

Ordinary Meeting of Council

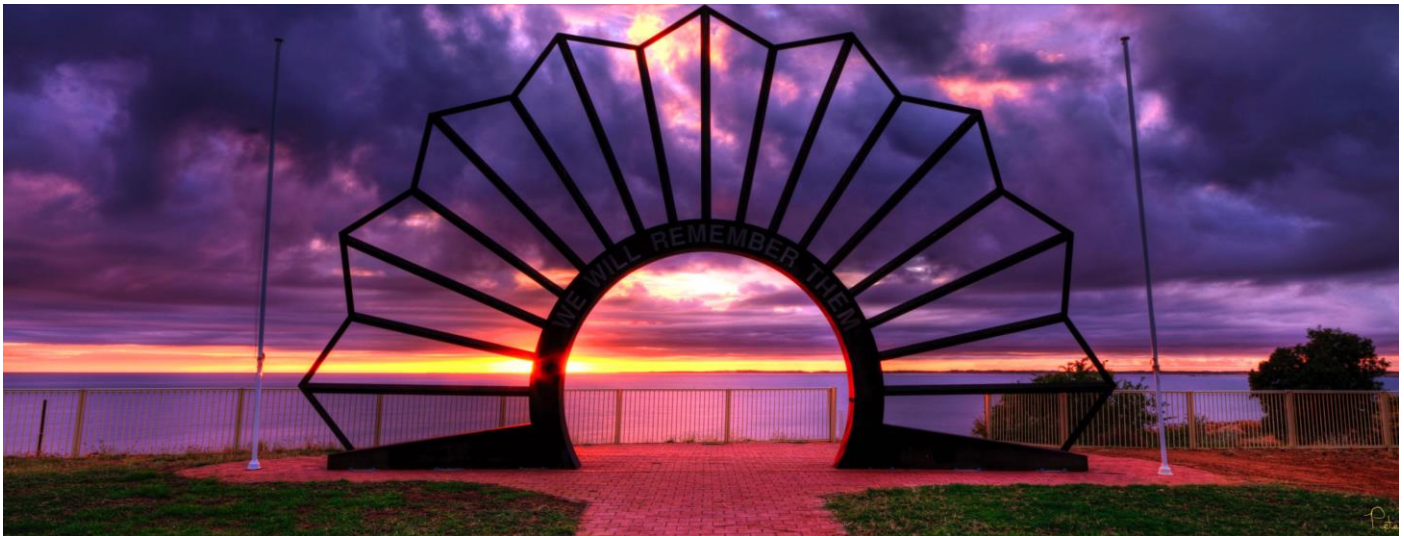
Onslow



Agenda – Public Document

9 December 2015

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



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

Our Vision

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



Our Mission

Working together, enhancing lifestyle and economic vitality



Community Goals

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

Future Focus

The next four years will see a strong focus on:

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



**SHIRE OF ASHBURTON
ORDINARY MEETING OF COUNCIL**

**AGENDA
(Public Document)**

**Onslow Multi-Purpose Centre, Cnr
McGrath Rd and Hooley Ave, Onslow
9 December 2015
1.00 pm**

AGENDA - ORDINARY MEETING OF COUNCIL 9 DECEMBER 2015

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 9 December 2015 at Onslow Multi-Purpose Centre, Cnr McGrath Rd and Hooley Ave, Onslow commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.

Neil Hartley
CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

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1. DECLARATION OF OPENING

2. ANNOUNCEMENT OF VISITORS

3. ATTENDANCE

3.1 PRESENT

Cr K White	Shire President, Onslow Ward
Cr L Rumble	Deputy Shire President, Paraburdoo Ward
Cr D Dias	Paraburdoo Ward
Cr L Thomas	Tableland Ward
Cr P Foster	Tom Price Ward
Cr A Bloem	Tom Price Ward
Cr M Gallanagh	Pannawonica Ward
Cr G Dellar	Ashburton Ward
Mr N Hartley	Chief Executive Officer
Ms A Serer	Executive Manager, Strategic & Economic Development
Ms L Reddell	Executive Manager, Development & Regulatory Services
Mr M Sully	Executive Manager, Community Development
Mr T Davis	Executive Manager, Infrastructure Services
Mr F Ludovico	Executive Manager, Corporate Services
Mr A Patterson	Principal Town Planner
Ms J Smith	Executive Officer CEO
Miss J Forward	CEO & Councillor Support Officer

3.2 APOLOGIES

3.3 APPROVED LEAVE OF ABSENCE

Cr C Fernandez Tom Price Ward

4. QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 18 November 2015, the following questions were taken on notice and a written response will be provided.

4.2 PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

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6. DECLARATION BY MEMBERS

6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

That Councillors have given due consideration to all matters contained in the Agenda presently before the meeting.

6.2 DECLARATIONS OF INTEREST

Councillors to Note

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

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

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

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

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

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

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

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

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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.

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- 7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**
- 8. PETITIONS / DEPUTATIONS / PRESENTATIONS**
 - 8.1 PETITIONS**
 - 8.2 DEPUTATIONS**
 - 8.3 PRESENTATIONS**
- 9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
 - 9.1 ORDINARY MEETING OF COUNCIL HELD ON 18 NOVEMBER 2015**

Officer's Recommendation

That the Minutes of the Ordinary Meeting of Council held on 18 November 2015, as previously circulated on 25 November 2015, be confirmed as a true and accurate record.

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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."*

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11. GOVERNANCE & EXECUTIVE SERVICE REPORTS

11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS NOVEMBER 2015

FILE REFERENCE:	GV04
AUTHOR'S NAME AND POSITION:	Jasmin Forward CEO & Councillor Support Officer
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	1 December 2015
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
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

Recommendation

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

Author: Jasmin Forward	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 9 DECEMBER 2015

11.2 USE OF COMMON SEAL AND ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF NOVEMBER 2015

FILE REFERENCE:	GV21
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Officer Susan Babao Administration Assistant Planning
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	1 December 2015
DISCLOSURE OF FINANCIAL INTEREST:	The authors have no 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 November 2015.

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 2015.

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

Recommendation

That Council accept the report *"11.2 Use of Common Seal and Actions Performed Under Delegated Authority for the Month of November 2015"*.

Author: Janyce Smith	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 9 DECEMBER 2015

11.3 PARTICIPATION OF COUNCILLORS IN EASTXWEST FORUM

FILE REFERENCE:	GV03
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	27 November 2015
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The EASTxWEST Forum is a yearly event hosted by the Pilbara and Kimberley regions on alternate years. In previous years it has been called the Pilbara Kimberley Forum.

The EASTxWEST Forum 2016 is to be held in Shenzhen, China, from 11-13 April, 2016.

The purpose of this report is to seek Council's consideration of Councillor/Officer participation.

Background

The EASTxWEST Forum is a yearly event hosted by the Pilbara and Kimberley regions on alternate years. In previous years it has been called the Pilbara Kimberley (PK) Forum.

The EASTxWEST Forum 2016 is to be held in Shenzhen, China between April 11-13, 2016 (venue to be finalised). The forum will involve travel between Perth and Shenzhen and accommodation in China for three nights to participate in a 3-day conference.

The conference is centred around five streams (cultural exchange, education, investment, tourism, and migration) and will also include a site visit to a successful Chinese special economic zone. The Forum will also offer specific investment matching opportunities for project proponents seeking to attract Chinese investment into projects that contribute to the development of northern Australia.

The event will be held in conjunction with "*Australia Week*" in China (delegation arranged by Minister for Trade and Investment), Hon Andrew Robb AO MP through the Australian Trade Commission. Due to this, the Pilbara Regional Council has put on hold a decision to choose the accommodation location in Shenzhen. It will be ascertained whether it is timely and cost effective to co-locate with the Australia Week in China venue, however Austrade are yet to progress its planning on that matter. The Pilbara Regional Council remains in close contact with all Partners and Austrade in order to manage this decision carefully, weighing the potential efficiencies of co-location against the timelines for EASTxWEST Forum invitations.

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Comment

Travel will be arranged by the Pilbara Regional Council with flights through Singapore Airlines (a sponsor of the event).

The Pilbara Regional Council will take carriage of organising the event, and registration covers all associated costs and planning such as flights, accommodation and catering.

The cost of registration is significantly subsidised by the Pilbara Regional Council, with each registration ticket \$1,000 per delegate by the Pilbara Regional Council.

The Forum offers an avenue to stimulate understanding, collaboration and fresh thinking for the future of the pivotal relationship between China and Australia's north west.

Partner Group:

The Pilbara Regional Council has developed a strong group of Event Partners over the course of several months and is finalising an agreement with Austrade to be included as an Event Partner.

With the Pilbara Regional Council, the Pilbara Development Commission and the Australian Trade Commission, the EASTxWEST Forum will have representation from all three levels of Australian government. The Kimberley Regional Collaborative Group will ensure that the Kimberley region is well represented, and Kimberley Councils are encouraged to develop further their level of engagement in the Forum.

Combined with the peak Australia-China business council in Australia (ACBC WA) and the peak China-Australia chamber of commerce in China (AustCham Beijing), the Partner Group is a deeply collaborative body of experts with unique skill sets to offer.

The event will leverage the regional connections the Pilbara Regional Council, the Kimberley Group and Pilbara Development Commission have in the North West to project proponents, and through the direct connections with the Chinese investor community from Partners ACBC and AustCham, facilitate brokered conversations to encourage foreign direct investment in North West projects. Targeted project size has been specifically crafted to fall below the Department of State Development's threshold of \$50 million, and the Pilbara Regional Council believes that it can have a positive influence on the economic development of the region through enhanced cultural connections.

Sponsors:

The Pilbara Regional Council has engaged the business and government communities to gauge their level of interest in financially supporting the event. Thus far, just over two thirds of required funds have been found from organisations such as Curtin University, the Pilbara Development Commission, Singapore Airlines, RSM Australia and Finbar Port Hedland. A whole series of confidential conversations are currently underway with several potential sponsors in order to ensure the event is fully funded. This is complemented by a significant project budget from the Pilbara Regional Council and an expected income from ticket sales.

The Pilbara Regional Council has also been careful in selecting the right sponsors for the event, given its strategic intent and planned activities. As sponsors receive complimentary attendance at the event, the Pilbara Regional Council has ensured that sponsors are selected for their specific expertise and ability to contribute to the event. For example, under a *Memorandum of Understanding*, sponsorship agreement and State Government-awarded contract, the Pilbara Regional Council will work with the Pilbara Development Commission

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and RSM Australia to provide project proponents with the necessary advice and services to develop their projects to an 'Investment Memoranda' stage to ensure high quality business development planning has been done before seeking capital.

Speakers:

The Pilbara Regional Council has sought to develop a strong list of world-class speakers from the region, State and Federal Government and China. Given the recent changes to the dates of the event, the Pilbara Regional Council will be re-confirming the availability of key speakers directly, and developing a draft program for the view of the Partner Group.

Several high profile leaders have been sought out such as Deputy Prime Minister Warren Truss MP; Hon Senator Michaelia Cash; and Hon Bob Carr (Former Foreign Minister and current Director of the Australia China Relations Institute at the University of Technology Sydney). At this stage these speakers are unconfirmed.

Other speakers who have preliminarily confirmed their availability to speak at the event are:

- Hon Ben Wyatt, Shadow Minister for Aboriginal Affairs
- Mr Adam Handley, President, ACBC WA
- Mr Kobus van der Wath, Founder & Group Managing Director, The Beijing Axis
- Mr John Hartley, Director and CEO, Future Directions International
- Professor Allen Dale, Northern Australia Alliance
- Mr Richard Offen, Executive Director, Heritage Perth
- Mr Bruce Cheung, Chairman, Pardoo Beef Corporation
- Mr Jack Archer, CEO, Regional Australia Institute
- Mr Matt Tobin, Managing Director, Urban Art Projects
- Mr Cameron Crowe, Executive Director, Leave No Trace Australia

The Pilbara Regional Council will also seek to align the EASTxWEST Forum's program to take advantage of the potential to share speakers across between the Forum and *Australia Week* in China activities.

Streams:

The Pilbara Regional Council has identified five streams (cultural, investment, education, migration and site visit) with the intent to discuss the development of the North West in the context of diversification and maturation of the economy. The Forum should also provide Chinese investors with a one-stop-shop of all relevant information about Australia's North West including Special and Premium Investor VISAS, education options, investment opportunities and cultural experiences unique to the region.

On the expert advice of Event Partner ACBC through its President Adam Handley, the event is subtitled "A Trade, Investment and Cross-Cultural Exchange", and has been described by Pilbara Regional Council CEO Tony Friday as '*cultural connections as precursors to commercial connection*'. In this way the streams should not be interpreted as separate trains of thought or segments of the Forum, but rather as the overarching Forum themes.

Additional stakeholder engagement:

Along with the world-class advice provided by partners such as ACBC through its President and Managing Partner of Minter Ellison law firm, Adam Handley, the Pilbara Regional Council has sought external counsel. This has come mainly from department heads and

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industry experts, and is in order to provide the event with a solid foundation of support, layers of fact-checking and various levels of expertise otherwise unavailable to the project.

To date the Pilbara Regional Council has met with and discussed the project with the Department of State Development, the Department of Foreign Affairs and Trade, the Office of the Minister of Trade and Investment, the Australian Trade Commission, the China-Australia Chamber of Commerce and Industry, the Chamber of Commerce and Industry WA and Office of Western Australia in Beijing.

Target Audience

The EASTxWEST Event has been developed as an “invite-only” event, with the intention of having “the right people in the same place at the right time” for the purpose of developing the North West. There has, however, been some robust discussion around the appropriateness of the attendance of Chinese delegates, what costs they would have to pay and what Government official would be most appropriate to invite. Expert counsel from ACBC staff has led to the development of a Chinese-language “Forum Snapshot” outlining exactly what benefit the event may be to potential Chinese delegates.

This issue remains very much open for debate and discussion amongst the Partner Group, and will continue to be shaped by various views over the course of the next month. The Pilbara Regional Council believes that each Partner can contribute to the event through recommending delegates. Organisations like ACBC and AustCham - who have extensive connections in China - have been encouraged to make recommendations to the Group on which Chinese officials or organisations should be invited.

The PRC continues to rely on each Partner’s area of expertise and unique perspective to formulate a delegate list that will best suit the economic development, cultural exchange and knowledge sharing functions of the event. This invitation list will also be carefully crafted to ensure the right members of the Chinese investor community are present at the event, dependent upon the exact content, number and types of project proponents that Event Partner the Pilbara Development Commission recommends.

Consultation

Pilbara Regional Council Officers

Statutory Environment

Local Government Act Section 3.1 outlines that the general function of a local government is to provide for the good government of persons in the district.

Financial Implications

It is estimated at this point in time that costs will be in the order of \$3,500 per delegate, made up of –

1. EAST/WEST registration - \$1500;
2. Travel to/from Ashburton/Perth - \$650;
3. One nights accommodation in Perth and Hong Kong on each leg (i.e. four nights) is also anticipated to accommodate connections and arrival times (\$950); and
4. Meals, taxi, Visa, and other sundry travel and conference costs (\$400).

Councillors have an annual budget allocation of \$5,000 each for training/conference attendance (the President has an additional allowance for conferences like this or the ALGA Congress). Officer conference/training is considered at a “whole of organisation” level.

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 5 – Inspiring Governance

Objective 3 – 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 "Medium" risk and can be managed by monitoring/specific response procedures.

Policy Implications

ELM05 – Councillor Training and Conference Attendance and ELM06 – Councillors

Accommodation Travel and Incidental Expenses whilst on Council Business

Voting Requirement

Simple Majority Required

Recommendation

That Council endorse Councillor and CEO attendance at the EASTxWEST Forum subject to compliance with relevant Shire Policies and that sufficient 2015/16 budget allocations are available.

Author: Janyce Smith	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 9 DECEMBER 2015

12. COMMUNITY DEVELOPMENT REPORTS

12.1 ONSLOW COMMUNITY GARDEN - MANAGEMENT

FILE REFERENCE:	CS06
AUTHOR'S NAME AND POSITION:	Mike Sully Executive Manager, Community Development
NAME OF APPLICANT/RESPONDENT:	Shire President, Councillor Kerry White
DATE REPORT WRITTEN:	23 November 2015
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Shire President, Councillor Kerry White, presented the following Notice of Motion at the November 2015 Ordinary Council Meeting:

"That the CEO provide a report to Council on the possibilities of the Education Department agreeing to lease the land containing the Onslow Community Garden to the Shire of Ashburton."

The State Government could agree to lease the land containing the Onslow Community Garden to the Shire of Ashburton if it wished to, and it is suggested that in order for the Council to make an ultimate determination, a formal request be submitted to the Department for its consideration and response.

Background

The Onslow Community Garden (OCG) is located on a portion of Crown Land under the control of the Department of Education (DoE), being: Portion of Lot 641 on Deposited Plan 214895, Certificate of Crown Land Title Volume 3139 Folio 767 (Reserve 30685). The Shire of Ashburton (SoA) and the DoE have a Licence Agreement for the Community Garden Onslow Primary School.

ATTACHMENT 12.1

The Licence requires that a Management Committee be established to manage the Community Garden. The Management Committee consists of the following members:

- Education Department - two members
- Shire of Ashburton - two members
- Onslow Community - two members

The Licence for the OCG between the DoE and the SoA indicates also that the Shire is responsible for the garden and the Shire's responsibilities are clearly defined. It also indicates that the Management Committee manage the garden's operation; however, the

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responsibilities of the Management Committee are not clearly defined. The current Licence has several more years to run before its natural expiry.

Comment

As the land is controlled by the DoE, it is at the Department/State Government's discretion as to how it deals with the land's use and management. Cr White is concerned for the accountability of the finances and whilst day-to-day finances are managed satisfactorily through the Shire's Onslow Administration Centre, at a Management Committee meeting held on 14 September 2015 the Committee voted in favour (3/2) of allowing the Onslow Chamber of Commerce and Industry (OCCI) to proceed with two applications for grant funding for use within the community garden, which if successful would be paid to OCCI. The funds are proposed to be spent on the garden, but potentially without any involvement of the Shire or DoE representatives. This appears to be a decision of the Management Committee that may be in conflict with the Licence, as shown below.

The Licence at Annexure A states:

- *The Management Committee shall not handle any cash. All receipts and payments relating to the operation of the Facilities shall be processed as appropriate by the existing accounting systems of either the Education Department or the Local Government.*

Financial management of local governments are well controlled (in the main, by the Local Government Act and the Local Government Financial Regulations) and the recent decision of the Management Committee results in neither the Shire nor the DoE being responsible to control the financial management/reconciliation of the proposed garden works.

The State Government (through its various agencies, like the DoE, Department of Lands, and Crown Solicitors Office) could agree to lease the land containing the OCG to the SoA if it believed such a change was warranted.

Preliminary discussions have occurred with the DoE to seek its views on the proposal. The Department's comments in summary are:

1. Any requests to amend the current agreement would need to be communicated to the DoE through the Onslow Primary School;
2. The Principal of the Onslow Primary School has advised that she is willing to attend a meeting with the Shire and the DoE to discuss the agreement; and
3. The DoE is comfortable with the current land tenure (Licence) measures so before considering any formal proposal to modify the existing arrangements to that of a Lease (or alternatively, to modify the existing Licence Agreement clauses to be more appropriately worded) it would need to obtain advice from the State Solicitor's Office.

As the Executive Manager is in Perth in the week commencing 30 November, the opportunity has been taken to arrange a meeting with the DoE to collect any additional information that might be relevant for Council's considerations. Anything of relevance will be reported verbally to the meeting.

Consultation

Shire President Cr Kerry White

Chief Executive Officer

Toni Tonkin, Regional Coordinator, Department of Education

Shire of Ashburton Councillors

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Education Department of WA

Statutory Environment

Local Government Act (1995) Div.2 Council Meetings Sub Div.2 (5.8 – 5.18); Sub Div.3 Matters affecting Council and committee meetings (5.19 – 5.25)
Local Government Financial Management Regulations (1996)

Financial Implications

There are minimal costs involved in the Lease process which can be covered by the 2015/2016 Onslow Community Garden budget allocation.

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.

Voting Requirement

Simple Majority Required

Recommendation

That Council authorise the Chief Executive Officer to seek formal comments from the Department of Education in regard to the potential of a Lease (including the primary conditions) of the land containing the Onslow Community Garden, for Council's further consideration.

Author: Mike Sully	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 9 DECEMBER 2015

13. CORPORATE SERVICES REPORTS

13.1 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF OCTOBER & NOVEMBER 2015

FILE REFERENCE:	FM03
AUTHOR'S NAME AND POSITION:	Leah M John Finance Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	25 November 2015
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

As at the date of writing the agenda, below items have yet to be finalised for 2014/15 financial yearend which have a flow on effect on the financial data for 2015/16 year;

Depreciation on fixed assets have been reported at zero value as Fair Value Reporting for Infrastructure Assets is progressing along with yearend capitalisation for new assets acquired last financial year. Administration costs and staff housing costs have not been allocated out to reporting programs till allocations for 2014/15 year is finalised.

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

October 2015

- Statements of Financial Activity and associated statements for the Month of October 2015.

ATTACHMENT 13.1A

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November 2015

- Schedule of Accounts (from 1st to 20th November) and Credit Cards paid under delegated authority for the Month of November 2015.

ATTACHMENT 13.1B

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

There are no policy implications in this matter.

Policy Implications

Simple Majority Required

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Accepts the Financial Reports for October 2015 **ATTACHMENT 13.1A**; and
2. Notes the Schedule of Accounts and Credit Cards paid in November 2015 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**.

Author: Leah M John	Signature:
Manager: Frank Ludovico	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 9 DECEMBER 2015

13.2 ANNUAL POLICY REVIEW OCTOBER 2015

FILE REFERENCE:	GV01
AUTHOR'S NAME AND POSITION:	Leanne Lind Governance and Policy Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	2 November 2015
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this item.
PREVIOUS MEETING REFERENCE:	Agenda Item 11.3 (Minute No. 11312) Ordinary Meeting of Council 17 October 2012 Agenda Item 13.1 (Minute No. 11875) Ordinary Meeting of Council 19 November 2014

Summary

Section 2.7(2)(b) of the Local Government Act 1995 ("the Act") states that the making of policy is a role of the Council. Policies provide clarity, ownership, and accountability to the Ashburton community and for the staff of the Shire. A review of all policies has been conducted to ensure accuracy and currency which reflect the Council's commitment to ensuring best practice governance principles.

An annual review of Council policies was workshopped with Councillors on 15 October 2015 (following the October OMC).

This workshop is scheduled to occur every October so staff have a timeline for conducting the regular review of policies. However, should the need be identified in the period between reviews, a policy may still be added, amended, or deleted.

The policies attached have been reviewed by key stakeholders; all Executive Managers and Councillors. The review included the need to define policy level; currency of the policy content; relevant statutory environments; policy owner and review timeframes; and formatting to align with the Shire's approved template models.

There is one further change suggested since the October Workshop, namely, the deletion of Major Projects Management Policy as its aim is now incorporated within the Shire's strategic plans (see Deleted Policy section).

Background

As part of the 2012 review of all policies, systems, etc., it was agreed that a more formal and documented approach to Council's governance policies should occur (including the suggestion that all policies be reviewed at least every four years). A formal management review system was subsequently put in place and this now better enables Council to focus on strategic governance through this regular Policy review program.

An annual review of policies has been undertaken in line with ADM01 *Policy and Management Directive Register Review* and the ADM02 *Policy Development and Review*

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Process Management Directives. The reviews included the need to determine the currency of the policy content; relevant statutory environments; policy owner; review timeframes and format. This internal review process concluded with a Councillor Workshop Session on 15 October 2015.

ATTACHMENT 13.2

Comment

All Council policies are kept in a Policy Register and uploaded onto the Shire's website.

As no changes to the officer proposals were suggested by Councillors at the October 2015 workshop they are presented unchanged from the workshop proposals (for formal Council consideration).

The attached Policy Register spreadsheet highlights the policies which are under review for 2015. This system has been designed to manage the review process of all the Shire's policies through a four year cycle and shows the summary details of each policy at a glance.

The review recommendations to the policies are summarised below:

NEW POLICIES

NUMBER	POLICY	ACTION TO BE TAKEN	CHANGES MADE
ELM16	Elected Members Record Keeping Policy	Adopt New Policy	New Policy. This policy was forwarded to Elected Members (EMs) for their feedback by 6/11/15. A workshop will be held early in the new year to discuss this new policy with the EMs.
ELM17	Anonymous Communications Policy	Adopt New Policy	New Policy. Already workshopped with EMs.
ELM18	Community Projects Letters of Support	Adopt New Policy	New Policy. Already workshopped with EMs.
FIN13	Debtors Management – General	Adopt New Policy	New Policy. The current FIN13 Accounts Receivable Recovery policy has been reworked and it was agreed that this policy be split into two new Policies: <ul style="list-style-type: none"> • FIN15 Rates Debt Recovery Policy and • FIN13 Debtors Management – General Policy
FIN15	Rates Debt Recovery Policy	Adopt New Policy	New Policy. The current FIN13 Accounts Receivable Recovery policy has been reworked and it was agreed that this policy be split into two new Policies: <ul style="list-style-type: none"> • FIN15 Rates Debt Recovery Policy and • FIN13 Debtors Management – General Policy

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NO CONTENT CHANGES

NUMBER	POLICY	ACTION TO BE TAKEN	CHANGES MADE
ELM01	Council and Other Meetings	Adopt with No Changes Suggested	No changes made in 2015 review
ELM02	Official Photographs	Adopt with No Changes Suggested	No changes made in 2015 review
ELM06	Councillor Accommodation, Travel and Incidental Expenses Whilst on Council Business	Adopt with No Changes Suggested	No changes made in 2015 review
ELM12	Workforce Planning and Management Policy	Adopt with No Changes Suggested	No changes made in 2015 review
ENG08	Bush Fire Policy	Adopt with No Changes Suggested	No changes made in 2015 review
FIN14	Tender Assessment Policy	Adopt with No Changes Suggested	No changes made in 2015 review
REC06	Vandalism - Reward for Conviction	Adopt with No Changes Suggested	No changes made in 2015 review

MINOR SUGGESTED CHANGES

NUMBER	POLICY	ACTION TO BE TAKEN	CHANGES MADE
ADM06	Use of Shire of Ashburton Logo & Crest	Adopt with Minor Changes Suggested	Minor policy changes made. Removed section <i>"What not to do when using SoA Logos"</i> as this may imply current bad practice which is not the case. See tracked changes.
ADM07	Strategic Media Policy	Adopt with Minor Changes Suggested	Minor policy changes made. Beginning text reworded to improve readability. Some text moved to better reflect section heading. Budget reference deleted as no longer current. See tracked changes.
ELM09	Elected Member Information Forum	Adopt with Minor Changes Suggested	Minor policy changes made. Additional sections added to reflect actual activities of the day, namely: 1. EN BLOCK DISCUSSION 3. COUNCILLOR REPORTS ON NOTICES OF MOTION, CONTEMPORARY ISSUES AND RELEVANT MEETING ATTENDED

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FIN10	Wittenoom Properties (as per Title Deeds), Wittenoom Gorge and Yampire -Gorge Rates and Services	Adopt with Minor Changes Suggested	<p>Minor policy changes made. Change to read “Wittenoom Properties” (as per Title Deeds). Changes made to the rating value of residential properties in Wittenoom. See tracked changes. <i>Note – This change arose from a request received following the October Workshop.</i></p>
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SIGNIFICANT SUGGESTED CHANGES

NUMBER	POLICY	ACTION TO BE TAKEN	CHANGES MADE
ELM04	Code of Conduct for Councillors and Staff	Adopt With Suggested Changes	<p>It is a legislative requirement that this policy be reviewed following each Local Government Election. Major review changes to simplify existing policy have been made to align with the WALGA Model Code of Conduct Policy. This ensures that the Shire remains current within the legislative environment. <i>Note – A track changed copy, plus a final copy, has been provided to ensure changes and proposed final version is clear.</i></p>
ELM05	Councillor Training/ Conference Attendance	Adopt With Suggested Changes	<p>Major policy changes made. “Conference Training Budget” section has been added. Track changed copy plus final copy provided.</p>
ELM14	Governance and Policy Manual	Adopt With Suggested Changes	<p>Workshopped at October OCM with EMs following 2015 Elections. Review changes include the updating the Manual to reflect the Shire’s current strategic and operational business plans.</p>

DELETED POLICIES

NUMBER	POLICY	ACTION TO BE TAKEN	CHANGES MADE
ENG11	Major Projects Management Policy	Revoke	<p>The Executive Management at its meeting on 26 November 2015 resolved to recommend that this policy be revoked. Although this was not workshopped with the Elected Members, it is recommended that the policy be revoked as its aim is now incorporated within the Shire’s strategic plans and as such it was perceived as redundant and otherwise duplicated what has already being endorsed by the Council.</p>

Council policies which have undergone review in 2015 are attached to this Agenda for consideration of approval.

ATTACHMENT 13.2

The current Council level policies are on the Shire’s website at:

<http://www.ashburton.wa.gov.au/the-shire/publications/view/council-policies/#publicationlist>

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Consultation

Chief Executive Officer
Executive Management Team
Department of Local Government
WALGA

Statutory Environment

The Local Government Act 1995 Section 2.7(2)(b) of the *Local Government Act 1995* ("the Act") states that the making of policy is a role of the Council.

Financial Implications

There are no direct financial implications as a result of the policy review process, but there will be numerous and variable financial implications resultant from individual policy modifications.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 05 – Inspiring Governance
Objective 03 – Council Leadership
Objective 04 – Exemplary Team and Work Environment

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

Reviewed policies updated as per Policy Register.

Voting Requirement

Simple Majority Required

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Recommendation

That Council:

1. Adopts the proposed new policies as per **ATTACHMENT 13.2**
 - ELM16 Elected Members Record Keeping Policy
 - ELM17 Anonymous Communications Policy
 - ELM18 Community Projects Letters of Support Policy
 - FIN13 Debtors Management – General Policy
 - FIN15 Rates Debt Recovery Policy

2. Adopts the proposed reviewed policies as per **ATTACHMENT 13.2**
 - ADM06 Use of Shire of Ashburton Logo & Crest
 - ADM07 Strategic Media Policy
 - ELM01 Council and Other Meetings
 - ELM02 Official Photographs
 - ELM04 Code of Conduct for Councillors and Staff
 - ELM05 Councillor Training/Conference Attendance
 - ELM06 Councillor Accommodation, Travel and Incidental Expenses Whilst on Council Business

 - ELM09 Elected Member Information Forum
 - ELM12 Workforce Planning and Management Policy
 - ELM14 Governance and Policy Manual
 - ENG08 Bush Fire Policy
 - FIN10 Wittenoom Townsite, Wittenoom Gorge and Yampire - Gorge Rates and Services

 - FIN14 Tender Assessment Policy
 - REC06 Vandalism - Reward for Conviction

3. Deletes the policy as per **ATTACHMENT 13.2**
 - ENG11 Major Projects Management Policy

Author: Leanne Lind	Signature:
Manager: Frank Ludovico	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 9 DECEMBER 2015

13.3 BUDGET AMENDMENT / VARIATION

FILE REFERENCE:	FM14.15.16
AUTHOR'S NAME AND POSITION:	Leah M John Finance Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	27 November 2015
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The 2015/2016 budget was officially adopted by Council on 19 August 2015 and throughout the year variations occur. It is the purpose of this report to bring these to the attention of Council.

Background

The 2015/2016 budget was officially adopted by Council on 19 August 2015 and throughout the year variations occur. It is the purpose of this report to bring these to the attention of Council.

It is proposed to amend the 2015/2016 budget to reflect various adjustments to the General Ledger with an overall effect to the budget as detailed below. Due to the nature of these variations, they fall outside the annual budget review.

Comment

It is recommended that the required budget variations to the Current Budget for 2015/2016 as outlined below be approved.

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1. Community Facilities				
GL/Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget
15122	Water spray Park - Install Air Cond to Plant Room	\$19,760	(\$19,760)	0
15098	Onslow MPC - Ventilation to Plant Room	\$2,310	\$19,760	\$22,070
<p>Reason: MPC is an Emergency Evacuation Building with back up emergency water supply and fire pump. This equipment is located in the plant room (shed) which requires lining along with a large airconditioner. This is required to keep the pumps and equipment stable to alleviate downs and equipment failure. These works have been recommended at the equipment's last service conducted in October 2015. Transfer of the funds from the Water Spray Park - Install Airconditioner to Plant Room is not ideal, but it is considered that the MPC project now has the higher priority. Funds for the Water Spray Park Airconditioner can also be reconsidered as part of the mid-year budget review process.</p> <p>Note: No adverse impact on the anticipated end of year financial position for the Municipal Account.</p>				
2. Club Development				
GL/Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget
CS008	General project Costs	\$69,000	(\$500)	\$68,500
GI045	Inc- Disability Awareness Week	\$0	(\$500)	(\$500)
GE045	Disability Project Costs	\$0	\$1000	\$1000
<p>Reason: Successful grant application of \$500 received from Disability Services Commission for Disability Awareness Week event on 3 December 2015. A transfer of additional \$500 is required from general projects budget to meet the event expenses.</p> <p>Note: No adverse impact on the anticipated end of year financial position for the Municipal Account.</p>				
3. RTIO Partnership				
GL/Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget
041033	Evaluation	\$50,000	\$20,000	\$70,000
041048	Transfer to Reserve	\$95,363	(\$20,000)	\$75,363
<p>Reason: As part of the Rio Tinto Partnership a formal review of the MoU and effectiveness of the partnership is required to be undertaken by an external consultant after two years. After seeking extensive quotes from a number of consultants, additional funds from the Partnership</p>				

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Management Agreement Fund are required. These funds are provided by Rio Tinto through the partnership agreement and will not affect the Shire's budget.

Note: No adverse impact on the anticipated end of year financial position for the Municipal Account, the Reserve Account for the RTIO Partnership will have a reduced end of year balance.

4. Roads

GL/Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget
FD016	Panna Millstream Rd (WANDRRA)	\$0	\$279,265	\$279,265
121988	MRD Claim/Storm – Flood Damage	\$653,500	\$279,265	\$932,765

Reason: Reimbursement of monies spent on the Pannawonica Millstream road undertaking storm repair works for Mainroads WA. WANDARRA funding received.

Note: No adverse impact on the anticipated end of year financial position for the Municipal Account.

5. Tourism and Area Promotion

GL/Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget
CS020	Project Consultancy costs	\$338,910	(\$55,000)	\$283,910
BE432	TP Visitor Centre Upgrade	\$55,100	\$55,000	\$110,100

Reason: In the 2014/15 Budget, \$70,000 was allocated to this project (for the internal upgrade and fit-out of the Tom Price Visitors Centre) and \$55,000 was carried forward to the 2015/16 Budget. These costings were based on best estimates at the time. Recent quotations provided by local suppliers to undertake the work, indicates an estimate of \$110,000 is required to complete the work. Council is requested to approve the transfer of funds to complete the Design and Fitout of the Inside of the Tom Price Visitor Centre from the Tourism consultants budget.

Note: No adverse impact on the anticipated end of year financial position for the Municipal Account.

Consultation

Executive Manager – Corporate Services
 Executive Manager – Community Development
 Executive Manager – Infrastructure Services
 Finance Manager
 Budget and Grants Finance Officer

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Statutory Environment

The Local Government Act 1995 Part 6 Division 4 s 6.8 (1) requires the local government not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –

(b) is authorised in advance by resolution*

“additional purpose” means a purpose for which no expenditure estimate is included in the local government’s annual budget.

*requires an absolute majority of Council.

Financial Implications

The proposed budget amendments will have no impact on original budget position.

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

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: Managed by routine procedures, unlikely to need specific application of resources”.

Policy Implications

There are no specific policy implications relative to this issue.

Voting Requirement

Absolute Majority Required

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Recommendation

That Council approved the required budget variations to the Current Budget for 2015/2016 as outlined below.

1. Community Facilities				
GL/Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget
15122	Water spray Park - Install Air Cond to Plant Room	\$19,760	(\$19,760)	0
15098	Onslow MPC - Ventilation to Plant Room	\$2,310	\$19,760	\$22,070
2. Club Development				
GL/Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget
CS008	General project Costs	\$69,000	(\$500)	\$68,500
GI045	Inc- Disability Awareness Week	\$0	(\$500)	(\$500)
GE045	Disability Project Costs	\$0	\$1000	\$1000
3. RTIO Partnership				
GL/Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget
041033	Evaluation	\$50,000	\$20,000	\$70,000
041048	Transfer to Reserve	\$95,363	(\$20,000)	\$75,363
4. Roads				
GL/Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget
FD016	Panna Millstream Rd (WANDRRA)	\$0	\$279,265	\$279,265
121988	MRD Claim/Storm – Flood Damage	\$653,500	\$279,265	\$932,765

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5. Tourism and Area Promotion				
GL/Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget
CS020	Project Consultancy costs	\$338,910	(\$55,000)	\$283,910
BE432	TP Visitor Centre Upgrade	\$55,100	\$55,000	\$110,100

Author: Leah M John	Signature:
Manager: Frank Ludovico	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 9 DECEMBER 2015

13.4 AUDIT AND RISK COMMITTEE - ADOPTION OF RECOMMENDATION(S)

FILE REFERENCE:	FM09.14.15
AUTHOR'S NAME AND POSITION:	Frank Ludovico Executive Manager, Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	24 November 2015
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Audit and Risk Committee is meeting on the morning of the Council meeting. The purpose of this agenda item is to allow the Recommendation(s) of that committee to progress in a timely manner (i.e. rather than waiting for the next Council Meeting, which is in January 2016).

Background

The Audit and Risk Committee is scheduled to meet on the morning of the Council meeting. The purpose of this agenda item is to allow the Recommendation(s) of that committee to be progressed in a timely manner (i.e. rather than waiting for the next Council which is in January 2016).

Comment

The early adoption of the Audit and Risk Committee recommendation will enable the early progress of the Audit Contract – 2015/16 – 2017/18 tender, rather that it be delay until after the January 2016 Council meeting.

Consultation

Audit and Risk Committee
Chief Executive Officer
Executive Manager – Corporate Services
Finance Manager

Statutory Environment

Regulation 17 Local Government Audit Regulations 1996.
Local Government Operational Guidelines Number 09 -Audit in Local Government – Revised September 2013

Financial Implications

Auditors fees will be incorporated into the Council Annual Budget.

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 5 – Inspiring Governance

Objective 4 – Exemplary Team & Work Environment

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 to this matter.

Voting Requirement

Simple Majority Required

Recommendation

That Council endorse the following Audit and Risk Committee recommendations -

(Audit and Risk Committee recommendations to be provided at the Council Meeting).

Author: Frank Ludovico	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 9 DECEMBER 2015

14. DEVELOPMENT AND REGULATORY SERVICES REPORTS

14.1 REVIEW OF SHIRE OF ASHBURTON PLANNING SCHEME NO.7 AS REQUIRED FOR THE 'PLANNING HEALTH CHECK' PER PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015

FILE REFERENCE:	LP10.7.0
AUTHOR'S NAME AND POSITION:	Casey Gillespie Project Planner Andrew Patterson Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Not applicable
DATE REPORT WRITTEN:	20 November 2015
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Under the provisions of the new Planning and Development (Local Planning Schemes) Regulations 2015 that came into effect on 19 October 2015, all Local Planning Schemes are required to be reviewed.

The review is to be in the form of a report submitted to the Western Australian Planning Commission (WAPC) that considers whether the local planning scheme (the 'Scheme') is up to date, and makes a recommendation as to whether the Scheme is to be retained, retained with some modifications, or replaced.

This report has been completed and is included as an attachment. It is recommended that the Shire of Ashburton Town Planning Scheme No. 7 (TPS7) be amended within the next six months in order to align the text with the new Model Scheme Text contained in the new Regulations, and then ultimately repealed and replaced with a new Scheme following the preparation of a Local Planning Strategy.

Background

On 19 October 2015, the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) came into effect. These Regulations are subordinate legislation to the *Planning and Development Act 2005*.

Under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* all Schemes are to be reviewed within six months of the five year anniversary of the date the Scheme is approved. The Shire of Ashburton Town Planning Scheme No. 7 (TPS7) was gazetted on 24 December 2004 and as such, a review is overdue. The review is to be in the form of a report submitted to the WAPC.

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In accordance with the new Regulations, the report is to include:

- The date the local planning scheme was gazetted;
- A list of amendments to the scheme including dates they were gazetted;
- When the scheme was last consolidated under Part 5 of the Act;
- An overview of subdivision and development activity, lot take up and population change in the scheme area since the scheme gazettal / last review; and
- Details of any amendment to the scheme that have been undertaken to bring it into line with other legislation, region scheme or State planning policy.

In undertaking this review, the local government is to consider whether the Scheme is up to date and in compliance with the new Regulations, and make a recommendation to the WAPC as to whether the Scheme is satisfactory, requires amendment, or should be repealed and a new Scheme prepared.

This report considers the matters set out in the Regulations and makes a recommendation that TPS7 be amended to comply with the Regulations, but that officers work towards the ultimate preparation of a new Scheme that will eventually replace TPS7.

The Shire's planners have integrated a number of deemed provisions from the new Regulations, that have now superseded the existing TPS7 text, into a working copy of the Scheme. There is no requirement for Local Governments to amend their Schemes to reflect the new provisions however the creation of an interim working document will make it a bit easier to administer the Scheme. This working copy will be used by Planning until formal Scheme amendments can be made to update the text. A Scheme amendment will be prepared in early 2016 that will introduce further updates to zoning and other provisions that will standardise TPS7 with other Schemes in the State. These two actions will bring TPS7 into compliance with the new Regulations, and provide a more robust statutory document to guide the ongoing development in the Shire.

Early in 2016, the Shire will also undertake the preparation of a Local Planning Strategy (LPS) that will serve as the strategic basis for the preparation of a new Scheme.

Comment

The Shire has internally considered and progressed the requirement to both review and update TPS7, has commenced the Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) and is soon to commence the preparation of an LPS, both of which are required to provide critical input into a new Scheme. These projects are likely to take until at least the end of 2016, with a new Scheme to be prepared after this date.

In order to ensure proper and orderly planning while these strategic plans are being prepared, and the new Scheme drafted, a number of de facto amendments have been made to TPS7 through the inclusion of the 'deemed provisions' (adopted as standardising elements throughout Western Australia in the Regulations) in a working copy of the Scheme that effectively modify TPS7.

A summary of the above changes are as follows –

1. A number of land use definitions have been rewritten;
2. New definitions have been introduced into the Scheme;
3. New text introduced regarding the Local Planning Strategy;
4. Local Planning Policies section rewritten;
5. Heritage protection section rewritten;

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6. Some zones and Scheme reserves have been redefined, new ones introduced, and others deleted;
7. Requirements for development approval rewritten, including those developments exempt from planning approval;
8. Matters to be considered by the Local Government reworded;
9. New section regarding Structure Plans replaces previous Development Plan requirements;
10. New section regarding Activity Centre Plans;
11. New section regarding Local Development Plans;
12. Enforcement and administration section reworded;
13. Delegation of authority section reworded.

The Shire is under a statutory timeframe to submit the report to WAPC, and the changes have already occurred via the new Regulations. That said, a Councillor Workshop to explain the changes to the Scheme will be scheduled for the morning of the December 2015 Council Meeting to clarify any issues.

A number of other amendments are currently being considered by the Shire's planners to bring the Scheme text into alignment with the Model Scheme Provisions that are also part of the Regulations. This amendment will go through a formal amendment process and be presented for Council's consideration early in 2016.

The 'health check' report attached to this item is formally presented to Council for consideration of endorsement. As identified above, this is a new statutory process implemented by the WAPC to enable a standardised consideration of all Schemes within the State, and to identify those Schemes in need of updating.

ATTACHMENT 14.1

As noted earlier, the Shire is pursuing a staged approach to update the Scheme, with this health check (required by the WAPC) being the reporting mechanism used to advise of this strategy.

Consultation

Executive Manager – Development & Regulatory Services
Principal Town Planner

Statutory Environment

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

Financial Implications

There is no financial implication associated with the CHRMAP and/or Local Planning Strategy as these projects have been funded through Royalties for Regions via the Northern Planning Project which is administered by the Department of Planning. There will be a cost associated with the Planning Scheme Review (for use of consultants, public advertising etc) however it is difficult to ascertain at this time what the exact cost will be as the preceding studies have not advanced sufficiently to inform an estimate. It is proposed that detail of the estimated cost for the review be included in the 2016/2017 budget considerations when Planning have a clearer understanding of the work that will be required.

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 01– Vibrant and active communities

Objective 03 – Quality education, healthcare, childcare, aged care and youth services

Goal 02- Enduring Partnerships

Objective 01- Strong Local economies

Objective 02- Enduring partnerships with industry and Government

Objective 03- Well-managed tourism

Goal 03- Unique heritage and environment

Objective 01- Flourishing natural environments

Objective 02- Leading regional sustainability

Goal 04- Distinctive and well serviced places

Objective 01- Quality public infrastructure

Objective 02- Accessible and safe towns

Objective 03- Well planned towns

Goal 05- Inspiring Governance

Objective 01- Custodianship

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 for this matter.

Voting Requirement

Simple Majority Required

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Recommendation

That Council:

1. Note the contents of the attached 'health check' report as per ATTACHMENT 14.1.
2. Pursuant to Regulation 66(3) of the Planning and Development (Local Planning Schemes) Regulations 2015 recommend to the Western Australian Planning Commission that:
 - a. the Shire of Ashburton Town Planning Scheme No. 7 be amended to comply with the Planning and Development (Local Planning Schemes) Regulations 2015, and that this amendment be undertaken within six months; and
 - b. that following the preparation and endorsement of a Local Planning Strategy by the Western Australian Planning Commission the Shire commence the preparation of a new Local Planning Scheme to replace the Shire of Ashburton Town Planning Scheme No. 7.

Author: Andrew Patterson	Signature:
Manager: Lee Reddell	Signature:

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14.2 PROPOSED AMENDMENT TO THE SHIRE OF ASHBURTON TOWN PLANNING SCHEME NO. 7 TO REZONE PORTION OF LOT 16 ONSLOW ROAD FROM 'PUBLIC PURPOSES - AIRPORT' RESERVE TO 'SPECIAL USE 5' ZONE

FILE REFERENCE:	LP10.7.30
AUTHOR'S NAME AND POSITION:	Andrew Patterson Principal Planner
NAME OF APPLICANT/RESPONDENT:	Shire of Ashburton
DATE REPORT WRITTEN:	23 November 2015
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.3 (Minute No. 11030) – Ordinary Meeting of Council 21 September 2011 Agenda Item 16.3 (Minute No. 11832) – Ordinary Meeting of Council 16 July 2014 Agenda Item 14.2 (Minute No. 11975) – Ordinary Meeting of Council 15 July 2015

Summary

At its Ordinary Meeting on 15 July 2015, Council initiated Amendment 30 to the Shire of Ashburton Town Planning Scheme No. 7 (TPS7) to rezone a portion of Lot 16 on Deposited Plan 161140 from its current 'Public Purposes – Airport' reserve to 'Special Use 5' zone. This rezoning will allow for the continued use of the Shire's Onslow Airport Transient Workforce Accommodation (TWA) camp currently located on the site.

The purpose of this report is to present to Council the submissions received following the public advertising of Amendment 30.

The Shire currently owns and operates the TWA facility at Lot 16 Onslow Road, Onslow **ATTACHMENT 14.2A**. This facility was initially constructed to provide accommodation for workers engaged in construction associated with the new airport terminal and the planned subdivision and development of part of Lot 16 for mixed business uses.

In granting planning approval for the TWA, Council resolved to include a sunset clause that required the development to be removed within 24 months of approval, or any such time as determined by the Chief Executive Officer. This timeframe has now expired and while the TWA was reduced in size it has not been removed. The Shire continues to require some TWA facility to service its ongoing infrastructure and other construction projects for Onslow **ATTACHMENT 14.2B**.

While the Shire does require ongoing TWA in Onslow, the land is limited in the permissible uses given it's reservation under the Shire of Ashburton Town Planning Scheme No. 7 (TPS7) as 'Public Purposes - Airport' reserve. As the land is reserved rather than zoned, clause 3.2.2 becomes relevant:

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

This provision works to ensure that any planning approval for land reserved for Public Purposes - Airport is to be used for development directly related to the airport. As it is intended to use the existing TWA to accommodate workers engaged on Shire projects other than those directly related to the Airport, either the Scheme reserve must be amended or the TWA used in accordance with the Scheme provisions.

It is the Shire's intention to continue using the existing TWA for Shire projects only, and not establish a commercial operation that offers accommodation to other parties in competition with other accommodation providers already established in Onslow. Accordingly, it is proposed that this site be rezoned to a 'Special Use' zone that allows Council to establish specific planning controls that ensure the TWA is not used to house workers engaged by any other party (other than for public projects only).

Background

Planning history

At its Ordinary Meeting on 21 September 2011, Council resolved to:

1. Request the Chief Executive Officer to lodge a planning application for transient workforce accommodation camp (comprising up to 100 rooms, mess and ancillary infrastructure) in an appropriate location at Lot 16 Onslow Road, Onslow (the Onslow Airport)
2. The Chief Executive Officer be delegated authority to determine the application referred to in 1. above with the relevant provisions of the Scheme and if approved, include (but not limited to) the following conditions:

“The transient workforce accommodation and associated structures/infrastructure shall cease on (insert period 24 months from the date of Approval) or other period as agreed by the Chief Executive Officer and the structures be removed on or before (insert period 24 months from the date of Approval) of other period as agreed by the Chief Executive Officer”.

This application for planning approval was lodged and subsequently approved under delegated authority on 12 August 2012 with the following relevant condition:

7. *The Camp and associated structure shall cease by 11 August 2014 and the structures be removed on or before 11 August 2014 or another period as agreed by the Council of the Shire of Ashburton.*

Following the completion of the Airport terminal, and the uncertainty regarding the subdivision works for the land now described as Lot 9005 on Deposited Plan 405414, the TWA has been reduced in size from 100 to 30 beds and is now used in an *ad hoc* manner predominantly by Shire staff and its contractors, but also by third parties on occasion. This ongoing use may be considered not in accordance with the conditions of the original planning approval, or in accordance with the Scheme reserve purpose (Airport).

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Proposal

Given that TPS7 only allows use and development of Scheme reserves for such uses that are compatible with the purpose of the reserve (in this case 'Airport'), the use of the Airport TWA to accommodate persons not directly engaged with either construction or operational of the Airport or associated projects could be considered contrary to the purpose and intent of the Scheme and not in accordance with proper and orderly planning. The Shire has identified an ongoing need to provide for a transient workforce to deliver several projects in the short to medium term including:

- New Shire office;
- Old Onslow Townsite;
- Skate park;
- Aquatic facility;
- Basketball courts;
- Ocean View Caravan Park; and
- Tip closure and construction of new facility.

These projects will all require the engaging of contractors to complete, which, in addition to the ongoing need for Shire staff accommodation for meetings and to undertake their normal work practice (e.g. Compliance, Planning, and Environmental Health Officers), act to maintain a constant need for the Shire to access transient workforce accommodation in Onslow. While the Shire owns and maintains a transit house in Onslow, this is frequently oversubscribed and insufficient to meet current and anticipated future needs.

Given the fluctuating availability of short-term accommodation in Onslow, it has been determined that, in order to deliver these projects within budgets and established timeframes, that the Shire should continue to maintain its own TWA accommodation facility.

It is therefore proposed to rezone the land currently developed as the Airport TWA, including the land recently cleared of accommodation units when the Shire reduced the overall size of the camp, to 'Special Use' zone **ATTACHMENT 14.2C**. The Special Use zone would permit the ongoing operation of the TWA, and include statutory provisions that limit accommodation to Shire and other public projects only. This would ensure the facility was not offered for use to third parties or compete with other accommodation providers. This is considered particularly relevant, given the fluctuating pressure on workforce accommodation in Onslow.

ATTACHMENT 14.2C

Accordingly, this Amendment has been prepared and advertised in such a way as to ensure that the facility is used only for workers engaged directly on Shire projects, or as part of their normal, direct Shire employment. This will assist in the delivery of Shire and other public projects by ensuring sufficient accommodation is available for workers engaged on such projects at a reasonable cost, thereby giving best value for public funds (either Shire or State Government) on projects benefiting the community.

Special Use Zones are introduced into the Scheme pursuant to section 4.4 that states:

“4.4.1 Special use zones are set out in Schedule 3 and are in addition to the zones in the Zoning table.

4.4.2 A person must not use any land, or any structure or buildings on land, in a special use zone except for the purposes set out against that land in Schedule 3 and subject to compliance with any conditions set out in Schedule 3 with respect to that land.”

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This would require the subject land to be nominated on the TPS7 map as a Special Use Zone **ATTACHMENT 14.2D**, and the following text inserted into Appendix 3 – special use zones:

No.	Description of land	Special Use	Conditions
5	Portion of Lot 16 Onslow Road	Transient Workforce Accommodation	1. Accommodation on the land shall be limited to: <ol style="list-style-type: none"> a. Elected members and Persons directly employed by the Shire of Ashburton who are required to temporarily reside in Onslow on official Shire business; and b. Contractors engaged on projects that are primarily or exclusively for the public benefit.

Condition 1 (b) is proposed as a necessary inclusion to allow the TWA facility to be utilised by contractors engaged in a variety of public infrastructure projects that may not be specifically approved or funded by the Shire, but are nonetheless funded partly or exclusively from government sources. Making the Airport TWA available to such projects, such as the Onslow Ring Road, and the power and water upgrades will achieve the best value for money on the expenditure of public funds.

ATTACHMENT 14.2D

Alternative solutions

A Special Use zone has been selected as the most appropriate zone that meets the general requirement to permit TWA on the land, while introducing the specific requirement that any accommodation is limited to Shire projects and personnel only.

Other options that may achieve a similar outcome would be to rezone the land to any of the other Scheme zones that allow TWA as a discretionary use including:

- Residential
- Urban development
- Tourism
- Industrial & Mixed Business Development
- Rural
- Rural Living

While these zones would allow a fresh application for TWA to be considered and approved, none of these accurately describes the proposed purpose for the land, or easily allows for specific provisions limiting the TWA to Shire project workers and employees only. A planning approval could be issued for an application lodged under one of these other zones that included conditions requiring that only Shire contractors and employees utilized the TWA, however such conditions are difficult to monitor and enforce and so are generally not imposed as a matter of good planning practice.

Comment

The Onslow Airport TWA was constructed to meet a specific need for a construction workforce required to construct the Airport terminal building and the planned subdivision of the adjacent mixed business subdivision. When the subdivision project was significantly

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delayed, the TWA remained in continued use, notwithstanding the statutory conflicts with the planning approval conditions, and TPS7 provisions relating to the use and development of Scheme reserves.

If adopted for final approval by Council, and approved by the Minister for Planning, this Scheme Amendment will provide accommodation alternatives for Shire and other public projects, making use of an existing, valuable Shire asset.

Should the TWA no longer be required at the completion of the major projects currently planned for Onslow, thereby making the Special Use zone redundant, the development could be removed and the Scheme amended to zone or reserve the land for a new purpose.

Consultation

In accordance with statutory requirements, this proposed amendment to the Shire of Ashburton TPS7 was referred to the Environmental Protection Authority (EPA) for assessment on 19 August 2015 and the Shire was advised on 31 August 2015 that the proposal was not to be formally assessed.

As required in the *Town Planning and Development Regulations 1967*, notice of this proposed amendment was advertised in the following manner:

- Notice published in the Pilbara News on 16 September 2015, with submissions closing on 28 October 2015 (44 days);
- Sign advising of the proposal erected on site from 16 September for 42 days;
- The following stakeholders advised in writing of the proposed amendment:
 - Department of Environment Regulation
 - Department of State Development
 - Department of Planning
 - Department of Mines and Petroleum
 - Department of Water
 - Department of Environmental Regulation
 - LandCorp
 - Main Roads Western Australia
 - Onslow Salt
 - Discovery Park
- Notice published on the Shire's website;
- Notice published on the Shire noticeboard and reception windows at Onslow and Tom Price; and
- Elected Members advised via email.

In response to this advertising, the following submissions have been received:

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Author	Submission	Comment	Recommendation
Department of Mines and Petroleum	No concerns	noted	No modification to amendment
Department of Environmental Regulation	No comment	noted	No modification to amendment
Department of Planning/WAPC	Noted	noted	No modification to amendment
Department of Water	Amendment considered acceptable	noted	No modification to amendment
Main Roads Western Australia	No objection	noted	No modification to amendment
Department of State Development	Supports amendment	noted	No modification to amendment

Statutory Environment

Planning and Development Act 2005

Town Planning Regulations 1967

Shire of Ashburton Town Planning Scheme No. 7

Planning and Development (Local Planning Schemes) Regulations 2015

Financial Implications

The Shire's ability to deliver public projects, and to accommodate officers travelling to Onslow on official business is enhanced by access on readily available accommodation at controlled prices. This matter has been addressed in previous business cases prepared by the Shire.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 01 – Vibrant and Active Communities

Goal 04 – Distinctive and Well Serviced Places

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 13 – Transient Workforce Accommodation

Voting Requirement

Simple Majority Required

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Recommendation

That the Council:

1. in pursuance of Section 75 of the Planning and Development Act 2005 ("Act"), adopt Scheme Amendment No. 30 to the Shire of Ashburton Local Planning Scheme No. 7 ("Scheme") for final approval without modification by:
 - a) Rezoning that portion of Lot 16 Onslow Road as shown on the Amendment Map from 'Public Purposes - Airport' reserve to 'Special Use' zone;
 - b) Inserting the following provisions into Appendix 3 to the Scheme:

No.	Description of Land	Special Use	Conditions
5	Portion of Lot 16 Onslow Road	Transient Workforce Accommodation	1. Accommodation on the land shall be limited to: <ol style="list-style-type: none"> a. Elected members and Persons directly employed by the Shire of Ashburton who are required to temporarily reside in Onslow on official Shire business; and b. Contractors engaged on projects that are primarily or exclusively for the public benefit.

and

- c) Amending the Scheme Maps accordingly; and
2. Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation and affix the common seal of the Shire of Ashburton on documentation.

Author: Andrew Patterson	Signature:
Manager: Lee Reddell	Signature:

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15. INFRASTRUCTURE SERVICES REPORTS

15.1 STRATEGIC WASTE MANAGEMENT PLAN

FILE REFERENCE:	WM06
AUTHOR'S NAME AND POSITION:	Troy Davis Executive Manager Infrastructure Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	25 November 2015
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Shire of Ashburton, along with other local governments within the Pilbara Region has experienced significant growth arising from the mining, oil and gas industries. However, some community services have experienced pressures from this growth. Waste management is one such service.

Over recent years, there have been significant advancements on waste management services and technology particularly in the area of resource recovery and regulatory compliance for waste facilities. In recognition of the changes and advancements, staff worked with our waste management consultants to prepare a Strategic Waste Management Plan (SWMP).

The SWMP has been developed to be a guidance document to move current waste management practices towards a more sustainable and efficient system. It provides the framework for continued knowledge gathering and improvements in line with the changing landscape of the waste management industry. The Synopsis report includes an Action Plan which provides guidance on some key initiatives to focus on in relation to further advancing our waste management systems which can be further considered during annual budget deliberations.

It is not the intention for this document to 'lock in' a direction but to set the scene for where we are and ensure we are prepared for the increasing expectations on waste management services and practices.

Background

The Shire of Ashburton, along with other local governments within the Pilbara Region has experienced significant growth arising from the mining, oil and gas industries. However, some community services have experienced pressures from this growth. Waste management is one such service.

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Over recent years, there have been significant advancements on waste management services and technology particularly in the area of resource recovery and regulatory compliance for waste facilities. The increasing regulation and oversight of regional waste management practices, the community's expectations with respect to recycling and the recent developments in Onslow provided the opportunity to undertake a holistic waste management review and investigate the policies and practices across the whole Shire.

In recognition of the changes and advancements, staff worked with our waste management consultants to prepare a SWMP to guide current waste management practices towards a more sustainable and efficient system.

A copy of the Strategic Waste Management Plan was forwarded to Councillors on 23rd October 2015 for initial perusal. A further copy is attached to this report for agenda purposes.

ATTACHMENT 15.1A

ATTACHMENT 15.1B

Comment

Providing waste services to the community is no longer about 'digging a hole and burying it'. Significant compliance with respect to the development, operations and closure of WMF's plus increasing community expectation with respect to recycling has focussed attention to ensuring our waste management activities meet these requirements and address these expectations.

Development and operations of our waste management services and facilities has been ad-hoc, at best and DER audits have highlighted non-compliances in some areas. Staff have worked diligently over the past twelve months to improve activities however there hasn't been a structured plan around what we are doing.

The Shire currently operate three WMF's with investigations continuing into a possible fourth facility in Onslow. Without an understanding of our current position with respect to our operations and what our long term strategic direction is, the Shire will continue to be exposed to significant, unplanned expenditure such as that encountered in Onslow with the closure of the landfill. We will also be unable to address the constant questioning about recycling and the cost of undertaking our waste services.

Staff worked with our waste management consultants to develop a SWMP and accompanying Synopsis Report to guide us with planning and improving our current waste management practices and services, provide a framework for knowledge gathering and 'future proofing' of our WMF's by master planning the sites over the next five years and also provide some vision for the next twenty years.

It needs to be reiterated that this is not a 'lock in' plan but a guidance document (and particularly as the Department of Environment are currently undertaking a review of the environmental requirements for "small" refuse disposal sites – which might prove to be very favourable to the Shire and its WMF operations). The Action Plan highlights gaps and deficiencies that have been recognised, and if filled, will provide for improved knowledge, understanding, services and work practices in waste management. The SWMP is a living, flexible document that will grow and change as legislation, community and Council expectations change.

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The individual actions will be brought to Council at budget time each year for consideration and the SWMP will be referenced to show where that action fits into our broader strategy.

Consultation

Chief Executive Officer
Talis Consultants

Statutory Environment

Waste Avoidance and Resource Recovery Act 2007
Environmental Protection Act 1986
Shire Waste Facilities Licenses

Note - the Department of Environment are currently undertaking a review of the environmental requirements for "small" refuse disposal sites – which might prove to be very favourable to the Shire and its WMF operations.

Financial Implications

The Strategic Waste Management Plan does not commit Council to any additional, direct expenditure this financial year. It contains an Action Plan that provides for targeted activities to improve our knowledge and performance, plus enable us to meet statutory compliance requirements as they arise. These activities will need to be considered, by Council, during annual budget deliberations.

Strategic Implications

Shire of Ashburton 10 year Community Strategic Plan 2012-2022
Goal 4 Distinctive and Well Services Places
Objective 1 Quality Public Infrastructure

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".

Policy Implications

Not Applicable

Voting Requirement

Simple Majority Required

Recommendation

That Council endorse the Strategic Waste Management Plan as a guide to ongoing waste management in the Shire of Ashburton.

Author: Troy Davis	Signature:
Manager: Neil Hartley	Signature:

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16. STRATEGIC AND ECONOMIC DEVELOPMENT REPORTS

16.1 EXECUTION OF MEMORANDUM OF UNDERSTANDING FOR THE MANAGEMENT AND OPERATION OF THE PARABURDOO CHILD CARE FACILITY (NOVEMBER 2015 - NOVEMBER 2035)

FILE REFERENCE:	RC52197
AUTHOR'S NAME AND POSITION:	Sarah Johnston Strategic Partnership Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	24 November 2015
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 18.1 (Minute No. 11915) Ordinary Meeting of Council 18 February 2015 Agenda Item 7.1 Special Meeting of Council 12 November 2014 Agenda Item 13.1 (Minute No. 11753) – Ordinary Meeting of Council 19 February 2014

Summary

As part of the Community Infrastructure and Services Partnership between Rio Tinto (RTIO) and Shire of Ashburton (SoA), RTIO has proposed to work with SoA to attract and retain a reputable child care service provider to Paraburdoo, ensuring long term provision and viability of child care services for the community.

The draft proposed *Memorandum of Understanding* between RTIO and SoA, outlining the details of this commitment, is presented for Council's consideration. It is recommended that Council authorise the Chief Executive Officer to finalise the details of the MOU, and arrange it's execution.

Background

A formal Partnership between RTIO and SoA was established in July 2012, creating a long term arrangement to work together to revitalise existing and develop new civic, sporting and community facilities and programs in the towns that Rio Tinto has a significant presence. The agreement provides an engagement framework and Community, Infrastructure and Services Plan (CISP) which details the projects that will be the focus of the partnership.

Under the Partnership, RTIO is assisting SoA by providing support for the delivery of various services and infrastructure projects identified in the Community Infrastructure and Services Plan, including the construction of a purpose built child care facility in Paraburdoo. The new facility will provide the community with much needed additional child care places including up to 47 long day care places and 26 out of school care places. The building will commence construction in December 2015, with an estimated practical completion date of July 2016. It is anticipated that a long term (20 year) arrangement will be put in place to ensure suitable

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child care service delivery is in place for Paraburdoo into the future, and the Shire's risk as a partner is kept to an absolute minimum.

Comment

The new child care facility is proposed to be leased to a suitable service provider on terms that cover the ownership and ongoing maintenance of the building (i.e. the building and its operations having a nil impact to the Shire's operating budget). With construction commencing in early December, Shire Officers seek to undertake the leasing process as soon as possible in order to negotiate and secure a child care service operator ready to commence operations upon the building's completion.

The purpose of the proposed *Memorandum of Understanding* is to set out and agree to the principles that will be used by the Parties to work together to attract and retain a reputable childcare provider.

The overarching principles of the MoU are:

- Child care is a critical service to attract and retain employees to the town of Paraburdoo and the wider Pilbara region. The provision of quality child care services contributes toward town liveability, community wellbeing and social inclusion;
- The Paraburdoo Child Care Centre is a purpose built child care facility that will be owned and managed by the Shire of Ashburton for the exclusive use of child care and ancillary services such as "out of hour" school care;
- The Shire will be responsible to procure a suitably qualified child care Service Provider through a commercial lease arrangement and provide day-to-day tenancy management;
- The commercial lease shall include an annual lease fee paid by the Service Provider to the Shire. The fee shall be inclusive of all reasonable costs expected for the Shire to keep maintained the Paraburdoo Child Care Centre to a standard supporting a clean and safe environment suitable for child care services; and
- The Parties recognise that the economic viability of child care is depended on many variables that may affect the quality and provision of service from time to time. Where the Service Provider may find it difficult to meet a satisfactory service level and community expectations, Rio Tinto will work directly with the service provider to negotiate a financial and/or in kind assistance as appropriate to ensure sustainability and provision of service to the community.

A copy of the draft MoU is attached for Council's reference.

ATTACHMENT 16.1

Consultation

Shire President
Deputy Shire President
Chief Executive Officer
Executive Manager – Strategic & Economic Development
Executive Manager – Community Development
Communications and Administration Officer
Partnership Governing Committee (PGC)
Partnership Management Group (PMG)

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Statutory Environment

Local Government Act 1995 – S 9.49 (A) Execution of Documents

Local Government Act 1995 – S 5.43 (ha) Delegation of Power to the CEO

Financial Implications

The outcomes of the MoU will enable the Shire to negotiate suitable leasing terms with an appropriate child care service provider, so that ownership and maintenance of the facility is covered by the rental fee collected (i.e. nil impact to the Shire's operating budget).

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 01 – Vibrant and Active Communities

Objective 01 – Connected, Caring and Engaged Communities

Goal 02 Enduring Partnership with Industry and Government

Objective 02 – Enduring Partnerships with Industry and Government

Goal 04 – Distinctive and Well Served Places

Objective 01 – Quality Public Infrastructure

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

Policy Implications

ELM13 – Affixing of the Shire of Ashburton Common Seal

Voting Requirement

Absolute Majority Required

Recommendation

That Council Delegate authority to the Chief Executive Officer to finalise and arrange execution of the Memorandum of Understanding with RTIO for the Management and Operation of the Paraburdoo Childcare Facility.

Author: Sarah Johnston	Signature:
Manager: Anika Serer	Signature:

- 17. COUNCILLORS AGENDA ITEMS / NOTICES OF MOTIONS
- 18. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING
- 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.*

AGENDA - ORDINARY MEETING OF COUNCIL 9 DECEMBER 2015

20. NEXT MEETING

The next Ordinary Meeting of Council will be held on 19 January 2016, at the Clem Thompson Sports Pavilion, Stadium Road, Tom Price, commencing at 1.00 pm.

21. CLOSURE OF MEETING