



**SHIRE OF ASHBURTON
ORDINARY MEETING OF COUNCIL**

**MINUTES
(Public Document)
Clem Thompson Sports Pavilion, Stadium
Road, Tom Price
15 April 2015**

1.00 pm

MINUTES - ORDINARY MEETING OF COUNCIL 15 APRIL 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 15 April 2015 at Clem Thompson Sports Pavilion, Stadium Road, Tom Price commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.

Neil Hartley
CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

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1. **DECLARATION OF OPENING**

The Shire President declared the meeting open at 1 pm.

2. **ANNOUNCEMENT OF VISITORS**

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

3. **ATTENDANCE**

3.1 **PRESENT**

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

3.2 **APOLOGIES**

There were no apologies.

3.3 **APPROVED LEAVE OF ABSENCE**

There were no approved leave of absence.

4. QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 18 March 2015 no public questions were taken on notice.

4.2 PUBLIC QUESTION TIME

4.2.1 Ina Brown (Tom Price)

Q1. What has been done since the decision to build the RFDS strip?

Q2. What progress has been made?

It is important to firstly clarify the Shire of Ashburton Council's position on this project.

In February 2012, Council gave in-principle support for an RFDS airstrip near Tom Price and authorised the Chief Executive Officer to investigate the possible location, scope, construction, operation and maintenance costs of such a facility. The Chief Executive Officer was further authorised to source funding for the RFDS airstrip.

In October 2012, the following Council motion was carried:

1. *Council supports, without bias, that it is the desire of the residents of Tom Price to have their own Royal Flying Doctor Air Strip, for which to service their needs.*
2. *Council authorises the Chief Executive Officer to source the required capital funding for the Royal Flying Doctor Air Strip and investigate means to offset maintenance costs.*
3. *On the basis of (2) above and should capital funds be located, then Council agree in principle to accept ownership responsibility of the airstrip.*
4. *A Business Plan be brought back to Council for approval.*

In October 2013 an RFDS Airstrip Cost Estimation report prepared by Aerodrome Management Services (AMS) was noted by Council for use in the preparation of a Business Plan. A draft business plan was completed and presented to Council in October 2014. The 2014 Business Plan estimated a capital cost for development of a new RFDS airstrip at \$3.11m and an operating cost of approximately \$100,000 per annum (for the first 10 years) based on this being an exclusively RFDS airstrip – that is, no regular passenger transport or general aviation to operate from the strip.

Meetings have been held with –

- Rio Tinto in to gain its support for
 - the construction in the preferred airstrip location; and
 - potential funding;
- RFDS to gain its support in principle and understand its operational requirements;

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- Aerodrome Technical Consultants – to receive updated operational scoping and cost estimating advice to ensure that the airstrip design caters for the RFDS jet aircraft which it intends to operate from 2017, which may need a slightly longer and wider airstrip than previously costed; and
- State Department of Transport – discussion on potential funding avenues.

Q3. What is the next step?

Permission for the use of the nominated site needs to be formalised with Rio Tinto. In parallel, and in line with the October 2012 Council resolution, the Shire needs to identify funding sources for the capital construction costs, and preferably, also secure in principle agreement for funding.

Once in-principle agreement is received from RTIO, and a funding source is located, technical work can be committed to. For example, if vegetation and heritage studies are required, these will be initiated to enable appropriate surveys.

Technical designs will also need to be prepared and costs validated, such that reliable pre-tender cost estimates can be used to seek development funding.

Ongoing discussions with State and Federal agencies, including -

- WA Department of Transport
- Federal Department of Industry and Regional Development
- Pilbara Development Commission

are occurring, and future grant applications are expected to result (noting that there are no funds directly allocated within the Shire's Long Term Financial Plan for the project so the Shire needs to secure all of the \$3.11m construction funds from external sources and to locate third parties to assist in offsetting the ongoing operating costs).

Q4. When is the likely start of construction and finish date?

Construction dates will be scheduled once the project is committed. It is not possible to predict a start or completion date at this point in time.

4.2.2 Ryan Coon (Tom Price)

Q1. Will the Shire be addressing the repair work and modifications urgently required for safety at the North Tom Price Primary School car park? If so when will this occur and what money has been allocated to this project?

There are some minor works and some kerb reinstatements programmed for this site. Works will commence once the Shire can accumulate a sufficient volume to achieve an economic mass for a Contractor to undertake. The works are to be funded from the Shire's general maintenance funds and is preliminary estimated to cost about \$2500.

The car park configuration has been inspected and is considered to be functional, safe and compliant. That said, the Shire wants to take a proactive

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approach as it did at the Tom Price Primary School recently. An education program will therefore be promoted by the Shire's Ranger Service, which will ensure that good parking and driver behavioural practices are promoted.

As a first stage, some additional parking signs will be installed to assist drivers with parking clarification.

4.2.3 Helen Boyd (Tom Price)

Q1. Why can we not have a write up about doctors in Inside Ashburton it's not advertising, it's a service. Business does have promotion material in 6 cases in last two additions.

The CEO outlined that the first request from the Tom Price Surgery received a couple of weeks ago, was understood to be a request for the publication of a personal profile of a new doctor who had recently commenced at the surgery. It was not included as it was not considered that this type of article was in keeping with the intent of the Inside Ashburton publication. From time to time, there are indeed references to commercial organisations, like the article that referenced Skippers Airlines as providing a new service at the Shire's airstrip in Onslow. It is always a careful consideration to make for the reasons outlined in the question. It may be possible though, to include a valuable broad based community health notice in a future edition of the Inside Ashburton if space is available and the article has relevance.

4.2.4 Georgie Kraus (Tom Price)

Q1. Update on the surfacing of the access road to Karratha please.

The Shire has a grant application pending with the Federal Government's National Stronger Regions Fund Grant Program. If successful, this will enable us to make a start with this project (potentially \$9m of works). Further though, the Shire is preparing a report to Council, which is designed to seek funding for the complete sealing of the Karratha - Tom Price Road. It is believed that there could be both State and Federal funding opportunities, particularly in relation to tourism related infrastructure projects that support economic development. Concept analysis has already been done and more definitive preliminary work is being sourced. The report is proposed to be submitted for Council consideration within the next couple of meetings.

The Tom Price Karratha Road is listed in the Shire's Strategic Plan as "Opportunistic", that is, projects would only happen if the funding was offered and undertaking the work would not affect a higher priority. The Shire is though, pursuing funding opportunities as it has an annual grant for regional road upgrades and now that the Banjima Drive upgrade (to Karijini) has been completed, the next obvious road to allocate these funds to is the Tom Price-Karratha route.

5. APPLICATIONS FOR LEAVE OF ABSENCE

No leave of absence were received for this meeting.

6. DECLARATION BY MEMBERS

6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

That Councillors White, Rumble, Dias, Wright, Foster, Bloem, Fernandez and Thomas 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.

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4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

Item Number/ Name	Type of Interest	Nature/Extent of Interest
16.1 SUBMISSIONS FROM PUBLIC NOTICE FOR PROPOSAL TO DISPOSE OF PROPERTY – PORTION OF RESERVE 40835 LOT 347 EAST ROAD, TOM PRICE GYMNASIUM		
Cr Bloem	Financial	Family Business

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

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

8. PETITIONS / DEPUTATIONS / PRESENTATIONS

8.1 PETITIONS

There were no petitions presented to Council.

8.2 DEPUTATIONS

There were no deputations presented to Council.

8.3 PRESENTATIONS

There were no presentations to Council.

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9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING OF COUNCIL HELD ON 18 MARCH 2015

Officer's Recommendation

That the Minutes of the Ordinary Meeting of Council held on 18 March 2015, as previously circulated on 24 March 2015, be confirmed as a true and accurate record.

Council Decision

MOVED: Cr Rumble

SECONDED: Cr Bloem

That the Minutes of the Ordinary Meeting of Council held on 18 March 2015, as previously circulated on 24 March 2015, be confirmed as a true and accurate record, subject to the following amendment:

Pages 30-31 of attachment 13.5 item 13.5 Long Term Financial Plan being replaced with the corrected version.

CARRIED 6/2

**Crs White, Rumble, Dias, Wright, Thomas and Bloem voted for the motion
Crs Foster and Fernandez vote against the motion**

ATTACHMENT 9.1

Reason for Change of Recommendation: Officers advised that there was a typographical error noticed in the table of the Long Term Financial Plan (pages 30-31) that should ideally be corrected.

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10. AGENDA ITEMS ADOPTED "EN BLOC"

10.1 MOVE AGENDA ITEMS 'EN BLOC'

MINUTE: 11934

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."*

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That Council adopts en bloc the following officer recommendations contained in the Agenda for the Ordinary Meeting of Council 15 April 2015

Item No.	Agenda Item
11.3	CEO ANNUAL LEAVE / ACTING CHIEF EXECUTIVE OFFICER ARRANGEMENTS
13.2	RECIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF FEBRUARY AND MARCH 2015
14.1	SEEKING COUNCIL ENDORSMENT OF THE ONSLOW LOCAL EMERGENCY MANAGEMENT COMMITTEE, LOCAL EVACUATION PLAN
14.2	SEEKING COUNCIL ENDORSMENT OF THE ONSLOW LOCAL EMERGENCY MANAGEMENT COMMITTEE, LOCAL RECOVERY ARRANGMENTS
14.3	FINAL ADOPTION OF AMENDMENT 29 REZONE PORTION OF LOT 500 ON DEPOSITED PLAN 401881 (RESERVE 19291) BEING THE SITE FOR THE ONSLOW WASTE TRANSFER STATION FROM 'RURAL' TO 'PUBLIC PURPOSES - WASTE DISPOSAL AND TREATMENT'
15.1	ACCESS LICENCE TO CONDUCT SITE INVESTIGATIONS AT THE PROPOSED ONSLOW WASTE MANAGEMENT FACILITY SITE WITHIN LOT 150 ONSLOW ROAD, ONSLOW

CARRIED EN BLOC 8/0

Crs White, Rumble, Dias, Wright, Thomas, Bloem, Fernandez and Foster voted for the motion

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11. GOVERNANCE & EXECUTIVE SERVICE REPORTS

11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS MARCH 2015

MINUTE: 11935

FILE REFERENCE: GV04

AUTHOR'S NAME AND POSITION: Jasmin Forward
CEO & Councillor Support Officer

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

DATE REPORT WRITTEN: 26 March 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

Council Decision

MOVED: Cr D Wright

SECONDED: Cr D Dias

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

CARRIED 6/2

Crs White, Rumble, Dias, Wright, Thomas and Bloem voted for the motion

Crs Foster and Fernandez vote against the motion

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11.2 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF MARCH 2015

MINUTE: 11936

FILE REFERENCE:	GV21 IT03 CM02 LP10.7.0
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Officer Susan Babao Administration Assistant Planning
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	27 March 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 back to Council actions performed under delegated authority for the month of March 2015.

This report includes all actions performed under delegated authority for:

- The Use of the Common Seal.
- Development and Regulatory Services
- Approval to Purchase Goods and Services by the Chief Executive Officer (CEO).
- Tender Approvals by the Delegations of Authorisation used by the Chief Executive Officer.

Background

All actions performed under delegated authority for the following items are included in **ATTACHMENT 11.2:**

- The Use of the Common Seal.
- Development and Regulatory Services
- Approval to Purchase Goods and Services by the Chief Executive Officer (CEO).
- Tender Approvals by the Delegations of Authorisation used by the Chief Executive Officer.

ATTACHMENT 11.2

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Comment

To increase transparency, a report on actions performed under delegated authority has been prepared for Council.

This report is prepared for each Council meeting.

Consultation

The Use of the Common Seal

Chief Executive Officer

Development and Regulatory Services

Chief Executive Officer

Executive Manager, Development & Regulatory Services

Approval to Purchase Goods and Services by the Chief Executive Officer

Chief Executive Officer

Executive Manager, Strategic & Economic Development

Tender Approvals by Delegations of Authorisation used by the Chief Executive Officer

Executive Manager, Infrastructure Services

Executive Manager, Strategic & Economic Development

Statutory Environment

The Use of the Common Seal

Local Government Act 1995, S9.49A Execution of documents.

Development and Regulatory Services

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

Local Government Act 1995, S5.45 – Other matters relevant to delegations under this Division,

S5.70 – Employees to disclose interest relating to advice or reports, S5.71 – Employees to disclose interests relating to delegated functions.

Approval to Purchase Goods and Services by the Chief Executive Officer

Tender Approvals by Delegations of Authorisation used by the Chief Executive Officer

Local Government Act 1995, S3.57 Tenders for providing goods or services.

Financial Implications

The Use of the Common Seal

There are no financial implications related to this matter.

Development and Regulatory Services

There are no financial implications related to this matter.

Approval to Purchase Goods and Services by the Chief Executive Officer

Goods purchased in accordance with 2014/15 Budget.

Tender Approvals by Delegations of Authorisation used by the Chief Executive Officer

Goods purchased in accordance with 2014/15 Budget.

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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

The Use of the Common Seal

ELM 13 – Affixing the Shire of Ashburton Common Seal.

Development and Regulatory Services

There are no policy implications related to this matter.

Approval to Purchase Goods and Services by the Chief Executive Officer

Tender Approvals by Delegations of Authorisation used by the Chief Executive Officer

FIN12 – Purchasing and Tendering Policy.

Voting Requirement

Simple Majority Required

Recommendation

That Council accept the report "*11.2 Actions Performed Under Delegated Authority for the Month of March 2015*".

Council Decision

MOVED: Cr D Wright

SECONDED: Cr A Bloem

That Council:

- 1. Accept the report "*11.2 Actions Performed Under Delegated Authority for the Month of March 2015*".**
- 2. The minutes will show in tender 29/14 (page 54 of the attachments) that GHD was declared an invalid tender as it did not complete the requested scope of the tender and therefore the price and scoring were invalid.**

CARRIED 7/1

**Crs White, Rumble, Dias, Wright, Thomas, Bloem, and Foster voted for the motion
Cr Fernandez voted against the motion**

Reason for Change of Recommendation: Officers advised that there was a typographical error in the table which did not show an asterisk against the company name 'GHD' (vis. GHD*) and then a footnote on the same table (vis. 'Only part of requested scope was tendered therefore price & scoring was invalid').

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11.3 CEO ANNUAL LEAVE/ ACTING CHIEF EXECUTIVE OFFICER ARRANGEMENTS

MINUTE: 11934

FILE REFERENCE: PE03

AUTHOR'S NAME AND POSITION: Neil Hartley
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Neil Hartley

DATE REPORT WRITTEN: 26 March 2015

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The Chief Executive officer (CEO) Neil Hartley seeks to be absent from the shire from 26 August to 2 October 2015 (inclusive) on annual leave.

Council should appoint an Acting Chief Executive officer to be responsible for the day-to-day operations, as well as the statutory requirements of the position during this period.

Background

The CEO wishes to take annual leave from Wednesday 26 August and returning to the Shire on Monday 5 October 2015.

Whilst the CEO is away it would be prudent for Council to appoint an acting CEO during this absence to provide business continuity during this period of absence.

Comment

The General Manager, Mr Maurice Ferialdi, will have been with the Shire of Ashburton for 17 months and by virtue of his position has taken on the CEO responsibilities on several occasions in the CEO's absence. He has also had several successful periods of acting CEO experience at his previous local government.

Consultation

Shire President
General Manager

Statutory Environment

Section 2.7 and 3.1 of the *Local Government Act 1995*, relating to the general function provisions of a Council/Local Government, and section 5.36 as it relates to requirement to employ a CEO.

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Financial Implications

There will be the requirement to pay a 'higher duties' allowance to Mr Ferialdi during this five week period.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Government

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 "Medium" risk in light of the seniority of the position and the many projects presently underway. These will be managed though, by specific monitoring and response procedures.

Policy Implications

There are no policy implications relevant to this issue.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That Council:

1. Approve that the CEO, Neil Hartley, be absent from the Shire on annual leave from Wednesday 26 August and returning Monday 5 October 2015.
2. Appoint the General Manager, Mr Maurice Ferialdi, as the Acting Chief Executive Officer and delegate to him all the powers of the Chief Executive Officer for the period from Wednesday 26 August to Sunday 4 October 2015.

CARRIED EN BLOC 8/0

Crs White, Rumble, Dias, Wright, Thomas, Bloem, Fernandez and Foster vote for the motion

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11.4 FUEL WATCH PROPOSAL FOR ASHBURTON DISTRICT

MINUTE: 11937

FILE REFERENCE: GV17

AUTHOR'S NAME AND POSITION: Maurice Ferialdi
General Manager

NAME OF APPLICANT/RESPONDENT: Cr Peter Foster – Notice of Motion

DATE REPORT WRITTEN: 25 March 2015

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

PREVIOUS MEETING REFERENCE: Notice of Motion – Ordinary Meeting of Council 18 March 2015

Summary

At the Ordinary Meeting of Council held on 18 March 2015 Cr Foster tabled a Notice of Motion regarding fuel prices in the Shire of Ashburton and that the fuel prices are not monitored by FuelWatch. The Notice of Motion was:

- 1. That Council notes residents, tourist and local businesses concerns about fuel prices within the Shire of Ashburton boundaries.*
- 2. That Council notes that on any given day the fuel price discrepancy between Shire of Ashburton fuel stations and that of other Pilbara fuel stations can be from 10c to 25c per litre for unleaded petrol.*
- 3. That Council notes that fuel prices within the Shire of Ashburton are not currently monitored by FuelWatch.*
- 4. That the Chief Executive Officer write a report on what is involved in the Shire of Ashburton making a formal request to FuelWatch to amend Schedule 1 of the Petroleum Products Pricing Regulation to include the Shire of Ashburton. Noting that this process does include the Shire of Ashburton providing contact details of all the fuel retail sites within the Shire of Ashburton boundary and conducting a public consultation on this matter with evidence of support for the proposal from the general public.*

FuelWatch is a branch of the State Government's Consumer Protection area. The purpose of FuelWatch is to create a fairer fuel market for Western Australian motorists. It aims to provide retailers and consumers with a transparent petroleum pricing market. FuelWatch does not extend to any of the Towns in the Shire of Ashburton, but it could be, subject to the agreement of the service stations, community consultation supporting the proposal, and changes to the Petroleum Products Pricing Regulations.

MINUTES - ORDINARY MEETING OF COUNCIL 15 APRIL 2015

Background

Councillor Peter Foster advises he has been approached by several residents about fuel prices in the Shire of Ashburton where there are concerns expressed that the price discrepancy of fuels between Perth and the Pilbara regional areas can be as much as 60 cents per litre.

FuelWatch is a branch of Consumer Protection which falls under the purview of the Department of Commerce, Western Australia. FuelWatch literature describes that "The purpose of FuelWatch is to create a fairer fuel market for Western Australian motorists. It aims to provide retailers and consumers with a transparent petroleum pricing market".

FuelWatch started in January 2001 and its initial boundaries extended over the entire metropolitan area as well as a number of regional areas from Albany to Geraldton.

Initially FuelWatch included towns with a population in excess of 5000 people and at least two fuel retail outlets. Following public consultation and community endorsement, the FuelWatch boundary was extended in May 2003, to include an additional 24 towns and 5 local government areas in regional WA. To date FuelWatch does not extend to any of the Towns in the Shire of Ashburton.

Comment

Councillor Peter Foster has advised that residents, tourists and local business owners have expressed concerns about the fuel prices within our Shire and Perth (as much as 60 cents per litre between Perth and the Pilbara) and that there can be a price discrepancy, on any one day, ranging from 10 to 25 cents per litre of unleaded fuel between Shire of Ashburton fuel stations and that of other Pilbara fuel stations.

FuelWatch, where in place, has given motorists the convenience of seeing the displayed fuel prices and being able to compare one fuel retailer to others. It is argued that it has also created a more transparent and price competitive market.

Advice received from the Department of Consumer Protection is that as the Shire of Ashburton is not in the FuelWatch boundary as prescribed in Schedule 1 of the Petroleum Products Pricing Regulations there would need to be an amendment made to those Regulations to include the Shire of Ashburton. In order to progress down the path of an amendment the Shire would need to lodge a formal request to FuelWatch to amend Schedule 1 of the said Regulations to include the Shire of Ashburton. The Shire would also need to provide the contact details of all of its retail fuel sites.

Following receipt of the formal request and fuel retailer details FuelWatch will consult with the owners of the fuel retail sites and seek feedback from them on the proposal to extend the FuelWatch boundaries to include them. If FuelWatch received evidence of support from the fuel retailers then FuelWatch will require the Shire to conduct public consultation and provide evidence of support from the general public.

The benefits of price advertising works best in places where multiple fuel retailers exists and where competition puts pressure on the retailer to offer the most competitive fuel prices.

Consultation

Cr Peter Foster
Chief Executive Officer

Statutory Environment

There are no statutory impediments.

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Financial Implications

Other than the potential of some relatively minor costs for community consultation, there are no financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 02 – Enduring Partnerships

Objective 02 – Enduring Partnerships with Industry and Government

Goal 05 – Inspiring Governance

Objective 02 – Community Ownership

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" as the process in question is not the responsibility of the Shire.

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Wright

That Council:

- 1. Lodge with the Department of Consumer Protection – FuelWatch, a formal request to amend Schedule 1 of the Petroleum Products Pricing Regulations to include the Shire of Ashburton within the FuelWatch boundary.**
- 2. Authorises that public consultation be conducted to determine whether there is support from the general public to include the Shire of Ashburton in the FuelWatch boundary, should FuelWatch advise that it has received the necessary support from the fuel retailers within the Shire of Ashburton.**

CARRIED 7/1

**Cr White, Rumble, Dias, Wright, Bloem, Fernandez and Foster vote for the motion
Cr Thomas voted against the motion**

MINUTES - ORDINARY MEETING OF COUNCIL 15 APRIL 2015

12. COMMUNITY DEVELOPMENT REPORTS

13. CORPORATE SERVICES REPORTS

13.1 COUNCILLOR RESIGNATION CR ANN EYRE, ASHBURTON WARD

MINUTE: 11938

FILE REFERENCE: GV03

AUTHOR'S NAME AND
POSITION: Lisa Hannagan
Administration Manager

NAME OF APPLICANT/
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 23 March 2015

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

PREVIOUS MEETING
REFERENCE: Not Applicable

Summary

Councillor Ann Eyre has submitted her resignation from the Shire of Ashburton effective from the end of business on the 15 March 2015 Council Meeting Day and it is proposed that the WA Electoral Commissioner be asked to allow the vacancy to remain unfilled until the October 2015 Local Government Elections.

Background

Councillor Ann Eyre was elected in 2011 to the Ward of Ashburton. The term of office for the position previously held by Cr Eyre ends in October 2015.

Comment

With Local Government Elections in Western Australia scheduled for just six months' time (October 2015) it is considered prudent to use the provisions of the Local Government Act to seek for this Councillor position to remain unfilled until then. The alternative of progressing through the process of conducting an extraordinary election to fill the vacancy would result in the successful candidate holding the position for only a matter of several weeks before another election process would occur for the same seat on Council.

There is also a cost implication (approximately \$4,000) in holding an Extraordinary Election.

Consultation

Chief Executive Officer
A/Executive Manager – Corporate Services

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Statutory Environment

Under Section 4.8 of the Local Government Act 1995, if the office of a Councillor becomes vacant (resignation) an election to fill the office is to be held.

Under Section 4.17(2) however, if a member's office becomes vacant after the third Saturday in January but before the third Saturday in July in that election year, the Council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled.

Financial Implications

There are no financial implications for this matter if the WA Electoral Commissioner allows the vacancy caused by the resignation of Councillor Ann Eyre to remain unfilled until the October 2015 Local Government Elections. Otherwise, there will be a cost implication (approximately \$4,000) in holding an Extraordinary Election

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

Policy Implications

There were no policy implications identified.

Voting Requirement

Absolute Majority Required

Council Decision

MOVED: Cr D Wright

SECONDED: Cr C Fernandez

That Council seeks approval under Section 4.17(2) of the Local Government Act 1995, from the WA Electoral Commissioner to allow the vacancy caused by the resignation of Councillor Ann Eyre to remain unfilled until the October 2015 Local Government Elections.

CARRIED BY ABSOLUTE MAJORITY 8/0

Crs White, Rumble, Dias, Wright, Thomas, Bloem, Fernandez and Foster vote for the motion

MINUTES - ORDINARY MEETING OF COUNCIL 15 APRIL 2015

13.2 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF FEBRUARY & MARCH 2015

MINUTE: 11934

FILE REFERENCE: FM03

AUTHOR'S NAME AND POSITION: Leah M John
Finance Manager

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 1 April 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

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

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

February 2015

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

ATTACHMENT 13.2A

March 2015

- Schedule of Accounts and Credit Cards paid under delegated authority for the Month of March 2015.

13.2B

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Consultation

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

Statutory Environment

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

Financial Implications

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

Strategic Implications

Shire of Ashburton 10 year Community Strategic Plan 2012-2022
Goal 5 - Inspiring Governance
Objective 4 - Exemplary Team and Work Environment

Risk Management

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

Policy Implications

There are no policy implications in this matter.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That Council:

- 1. Accepts the Financial Reports for February 2015 ATTACHMENT 13.3A; and**
- 2. Notes the Schedule of Accounts and Credit Cards paid in March 2015 as approved by the Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds as per ATTACHMENT 13.3B.**

CARRIED EN BLOC 8/0

Crs White, Rumble, Dias, Wright, Thomas, Bloem, Fernandez and Foster vote for the motion

MINUTES - ORDINARY MEETING OF COUNCIL 15 APRIL 2015

13.3 BUDGET AMENDMENT / VARIATION

MINUTE: 11939

FILE REFERENCE: FM14.14.15

AUTHOR'S NAME AND POSITION: Leah M John
Finance Manager

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 2 April 2015

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The 2014/2015 budget was officially adopted by Council on 30 July 2014 and throughout the year variations occur. It is the purpose of this report to bring these to the attention of Council.

Background

The 2014/2015 budget was officially adopted by Council on 30 July 2014 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 2014/2015 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 2014/2015 as outlined below be approved.

MINUTES - ORDINARY MEETING OF COUNCIL 15 APRIL 2015

1. Strategic Services: Office of Executive Manager Strategic and Economic Development Services				
GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget
11300070	Consultant/Project Costs	\$40,000	\$50,000	\$90,000
Reason: Engage NAJA Business Consulting Services to undertake revision of the Paraburdoo Community Hub Business Case including engagement with relevant stakeholders, preparation of revised business case and consulting/support for the funding application process. Total estimated cost for this service is \$50,000 however it is proposed that the CEO manage the proposed program and costs in consultation with the Shire President and Paraburdoo Ward Councillors. This variation will have an effect on the budget position and is anticipated to be funded by end of financial year savings in other Shire budget areas.				

2. Community Development Community Services (East):				
GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
11001230	Consultant/Project Costs GEN	\$80,000	(\$20,000)	\$60,000
EV02	Launches & Openings	\$5,000	\$20,000	\$25,000
Reason: Funds required to cover cost of the Paraburdoo Naming Ceremony, which includes the Judy Woodvine Oval, the Quentin Broad Swimming Pool and the Train Park. This variation will have no effect on the budget position.				

3. Community Development: Foreshore Area Onslow				
GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
15093	Onslow Pontoons Tie Down Area	\$54,952	\$24,688	\$79,640
Reason: Funds allocated at budget review was lower than current expenditure forecast due to change in scope of project from "block" tie downs to "pile" tie downs following advice from professional Structural Engineers. The variation will have an effect on the budget position and is anticipated to be funded by end of financial year savings in other Shire budget areas.				

4. Infrastructure: Onslow Airport				
GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
129893	Incentive for Economic Development GEN	\$92,000	\$26,802	\$156,695
122031	Passenger Tax GEN	(\$6,300,000)	(\$26,802)	(\$6,326,802)
Reason: To align the budget with Council's decision at March Council Meeting to extend Skipper Aviation's exemption period from May to July 2015. This variation will have no effect on the budget position.				

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Consultation

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

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 authorized 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 an impact on current budget’s balanced position but it is anticipated to be funded by end of financial year savings throughout various budget areas.

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

MINUTES - ORDINARY MEETING OF COUNCIL 15 APRIL 2015

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr P Foster

That Council approved the required budget variations to the Current Budget for 2014/2015 as outlined below.

1. Strategic Services:

Office of Executive Manager Strategic and Economic Development Services

GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget
11300070	Consultant/Project Costs	\$40,000	\$50,000	\$90,000

Reason: Engage NAJA Business Consulting Services to undertake revision of the Paraburdoo Community Hub Business Case including engagement with relevant stakeholders, preparation of revised business case and consulting/support for the funding application process. Total estimated cost for this service is \$50,000 however it is proposed that the CEO manage the proposed program and costs in consultation with the Shire President and Paraburdoo Ward Councillors. This variation will have an effect on the budget position and is anticipated to be funded by end of financial year savings in other Shire budget areas.

2. Community Development

Community Services (East):

GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
11001230	Consultant/Project Costs GEN	\$80,000	(\$20,000)	\$60,000
EV02	Launches & Openings	\$5,000	\$20,000	\$25,000

Reason: Funds required to cover cost of the Paraburdoo Naming Ceremony, which includes the Judy Woodvine Oval, the Quentin Broad Swimming Pool and the Train Park. This variation will have no effect on the budget position.

3. Community Development:

Foreshore Area Onslow

GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
15093	Onslow Pontoons Tie Down Area	\$54,952	\$24,688	\$79,640

Reason: Funds allocated at budget review was lower than current expenditure forecast due to change in scope of project from "block" tie downs to "pile" tie downs following advice from professional Structural Engineers. The variation will have an effect on the budget position and is anticipated to be funded by end of financial year savings in other Shire budget areas.

MINUTES - ORDINARY MEETING OF COUNCIL 15 APRIL 2015

4. Infrastructure: Onslow Airport				
GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
129893	Incentive for Economic Development GEN	\$92,000	\$26,802	\$156,695
122031	Passenger Tax GEN	(\$6,300,000)	(\$26,802)	(\$6,326,802)
Reason: To align the budget with Council's decision at March Council Meeting to extend Skipper Aviation's exemption period from May to July 2015. This variation will have no effect on the budget position.				
<p style="text-align: right;">CARRIED BY ABSOLUTE MAJORITY 6/2 Crs White, Rumble, Dias, Wright, Bloem and Foster voted for the motion Crs Fernandez and Thomas voted against the motion</p>				

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13.4 AWARD OF TENDER RFT 31/14 - DESIGN & CONSTRUCTION ONSLow SHIRE COMPLEX

MINUTE: 11940

FILE REFERENCE: CM31.14

**AUTHOR'S NAME AND
POSITION:** Lisa Hannagan

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

DATE REPORT WRITTEN: 30 March 2015

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

**PREVIOUS MEETING
REFERENCE:** Agenda Item 13.1 (Minute No. 11779) – Ordinary
Meeting of Council 16 April 2014

Summary

Tenders for the Design and Construction of the Onslow Shire Complex (RFT 31/14) closed on 3 December 2014. Eight conforming tenders were received, one of which provided an alternative tender.

All tenders were assessed based on the Council's "Tender Assessment Criteria" Policy FIN14.

It is recommended that the tender submission received from Woollam Constructions (Alternative Tender) for \$6,698,000 be accepted in relation to RFT 31/14.

Background

Since the Onslow Office/Hall/Library Complex was lost in January 2013, the Shire has progressively moved through the appropriate steps toward rebuilding, including:

1. Community Consultation and Concept Plan;
2. Insurance settlement (\$4.9 million less \$0.5m spent in temporary arrangements);
3. Sign off by Council of Concept Plan and budget;
4. Detailed Design Scope and preparation of Tender documentation;
5. Developing a Project Implementation Plan (PIP) agreement with Chevron (CAPL) for funding (\$2 million).

The Shire advertised RFT 31/14 on 29 October 2014. Submissions closed on 3 December 2014 and eight submissions were received and assessed with the following results.

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	Tenderer	Tender Price	Score	Ranking
1.	Pindan	\$7,266,857.19	57.7	3
2.	Woollam Construction	\$6,845,000.00	64.1	2
	Woollam Construction Alternate	\$6,728,000.00	64.5	1
3.	Megara	\$6,393,084.54	50.2	7
4.	Mitie Construction	\$6,363,636.00	56.2	4
5.	Linkforce Engineering	\$6,005,276.00	43.2	9
6.	Decmil	\$9,205,286.00	44.1	8
7.	CPD Group	\$7,897,270.00	54.1	5
8.	Cooper & Oxley	\$7,847,500.00	53.3	6

Subsequent to the Tender Evaluation, the PIP (to secure \$2m funding) from Chevron (CAPL) was developed. This PIP has now been signed off by all parties

Comment

The recommendation is to award this tender to Woollam Constructions. Woollam Construction submitted a conforming tender, but also included an alternative tender.

The alternative tender is recommended, in summary because it:

- Received the highest score from the tender assessment review panel (based on the criteria);
- Provides a saving of approximately \$90,000 over the fully conforming tender due to change in the roof line of the structure;
- Delivers an innovative design without any impact on the internal space available; and
- Incorporates a decorative alternative sunscreen which improves the street elevation of the building, while respecting the role of salt in the heritage of Onslow.

The alternative frontage suggested in the Woollam Alternative tender is **provided in the Attachment (13.4)**.

It should be noted that the next stage of the process involves obtaining appropriate planning and building approvals.

Consultation

Chief Executive Officer
HQ Management – Kevin Pickering
Nino Menta Project Manager
Emma Heys Procurement Manager

Statutory Environment

Local Government Act 1995 s. 3.57 relates to Tenders for provision of goods and services. The process has complied with all statutory requirements.

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Financial Implications

The budget for this project is \$9.5 million and has been allocated over the 2015/16 and 2015/16 financial years due to the size of the project.

Secured funding for this project includes \$4.2 million from the insurance settlement (held in Reserve) and \$2.0 million from CAPL. Additional funding will be sourced through loans, as agreed by Council at the OMC held 16 April 2014.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 4 – Distinctive and Well Serviced Places

Objective 1 – 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 "High/ Extreme". As a high risk matter, the Executive Manager of Corporate Services will monitor progress of this item.

Policy Implications

Council's FIN14. "Tender Assessment Criteria" Policy.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr A Bloem

That Council:

- 1. Awards RFT 31/14 "D&C Onslow Shire Complex" to Woollam Constructions for a contract value of \$6,698,999 (excl GST) in accordance with the Alternative Tender submitted for the Design and Construction of the Onslow Shire Complex;**
- 2. Authorises the Chief Executive Officer to execute contracts with Woollam Constructions in order for the contractor to proceed with the detailed design, planning approval, building licence and construction of the Onslow Shire Complex;**
- 3. Authorises the Chief Executive Officer to deal with any variations to the Tender to a maximum of 10% of the contract value, providing an appropriate budget variation is identified for any increases to the overall budget for the project.**

CARRIED 8/0

Crs White, Rumble, Dias, Wright, Thomas, Bloem, Fernandez and Foster vote for the motion

MINUTES - ORDINARY MEETING OF COUNCIL 15 APRIL 2015

14. DEVELOPMENT AND REGULATORY SERVICES REPORTS

14.1 SEEKING COUNCIL ENDORSEMENT OF THE ONSLOW LOCAL EMERGENCY MANAGEMENT COMMITTEE, LOCAL EVACUATION PLAN

MINUTE: 11934

FILE REFERENCE: ES03.1 & ES08

AUTHOR'S NAME AND POSITION: Morgwn Jones
Emergency Management Coordinator

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 25 March 2015

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The purpose of this report is to seek Council's endorsement of the Onslow Local Emergency Management Committee (LEMC) Local Evacuation Plan for the Onslow Police Sub District, including the surrounding Pastoral Stations and Indigenous communities of Bindi Bindi and Jundaru (Peedamulla Station).

Background

The Shire of Ashburton is required under legislation to have emergency management plans in place for communities within the Shire and to evaluate the Local Evacuation Plan against the *Emergency Management Act 2005* and the *State Emergency Management Policy 4.7 – Community Evacuation*. As the Shire had no such plan in place for Onslow this document was produced. This plan will be a sub plan under the Onslow Local Emergency Management Committee Local Emergency Management Arrangements (currently under development).

ATTACHMENT 14.1

Comment

The plan has been reviewed and is supported by the Onslow LEMC, the District Emergency Management Committee (DEMC) and is written in consultation with The State Emergency Management Committee Secretariat (SEMC) Community Emergency Management Officer (CEMO) and prepared in accordance with the *Emergency Management Act 2005*

MINUTES - ORDINARY MEETING OF COUNCIL 15 APRIL 2015

Consultation

Chief Executive Officer
Executive Manager – Development & Regulatory Services
Onslow LEMC Members
Local Emergency Coordinator WAPOL Onslow
Department of Child Protection & Family Support Pilbara District Emergency Management Officer
Pilbara District Emergency Management Committee
SEMC CEMO

Statutory Environment

Emergency Management Act 2005
SEMC Policy 4.7

Financial Implications

There are no financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 4 – Distinctive and Well Serviced Places
Objective 2 - Accessible and Safe Towns

Risk Management

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

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That Council endorses (as per Attachment 14.1) the Onslow Local Emergency Management Committee, Local Evacuation Plan for the Onslow Police Sub District.

CARRIED EN BLOC 8/0

Crs White, Rumble, Dias, Wright, Thomas, Bloem, Fernandez and Foster vote for the motion

MINUTES - ORDINARY MEETING OF COUNCIL 15 APRIL 2015

14.2 SEEKING COUNCIL ENDORSEMENT OF THE ONSLOW LOCAL EMERGENCY MANAGEMENT COMMITTEE, LOCAL RECOVERY ARRANGEMENTS

MINUTE: 11934

FILE REFERENCE: ES03.1 & ES08

AUTHOR'S NAME AND POSITION: Morgwn Jones
Emergency Management Coordinator

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 25 March 2015

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The purpose of this report is to seek Council's endorsement of the Onslow Local Emergency Management Committee (LEMC) Local Recovery Plan for the Onslow Police Sub District, including the surrounding Pastoral Stations and Indigenous communities of Bindi Bindi and Jundaru (Peedamulla Station).

Background

The Shire of Ashburton is required under legislation to have emergency management plans in place for communities within the Shire and to evaluate the Local Recovery Arrangements against the requirements of the *Emergency Management Act 2005* and the *State Emergency Management Policy 2.5 – Emergency Management in Local Government Districts*. As the Shire had no such plan in place for Onslow this document was produced. This plan will be a sub plan under the Onslow Local Emergency Management Committee Local Emergency Management Arrangements (currently under development).

ATTACHMENT 14.2

Comment

The plan has been reviewed and is supported by the Onslow LEMC, the District Emergency Management Committee (DEMC) and is written in consultation with The State Emergency Management Committee Secretariat (SEMC) Community Emergency Management Officer (CEMO) and prepared in accordance with the *Emergency Management Act 2005*.

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Consultation

Chief Executive Officer
Executive Manager – Development & Regulatory Services
Onslow LEMC Members
Local Emergency Coordinator WAPOL Onslow
Pilbara District Emergency Management Committee
SEMC CEMO

Statutory Environment

Emergency Management Act 2005
SEMC Policy 2.5

Financial Implications

There are no financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 4 – Distinctive and Well Serviced Places
Objective 2 - Accessible and Safe Towns

Risk Management

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

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That Council endorses (as per Attachment 14.2) the Onslow Local Emergency Management Committee, Local Recovery Arrangements for the Onslow Police Sub District.

CARRIED EN BLOC 8/0

Crs White, Rumble, Dias, Wright, Thomas, Bloem, Fernandez and Foster vote for the motion

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14.3 FINAL ADOPTION OF AMENDMENT 29 TO REZONE PORTION OF LOT 500 ON DEPOSITED PLAN 401881 (RESERVE 19291) BEING THE SITE FOR THE ONSLOW WASTE TRANSFER STATION FROM 'RURAL' TO 'PUBLIC PURPOSES - WASTE DISPOSAL AND TREATMENT'

MINUTE: 11934

FILE REFERENCE: LP10.7.29
PS.TP.7.29

AUTHOR'S NAME AND POSITION: Andrew Patterson
Principal Town Planner

NAME OF APPLICANT/RESPONDENT: Shire of Ashburton

DATE REPORT WRITTEN: 31 March 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 18.1 (Minute No. 11885) Ordinary Meeting of Council 19 November 2014

Summary

At its Ordinary Meeting on 19 November 2014, Council initiated Amendment 29 to the Shire of Ashburton Town Planning Scheme No. 7 (TPS7) ATTACHMENT 1. This amendment seeks to reserve a portion of Lot 500 on Deposited Plan 401881 for 'Public Purposes – Waste Disposal and Treatment'. This Scheme reserve reflects the use of this land for the Onslow Waste Transfer Site (WTS) currently under construction. Lot 500 comprises part of Reserve 19291 that is a managed reserve with Orders to the Shire of Ashburton for the purpose 'Common'.

This item is presented to Council to consider Amendment 29 for final adoption and submission to the Western Australian Planning Commission (WAPC) for approval by the Minister for Planning.

Running concurrent with this Scheme Amendment and the site development, Lot 500 is in the process of being subdivided to create a new lot for the WTS, and it is anticipated that the final amendment boundary will conform to this new lot boundary.

When initially advised of the selected WTS site, it was uncertain whether the proposal required planning approval, primarily based on the Scheme definition of the WTS as either an Industry – Noxious (a prohibited use in a Rural zone) or a Public Utility (a discretionary use in a Rural zone). To provide certainty, the consultant engaged to project manage the development of the WTS has provided legal advice that no planning approval would be required for the development.

ATTACHMENT 14.3

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Background

As noted in the Amendment Initiation report, the WTS is required as a temporary waste processing site while a new landfill site is identified and developed to service the Onslow townsite.

The existing Onslow landfill site is located at Lot 302 on Deposited Plan 45791 and comprises a managed reserve (Reserve 38336) with a Management Order to the Shire of Ashburton for the purpose of 'Gravel and Rubbish Disposal Site'.

In addition to this site being at or near maximum capacity, its proximity to residential and other sensitive land uses, particularly the LandCorp residential subdivision, require the construction of a new, more appropriately located landfill site servicing Onslow and the surrounding area. To ensure any impacts on new residential development is limited or negated, the proposed date for closing the existing landfill and opening the WTS was set for 1 April 2015. Recent heavy rainfall has caused some limited flooding at the WTS delaying its opening, thereby requiring the landfill remain open for a short period and it is anticipated that the WTS will be open prior to Council considering this matter.

Given the time required to identify an appropriate location, design the new landfill, seek relevant approvals, and construct the facility, it was determined to construct a waste transfer site as an interim measure that will allow for the collection and sorting of local waste material for subsequent transfer and disposal at the Tom Price or other appropriate landfill.

At its Ordinary Meeting 19 November 2014, Council resolved to accept advice from the Shire's nominated consultant regarding the preferred WTS site, triggering this Scheme Amendment, the construction works, and the subdivision of Lot 500. At the time of writing of this report, the WTS is nearing practical completion, and the subdivision and creation of the new Crown reserve is anticipated imminently. The final adoption of this Scheme Amendment comprises one of the final statutory processes to complete the project.

During investigation of the WTS site, it was discovered that the area is subject to a File Notation Area for 'Limestone and gravel pit'. A File Notation Area refers to a notated GIS mapping service maintained by the Department of Mines and Petroleum advising of factors that may affect future use and development. With regard to this FNA, MRWA have advised that the area selected for development as the WTS is not required for quarrying purposes.

ATTACHMENT 14.3

Comment

Given the near-completion of the WTS on the selected site, and the satisfactory progression of the remaining statutory processes discussed above, it is recommended that Council resolve to adopt Amendment 29 to the *Shire of Ashburton Town Planning Scheme No. 7* so that the land developed as the Onslow Waste Transfer Station be appropriately reserved under the Scheme.

Should Council elect not to support the final adoption of this Amendment as proposed, the WTS will remain in operation and the subdivision and creation of the Crown reserve for the land will progress regardless, and the land would remain zoned 'Rural' instead of being reserved under the Scheme for 'Public Purposes - waste disposal and treatment'. Given that the proposed Scheme reserve more accurately reflects the purpose for the land, it is a logical step to amend TPS7 to reflect this use.

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Consultation

In accordance with statutory requirements, this proposed amendment to the Shire of Ashburton Town Planning Scheme No. 7 was referred to the Environmental Protection Authority (EPA) for assessment on 1 December 2014 and the Shire was advised on 14 January 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 14 January 2015, with submissions closing on 27 February 15 (44 days);
- Sign advising of the proposal erected on site from 14 January until 27 February 2015;
- The following stakeholders advised in writing of the proposed amendment:
 - Department of State Development
 - Department of Regional Development
 - Department of Lands
 - Department of Planning
 - Department of Parks and Wildlife
 - Department of Aboriginal Affairs
 - Department of Health
 - Department of Water
 - Water Corporation
 - LandCorp
 - Main Roads Western Australia
 - Horizon Power
 - Forrest and Forrest
 - Buurabalayji Thalanyji People
 - Rio Tinto
 - Onslow Salt
 - Chevron Australia
 - Department of Fire and Emergency Services
- Notice published on the Shire's website; and
- Notice published on the Shire's noticeboards.

The Department of Environmental Regulation is the responsible agency under the Environmental Protection Regulations 1987 for licensing the WTS. As this Department holds a statutory authority over the use and development of the site, it was not considered necessary to seek comment regarding the Scheme Amendment as any concerns or proposed conditions would be assessed and regulated through the licensing process.

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

Author	Submission	Comment	Recommendation
Department of Mines and Petroleum	No objection	noted	No modification to amendment
Main Roads Western Australia	No objection	noted	No modification to amendment
Chevron Australia	No objection	noted	No modification to amendment

Statutory Environment

Planning and Development Act 2005

Town Planning Regulations 1967

Shire of Ashburton Local Planning Scheme No.7 ('TPS7')

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Financial Implications

There are no financial implications for this matter

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 01 - Vibrant and Active Communities

Goal 02 - Strong Local Partnerships

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

There are no policy implications for this matter.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That Council:

- 1. Endorses the Schedule of Submissions prepared in response to the consultation for Amendment 29; and**
- 2. Pursuant to Part V of the Planning and Development Act 2005 and having considered the submissions lodged during the advertising period, adopts for final approval Amendment 29 to the Shire of Ashburton Local Planning Scheme No. 7 for the purpose of:**
 - a. Rezoning portion of Lot 500 on Deposited Plan 401881 from 'Rural' to 'Public Purposes – Waste Disposal and Treatment' as shown on the Amendment Map; and**
 - b. Amending the Scheme Map Accordingly;**
- 3. Authorise the Shire President and the Chief Executive Officer to execute and affix the common seal of the Shire of Ashburton to the relevant documentation; and**
- 4. Refers Amendment No. 29 to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.**

CARRIED EN BLOC 8/0

Crs White, Rumble, Dias, Wright, Thomas, Bloem, Fernandez and Foster vote for the motion

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15. INFRASTRUCTURE SERVICES REPORTS

15.1 ACCESS LICENCE TO CONDUCT SITE INVESTIGATIONS AT THE PROPOSED ONSLOW WASTE MANAGEMENT FACILITY SITE WITHIN LOT 150 ONSLOW ROAD, ONSLOW

MINUTE: 11934

FILE REFERENCE: WM07

AUTHOR'S NAME AND POSITION: Michelle Tovey
Project Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 30 March 2015

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

PREVIOUS MEETING REFERENCE: Agenda Item 15.1 (Minute No. 11837) – Ordinary Meeting of Council 20 August 2014
Agenda Item 14.10 (Minute No. 11681) – Ordinary Meeting of Council 16 October 2013

Summary

The Shire has identified an area within Lot 150, Onslow, as the preferred site for the construction of a new Waste Management Facility in Onslow.

Site investigations are now required to determine whether this site is suitable. This will include a heritage survey, flora and fauna surveys and geotechnical and hydrogeological studies.

The Shire has applied for, and been granted, a Section 91 Access Licence from the Department of Lands for the purpose of undertaking these site investigations. It is recommended that Council note this Access Licence and authorise the Shire President and Chief Executive Officer to sign the document and apply the Common Seal.

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Background

The capacity of the current Onslow landfill facility is nearly exhausted and Talis Consultants were engaged to conduct a Site Selection and Feasibility Study for a new Onslow Waste Management Facility (WMF). This was funded under the Critical Services Infrastructure program for the Chevron Wheatstone project.

The Site Selection study was completed in late 2013 for a new WMF to cater for the future needs of the Onslow catchment. The Preferred Site is located on Unallocated Crown Land within Lot 150 Onslow Road, approximately 36km south of the town of Onslow.

At the 20 August 2014 Ordinary Council Meeting, Council noted the Site Selection and Feasibility Study prepared by Talis Consultants and authorised the CEO to proceed with the necessary site investigation, planning, approvals, consultation and design works required to develop the Waste Management Facility at the Preferred Site in Onslow to a Class IV standard.

This stage of work commenced in 2014 but in order to complete the site investigation components permission from the state government is required to access the site. Department of Lands has issued this Section 91 Access Licence, valid for a period of two years from 1 April 2015. This Licence now requires execution by the Shire of Ashburton and Department of Lands.

ATTACHMENT 15.1

Comment

Whilst this Access Licence is for a period of two years, the site investigation works are expected to take place over a fifteen month period, from May 2015 to August 2016. This will occur concurrently with the other ongoing project planning work, including approvals, market sounding, contract delivery planning and preliminary design works.

Consultation

Executive Manager – Infrastructure Services

Senior State Land Officer (Pilbara Region) – Department of State Development

Statutory Environment

Complies with all statutory requirements, namely the Land Administration Act 1997.

Financial Implications

There are no known meaningful financial implications relative to this matter in excess of officer time and minor administrative costs totalling \$657. This will be allocated to the project budget.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 02 – Enduring Partnerships

Objective 01 – Strong Local Economies

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.

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Policy Implications

There are no policy implications for this matter.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That Council:

- 1. Note the Section 91 Access Licence (ATTACHMENT 15.1) prepared by Department of Lands; and**
- 2. Authorise the Shire President and Chief Executive Officer to apply the Common Seal and sign the Section 91 Access Licence.**

CARRIED EN BLOC 8/0

Crs White, Rumble, Dias, Wright, Thomas, Bloem, Fernandez and Foster vote for the motion

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15.2 ONSLOW AIRPORT REQUEST TO INTRODUCE A NEW FEE FOR PASSENGER AND BAGGAGE SCREENING

MINUTE: 11941

FILE REFERENCE:	ED04
AUTHOR'S NAME AND POSITION:	Megan Walsh Airport Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	1 April 2015
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

A company has been selected in accordance with the Shire's procurement processes to provide the screening services at the Onslow Airport. The cost of this service should be on-charged to passengers and as such, a new fee needs to be introduced. It is suggested that Council adopt the fee of \$18 (ex GST) per person for passenger and baggage screening and implement this fee upon commencement of the screening service.

Background

Public access has recently been approved by Chevron, to the Wheatstone charter flights (to commence as soon as the necessary approvals are in place). One of the regulatory requirements for utilising this type of service/aircraft is for all departing passengers to undergo passenger and baggage screening. Additional to the regulated screening required for an open charter service, Chevron has also requested for its remaining closed charters to be subject to the screening process.

Now that a screening provider has been appointed (AMS - Aerodrome Management Services), which will use local Onslow community members as its labour source, the cost of providing this service is available and has been used to calculate this fee.

Comment

The proposed amount for the passenger screening tax is \$18 per person. The fee covers costs for the following items:

- Labor costs
- Consumables (i.e replacement trays, spare parts)
- Annual equipment maintenance
- Adhoc equipment maintenance
- Asset renewal

The \$18 fee (which is comparable to other regional airports) is charged to the airlines, which then includes this within their ticket pricing

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Everybody that is required to be screened, will be charged the fee through their ticket cost. There will be some airport users that are not required to be charged a screening fee, for example, airport visitors that are not flying, and those passengers (and pilots) that operate or fly in planes under 20,000kg or fly outside of the time limits of other screened flights. Screening requirements will be outlined in the Shire's Transport Security Plan (as required by the Transport Security Act).

Statutory Environment

Changes to fees and charges are controlled in the main, by S6.16 (3)(b) and S6.19 of the Local Government Act. Changes to fees need to be passed by absolute majority and advertised to the general public.

Financial Implications

The proposed adoption of a fee for passenger and baggage screening is an additional income not currently budgeted. As reasonably as can be estimated, the fee is designed to recover all costs.

Risk Management

This item has been evaluated against Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be low as the proposal will realise unbudgeted income and as reasonably as can be estimated, the fee is designed to recover all costs.

Strategic Implications

Shire of Ashburton - 10 Year Community Strategic Plan 2012-2022

Goal 04 - Distinctive and Well Serviced Places

Objective 01 – Quality Public Infrastructure

Objective 02 - Accessible and Safe Towns

Objective 03 - Well Planned Towns

Policy Implications

Policy ELM10 (Financial Sustainability) outlines that “no policy or other decision will be made without considering the long term financial impact in those decisions”.

Voting Requirement

Absolute Majority required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr A Bloem

That Council adopt the fee of \$18 (ex GST) per person for passenger and baggage screening and implement this fee upon commencement of the screening service.

CARRIED BY ABSOLUTE MAJORITY 8/0

Crs White, Rumble, Dias, Wright, Thomas, Bloem, Fernandez and Foster vote for the motion

16. STRATEGIC AND ECONOMIC DEVELOPMENT REPORTS

Declaration of Interest

Prior to consideration of this Agenda Item Cr Bloem declared a financial interest in Agenda Item 16.1 in accordance with relevant Section 5.60A of the Local Government Act. The interest nature of the interest being financial and the extent of the interest is that it is a family business.

Cr Bloem left the meeting at 1.25 pm.

16.1 SUBMISSIONS FROM PUBLIC NOTICE FOR PROPOSAL TO DISPOSE OF PROPERTY – PORTION OF RESERVE 40835 LOT 347 EAST ROAD, TOM PRICE GYMNASIUM

MINUTE: 11942

FILE REFERENCE: RC40835

AUTHOR'S NAME AND POSITION: Neil Hartley
Chief Executive Officer

Janelle Fell
Economic and Land Development Manager

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 30 March 2015

DISCLOSURE OF FINANCIAL INTEREST: The authors have no financial interest in the proposal.

PREVIOUS MEETING REFERENCE: Agenda Item 18.2 (Minute 11685) Ordinary Council Meeting 16 October 2013
Agenda Item 11.2 (Minute 11636) Ordinary Council Meeting 18 September 2013

Summary

In October 2013 Council delegated authority to the Chief Executive Officer to:

1. Negotiate a lease for the Tom Price Gymnasium with Tony and Kim Bloem t/a Bodyline Gym;
2. Advertise the proposed disposition, and;
3. Refer any objection back to Council for its consideration.

The terms of the lease were agreed in principal by both parties in February 2015, and the proposed disposition was then advertised for public comment. Two submissions to the proposal were received prior to the closing date specified in the notice.

Council consideration of the submissions is now required as per s3.58 of the Local Government Act 1995.

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Background

In 2013 a request was made by the previous owners of the Bodyline Gymnasium, Dane and Rheannan Bloem, to transfer the licence for the Tom Price Gym on portion of Reserve 40835 to new owners Tony and Kim Bloem. Shire Administration reviewed the licence and noted it did not provide exclusive use of the premises, which was required for the gym's operation. The agreement had also been made using the framework for community leases, which was not appropriate for a commercial entity.

Council subsequently delegated authority to the Chief Executive Officer to negotiate a lease and then advertise the proposed disposition for public comment as required by Section 3.58 of the Local Government Act 1995, with any submissions to be referred back to Council for its consideration.

Negotiations were undertaken to include the following terms in the draft lease agreement:

1. Lessee to assume responsibility for all repairs and maintenance to the premises, facilities and equipment to comply with all statutes and regulations.
2. The Annual Lease Fee shall be \$500 (GST exclusive) and payable upon approval from the Minister of Lands.
3. Electricity to the premises is the Lessee's responsibility.
4. 10% of the water rates for the site (the service also supplies the Bowling Club and its rinks) are to be paid by the Lessee.
5. Land Tax levied by the Department of Finance is to be paid by the Lessee.
6. Insurance premiums paid by the Lessor shall be recuperated from the Lessee.
7. The term of the lease agreement is to be 10 years, commencing upon approval from the Minister for Lands.
8. Cleaning of the leased premise and toilet facilities which are shared with the Tom Price Bowling Club, is the Lessee's responsibility.

ATTACHMENT 16.1A

After agreement of the terms, advertising of the Local Public notice commenced on 11 March 2015, closing on 27 March 2015

Two submissions have been received in response to the public notice requiring Council consideration in accordance with Section 3.58 of the Local Government Act 1995:

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

The submissions from Tom Price residents, object to the annual fee that the Shire proposes for the disposition in comparison to fees not for profit clubs are charged. It is also expressed that Councillor Bloem's interest could be seen as a conflict of interest.

ATTACHMENT 16.1B

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Comment

The submissions raised concerns regarding the proposed rent. Administration considered the monetary value and benefits of the Lessee's covenant to amongst other things, repair and maintain the premises for the duration of the lease along with the annual lease fee as a reasonable outcome compared to the valuation.

The valuation carried out by Independent Valuers of WA in February 2015 valued the premises at between \$5 – 10,000 (with the CEO using the mid-point of \$7,500 per annum as the appropriate guide). This valuation was then considered along with the likely repairs identified by Officers for this quite old structure over the term of the lease (\$86,800 - which includes air-conditioning, internal floor coverings, wall repairs, window repairs and external wall sheeting), most of which would be "owner responsibilities" in a normal commercial lease, but all of which are designated as Lessee responsibilities under the new agreement. It is for these financial reasons, and the fact that the Shire has significantly reduced its financial risk levels at this site, that the proposed lease fee (\$500pa) is considered to be a fair outcome for all concerned.

The submissions also raised concerns in relation to conflict of interest. Tony Bloem has a responsibility to declare his interest in the premises as per 16 of the Local Government (Administration) Regulations 1996 on the Annual Return, and as matters arise at Council Meetings. As the primary negotiator, the CEO has not considered the lease conditions with any relevance to the office held by Tony Bloem.

Regarding the reference that not for profit clubs and organisations are being charged considerably higher rates, it is advised that these rates are set by Council through the budgets annual Fees and Charges Schedule, taking into account all relevant circumstances, like usage space and impacts, and Shire costs. Also for example, in some instances, clubs are charged for the lease of a building in addition to storage, with clubs that hold a liquor licence paying a greater fee as per the fees adopted by Council in December 2014 when reviewing REC05, Community Lease and Licence Agreements of Shire Assets. Community groups are responsible for water, electricity or gas, cleaning and gardening when they have exclusive use of premises, with the Shire being responsible for general asset maintenance of the facility that Shire owns (i.e. has constructed or purchased). Community Groups do though, have access to Shire grants, which can be used to meet at least some of these costs.

Consultation

Chief Executive Officer

General Manager

Executive Manager – Strategic and Economic Development

Executive Manager – Community Development

Facilities Manager – Community Development

Temporary Project Officer – Community Development

Statutory Environment

Section 3.58 of the *Local Government Act 1995*

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Financial Implications

Altering the \$500 annual fee to reflect the \$7,500 valuation and removing the Maintenance and Repair of Premises Clause will potentially result in substantial outlay for Council to repair and maintain the premises. If the annual rent reflected the valuation at \$7,500 for the 10 year term, the total value would be \$75,000, an increase of \$70,000 for the term of the contract compared with the potential cost of \$86,800 identified by Shire Officers for air-conditioning, floor coverings (internal), wall repairs, window repairs and wall sheeting (external). The lease proposal is considered to relieve the Shire of risk, and at least potentially, more costs.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 02 – Enduring Partnerships

Objective 01 – Strong Local Economies

‘Understand the local economic trends and needs of local businesses’

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 “Medium” risk and will be managed by specific monitoring and response procedures.

Policy Implications

ELM04 Code of Conduct Policy for Councillors, Committee Members and Staff.

Voting Requirement

Absolute Majority Required

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr D Wright

That Council:

1. **Note the submissions received and advise them of the outcomes of this matter;**
2. **Confirm that the Lease is considered overall, to represent fair value for the Shire of Ashburton (noting that the Valuation of \$5,000 – 10,000/year for this property is believed to have been achieved through relevant Lease clauses that require the Lessee to take on the costs and risks generally allocated to the Lessor [i.e. the Shire]); and**
3. **Confirm the disposition of property (that is, portion of Reserve 40835, Lot 347 East Road, Tom Price) to new owners Tony and Kim Bloem (trading as Bodyline Gym) as per the Lease terms of the agreement (ATTACHMENT 16.1) and authorising the Shire President and the Chief Executive Officer to sign the Lease Agreement and apply the Common Seal.**

CARRIED BY ABSOLUTE MAJORITY 6/1

**Crs White, Rumble, Dias, Wright, Thomas, Fernandez and vote for the motion
Cr Foster voted against the motion**

Cr Bloem entered the meeting at 2.16 pm.

17. COUNCILLORS AGENDA ITEMS / NOTICES OF MOTIONS

17.1 NOTICE OF MOTION IN REGARDS TO REMOTE INDIGENOUS COMMUNITIES UNDER THREATS OF CLOSURE

FILE REFERENCE: GV17

Cr Peter Foster tabled the following Notice of Motion in regard to the Remote Indigenous Communities under threats of closure:

Notice of motion

- 1. That Council opposes the forced closures of remote Indigenous communities within the boundaries of the Shire of Ashburton.**
- 2. That Council formally acknowledges Youngaleena Community, Wakathuni Community, Bellary Springs Community, Bindi Bindi Community, Ngurawaana Community and Jundaru Community (Peedamulla).**
- 3. Direct the CEO to write a report and write back to Council on the issue of forced closures of remote Indigenous communities, including what municipal services are provided to Shire of Ashburton Indigenous communities, what grants the Shire of Ashburton are receiving to help cover these costs, what impact the removal of the grants will have on the Shire Budget, what is known so far about the State Government's plans to close remote Indigenous communities in Western Australia, outline a course of action that Council can take with the State Government on this matter, such as a letter writing outlining Council's position, seeking further information on what the State Government has planned for remote Indigenous communities and seeking direct engagement with Council and our Indigenous communities, should our communities be potential targets for community closures.**

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

There were no New Business of an Urgent Nature Reports for this agenda.

19. CONFIDENTIAL MATTERS

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

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

(a) a matter affecting an employee or employees;

(b) the personal affairs of any person;

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

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

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

(I) a trade secret;

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

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

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

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

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

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

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

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

(h) such other matters as may be prescribed.

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20. NEXT MEETING

The next Ordinary Meeting of Council will be held on 20 May 2015, at the Onslow Multi-Purpose Centre, Cnr McGrath Rd and Hooley Avenue, Onslow, commencing at 1.00 pm.

21. CLOSURE OF MEETING

The Shire President declared the meeting closed at 2.25 pm.