days a week at any times.

Onslow Council Chambers will be available for hire during Shire operating hours 9.00am to 4.00pm.

Description	Basis of Charge	Adopted Fees 2016/17
RM FORREST MEMORIAL HALL		
Commercial /Business Functions	All Day	\$220.00
	All Night	\$200.00
	Per hour day	\$30.00
	Per hour night	\$25.00
Charitable/Community & Sport Groups	All Day	\$190.00
	All Night	\$160.00
	Per hour day	\$25.00
	Per hour night	\$20.00
Note: A 50% Discount is applicable on all above venue hire charges for any junior organisation (non for profit) - booking must be specifically for children 17 years and under		

Description	Basis of Charge	Adopted Fees 2016/17
Onslow Council Chambers		
Commercial /Business Functions	Day Rate	\$275.00
Only available during 9.00am to 4.00pm Monday to Friday		
	Per hour day	\$30.00
Charitable/Community & Sport Groups	Day Rate	\$245.00
Only available during 9.00am to 4.00pm Monday to Friday		

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Consultation

Executive Manager – Community Development
Finance Manager – Corporate Services
Facilities Manager – Chantelle Bryce

Statutory Environment

Local Government Act (1995) 6.16, 6.17 and 6.19

Financial Implications

The proposed fees and charges will have minimal impact on the 2016/17 annual financial budget as operating income for this financial year was based on the 2012/13 end of year budget.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 1 – Active and Vibrant Communities

Objective 2 – Active People, Clubs and Associations

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 on this matter.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr Foster

SECONDED: Cr Dias

That Council:

- I. Adopts the charges for the RM Forest Memorial Hall and Onslow Council Chambers as indicated in the table below:

Description	Basis of Charge	Adopted Fees 2016/17
RM FORREST MEMORIAL HALL		
Commercial /Business Functions	All Day	\$220.00
	All Night	\$200.00
	Per hour day	\$30.00
	Per hour night	\$25.00
Charitable/Community & Sport Groups	All Day	\$190.00
	All Night	\$160.00
	Per hour day	\$25.00
	Per hour night	\$20.00

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Note: A 50% Discount is applicable on all above venue hire charges for any junior organisation (non for profit) - booking must be specifically for children 17 years and under		
Description	Basis of Charge	Adopted Fees 2016/17
Onslow Council Chambers		
Commercial /Business Functions	Day Rate	\$275.00
Commercial /Business Functions	Per hour day	\$55.00
Only available during 9.00am to 4.00pm Monday to Friday		
Charitable/Community & Sport Groups	Day Rate	\$245.00
Charitable/Community & Sport Groups	Per hour day	\$45.00
Only available during 9.00am to 4.00pm Monday to Friday		
<p>2. Amends the 2016/2017 Fees & Charges Schedule accordingly; and.</p> <p>3. Advertises the amended Fees & Charges for a period of 7 days in accordance with Section 6.19 of the Local Government Act 1995, with the new fees being in place from 1 November 2016.</p> <p style="text-align: right;">CARRIED 7/0</p> <p>Cr White, Rumble, Dias, Gallanagh, Foster, Diver and Lynch voted for the motion</p>		

13. CORPORATE SERVICES REPORTS

13.1 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF AUGUST & SEPTEMBER 2016

MINUTE: 50

FILE REFERENCE:	FM03
AUTHOR'S NAME AND POSITION:	Freemond Ng Finance Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	10 October 2016
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

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

Background

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

Comment

This report presents a summary of the financial activity for the following month:

August 2016

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

ATTACHMENT 13.1A

September 2016

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

ATTACHMENT 13.1B

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Consultation

Executive Manager - Corporate Service
Executive Management Team
Finance Manager
Finance Coordinator
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.

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 Rumble

SECONDED: Cr Dias

That Council:

- 1. Accepts the Financial Reports for August 2016 ATTACHMENT 13.1A; and**
- 2. Notes the Schedule of Accounts and Credit Cards paid in September 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 7/0

Cr White, Rumble, Dias, Gallanagh, Foster, Diver and Lynch voted for the motion

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13.2 APPOINTMENT OF COUNCILLORS TO VACANT COMMITTEE AND WORKING GROUP POSITIONS

MINUTE: 56

FILE REFERENCE:	GV02
AUTHOR'S NAME AND POSITION:	Jasmin Forward Corporate Services Support Coordinator
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	29 August 2016
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Following the Extraordinary Election held on 20 October 2016, Council should appoint Councillors to any vacant positions on the various committees / working groups on which it is represented.

The purpose of this report is to fill vacant positions on committees / working groups that are the result of the resignation of former Councillors, Mr Tony Bloem and Mrs Cecilia Fernandez.

Background

Former Councillor, Mr Tony Bloem, was not a Council representative to any committee / working group and as such no further appointments are necessary.

Former Councillor, Mrs Cecilia Fernandez left four positions vacant on various committee's and working groups when her resignation became effective on 23 August 2016.

Being the first Ordinary Meeting of Council following the Local Government Extraordinary Election on 20 October 2016, Council is required to give consideration to appointing Councillors to the four vacant committee / working group positions.

Comment

At the Ordinary Meeting of Council held on 21 October 2015 Mrs Fernandez was appointed to the Committee of Aging and CEO Performance Review Panel.

Two further committees were formed after the 21 October 2015. Mrs Fernandez was appointed to the Aboriginal Reference Committee and the Ordinary Meeting of Council 19 January 2016 and to the Ashburton Tourism Development Committee at the Ordinary Meeting of Council 26 April 2016.

Therefore four committee / working group positions are vacant, namely:

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1. Committee of Ageing - Member
2. CEO Performance Review Panel - Deputy Member
3. Aboriginal Reference Committee - Member
4. Ashburton Tourism Development Committee - Member

Consultation

Chief Executive Officer
Executive Managers

Statutory Environment

Local Government Act 1995, Part 5 Subdivision 2, Sections 5.8 to 5.18
Local Government (Administration) Regulations 1996 – Regulation 4.

A local government may establish (by an absolute majority) committees of three or more persons to assist the Council and to exercise the powers and discharge the duties of the Council. Council may also appoint Councillors to represent it on external committees such as those established by the State Government (e.g. Land Conservation District Committees).

A committee is to have as its members, persons appointed (absolute majority) by the local government to be members of the committee. At any given time each Councillor is entitled to be a member of at least one committee and if a Councillor nominates himself or herself to be a member of such a committee or committees, the local government is to include that Councillor in the persons appointed to at least one of those committees as the local government decides (section 5.10 Local Government Act 1995).

If at a meeting of the Council a local government is to make an appointment to a committee that has or will have a Councillor as a member and the President informs the local government of his or her wish to be a member of the committee, the local government is to appoint the President to be a member of the committee.

Where a person is appointed as a member of a committee the person's membership of the committee continues until:

- The person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;
- The person resigns from membership of the committee;
- The committee is disbanded; or
- The next ordinary election day, whichever happens first.

A committee member may resign from membership of the committee by giving the CEO or the committee's presiding member written notice of the resignation.

Financial Implications

There are no financial implications relevant to this appointment process, but expenses will be incurred to facilitate attendance at some of the listed meetings.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 05 – Inspiring Governance
Objective 03 – Council Leadership

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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

Council Policy ELM01- Council and other Meetings.

Voting Requirement

Absolute Majority Required

Council Decision

MOVED: Cr Rumble

SECONDED: Cr Foster

That Council:

1. Make the following appointment to Committees of Council -

a. Committee on Ageing

Members: Cr Diver, (in addition to existing members Foster, Thomas, White and Executive Manager Community Development)

Deputies: All other Councillors

Membership: 4 Councillors

Purpose: To recommend to Council actions regarding the provision of services for the Aged that can be considered for inclusion in the Shire's future Corporate Business Plan.

Meeting cycle: As required.

b. Aboriginal Reference Committee

Members: Cr Rumble, (in addition to existing members Thomas and Foster)

Membership: 3 Councillors

Purpose: To be a conduit and provide a forum for Aboriginal people and their communities living within the Shire of Ashburton to raise issues with the Shire on the Shire of Ashburton's business and affairs that relate to them.

To advise Council/Councillors on suggested actions the Council should consider to address relevant issues raised with and by the Committee.

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To liaise with Aboriginal people and communities located within the Shire of Ashburton to identify Local Government issues (i.e. issues within the parameters of the Shire of Ashburton's authority and responsibilities) that may affect local Aboriginal people, and to collaborate with them on the development of strategies to address those identified needs, issues and interests.

To advise and recommend to Council/Councillors on the above identified needs, issues and interests of local Aboriginal people and the most appropriate strategies to address them.

Meeting cycle: As required.

c. Ashburton Tourism Development Committee

Members: Cr Diver, (in addition to existing members White, Rumble, Dellar, Gallanagh and Thomas)

Membership: 6 Councillors

Purpose: To identify and develop strategies to promote tourism so there is a positive impact at a regional level.

To advise Council/Councillors on suggested actions the Council should consider to address relevant issues raised with and by the Committee.

With consistency to the REC07 Tourism Policy, advise and recommend to Council/Councillors on the above identified needs, issues and interests of tourism and the most appropriate strategies to address them.

Meeting cycle: As required.

2. Make the following appointment to Working Groups of Council –

a. CEO Performance Review Panel

Members: Crs White and Rumble

Membership: 2 Councillors

Deputies: (2 Councillors) Crs Foster and Dias

Purpose: Review the CEO's Performance.

Meeting Cycle: Anniversary of the CEO's contract and then biannually or as required.

CARRIED BY ABSOLUTE MAJORITY 7/0
Cr White, Rumble, Dias, Gallanagh, Foster, Diver and Lynch voted for the motion

14. DEVELOPMENT AND REGULATORY SERVICES REPORTS

Declaration of Interest

Prior to consideration of this Agenda Item:

Cr Rumble declared a (indirect financial) interest.

Cr Dias declared a (proximity) interest.

Cr Gallanagh declared a (financial and proximity) interest.

Cr Foster declared a (proximity) interest.

Cr Diver declared a (proximity) interest

Cr Lynch declared a (proximity) interest

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

14.1 FINAL ADOPTION OF AMENDMENT 31 TO REZONE LOT 26 ON DEPOSITED PLAN 216556 KILLAWARRA DRIVE, TOM PRICE FROM LOCAL SCHEME RESERVE 'PARKS RECREATION AND DRAINAGE' TO 'RESIDENTIAL' ZONE WITH AN APPLIED DENSITY CODE OF R20.

FILE REFERENCE: LP10.7.31

AUTHOR'S NAME AND POSITION: Benjamin Sharman
Town Planner

NAME OF APPLICANT/
RESPONDENT: Landcorp

DATE REPORT WRITTEN: 20 September 2016

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial interest in the proposal.

PREVIOUS MEETING REFERENCE: Agenda Item 14.1 (Minute No. 12097) -
Ordinary Meeting of Council 24 May 2016

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Summary

At its Ordinary Meeting on 24 May 2016, Council initiated Amendment 31 to the Shire of Ashburton Town Planning Scheme No. 7 (TPS7) to rezone Lot 26 on Deposited Plan 216556 from 'Parks, Recreation and Drainage' reserve to 'Residential' zone, with an applied density code of R20. This Scheme Amendment would make the subject land available for residential development.

In accordance with the requirements of the Planning and Development Act 2005, Amendment 31 has been referred to the Environmental Protection Authority and subsequently advertised for public comment.

The purpose of this report is for Council to consider the submissions received during the public advertising of Amendment 31 and determine whether to proceed to final adoption of the amendment with or without modification.

Following Council's resolution of this matter, Amendment 31 documentation will be forwarded to the Western Australian Planning Commission, along with Council's resolution and any recommended modifications for consideration and final determination by the Minister for Planning.

Background

At its Ordinary Meeting on 24 May 2016, Council initiated Amendment 31 to the Shire of Ashburton (TPS7) to rezone Lot 26 on DP 216556 from 'Conservation, Recreation & Nature Landscape' reserve, to 'Residential' zone with an applied density code of R20.

Lot 26 is a 3,891m² single allotment situated within the eastern periphery of "Area W" in Tom Price and has direct access to three street frontages being Killawarra Drive, Wilgerup Street and Wilgerup Place. The site is currently vacant Unallocated Crown Land and consists of dispersed remnant vegetation.

Strategic studies undertaken in 2011 (*Lazy Lands study*) and again in 2015 (*Newman and Tom Price Regional Hotspots Land Supply Update*) underpin this site's selection as being suitable for a rezoning to Residential. The focus of these studies was to identify unused or poorly used Crown Land in the Pilbara's main towns, and bring this land forward for development.

Also relevant is the Native Title Determination *Hughes on behalf of the Eastern Guruma People (No. 2) v State of Western Australia (WAD 6208 of 1998)* that has determined that Native Title does not exist on the subject land.

Following Council's initiation of Amendment 31, in accordance with legislative requirements, the Amendment documentation was submitted to the Environmental Protection Authority for assessment and approval to advertise.

In correspondence dated 27 June 2016, the EPA advised that the Amendment 31 required no formal level of assessment and offered standard advice with regard to the proposal.

Following advice from the EPA, Amendment 31 was advertised in the local newspaper on 3 August 2016 and directly to the following significant stakeholders:

- Department of Environment Regulation
- Department of Planning
- Department of Mines and Petroleum

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- Department of Water
- Department of State Development
- Main Roads W.A.
- Landcorp
- Rio Tinto
- Nearby landowners likely to be affected by development of the subject land.

Documentation of the proposed Amendment 31 was also made available on 3 August 2016 on the Shire of Ashburton website, a notice was placed in all Shire office notice boards and an email notification was sent to all elected members as well.

In response to this advertising, the Shire received one submission from a private resident. This submission is summarised below along with a recommended response.

Schedule of Submissions			
Author	Summary	Shire comment	Recommendation
Malcolm Boyd	Disapproves of proposed scheme amendment on the basis that there are an abundance of empty new dwellings in Tom Price, as well as there being a sufficient supply of undeveloped blocks in Tom Price already.	The proposed amendment seeks to re-zone the land for the purposes of 'land deconstraining', so that should there be another mining 'boom' and further land and housing be required in town, there will be an adequate supply ready for development. Landcorp has not indicated that it has any plans to develop the land at this stage.	No change to the amendment.
MRWA	No comment	N/A	No change to amendment.
DMP	Raises no significant issues	N/A	No change to amendment.

ATTACHMENT 14.1

Comment

The land subject to Amendment 31 has been identified through the Lazy Lands Project as surplus to public recreation requirements and is more suitable for residential development. In initiating the Amendment, Council has demonstrated ongoing support for this project that aims to ensure sufficient residential-zoned land throughout the Shire.

The site has access to all services and is largely flat requiring minimal site works to facilitate any development. There are limited known constraints to developing Lot 26, and the site also enjoys a section 16(3) clearance under the Mining Act 1978 as being earmarked for proposed residential infill. Potential constraints include vehicle access due to the current pattern of no residential lots having vehicle access from Killawarra Drive however this can be addressed when the lot is subdivided and/or developed.

Subdivision and Development Yields

Subject to a detailed site analysis, subsequent subdivision and development of the site at the proposed Residential R20 density could potentially yield up to eight lots given the 3,891m² land area and average 450m² lot size required for R20 development under State Planning Policy 3.1 – Residential Design Codes (2015).

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Consultation

Chief Executive Officer
Executive Manager, Development and Regulatory Services
Manager Operations
Manager Economic & Land Development
Manager Environmental Health
Principal Town Planner

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

The adoption of the amendment will result in a small expenditure as relates to advertising the adoption of the amendment in the Government Gazette.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 4 – 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

Local Planning Policy 20 'Social Impact Assessment'. As identified in the initiation report, a social impact assessment is ordinarily required for all proposals to amend the Scheme. Given the limited scope of the proposed amendment, its benefits and limited adverse impact on the community, no social impact assessment was required to be prepared for this amendment.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

Resolve that the Local Government pursuant to Section 75 of the Planning and Development Act 2005, amend the above Local Planning Scheme by:

1. Rezoning the following land parcel from 'Parks, Recreation and Drainage' reserve to 'Residential R20' as depicted on the amendment map:
 - a. Lot 26 Killawarra Drive, Tom Price
2. Amending the Shire of Ashburton Town Planning Scheme No. 7 Scheme Map accordingly; and
3. Endorse the Schedule of Submissions prepared in response to the consultation for Amendment 31.

The amendment is standard under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reason(s):

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1. The Amendment will have minimal impact on land in the scheme area that is not the subject of the amendment; and
2. The Amendment does not result in any significant environmental, social, economic or governance impacts on land in the Scheme area.

NOTE: The Shire President advised that due to a lack of a Quorum, this item would be deferred until the November Council Meeting.

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14.2 APPOINTMENT OF FIRE CONTROL OFFICERS

MINUTE: 57

FILE REFERENCE:	ES04
AUTHOR'S NAME AND POSITION:	Morgwn Jones Emergency Management Coordinator
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	17 October 2016
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 15.1.24 – Ordinary Meeting of Council 17 November 2010 Agenda Item 14.1 (Minute No. 12075) – Ordinary Meeting of Council 26 April 2016

Summary

Under the *Bush Fires Act 1954* a Local Government from time to time may appoint such persons as it thinks necessary to be its Bush Fire Control Officers.

With the onset of summer and the Tom Price Volunteer Bush Fire Brigade recently having held its Annual General Meeting (AGM), it is an appropriate time to review the appointments of the Shire's Fire Control Officers (FCO's).

Background

The Tom Price Volunteer Bush Fire Brigade held its AGM on 28 August 2016 and the Bush Fire Advisory Committee met on 14 October 2016. Minutes of the two meetings are attached.

ATTACHMENT 14.2A ATTACHMENT 14.2B

At the Tom Price Volunteer Bush Fire Brigade AGM a new Lieutenant was elected. Under the *Bush Fires Act 1954* a Local Government from time to time may appoint such persons as it thinks necessary to be its Bush Fire Control Officers. Officer positions serve as authorised persons on behalf of the Shire in respect to the *Bush Fires Act 1954* and are required to be appointed by Council.

Comment

With the onset of summer and some recent departures of Local Government Chief Bush Fire Control Officers within the Pilbara (who often serve as FCO's across boundaries) it is necessary to appoint new FCO's for the upcoming fire season.

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Consultation

DFES Area Manager Wayne Cooke
Tom Price Volunteer Bush Fire Brigade Officers
Bush Fire Advisory Committee

Statutory Environment

Bush Fire Act 1954 - Section 38 (1) of the Bush Fires Act 1954 – In respect of Appointing Bush Fire Control Officers, and a Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer from amongst persons so appointed.

Sec 67 of the Bush Fires Act 1954

Sec 5.8, 5.10 and 5.25 of the Local Government Act 1995.

Financial Implications

Minor costs associated with advertising the appointments in local print media.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 4 – Distinctive and Well Served Places

Objective 2 - 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 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 associated with this item at this point in time.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Revokes the previous appointments of Fire Control Officers, namely -
 - a) Mike Booth formerly CBFCO City of Karratha;
 - b) David George formerly CBFCO Shire of Exmouth; and
 - c) Andrew Norris formerly DCBFCO Shire of East Pilbara.
2. Appoints the following as Fire Control Officers for the Shire of Ashburton with all powers conferred to them by this Act including the authority to expend Shire funds in respect to firefighting/prevention activities and initiate legal proceedings for the whole of the Shire of Ashburton -
 - a) Tom Price Volunteer Bush Fire Brigade Lieutenant Wayne Hatton; and
 - b) Shire of Ashburton Senior Ranger Kyle Cameron.
3. Appoints neighbouring Chief Bush Fire Control Officers as Fire Control officers for the Shire of Ashburton with all powers conferred to them by this Act including the power to initiate legal proceedings for the areas where they share a Shire boundary -
 - a) Darrell Hutchens CBFCO City of Karratha; and
 - b) Clint Swadling CBFCO Shire of East Pilbara.

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4. The Shire of Ashburton publically advertises the revocation of previous appointments mentioned in (1) and the new appointments as per (2) and (3).

Council Decision

MOVED: Cr Dias

SECONDED: Cr Rumble

That Council:

1. Revokes the previous appointments of Fire Control Officers, as listed below -
 - a) Mike Booth formerly CBFCO City of Karratha;
 - b) David George formerly CBFCO Shire of Exmouth; and
 - c) Andrew Norris formerly DCBFCO Shire of East Pilbara.
2. Appoints the following as Fire Control Officers for the Shire of Ashburton with all powers conferred to them by this Act including the authority to expend Shire funds in respect to firefighting/prevention activities and initiate legal proceedings for the whole of the Shire of Ashburton -
 - a) Tom Price Volunteer Bush Fire Brigade Lieutenant Wayne Hatton; and
 - b) Shire of Ashburton Senior Ranger Kyle Cameron.
3. Appoints neighbouring Chief Bush Fire Control Officers as Fire Control officers for the Shire of Ashburton with all powers conferred to them by this Act including the power to initiate legal proceedings for the areas where they share a Shire boundary -
 - a) Darrell Hutchens CBFCO City of Karratha; and
 - b) Clint Swadling CBFCO Shire of East Pilbara.
4. The Shire of Ashburton publically advertises the revocation of previous appointments mentioned in (1) and the new appointments as per (2) and (3).

CARRIED 7/0

Cr White, Rumble, Dias, Gallanagh, Foster, Diver and Lynch voted for the motion

15. INFRASTRUCTURE SERVICES REPORTS

15.1 NOTICE OF MOTION - GIVE WAY SIGNAGE WYLOO ROAD / CAMP ROAD

MINUTE: 58

FILE REFERENCE:	RD08
AUTHOR'S NAME AND POSITION:	Brenton Hall Manager Operations
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	12 October 2016
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 17.1 - Ordinary Meeting of Council 27 September 2016.

Summary

At the ordinary Council Meeting held on 27 September 2016, Cr Dias tabled the following Notice of Motion.

"Can the CEO please provide a report to Council as to the reason a Give Way has been installed at the Wyloo Road / Camp Road intersection in Paraburdoo and yet we cannot get approval for a Give Way Sign at the Rocklea Road / Ashburton Road intersection as this intersection has more than twice the traffic than the Wyloo / Camp Road intersection."

Consultation with Main Roads WA indicates that it will need to investigate how the signs were installed.

Background

Cr Dias has previously requested the installation of a Give Way sign at the Rocklea Road / Ashburton Avenue intersection. The installation of a Give Way sign requires the approval of Main Roads WA. Main Roads WA has previously advised that it would not approve the installation of a Give Way sign as its installation did not satisfy the requirements outlined in the Australian Standard, AS 1742 – Part 2.

Comment

The Shire did not request the installation of the Give Way sign at Wyloo Road / Camp Road intersection or a Give Way sign at Turner Road / Camp Road intersection.

Main Roads WA has been consulted regarding the installation of the Give Way signs at both locations. Main Roads WA has advised *"a desk top review indicates that the Give Way signs installed at the T intersection of Turner Rd / Camp Road and Wyloo Rd / Camp Road is not warranted"*. Main Roads WA will be investigating how the signs were installed. It is presumed given that Main Roads WA has advised the signs are not warranted that Main Roads WA would remove the signs.

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Consultation

Main Roads WA – Network Operations Manager

Statutory Environment

Not applicable as Main Roads WA has installed the sign.

Financial Implications

There are no financial implications.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 04 – Distinctive and well serviced places

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 is considered to be "Low" risk and can be managed by routine procedures, and is unlikely to need specific application of resources.

Policy Implications

None identified as Main Roads WA installed the signs.

Voting Requirement

Simple Majority Required

Recommendation:

That Council acknowledges:

1. The Give Way signs on Wyloo Road / Camp Road and Turner Road / Camp Road have not been installed by the Shire.
2. Main Roads WA is investigating how the Give Way signs Wyloo Road / Camp Road and Turner Road / Camp Road were installed.

Council Decision

MOVED: Cr Rumble

SECONDED: Cr Dias

That Council acknowledges:

1. The Give Way signs on Wyloo Road / Camp Road and Turner Road / Camp Road have not been installed by the Shire.
2. Main Roads WA is investigating how the Give Way signs Wyloo Road / Camp Road and Turner Road / Camp Road were installed.
3. CEO to report back to Councillors on or before March 2017 OCM with progress of the Main Road investigation and expected timeline on any action being finalised.

CARRIED 7/0

Cr White, Rumble, Dias, Foster, Gallanagh, Diver and Lynch voted for the motion

Reason for change: To keep Councillors informed of the position taken by MRWA.

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15.2 PROJECT UPDATE - PROPOSED ONSLOW WASTE MANAGEMENT FACILITY

MINUTE: 59

FILE REFERENCE:	WM07
AUTHOR'S NAME AND POSITION:	Michelle Tovey
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	29 September 2016
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 15.1 (Minute No. 11837) – Ordinary Meeting of Council 20 August 2014 Agenda Item 14.10 (Minute No. 11681) – Ordinary Meeting of Council 16 October 2013

Summary

Under the Ashburton North State Development Agreement (Wheatstone Project), Chevron is required to make a capped contribution of \$2 million to develop a new Class IV waste management facility (WMF) in Onslow.

Consultants conducted a Site Selection and Feasibility Study for a WMF in 2014. The report pertaining to this matter was presented to Council in August 2014, with Council resolving to, amongst other things, request that the Chief Executive Officer reports back to Council the results of [additional planning works] for further Council consideration on the eventual proposed design and business delivery model of the Waste Management Facility.

Additional research conducted since that Council resolution has reaffirmed the previous finding, being that a single landfill developed to Class IV standard is the most sustainable option.

Therefore, it is recommended that Council note the Revised Feasibility Report and Onslow Waste Disposal Strategy and authorise the Chief Executive Officer to proceed with the necessary site investigation, planning, approval, consultation and design works required to progress the Waste Management Facility at the Preferred Site ('Site10') in Onslow to a Class IV standard.

It is important to note that it is not proposed that final design or construction commences until further investigations have been conducted and the findings presented to Council for endorsement.

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Background

Development of the Onslow town site residential areas and commercial / industrial areas will place pressure on Onslow's waste infrastructure through the generation of greater volumes and more complex waste streams. The Shire closed and rehabilitated the former Onslow Landfill site in 2015. Therefore, a new waste management facility is required to meet this demand, as well as appropriate siting, design and operational standards.

The delivery of a new Waste Management Facility will take approximately 3-4 years but in the interim, the Shire's Waste Transfer Station (WTS) will accept and consolidate waste materials before haulage to a suitable alternative landfill facility.

Under the Ashburton North State Development Agreement (Wheatstone Project), Chevron is required to make a capped contribution of \$2 million to develop a new Waste Management Facility (WMF). This financial contribution has been managed through multiple Project Implementation Plans (PIPs) and is contingent upon the facility meeting Chevron's environmental standards of a Class IV facility.

Consultants conducted a Site Selection and Feasibility Study for the WMF in 2014, funded under Waste Management PIP1 of the Critical Services Infrastructure program for the Chevron Wheatstone project.

The report pertaining to this matter was presented to Council in August 2014, with Council resolving to, amongst other things, *request that the Chief Executive Officer reports back to Council the results of [additional planning works] for further Council consideration on the eventual proposed design and business delivery model of the Waste Management Facility.*

This project (Waste Management PIP2) included the following stages (of which the first three stages are now complete):

1. Engagement with local and regional waste generators;
2. Review of potential funding programs;
3. Reassessment of the project feasibility;
4. Contract delivery framework assessment;
5. Market sounding; and
6. Finalisation of Preferred Contract Delivery Model.

The Revised Feasibility Report (**ATTACHMENT 15.2A**) reassessed the capital and operating costs of the proposed WMF. The total cost for all capital works during the 20 year operational life of the landfill reduced from the original estimate, primarily due to the decreased cost of construction in the region.

The projected waste tonnages over the estimated lifetime of the landfill were also updated to reflect the most current data. The Revised Feasibility Report reaffirmed that the most sustainable option is a single landfill built to Class IV standards (i.e. a double-lined landfill with leachate collection) as it has the lowest overall cost per tonne; it best caters for growth (residential/commercial/industrial); guarantees against the 5,000 tonne per year limit of a Class II facility; and maximizes the possibility to form a partnership with a commercial waste service provider.

A broader Onslow Waste Study (**ATTACHMENT 15.2B**) was also undertaken concurrently to allow Council to compare this scenario with other waste management alternatives. The options assessed included;

- Option 1A - Bulk Haulage to Tom Price from WTS
- Option 1B - Bulk Haulage to Tom Price from WTS (with compaction system)
- Option 2A - Bulk Haulage to Karratha (Seven Mile) from WTS

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- Option 2B - Bulk Haulage to Karratha (Seven Mile) from WTS (with compaction system)
- Option 3A - Bulk Haulage to Karratha (Disposal at Waste to Energy (WtE))
- Option 3B - Bulk Haulage to Karratha (Disposal at WtE with compaction system)
- Option 4 - Site 10 Class II
- Option 4 - Site 10 Class II (no WTS)
- Option 5A - Site 10 Class III/IV (High Scenario Class IV regional waste)
- Option 5A - Site 10 Class III/IV (High Scenario Class IV regional waste with no WTS)
- Option 5B - Site 10 Class III/IV (Low Scenario Class IV regional waste)
- Option 5B - Site 10 Class III/IV (Low Scenario Class IV regional waste with no WTS)
- Option 6 - Alternative Site* Class II
- Option 6 - Alternative Site* Class II (no WTS)
- Option 7 - Site 10 Class III
- Option 7 - Site 10 Class III (no WTS)
- Option 8 - Alternative Site* Class II (Trench)
- Option 8 - Alternative Site* Class II (Trench with no WTS)

(*Alternative site – means an alternative site to Site 10 that meets the requirements of a Class II landfill, preferably within 15km of the town. An assessment hasn't been undertaken at this stage, therefore it is not known if there are other potential sites that meet these criteria.)

A financial assessment was also undertaken for each of these scenarios, with the more relevant findings summarised below.

Option	Initial Planning Cost	Initial Capital Cost	Average Annual Net Cost	Average Cost Per Tonne of Managing Waste
Option 5A and 5B Site 10 Class III/IV (Low and High Scenarios)	\$600,000 (covered under PIP)	\$9.5 – 10m (approx. \$1m received from PIP)	\$0.8 – 1m	\$197 - 252
Option 8 Alternative Site Class II (Trench Ops)	\$350,000 (Shire cost)	\$4.9m	\$1.2m	\$306
Option 6 Alternative Site Class II	\$450,000 (Shire Cost)	\$7m	\$1.5m	\$373
Option 4 Site 10 Class II	\$450,000 (Shire Cost)	\$7.3m	\$1.6m	\$388
Option 7 Site 10 Class III	\$600,000 (Shire Cost)	\$8.1m	\$1.8m	\$438

Comment

The Onslow Waste Disposal Strategy demonstrates that the haulage of waste from Onslow is not a viable long term option and a waste management facility is required in Onslow to service the long term needs of the community.

In assessing potential project delivery models, the current thinking is that the Shire would best protect its interests if it were to retain responsibility for land ownership, approvals, facility design and post-closure management, but best protect its risk levels by having capital funding, facility construction and facility operation delivered by the private sector (under a Build-Own-

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Operate-Transfer (BOOT) or similar type model). However, reaching a final position on this will not be known until further research can be completed.

Establishing any class of WMF requires a great deal of preparatory work. The next stage of the project includes an assessment of the potential contract delivery framework, market sounding with waste service providers and finalisation of preferred contract delivery model. Importantly, whilst costs will vary dependent on the option eventually chosen by Council, it is largely the same initial planning pathway of site investigations, heritage, land tenure and approvals for any class facility (as generally indicated in the table above in the "Initial Planning Cost" column). The proposed eventual WMF design, business model and financial delivery model will flow out of this planning process and be presented to Council for consideration on completion of the items outlined above.

Therefore, it is recommended at this time that the Shire continues to pursue the option of developing a Class IV landfill and it is proposed that Council note the Revised Feasibility Report and Onslow Waste Disposal Strategy and authorise the Chief Executive Officer to proceed with the necessary site investigation, planning, approval, consultation and design works required to progress the Waste Management Facility at the Preferred Site ('Site10') in Onslow to a Class IV standard.

Consultation

Chief Executive Officer

Executive Manager – Infrastructure Services

Manager - Waste & Recycling, WALGA

Talis Consultants

Executive Director – Strategic Infrastructure, Department of State Development

Project Officer - ANSIA Project, Department of State Development

Team Lead – Social Infrastructure (Wheatstone), Chevron Australia

Project Team Lead - Community and Essential Infrastructure (Wheatstone), Chevron Australia

Statutory Environment

Local Government Act 1995

Landfill Waste Classification and Waste Definitions 1996

Environmental Protection Regulations 1987

Environmental Protection (Rural Landfill) Regulations 2002

Financial Implications

Under the Ashburton North State Development Agreement (Wheatstone Project), the development of a Class IV Waste Management Facility will result in a total of \$2 million of external funding from Chevron. Some funds have already been claimed for work thus far performed. Moving forward, it is proposed for expediency and to address the possibility that a Class IV facility might not be approved by Council following the study's conclusion that the Shire work with Chevron and Department of State Development to develop a single Project Implementation Plan (PIP) for the remaining funds (approximately \$1.75m) with that payment being contingent on delivering a Class IV facility. The consequence is that Shire would need to fund those preliminary activity costs and would not be reimbursed if it chooses not to eventually progress the project or to provide the Class IV service.

It is also important to note that it is not proposed that final design or construction commences until further investigations have been conducted and the findings presented to Council for endorsement.

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 02 – Enduring Partnerships

Objective 01 – Strong Local Economies

Objective 02 – Enduring Partnerships with Industry and Government

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. Overall, the perceived level of risk is considered to be "Medium" risk and will be managed by specific monitoring and response procedures.

A risk management plan has also been developed in accordance with the Project Implementation Plan (PIP). This will be monitored by the Project Group, including the Executive Manager Infrastructure Services as Project Director, throughout the development of the project.

Policy Implications

FIN12 Procurement Policy

CORP5 Risk Management Policy

ENG09 Asset Management Policy

ELM10 Financial Sustainability Policy

Voting Requirement

Simple majority required.

Council Decision

MOVED: Cr Rumble

SECONDED: Cr Dias

That Council:

- 1. Note the Revised Feasibility Report (ATTACHMENT 15.2A) and Onslow Waste Disposal Strategy (ATTACHMENT 15.2B);**
- 2. Authorise the Chief Executive Officer to proceed with the necessary site investigation, planning, approval, consultation and design works required to progress the Onslow Waste Management Facility at the Preferred Site ('Site10') in Onslow to a Class IV standard; and**
- 3. Request that the Chief Executive Officer report back for further Council consideration, the results of (2), including a proposed design and business delivery model for a new Onslow Waste Management Facility.**

CARRIED 7/0

Cr White, Rumble, Dias, Gallanagh, Foster, Diver and Lynch voted for the motion

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15.3 MANAGEMENT OF SCRAP STEEL AT SHIRE WASTE MANAGEMENT FACILITIES

MINUTE: 60

FILE REFERENCE:	WM02
AUTHOR'S NAME AND POSITION:	Troy Davis Executive Manager Infrastructure Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	18 October 2016
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not applicable

Summary

There have been recent queries received regarding the management of scrap steel at the Shire's Waste Management Facilities (WMF's). Principally these queries have related to the method of calculating the amount of steel being brought in and the fees applied.

This agenda item serves to explain the current process and recommends an option to remove any ambiguity in the process.

Background

There have been recent queries received regarding the management of scrap steel at the Shire's Waste Management Facilities. Principally these queries have related to the method of calculating the amount of steel being brought in and the fees applied.

Currently all 3 WMF's receive and charge for waste volumetrically (i.e. by the cubic metre). Waste volumes are estimated by the gatekeeper and generally commercial sized waste is received in skip bins or trucks that have a designated volume (e.g. 6 cubic metre skip bin, 10 cubic metre tip truck). Where possible, the gatekeeper may assess a 'half load' of material, however it is too difficult to estimate a percentage of a load beyond that level of accuracy.

There is also no consideration of the compaction of the material in the bin/truck as, again that is beyond the capacity of the gatekeeper to achieve a consistent level of accuracy.

The applicable fees and charges are set by Council as part of the budget process and the current rate for scrap steel is \$22 per cubic metre. Based on the Western Australian Waste Authority conversion factor for loose steel (0.5 tonnes/m³) the gate fee charged equates to approximately \$44 per tonne.

The recent engagement to have scrap steel removed from the Tom Price and Paraburdoo WMF's cost \$40 per tonne for light steel and \$82 per tonne for heavy steel. The total cost to remove the 1,800 tonnes of steel stockpiled was approximately \$80,000 (ex GST).

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The Strategic Waste Management Plan endorsed by Council in December 2015 presented a Waste Management Hierarchy (Diagram 1). The hierarchy lists waste management options in the order of preference according to their sustainability and environmental impacts.



Diagram 1 – Waste management Hierarchy

Disposing of waste is the least preferred method as it typically involves burying it. This is the Shire's current practice for most waste streams. Burying waste takes up valuable air space in the landfill and requires considerable volumes of soil for coverage as the steel cannot be readily compacted and significant voids would still be present and need to be filled.

Shire staff have determined that the cost to bury the steel would have been around \$100,000, which is slightly more than the cost of removal. It has also been estimated that burying 1,800 tonnes of loose steel would have reduced the life of land fill by 3 months due to the extra air space and soil being used.

Comment

The preferred method of calculating the amount of waste being transported into the Shire WMF's is via a weighbridge. Tom Price WMF is in the process of having a weighbridge installed to remove the obvious issues with calculating waste volumetrically but also because all our reporting to the Department of Environment Regulation is mass (tonnage) based. The cost of providing the weighbridge and associated infrastructure is approximately \$250,000.

The future Onslow WMF has a weighbridge included in the preliminary design, therefore there is only an immediate consideration for the Paraburdoo WMF.

Should Council then decide to charge on a 'cost neutral' basis, scrap steel would cost approximately \$50 per tonne which is marginally more than current arrangements.

Consultation

Chief Executive Officer
Operations Manager

Statutory Environment

Nil

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Financial Implications

Should Council decide that a weighbridge should be installed at Paraburdoo WMF, there will need to be a budget of \$250,000 provided for. Amendments to fees and charges could also be made to offset that capital expenditure.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 04 – Distinctive and well serviced places

Objective 02 – Accessible and safe 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", to be managed by routine procedures and unlikely to need specific application of resources.

Policy Implications

There were no policy implications for this matter.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Notes the current process of managing scrap steel at its Waste Management Facilities;
2. Resolves to maintain the current process;
3. Resolves to consider a budget allocation of \$250,000 towards the construction of a weighbridge facility at the Paraburdoo Waste Management Facility in 2017/2018.

Council Decision

MOVED: Cr Dias

SECONDED: Cr Gallanagh

That Council:

1. **Notes the current process of managing scrap steel at its Waste Management Facilities; and**
2. **Resolves to maintain the current process.**

CARRIED 7/0

Cr White, Rumble, Dias, Gallanagh, Foster, Diver and Lynch voted for the motion

Reason for change: It was felt more appropriate to monitor the current scrap metal charge process before considering the need for a budget allocation for a weighbridge.

- 16. STRATEGIC AND ECONOMIC DEVELOPMENT REPORTS
- 17. COUNCILLORS AGENDA ITEMS / NOTICES OF MOTIONS
- 18. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

Council Decision

MOVED: Cr Dias

SECONDED: Cr Gallanagh

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

19.1 CONFIDENTIAL ITEM – INDUSTRIAL RELATIONS ADVICE.

CARRIED 7/0

Cr White, Rumble, Dias, Gallanagh, Foster, Diver and Lynch 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;*
- (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.*

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Council Decision

MOVED: Cr Rumble

SECONDED: Cr Gallanagh

That Council close the meeting to the public at 2.02pm pursuant to sub section 5.23 (2) (a) of the Local Government Act 1995.

CARRIED 7/0

Cr White, Rumble, Dias, Gallanagh, Foster, Diver and Lynch voted for the motion

Council Decision

MOVED: Cr Gallanagh

SECONDED: Cr Rumble

That Council adjourn for a short break at 2.02pm

CARRIED 7/0

Cr White, Rumble, Dias, Gallanagh, Foster, Diver and Lynch voted for the motion

Staff left the meeting room at 2.02pm (with the exception of Chief Executive Officer, Executive Officer and CEO and Councillor Support Officer.)

Council Decision

MOVED: Cr Gallanagh

SECONDED: Cr Dias

That Council reconvene the meeting at 2.19pm

CARRIED 7/0

Cr White, Rumble, Dias, Gallanagh, Foster, Diver and Lynch voted for the motion

The CEO and the Shire's legal counsel, Peter Kyle & Co., briefed the Council on progress with the Onslow Lot 9500 land sale dispute.

Note: No Council resolution applicable.

Staff left the room at 2.52pm

MINUTES - ORDINARY MEETING OF COUNCIL 25 OCTOBER 2016

19.1 CONFIDENTIAL ITEM - INDUSTRIAL RELATIONS ADVICE

MINUTE: 62

FILE REFERENCE:	GV05
AUTHOR'S NAME AND POSITION:	Not Applicable
NAME OF APPLICANT/RESPONDENT:	Cr K White
DATE REPORT WRITTEN:	25 October 2016
DISCLOSURE OF FINANCIAL INTEREST:	Not Applicable
PREVIOUS MEETING REFERENCE:	Not Applicable

Council Decision

MOVED: Cr Gallanagh

SECONDED: Cr Lynch

That Council

- 1) Note the responses from the CEO;
- 2) Seek WALGA's advice in preparing Council a list of independent auditors to carry out an internal review that the organisation has complied with Section 5.40 of the Local Government Act. Council to appoint the auditor; and
- 3) That the 2016 CEO performance review process be commenced.

CARRIED 7/0

Cr White, Rumble, Dias, Foster, Gallanagh, Diver, Lynch voted for the motion

MINUTES - ORDINARY MEETING OF COUNCIL 25 OCTOBER 2016

Council Decision

MOVED: Cr Dias

SECONDED: Cr Gallanagh

That Council re-open the meeting to the public at 3.57pm.

CARRIED 7/0

Cr White, Rumble, Dias, Foster, Gallanagh, Diver, Lynch voted for the motion

Staff re-entered the room at 3.57pm. and the CEO read out the resolutions passed.

20. NEXT MEETING

The next Ordinary Meeting of Council will be held on 22 November at the Ashburton Hall, Ashburton Avenue, Paraburdoo, commencing at 1.00 pm.

21. CLOSURE OF MEETING

The Shire President declared the meeting closed at 3.59 pm.