

# Ordinary Meeting of Council

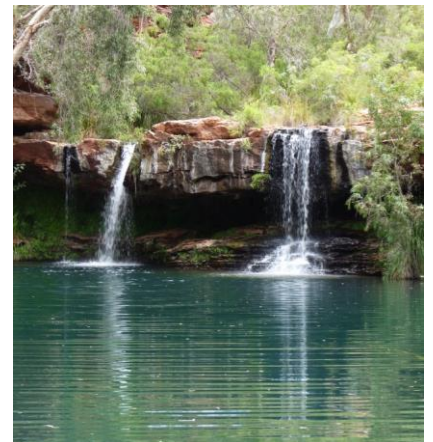
Tom Price



## Agenda – Public Document

15 July 2015

Clem Thompson Sports  
Pavilion  
Stadium Road  
Tom Price  
1.00p



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

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## Our Vision

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



## Our Mission

Working together, enhancing lifestyle and economic vitality



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### Community Goals

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

### Future Focus

The next four years will see a strong focus on:

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



**SHIRE OF ASHBURTON  
ORDINARY MEETING OF COUNCIL**

**AGENDA  
(Public Document)**

**Clem Thompson Sports Pavilion, Stadium  
Road, Tom Price  
15 July 2015  
1.00 pm**

# AGENDA - ORDINARY MEETING OF COUNCIL 15 JULY 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 July 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.*

## AGENDA - ORDINARY MEETING OF COUNCIL 15 JULY 2015

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## AGENDA - ORDINARY MEETING OF COUNCIL 15 JULY 2015

### 1. DECLARATION OF OPENING

### 2. ANNOUNCEMENT OF VISITORS

### 3. ATTENDANCE

#### 3.1 PRESENT

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

#### 3.2 APOLOGIES

Cr D Wright	Pannawonica Ward
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#### 3.3 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 17 June 2015 no public questions were taken on notice.

#### 4.2 PUBLIC QUESTION TIME

### 5. APPLICATIONS FOR LEAVE OF ABSENCE

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### 6. DECLARATION BY MEMBERS

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

#### 6.2 DECLARATIONS OF INTEREST

##### **Councillors to Note**

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

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

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

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

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

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

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

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



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

### **7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

### **8. PETITIONS / DEPUTATIONS / PRESENTATIONS**

#### **8.1 PETITIONS**

#### **8.2 DEPUTATIONS**

#### **8.3 PRESENTATIONS**

### **9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

#### **9.1 ORDINARY MEETING OF COUNCIL HELD ON 17 JUNE 2015**

##### **Officer's Recommendation**

**That the Minutes of the Ordinary Meeting of Council held on 17 June 2015, as previously circulated on 22 June 2015, be confirmed as a true and accurate record.**

#### **9.2 SPECIAL MEETING OF COUNCIL HELD ON 8 JULY 2015**

##### **Officer's Recommendation**

**That the Minutes of the Special Meeting of Council held on 8 July 2015, as previously circulated on 10 July 2015, be confirmed as a true and accurate record.**

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

#### 10.1 EN BLOC

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

*"Part 5 – Business of a meeting*

*Clause 5.6 Adoption by exception resolution:*

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

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### 11. GOVERNANCE & EXECUTIVE SERVICE REPORTS

#### 11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS JUNE 2015

**FILE REFERENCE:** GV04

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

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

**DATE REPORT WRITTEN:** 26 June 2015

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 10.1 (Minute: 11477) - Ordinary Meeting of Council 10 April 2013

#### **Summary**

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

#### **Background**

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

#### **Comment**

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

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

**ATTACHMENT 11.1**

#### **Consultation**

Chief Executive Officer  
Executive Management Team

#### **Statutory Environment**

Not Applicable

#### **Financial Implications**

Not Applicable

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### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

### Risk Management

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

### Policy Implications

Not Applicable

### Voting Requirement

Simple Majority Required

### Recommendation

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

<b>Author: Jasmin Forward</b>	<b>Signature:</b>
<b>Manager: Neil Hartley</b>	<b>Signature:</b>

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

<b>FILE REFERENCE:</b>	GV21 IT03 CM02 LP10.7.0
<b>AUTHOR'S NAME AND POSITION:</b>	Janyce Smith Executive Officer  Susan Babao Administration Assistant Planning
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	26 June 2016
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The authors have no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### **Summary**

The purpose of this agenda item is to report to Council for information, Use of the Common Seal and actions performed under delegated authority requiring referral to Council, for the month of June 2015.

#### **Background**

Council has historically sought a monthly update of the more significant activities for the organisation relative to (1) Use of the Common Seal, and (2) actions performed under delegated authority requiring referral to Council as per the Shire of Ashburton Delegated Authority Register 2014.

#### **Comment**

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

#### **ATTACHMENT 11.2**

#### **Consultation**

Relevant officers as listed in the Attachment.

#### **Statutory Environment**

Local Government Act 1995

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

#### **Financial Implications**

As outlined in Attachment 11.2.

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### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

### Risk Management

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

### Policy Implications

ELM 13 – Affixing the Shire of Ashburton Common Seal.

FIN12 – Purchasing and Tendering Policy.

### Voting Requirement

Simple Majority Required

### Recommendation

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

<b>Author:</b> Janyce Smith Susan Babao	<b>Signature:</b>
<b>Manager:</b> Neil Hartley	<b>Signature:</b>

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### 11.3 PROPOSAL FOR AGENDA ITEMS FOR PILBARA REGIONAL COUNCIL MEETINGS

<b>FILE REFERENCE:</b>	GV11 GV04
<b>AUTHOR'S NAME AND POSITION:</b>	Neil Hartley Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Cr Lorraine Thomas
<b>DATE REPORT WRITTEN:</b>	24 June 2015
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 15.08.06 – Ordinary Meeting of Council 18 August 2009

#### Summary

At the Ordinary Meeting of Council held on 17 June 2015, Cr Thomas tabled a Notice of Motion in regard to Pilbara Regional Council (PRC) items/outcomes to be brought to Council as an agenda item.

The Notice of Motion was:

To have an agenda item brought to future Ordinary Meetings of Council regarding the items/outcomes that are relevant to the Shire of Ashburton from the Pilbara Regional Council meetings.

The matter of PRC reporting has adjusted several times in the past and there is benefit in locating an agreed format that provides appropriate levels of understanding of the regional council's considerations and decisions. It is proposed that a mix of protocols be established that best meets contemporary governance expectations.

#### Background

Cr Thomas has lodged a Notice of Motion as follows:

***To have an agenda item brought to future Ordinary Meetings of Council regarding the items/outcomes that are relevant to the Shire of Ashburton from the Pilbara Regional Council meetings.***

The last time Council has formally dealt with this subject was at its 18 August 2009 meeting, where it resolved to 'make provision within the Shire's Agenda for a report to Council by the Chief Executive Officer in relation to the outcome of Pilbara Regional Council meetings'.

Whilst the PRC minutes were included in the Information Bulletin of the time, in 2011 the reporting to Council transferred to be under a heading within the council agenda titled *Councillor Agenda Items* – to be reported back via one of the Council's PRC Councillor representatives.

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The report reappeared in the Council Agenda around mid-2013 for a short period, and the Information Bulletin ceased in September 2013 due to staff resourcing issues. It has recently recommenced, but in a different format.

Of more recent times, both the Agenda and the Minutes for the PRC have been distributed directly to Councillors via EMACCESS as they arrive at the Shire.

### **Comment**

The PRC is involved in numerous regional activities and has its own strategic plans, budget, and Council. It deals with issues of significance and common relevance to the Pilbara local governments. The Shire's Councillor representatives vote at PRC Meetings using their best judgments, based on their reading of the agenda, on discussions/debate on the day, and on their overall understanding of the issue.

The PRC Agenda is distributed to all Councillors prior to the meeting, and PRC Councillor representatives would welcome Councillor comments on that document prior to the PRC Meeting itself. The PRC Minutes are also distributed to all Ashburton Councillors. There are obvious logistical difficulties with the timing of the PRC Agenda distribution and the Shire's Council Meeting Days, in that there is rarely an opportunity on the Shire's Council Meeting Day to discuss the bi-monthly PRC Agenda (Shire meetings are held on the third Wednesday of each month, but PRC meetings are held on fourth Monday of every second month).

It is important to highlight that the present process is that any relevant Pilbara Regional Council meeting issue or resolution would already be brought to the Shire of Ashburton Council meeting, but only if a Council decision was required.

Notwithstanding the above, it is important for Councillors to have every reasonable opportunity to understand and contribute to the PRC activities and to engage on those matters with the Shire's PRC representatives. It is considered that the best opportunity to facilitate this discussion is not within the Council Meeting itself whilst accommodating its Standing Orders formalities, but via a dedicated allocation of a period of time at each Council Meeting Day, so that Councillors might take the opportunity to report on all meetings/conferences attended by them (including the Pilbara Regional Council). Any items raised at the Workshop Session could then if required, be dealt with through an agenda item to the following Shire of Ashburton Council Meeting.

### **Consultation**

Chief Executive Officer  
Shire Executive Management Team

### **Statutory Environment**

Local Government Act S2.10 (Role of Councillors - participates in the local government's decision making processes at council and committee meetings).  
Shire of Ashburton Standing Orders (2012).

### **Financial Implications**

There are no known meaningful financial implications relative to this matter in excess of officer time and minor administrative costs.

### **Strategic Implications**

Shire of Ashburton Corporate Business Plan 2013-2017 (*Living Life – Making it Happen*) outlines at priority 4.3, that the Shire will reflect on regional issues and collaborate with our neighbouring local governments for the benefit of the regional community.



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### **Risk Management**

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be a "Low/Medium", mostly related to financial, operational, and reputational elements, but these can be managed through specific monitoring and actions as required, by the Shire's PRC representatives and also the Shire Executive Management Team members.

### **Policy Implications**

Policy ELM09 (Elected Member Information Forums) provides Councillors with the opportunity to raise and discuss a broad range of matters of strategic and operational significance.

Policy ELM05 (Councillor Training/Conference Attendance) outlines that a report on the event is to be submitted for distribution to Councillors by the relevant attendee.

### **Voting Requirement**

Simple Majority Required

### **Recommendation**

That Council:

1. Requires that if a Shire of Ashburton Council decision is necessary, relevant Pilbara Regional Council meeting resolutions be brought to the Shire of Ashburton Council for consideration;
2. Allocate a period of time at each Council Meeting Day, for Councillor Reports on relevant meetings attended by them (including the Pilbara Regional Council); and
3. Requires that Pilbara Regional Council Agenda's and Minutes continue to be distributed to Councillors upon receipt at the Administration Centre.

<b>Author: Neil Hartley</b>	<b>Signature:</b>
<b>Manager: Neil Hartley</b>	<b>Signature:</b>

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### 11.4 FORMATION OF A COMMITTEE FOR THE ABORIGINAL COMMUNITIES

<b>FILE REFERENCE:</b>	GV11 GV04
<b>AUTHOR'S NAME AND POSITION:</b>	Neil Hartley Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Cr Lorraine Thomas
<b>DATE REPORT WRITTEN:</b>	22 June 2015
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### Summary

At the Ordinary Meeting of Council held on 17 June 2015, Cr Thomas tabled a Notice of Motion in regard to forming a committee for Aboriginal Communities.

The Notice of Motion was:

Request Council to form an Aboriginal Community Committee, to liaise with Aboriginal Communities on how best to formalise communications between the local aboriginal communities and the Council, and develop recommendations relevant to local aboriginal issues.

Committees are a commonly used form of governance structure across WA local governments and work best when their role and function is clear, and they are suitably resources to undertake the tasks allocated to them.

Whilst the proposal of liaising with Aboriginal Communities on how best to formalise communications between the local aboriginal communities and the Council would not seem to be overly complex, the question of "the need and role" of an Aboriginal Community Committee as part of the Shire of Ashburton is difficult for officers to interpret holistically in light of the fact that most of what the Shire does is common to the entire population, and the limited experience and resources officers have access to in the direct coordination of contemporary Aboriginal issues.

It is suggested therefore that whilst a Aboriginal Community Committee would seem to have merit, as a "first step", a Working Group be established to consider in more detail, what value the Council can offer local Aboriginal Communities, and how best that might be facilitated through a committee structure.

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### **Background**

Cr Thomas has lodged a Notice of Motion as follows:

***Request Council to form an Aboriginal Community Committee, to liaise with Aboriginal Communities on how best to formalise communications between the local aboriginal communities and the Council, and develop recommendations relevant to local aboriginal issues.***

Committees are a form of governance structure and are commonly used throughout WA local governments. The Shire of Ashburton has not previously had such a Committee, however at the June 2015 Council Meeting in response to a question as to whether it should 'review the role and implementation of Aboriginal portfolio', the Council reinforce its position of 2013 not to reintroduce a Councillor Portfolio System.

### **Comment**

No consultation has been initiated with Aboriginal communities or corporations within the Shire of Ashburton, but that would be prudent before a final decision is made by Council on this matter.

A number of officers do regularly engage with the various Aboriginal community representatives and relevant Aboriginal Corporations as part of their day-to-day activities. That said, other than the specific examples of the Aboriginal Health Services Program, and the Early Years Program in Onslow (and some the tourism and heritage areas also) the organisation generally deals with Ashburton's Aboriginal people as a part of the entire community. Most officers therefore have limited direct engagement experience in the field of Aboriginal communications and local Aboriginal issues.

Whilst on first considerations it might seem that the proposal of liaising with Aboriginal Communities on how best to formalise communications between the local aboriginal communities and the Council would not seem to be overly complex, the interactions between Aboriginal families and communities can be complicated by longstanding Aboriginal culture and other relevant impacting events.

It is suggested therefore that as a "first step", a Working Group should be established to consider in more detail, what value the Council can offer local Aboriginal Communities, and how best that might be facilitated through a committee structure. The Working Group would need to consider any local cultural complexities, but also the numerous legislative and logistical issues of the need, role, and purpose of an Aboriginal Community Committee, operation resourcing expectations, and Committee expenses, etc.

### **Consultation**

Cr Thomas

Chief Executive Officer and Executive Management Team

No consultation has been initiated with Aboriginal communities or corporations within the Shire of Ashburton, but that would be prudent before a final decision is made by Council on this matter.

### **Statutory Environment**

Part 5 (Administration) Division 2 (Council meetings, committees and their meetings and electors' meetings) devotes numerous sections to the establishment, type and processes for Committees.

In particular, S5.8 deals with the establishment of Committees (can be three or more members); S5.9 deals with the types of Committees (e.g. council members only, or

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council members and other person); S5.10 details the appointment of Committees (i.e. by the local government). Others deal with proxies, tenure, powers, etc.

The Shire of Ashburton Standing Orders also addresses such matters as the appointment and management of Committees.

There are no known statutory impediments to the Council appointing a Committee along the lines suggested in the Notice of Motion.

### **Financial Implications**

The operation of the Committee will add an additional level of cost to the organisation, more so in the form of officer staff hours. The level though will not be certain until the Council determines the role and frequency of its meetings. The recommendations for the Committee will if approved by Council, also require auctioning. It would appear likely that the establishment of this Committee will result in meaningful financial implications in excess of what could otherwise be described as minor officer time and minor administrative costs. It is therefore likely to warrant a separate budget requirement to manage the Committee and action its outcomes.

If the Committee Membership is to include external parties, there may be the expectation that the expenses of those members is provided by the Shire, including possibly a meeting sitting fee. These costs could be extensive, but again that will depend on the eventual function of the Committee and its make-up.

### **Strategic Implications**

The Shire of Ashburton *Living Life* document highlights as its Mission, that “working together” is important. It also lists local Aboriginal Communities as important places and describes the Shire’s responsibilities to Aboriginal people in the ‘*Challenges of Growth*’ section.

Objective 1 (Connected, Caring, and Engaged Communities) highlights that one of the ‘Key Contributors’ to this objective is ‘Aboriginal Communities’ so that there is the opportunity to connect people and communities, and to address isolation and dislocation.

Aboriginal Communities and Aboriginal Corporations are regularly listed as Key Contributors throughout the Shire of Ashburton Living Life document.

The Corporate Business Plan has a specific section for Aboriginal Health Services, but generally elsewhere (other than the Early Years Program in Onslow, tourism and heritage) it deals with Ashburton’s Aboriginal people as a part of the entire community.

### **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 a “Medium”, mostly related to financial and reputational elements, but these can be managed though specific monitoring and actions as required, by the Committee itself and Shire’s Executive Management Team.

### **Policy Implications**

There are several Policies that would be relevant, namely, ADM08 Community Engagement; ELM01 Council and other Meetings; ELM04 Code of Conduct; ELM06 Expenses; ELM08 Order or Business (as a guide only).

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### Voting Requirement

S5.10 - Absolute Majority Required (if a Committee is to be established), otherwise, a Simple Majority only.

### Recommendation

That Council appoint a Working Group of Councillors Thomas, ....., and ..... to develop a proposal for Council's later consideration, including the suggested role and purpose, membership, meeting frequency and locations, and likely resourcing costs of operating an *Aboriginal Community Committee* and any possible long term budget expectations.

<b>Author: Neil Hartley</b>	<b>Signature:</b>
<b>Manager: Neil Hartley</b>	<b>Signature:</b>

## 12. COMMUNITY DEVELOPMENT REPORTS

### 12.1 ONSLOW COMMUNITY GARDEN MANAGEMENT COMMITTEE - MEMBERSHIP

<b>FILE REFERENCE:</b>	CS06
<b>AUTHOR'S NAME AND POSITION:</b>	Mike Sully Executive Manager, Community Development
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	26 June 2015
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	No previous reference

#### Summary

A Community Garden exists in Onslow. The land on which the garden sits (Reserve 30685) is vested in the Minister for Education. A Licence agreement between the Minister for Education and the Shire of Ashburton (SoA) sets out the parameters and responsibilities of the parties as to how the Onslow Community Garden will operate.

Following the announcement by the Pilbara Development Commission, in June 2015, that the Onslow Chamber of Commerce and Industry (OCC&I) had accessed a PDC grant to provide governance training and development for the Onslow Community Garden Management, the history of this site and its operations was researched.

The investigation revealed that there were a small number of committee members and that formal committee meeting minutes have not been received by the Shire since 13 March 2014. What was also revealed was that the OCC&I was undertaking the operational and financial management of the Community Gardens. This, along with the grant application, was inconsistent with the Licence Agreement, which requires that either the SoA or the Department of Education (DoE) manager the financial activities of the Community Garden project.

This report outlines a methodology and timeline for the selection of the Shire's representatives on the Onslow Community Garden Management Committee (including community representatives).

#### Background

The Licence Agreement between the Minister for Education and the Shire of Ashburton commenced on 1 May 2009 and is effective for a ten year period; it also has a renewal clause option for an additional ten years.

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The land subject to the Licence Agreement is Lot 641, and is also known as Reserve 30685 (located on the North East corner of the Onslow School Grounds and is bounded by Simpson Street and Third Avenue).

The Licence Agreement requires that there will be four Local Government and Community representatives, and four Minister representatives for the Management Committee, however the Licence also allows for the Management Committee to agree on '*such other number as the Parties may from time to time agree*'.

The Licence Agreement also determines that the Management Committee shall not handle any cash and that all receipts and payments relating to the operation of the Community Garden Facilities shall be processed as appropriate by the existing accounting systems of either the Department of Education or the Shire of Ashburton. The Shire has all of the necessary resources to undertake those responsibilities (and whilst a separate requirement of the License, already sets and collects the garden hire fees).

### **Comment**

Numerous changes of Shire and Onslow Primary School staff members have resulted in a reduction of participation by the respective representatives of the Shire and Primary School in the Onslow Community Garden. This has resulted in a small group of Onslow community members gradually being left as "caretakers" of the Management Committee.

Of more recent times, the OCC&I has auspiced grant applications on behalf of the Community Garden Management Committee. There is no information available to clarify whether any financial management of the Community Garden actually passed from the Shire to OCC&I, however the minutes of the Onslow Community Garden meeting held on 13 March 2014 indicate that the Shire held the "Community Garden Account" at that time. There are no copies of any further Community Garden Management Committee meeting minutes available at the SoA's Onslow Office. Copies of relevant documents have been requested from OCC&I, but had not been received at the time of this agenda being drafted. While it is commendable that an organisation can successfully gain funding for a community project, the Licence Agreement for the Community Garden clearly states that the Shire of Ashburton or the Department of Education has responsibility for the Community Garden's financial management. The Shire subsequently requested that the PDC transfer the grant to the Shire instead of providing the funds to the OCC&I, however the PDC was unable to meet the request due to State Treasury funding restrictions.

Attached is a copy of the Onslow Community Garden Licence Agreement; Minutes of the 13 March 2014 Onslow Community Garden Management Committee meeting; and a copy of the Shire of Ashburton letter sent to the Pilbara Development Commission.

### **ATTACHMENT 12.1**

The Shire and the Onslow Primary School have discussed how best to reinstate the Licence Agreement conditions and re-establish a formal Management Committee for the Onslow Community Garden.

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The proposed re-establishment process is as follows:

### **Onslow Community Garden Management Committee**

- There will be three Shire/Community representatives;
- There will be three Department of Education representatives;
- The Shire will manage finances, bookings and maintenance requirements as listed in the Licence Agreement;
- The DoE will manage costs as listed in the Licence Agreement;
- The Committee will meet at least every three months (or more frequently if needed);
- Appointment of representatives will be for a two year period.  
(With the exception of the July 2015 to October 2015 appointments)

The following timeline, as agreed by the current Department of Education representative, was proposed:

- That the SoA and DoE canvass eligible persons to nominate for positions as representatives on the Onslow Community Gardens Management Committee.
- That the six representatives for the Onslow Community Garden Management Committee be endorsed by SoA Council at the 15 July 2015 Ordinary Council Meeting, to be formally recognised as members of the Management Committee for the period 15 July to 17 October 2015 (date of WA Local Government elections).
- That the SoA and DoE undertake the process of formal selection of six representatives for the Onslow Community Garden Management Committee for a two year period, as soon as possible (noting that Councillor representation will occur shortly after the 2015 WA Local Government elections).

### **Consultation**

SoA Shire President	Cr Kerry White
SoA Chief Executive Officer	Neil Hartley
Onslow Primary School Principal	Jacqueline Berry
OCC&I President	Geoff Herbert
Community Garden Management Committee Member	Dee Walkington

### **Statutory Environment**

Local Government Act 1995, Part 5 Div. 2 Sub Div. 2 (5.9 – 5.25) Committees and their Meetings, and Regulation 34 Local Government (Financial Management) Regulation 1996.

The SOA, the DoE, and the Onslow Community Garden Management Committee has formal requirements as listed in the *Licence Agreement*.

### **Financial Implications**

The 2014/2015 Shire of Ashburton budget lists that an amount of \$8,596 was reserved for the financial operation of the Onslow Community Garden. To the end of May 2015 \$1,374 has been spent, mainly on a regular weekly rubbish removal service.



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The 2015/2016 draft budget lists an amount of \$9,660 being reserved for the financial operations of the Onslow Community Garden for 2015/16.

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 01 – Vibrant and Active Communities

Objective 02 – Active People, Clubs and Associations

### Risk Management

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

### Policy Implications

There are no policy implications

### Voting Requirement

Simple Majority Required

### Recommendation

That Council:

1. Approve the three Local Government and Community representatives for the Onslow Community Garden Management Committee for the period 15 July to 17 October 2015 (date of WA Local Government elections) as:
  - Cr. Kerry White (Onslow Ward);
  - Dee Walkington; and
  - Mechelle Macdonald
2. Note that the Department of Education representatives are:
  - Jacqueline Berry;
  - \_\_\_\_\_; and
  - \_\_\_\_\_.
3. Require that the CEO undertake a community consultation program to invite community representation for the Onslow Community Garden Management Committee, for the two year period following the 2015 WA Local Government elections. Nominations to be presented to Council for endorsement.

<b>Author: Mike Sully</b>	<b>Signature:</b>
<b>Manager: Neil Hartley</b>	<b>Signature:</b>

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### 13. CORPORATE SERVICES REPORTS

#### 13.1 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF MAY & JUNE 2015

<b>FILE REFERENCE:</b>	FM03
<b>AUTHOR'S NAME AND POSITION:</b>	Leah M John Finance Manager
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	30 June 2015
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### **Summary**

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

#### **Background**

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

#### **Comment**

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:

#### **May 2015**

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

**ATTACHMENT 13.1A**

#### **June 2015**

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

**ATTACHMENT 13.1B**

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### Consultation

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

### Statutory Environment

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

### Financial Implications

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

### Strategic Implications

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

### Risk Management

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

### Policy Implications

There are no policy implications in this matter.

### Voting Requirement

Simple Majority Required

### Recommendation

That Council:

1. Accepts the Financial Reports for May 2015 **ATTACHMENT 13.3A**; and
2. Notes the Schedule of Accounts and Credit Cards paid in June 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**.

<b>Author: Leah M John</b>	<b>Signature:</b>
<b>Manager: Frank Ludovico</b>	<b>Signature:</b>

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### 13.2 2015 REVIEW OF DELEGATIONS OF AUTHORISATIONS, COUNCIL APPROVAL AUTHORISATIONS

<b>FILE REFERENCE:</b>	CM02
<b>AUTHOR'S NAME AND POSITION:</b>	Leanne Lind Governance and Policy Consultant
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	1 July 2015
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 11.4 (Minute Number: 11234) - Ordinary Meeting of Council 18 July 2012 Agenda Item 11.5 (Minute Number: 11453) - Ordinary Meeting of Council 13 March 2013 Agenda Item 13.3 (Minute Number: 11766 – Ordinary Meeting of Council 19 March 2014 Agenda Item 13.2 (Minute Number 11806) – Ordinary meeting of Council 21 May 2014 Agenda Item 13.3 (Minute Number 11835) – Ordinary Meeting of Council 16 July 2014

#### **Summary**

The 2015 review of the Delegations of Authorisation and Council Approval Authorisations registers has been undertaken to address changes to existing delegations and the introduction of new delegations to improve the day to day functioning of the Shire.

Delegation DA06-6 *Award Tenders*, is addressed in a separate agenda as its significance warrants a dedicated consideration.

#### **Background**

The last review of the Delegations and Authorisations registers occurred at the Ordinary Council Meeting in July 2014.

This current review of Delegations and Authorisations forms part of the annual and constant review process of the Shire, to ensure that the internal procedures of the organisation reflect good governance and efficient practices.

#### **Comment**

The 2015 reviewed Delegations of Authority and Council Approved Authorisation registers have been “track changed” where applicable. The changes in the main represent modifications in staff/structure that have occurred over the past year, the accommodation of alterations external to the organisation, as well as some legislative and other administrative process changes. Most changes are therefore relatively minor and most relate to changes of officer titles and adding/deleting officers to reflect new/changed responsibilities.

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Notable changes are:

- All reporting requirements have been adjusted to include specific requirements and thus providing transparency when a delegation is used, as per the legislation requirements.
- DA03-11 *Actions Against Land Where Rates or Service Charges Unpaid* - has been included to provide the CEO with the power to instigate legal proceedings to recover unpaid rates (as outlined in Council Policy FIN13 – Accounts Receivable Recovery).
- DA04-1 *Wittenoom Claims – Legal* - has been adjusted upward by \$25,000 to account for the progressively increasing compensation payments being awarded by the Courts to Wittenoom Claimants.
- DA06-7 *Staff And Employee Property Leases Contracts* - has undergone major amendments to better reflect the current legislation and the limitations therein.
- DA06-8 *Lease Agreements Including User And Licence Agreements* - has been included following its adoption at the OCM in December 2015.
- DA07-20 *CEO'S Delegated Authority and Appointment of Authorised Persons – Dog Act 1976* - has been amended to reflect the introduction of new regulations under the Dog Act 1976.
- DA09-2 *Authority to Approve Donations/Waive Fees* - supersedes DA09-1 following the adoption of the REC08 Donations Policy by Council (OCM February 2015).
- DA10.01 *Specific Delegations of Council (Resolutions)* delegation has been introduced into the Delegations Register to allow the functions performed by the CEO via Ordinary Council Meeting Resolution to be reported and recorded as per legislation requirements.

Previously, delegations to the CEO through Council's Local Laws were recorded in the *Authorisations Register*, however because they are delegations to the CEO who then authorises (not on-delegates) staff to undertake the functions under the Local Law they have been relocated into the Delegations Register.-The Delegations concerned are:

- DA09-3 Parking and Parking Facilities Local Law – Authorised Persons
- DA09-4 Local Government Property Local Law – Appointment of Authorised Persons
- DA09-5 Local Government Property Local Law – Agreements, Approvals, Setting Aside and Applications
- DA09-6 Extractive Industries Local Law – Appointment of Authorised Persons
- DA09-7 Activities on Thoroughfares and Public Places and Trading Local Law – Appointment of Authorised Persons

**ATTACHMENT 13.2.2A**  
**ATTACHMENT 13.2.2B**

### Consultation

Chief Executive Officer  
Executive Manager - Corporate Services  
Department of Local Government  
WA Local Government Association

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### Statutory Environment

The following section of the *Local Government Act 1995* applies:

*Section 5.42 Delegation of some powers and duties to CEO*

(1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —

(a) this Act other than those referred to in section 5.43; or

(b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

\* Absolute majority required.

### Financial Implications

There are no financial implications in this matter.

### Strategic Implications

Shire of Ashburton 10 year Community Strategic Plan

Goal 5 - Inspiring Governance

Objective 3 - Council Leadership

### 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/High". The high level of risk is being driven by the high financial values. It is considered that the likelihood of a risk event occurring will be "rare", but none-the-less, as a high risk matter, the Chief Executive Officer and the Executive Team will monitoring delegation activities.

### Policy Implications

Nil

### Voting Requirement

Absolute Majority Required

### Recommendation

That Council adopt the Delegations of Authority Register as per **ATTACHMENT 13.2A**, and the Approved Authorisations as per **ATTACHMENT 13.2B** as part of the 2015 annual review.

<b>Author:</b> Leanne Lind	<b>Signature:</b>
<b>Manager:</b> Frank Ludovico	<b>Signature:</b>

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### 13.3 2015 DA06-6 AWARD TENDERS DELEGATION

<b>FILE REFERENCE:</b>	CM02
<b>AUTHOR'S NAME AND POSITION:</b>	Leanne Lind Governance and Policy Consultant
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	1 July 2015
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 11.5 (Minute Number: 11453) - Ordinary Meeting of Council 13 March 2013 Agenda Item 13.3 (Minute Number: 11766) – Ordinary Meeting of Council 19 March 2014 Agenda Item 13.2 (Minute Number 11806) – Ordinary meeting of Council 21 May 2014 Agenda Item 13.3 (Minute Number 11835) – Ordinary Meeting of Council 16 July 2014

#### **Summary**

The 2015 review of the Delegations of Authorisation and Council Approval Authorisations registers has been undertaken to address changes to existing delegations and the introduction of new delegations to improve the day to day functioning of the Shire.

Both registers are presented to Council in another agenda item, however as requested, Delegation DA06-6 Award Tenders is addressed individually via this agenda item.

#### **Background**

The last review of this Delegation occurred at the Ordinary Council Meeting in July 2014.

This 2015 Delegation review forms part of the annual and constant review process of the Shire to ensure that the internal procedures of the organisation reflect efficient practices.

The Local Government Act provides for a Council to select an appropriate level of tender delegation that sits comfortably with (1) the extent of delegation, (2) local logistics, and (3) the expectations of the Council on officers to promptly progress projects to the tender appointment stage.

In regard to the existing level of “balance”, in the 2014/2015 financial year 41 tenders have been issued. 29 have been awarded and the works completed or underway, six are either currently being advertised or currently under evaluation, and six were not pursued further as a tender (e.g. no bids forth coming for the Onslow Airport Industrial Area).

During 2015/16, 26 tenders (of the 29) were awarded under DA06-6 and the following statistics are relevant –

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- 2 tenders were income producing at \$5,000 and \$49,500 per annum respectively;
- 14 tenders were valued at \$250,000 or below;
- 7 tenders were between \$250,000 and \$500,000;
- 1 tender was between \$500,000 and \$1m; and
- 2 tenders were above \$1m, namely:
  1. \$1.1m for the Tom Price Mall Shade Structures;
  2. \$2.7m for the Onslow Waste Transfer Station.

In addition, the average time from initiation until award for those tenders was 3.5 weeks, the longest being nineteen weeks, the shortest being one day.

### Comment

DA06-6 Award Tenders delegation needs to be of a sufficient value to promote effectiveness and efficiency, however the coming financial year will likely see a reduction in the amount of critical timeline Tenders being issued by the Shire. 2014/15 had a number of projects on critical deadlines, particularly those at the Onslow Airport and those relating to the Onslow Transfer Station and the closure of the old waste facility. 2015/16 will still though, see a great deal capital expenditure occur, and it will include several large value tenders awarded (e.g. Paraburdoo Child Care and Paraburdoo CHUB; and Onslow Caravan Park and Onslow Swimming Pool).

In regard to the efficiency of awarding tenders via delegated authority, two examples are outlined:

RFT 12/15 Car Park Civil Works – Tamarind Street, Tom Price - was released on 9 May, closed on 25 May and was subsequently awarded under Delegated Authority on 2 June, a total of just over three weeks. By requesting this RFT be awarded under Delegated Authority as opposed to a Council resolution, the Shire was able to save about two weeks on the program of works.

RFT 32/14 Demobilisation of the Nameless Valley Camp and the Onslow Construction Camp was released on 3 December 2014, closed on 18 December 2014 and awarded under Delegated Authority on 19 December 2014. Whilst this RFT is a unique example and more time is generally taken between closing and awarding, this also demonstrates the benefits of awarding a tender under Delegated Authority, as opposed to deferring the matter for consideration at the next available Council meeting. By awarding under Delegated Authority in December and not awarding through Council Resolution on 28 January, the Shire was able to bring forward the program of works by six weeks.

The Shire of Ashburton's anticipated 2015/16 Capital Expenditure Program is expected to be around \$50m and there is the expectation that these projects will be progressed and constructed as quickly as reasonably possible. Providing an adequate delegation to progress these tenders will enable projects to proceed in a timely manner, reducing time delays and operational costs.

The "time cost" of progressing tenders through the ordinary Council meeting cycle has a best case delay scenario of two weeks, and a worst case delay scenario of six weeks. An alternative is to hold Special Council Meetings, either in person, or by pre-Council endorsed electronic communications, to award tenders to avoid the risk of the abovementioned delays to projected timelines.

It is suggested in light of the above 2014/15 data, and the need for overall accountability and efficiency, that DA06-6 be adjusted to \$500,000, with an additional capacity for this to be increased to \$1m for Infrastructure Items and multi-year Services contracts, but subject to –



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*details of the proposed tender assessment outcome being reported beforehand to Councillors via EMACCESS, inviting comment. Elected member may request within 72 hours of the notice for that the tender be referred to Council for determination, otherwise it will be awarded in accordance with the assessment outcome.*

It is recommended that flexibility remain (with additional Councillor communications) to allow the award of Tenders to be dealt with efficiently over the next 12 months. Following this, a further review of awarded tenders will be undertaken where an updated recommendation for the level of Delegation of Authority for award of Tenders can again be made.

The 2015 reviewed DA06-6 Award Tenders Delegation has been track changed where applicable.

### ATTACHMENT 13.3

#### **Consultation**

Chief Executive Officer  
Executive Manager - Corporate Services  
Procurement Manager – Corporate Services  
WA Local Government Association

#### **Statutory Environment**

The following section of the *Local Government Act 1995* applies:

*Section 5.42 Delegation of some powers and duties to CEO*

- (2) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
- (a) this Act other than those referred to in section 5.43; or
  - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

\* Absolute majority required.

#### **Financial Implications**

There are no financial implications in this matter.

#### **Strategic Implications**

Shire of Ashburton 10 year Community Strategic Plan  
Goal 5 - Inspiring Governance  
Objective 3 - Council Leadership

#### **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 "High". The high level of risk is being driven by the high financial values. It is considered that the likelihood of a risk event occurring will be "rare", but none-the-less, as a high risk matter, the Council, the Chief Executive Officer, and the Executive Team will need to monitor delegation activities.

#### **Policy Implications**

Nil

#### **Voting Requirement**

Absolute Majority Required

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### Recommendation

That as part of the 2015 annual delegation review, Council adopt as per **ATTACHMENT 13.3**, Delegation DA06-6 Award Tenders.

<b>Author: Leanne Lind</b>	<b>Signature:</b>
<b>Manager: Frank Ludovico</b>	<b>Signature:</b>

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### 14. DEVELOPMENT AND REGULATORY SERVICES REPORTS

#### 14.1 SEEKING COUNCIL ENDORSEMENT OF THE ONSLOW LOCAL EMERGENCY MANAGEMENT COMMITTEE, LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS

<b>FILE REFERENCE:</b>	ES03.1
<b>AUTHOR'S NAME AND POSITION:</b>	Morgwn Jones Emergency Management Coordinator
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	22 June 2015
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in this matter
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### **Summary**

The purpose of this report is to seek Councils endorsement of the Onslow Local Emergency Management Committee (LEMC) Local Emergency Management Arrangements 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. The Shire of Ashburton is required to evaluate the Local Community Emergency Management Arrangements against the requirements of the *Emergency Management Act 2005* and the *State Emergency Management Policy 2.5 – Emergency Management in Local Government Districts*. The previous Emergency Management Arrangements for Onslow pre date the *Emergency Management Act 2005* and as such are not compliant with today's legislation.

#### **ATTACHMENT 14.1A**

These Local Emergency Management Arrangements meet the Shires requirements in accordance with the *Emergency Management Act 2005* and *SEMP 2.5*.

#### **Comment**

Consultation between community stakeholders and members of the Onslow LEMC was carried out over a number of months commencing in November 2013. Significant changes in LEMC membership and within the Onslow Volunteer Emergency Services Unit during this time has led to the project taking longer to complete than anticipated, however these changes has given a greater scope to the Emergency Risk Management process.

Using information gathered from stakeholders, anecdotal evidence from Controlling Agencies, the Bureau of Meteorology and local knowledge from community members on the

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LEMC over a number of meetings and desk top discussions the attached risk assessment was produced and the Local Emergency Management Arrangements drafted.

### ATTACHMENT 14.1B

The Onslow LEMA have endorsed by the Onslow LEMC, has been tabled for discussion and comment with the District Emergency Management Committee (DEMC) and has been 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*.

#### Consultation

Executive Manager – Development & Regulatory Services  
Emergency Management Coordinator  
Onslow LEMC Members  
Local Emergency Coordinator WAPOL Onslow  
OIC Onslow VES  
District Emergency Services Officer DCPFS  
City of Karratha Emergency Management Coordinator  
Pilbara District Emergency Management Committee  
DFES  
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.

#### Recommendation

That Council endorses the Onslow Local Emergency Management Committee, Local Emergency Management Arrangements for the Onslow Police Sub District.

<b>Author:</b> Morgwn Jones	<b>Signature:</b>
<b>Manager:</b> Lee Reddell	<b>Signature:</b>

## AGENDA - ORDINARY MEETING OF COUNCIL 15 JULY 2015

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

<b>FILE REFERENCE:</b>	LP10.7.30
<b>AUTHOR'S NAME AND POSITION:</b>	Andrew Patterson Principal Town Planner
<b>NAME OF APPLICANT/ RESPONDENT:</b>	Shire of Ashburton
<b>DATE REPORT WRITTEN:</b>	1 July 2015
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 16.3 (Minute No. 11832) – Ordinary Meeting of Council 16 July 2014

#### Summary

The Shire currently owns and operates a transient workforce accommodation (TWA) facility at Lot 16 Onslow Road, Onslow (**ATTACHMENT 14.2A** – LOCATION PLAN). This facility was initially constructed to provide accommodation for workers engaged on construction works associated with the new airport terminal and the subdivision and development of part of Lot 16 for mixed business uses.

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

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

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

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

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

### **Background**

#### Planning history

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

1. Request the Chief Executive Officer to lodge a planning application for transient workforce accommodation camp (comprising up to 100 rooms, mess and ancillary infrastructure) in an appropriate location at Lot 16 Onslow Road, Onslow (the Onslow Airport)
2. The Chief Executive Officer be delegated authority to determine the application referred to in 1. above with the relevant provisions of the Scheme and if approved, include (but not limited to) the following conditions:  
  
24 "The transient workforce accommodation and associated structures/infrastructure shall cease on (insert period 24 months from the date of Approval) or other period as agreed but the Chief Executive Officer and the structures be removed on or before (insert period months from the date of Approval) of other period as agreed by the Chief Executive Officer".

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

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

Following the completion of the Airport terminal, and the uncertainty regarding the subdivision works for the land now described as Lot 9005 on Deposited Plan 405414, the TWA has been reduced in size from 100 to 35 beds and is now used in an ad hoc manner predominantly by Shire staff and contractors, but also by third parties on occasion.

#### Proposal

Given that TPS7 only allows use and development of Scheme reserves for such uses that are compatible with the purpose of the reserve (in this case 'Airport'), the use of the Airport TWA to accommodate persons not directly engaged with either construction or operational of the Airport or associated projects could be considered contrary to the purpose and intent of the Scheme and not in accordance with proper and orderly planning.

Notwithstanding the potentially questionable use of the TWA for non-Airport related projects in its current statutory environment, the Shire has identified an ongoing need to provide for a transient workforce to deliver several projects in the short to medium term including:

- New Shire office
- Old Onslow Townsite
- Skate park

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- Aquatic facility
- Basketball courts
- Ocean View Caravan Park
- Tip closure and construction of new facility

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

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

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

Accordingly, it is proposed to retain the existing Airport TWA while implementing new planning provision that ensure the facility is used only for workers engaged directly on Shire projects, or as part of their normal direct Shire employment.

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

- 4.4.1 Special use zones are set out in Schedule 3 and are in addition to the zones in the Zoning table.
- 4.4.2 A person must not use any land, or any structure or buildings on land, in a special use zone except for the purposes set out against that land in Schedule 3 and subject to compliance with any conditions set out in Schedule 3 with respect to that land.

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

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

### Alternative solutions

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

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

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

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

### **Comment**

The Onslow Airport TWA was constructed to meet a specific need for a construction workforce required to construct the Airport terminal building, and was then anticipated to provide housing for the adjacent mixed business subdivision development. This use was in accordance with the Scheme reserve. Over time, the specific parameters surrounding the planning approval and the Scheme's statutory framework have not been correctly applied and the use of this tacitly has evolved to providing more widely available accommodation to both Shire and other projects.

This Scheme Amendment is proposed as a means of providing an ongoing source of workforce accommodation for Shire projects and considers the importance of ensuring the Shire does not establish itself in direct competition to other accommodation providers operating in the town.

While the Shire is working towards acquiring or constructing additional housing in Onslow for permanent staff, there will remain an ongoing need to provide short term accommodation for specialist staff who will continue to operate across the Shire's urban centres, as well as to



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accommodate staff and elected members who require accommodation when attending Council Meetings in Onslow.

The ability to include contractors either employed directly by the Shire, or on public infrastructure projects within the Shire is recommended to allow the Shire to contribute 'in kind' support for such projects where direct funding may not be available from Shire budgets. This will ensure greater value for money in delivering projects for the public good.

### **Consultation**

Should Council resolve to initiate the proposed amendment to TPS7, Shire staff will prepare appropriate documentation for submission to the Environmental Protection Authority. Following the EPA's assessment and approval to advertise, this Amendment will be advertised for public comment in accordance with relevant legislation prior to being considered by Council for final adoption.

### **Statutory Environment**

*Planning and Development Act 2005*  
*Town Planning Regulations 1967*  
*Shire of Ashburton Town Planning Scheme No. 7*

### **Financial Implications**

There will be staff time and cash costs to advertise and prepare relevant planning documentation and Council agenda items.

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022  
Goal 01 – Vibrant and Active Communities  
Goal 04 – Distinctive and Well Serviced Places  
Objective 03 – Well Planned Towns

### **Risk Management**

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

### **Policy Implications**

Local Planning Policy 13 – Transient Workforce Accommodation

### **Voting Requirement**

Simple Majority Required

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### Recommendation

That Council:

1. in pursuance of Section 75 of the Planning and Development Act 2005 ("Act"), initiate Scheme Amendment No. 30 to the Shire of Ashburton Local Planning Scheme No. 7 ("Scheme") by:
  - a) Rezoning portion of Lot 16 Onslow Road from 'Public Purposes - Airport' reserve to 'Special Use' zone;
  - b) Inserting the following provisions into Appendix 3 to the Scheme:

No.	Description of Land	Special Use	Conditions
5	Portion of Lot 16 Onslow Road	Transient Workforce Accommodation	2. Accommodation on the land shall be limited to: <ol style="list-style-type: none"> <li>a. Persons directly employed by the Shire of Ashburton who are required to temporarily reside in Onslow on official Shire business; and</li> <li>b. Contractors engaged on projects that are primarily or exclusively for the public benefit.</li> </ol>

and

- c) Amending the Scheme Maps accordingly.; and
2. authorise the Chief Executive Officer to prepare formal documentation to support the proposed Scheme Amendment in accordance with the Planning and Development Act 2005.

<b>Author: Andrew Patterson</b>	<b>Signature:</b>
<b>Manager: Lee Reddell</b>	<b>Signature:</b>

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### 15. INFRASTRUCTURE SERVICES REPORTS

There are no Infrastructure Services reports for this agenda item.

### 16. STRATEGIC AND ECONOMIC DEVELOPMENT REPORTS

#### 16.1 REQUEST FOR CREATION OF RESERVE WITH MANAGEMENT BY SHIRE OF ASHBURTON - CLOSED ROAD ADJOINING LOT 63 NAMELESS VALLEY DRIVE, TOM PRICE

<b>FILE REFERENCE:</b>	RD.0319
<b>AUTHOR'S NAME AND POSITION:</b>	Janelle Fell Economic and Land Development Manager
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	26 June 2015
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### **Summary**

The land at the southwest corner of Nameless Valley Drive and Mine Road comprises a 9936m<sup>2</sup> portion of closed road. This land has no lot number and is identified by the land ID 3115275. Approximately half of this land has been cleared and is used as a truck parking area.

This land use is unauthorised and causing ongoing management issues with regard to overnight camping, litter control, and the lack of formal ablution facilities. Accordingly it is proposed to seek formal tenure over this land to enable the Shire to effectively manage the area and with the view to potentially providing ablution facilities.

Shire staff have been liaising with the Department of Lands who are not opposed to this plan and Council endorsement is now requested to formally request the creation of a Crown Reserve with a Management Order issued to the Shire of Ashburton in accordance with Section 41 of the Land Administration Act 1997.

#### **Background**

Shire Officers were contacted by Rio Tinto staff in 2013 to determine land tenure and to address hygiene issues at the site. The site is consistently used by truck operators in particular, who use the site as a temporary truck/trailer storage area, and also as a night time stop-over point to sleep and rest. As no ablutions facilities are available for these truck drivers, fecal matter and toilet paper are unknowingly encountered by electrical maintainers frequenting the area.

It has been determined that the land is a Closed Road and the responsibility of Department of Lands.

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As determined in *Hughes on behalf of the Eastern Guruma People (No 2) v State of Western Australia [2012] FCA 1267 (20 November 2012)* and indicated in the attached plan (**ATTACHMENT 16.1**) this land is not subject to native title. It is noted however that a portion of land south of Land ID 3115275 that is being used as truck parking area is subject to native title and accordingly, no application will be made to include this area within the proposed new Crown reserve.



**ATTACHMENT 16.1**

### **Comment**

To formalise use of the land and install ablation facilities, Shire Officers consider a first step is to request that the land be reserved with a management order issued to the Shire as the most appropriate form of land tenure. Support has been received from Department of Lands to have this portion of land set aside as a Reserve to be managed by the Shire of Ashburton for the erection of abluitions.

While costs and funding sources are being investigated, progressing land tenure is required if the Council believes that the Shire has a legitimate role to play in addressing the situation. Department of Lands has advised that if the land is to be transferred, then the Shire of Ashburton would be responsible for paying all associated costs including preparation and survey of deposited plan depicting the subject land to be set aside as a reserve, along with fencing off the adjoining unallocated Crown land for natural rehabilitation to its natural state.

Partnership representatives (Shire of Ashburton and Rio Tinto) are scoping costs associated with installation works and future maintenance. The Vehicle Safety and Productivity Programme by Infrastructure Australia has been identified as a potential grant with the program contributing a maximum of 50% of the project costs. The next round of grants will be available in late 2015. The Shire and/or RTIO would need to locate the remaining 50% of the costs.

Whilst it is believed that most users of the site are truck operators servicing local businesses, as Nameless Valley Drive is a route frequented by tourists it is also considered to be desirable to present the area favorably from a tourism perspective. The installation of abluitions and rubbish bins will maintain the area substantially and provide much needed facilities for truck drivers servicing local industry and the community.

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### **Consultation**

Executive Manager – Strategic & Economic Development  
Principal Planner  
Strategic Partnership Manager

### **Statutory Environment**

Section 41 of the Land Administration Act 1997

### **Financial Implications**

Whilst relatively minor costs associated with the preparation and survey of the deposited plan can be allocated within the 2015/16 budget, the more significant issue is to secure the 50% complimentary funding for the capital works (with the remaining 50% hopefully being secured via a grant through the Infrastructure Australia's *Vehicle Safety and Productivity Program* in late 2015.

Installation of the ablutions facility, associated earth works and traffic demarcation has been scoped to be in the vicinity of \$300,000. Ongoing maintenance costs are envisaged to be \$50,000 per annum. These costs will be confirmed and proposed to the Partnership Governing Committee for approval prior to the grant application.

Whilst the project was not included specifically within the Shire's strategic plans, or therefore then in its Long Term Financial Plan, investigations do indicate a local need. It would therefore seem warranted that the proposed service is considered for inclusion within the 2015/16 or a future budget.

### **Strategic Implications**

10 Year Community Strategic Plan  
Goal 02 - Enduring Partnerships  
Objective 01 – Strong Local Economies  
Objective 02 – Enduring Partnerships with Industry and Government

Goal 04 - Distinctive and Well Serviced Places  
Objective 01 – Quality Public Infrastructure  
Objective 02 – Accessible and Safe Towns  
Objective 03 – Well Planned Towns

### **Risk Management**

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

### **Policy Implications**

There are no policy implications for this matter.

### **Voting Requirement**

Simple Majority Required

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### Recommendation

That Council:

1. Agree in principle that the Shire of Ashburton has a partnership role to play in addressing the issue of ablutions and improvements to Reserve Land ID 3115275 (and therefore funds need to be considered for inclusion within the 2015/16 or a later budget to address the situation);
2. Request the Minister for Lands to:
  - a. Reserve Land ID 3115275 for the purpose 'Transport'; and
  - b. Issue a Management Order to the Shire of Ashburton.

<b>Author: Janelle Fell</b>	<b>Signature:</b>
<b>Manager: Anika Serer</b>	<b>Signature:</b>

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### 16.2 OCEAN VIEW CARAVAN PARK - REALIGNMENT OF BOUNDARY

<b>FILE REFERENCE:</b>	RC24405
<b>AUTHOR'S NAME AND POSITION:</b>	Anika Serer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	24 June 2015
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 16.4 (Minute 11958) – Ordinary Meeting of Council 20 May 2015 Agenda Item 11.3 (Minute 11924) – Ordinary Meeting of Council 18 March 2015 Agenda Item 11.3 (Minute 11839) – Ordinary Meeting of Council 20 August 2014 Agenda Item 11.3 (Minute 11824) – Ordinary Meeting of Council 16 July 2014 Agenda Item 11.3 (Minute 11812) – Ordinary Meeting of Council 18 June 2014 Agenda Item 11.3 (Minute 11794) – Ordinary Meeting of Council 21 May 2014 Agenda Item 16.1 (Minute 11784) – Ordinary Meeting of Council 16 April 2014 Agenda Item 16.2 (Minute 11775) – Ordinary Meeting of Council 19 March 2014 Agenda Item 13.5 (Minute 11664) – Ordinary Meeting of Council 16 October 2013 Agenda Item 18.3 (Minute 11297) – Ordinary Meeting of Council 19 September 2012 Agenda Item 17.3 (Minute 11267) – Ordinary Meeting of Council 15 August 2012

#### **Summary**

At the Ordinary Meeting of Council held on 20 May 2015 it was resolved to endorse the concept Master Plan outlining Stages 1 and 2 of the redevelopment of the Ocean View Caravan Park.

Shire Officers have been working with MI Engineers to finalise the civil design and specifications for the redevelopment of the Caravan Park. Through this process it has been noted that the north-eastern boundary of the facility does not align with the physical layout of the park. It is recommended that the boundary is rationalised to correctly reflect the park's layout and prevent any issues that may arise through the statutory approval process for the project, such as planning and building approvals.





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The existing alignment will cause issues when seeking statutory approvals for the redevelopment project (such as planning and building approvals), as works in two locations along the north-east boundary of the park will not be kept within the existing cadastral boundaries. It is therefore proposed to seek approval from the Minister for Lands to rationalise the boundary, as reflected in the attached plan, to enable the caravan park development outcomes to be optimised.

### ATTACHMENT 16.2

The overall effect of the rationalisation will increase the area of Reserve 24405 by 518 square metres, and ensure that physical and cadastral boundaries for the park are aligned.

#### Consultation

Executive Manager Development and Regulatory Services  
Principal Town Planner  
HQ Management  
MI Engineers

#### Statutory Environment

Section 51 of the Land Administration Act

The realignment will ensure that the current and future development of the caravan park is contained within the boundary, as per the requirements of Shire of Ashburton Town Planning Scheme No 7 and Building Act 2011.

#### Financial Implications

The boundary realignment will require formal survey work and application processes to be undertaken. It is expected that the total cost of this, and necessary applications, will not exceed \$10,000. This will be accounted in the approved budget for Stage 1 of the Caravan Park redevelopment.

#### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022  
Goal 02 – Enduring Partnerships  
Objective 03 – Well Managed Tourism

#### Risk Management

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

#### Policy Implications

None identified

#### Voting Requirement

Simple Majority Required

#### Recommendation

That Council endorses the proposed realignment of the boundary to Lot 3001 on Plan 48469, Reserve 24405, Onslow (Ocean View Caravan Park), and authorises the necessary application to be made to Minister for Lands.

<b>Author:</b> Anika Serer	<b>Signature:</b>
<b>Manager:</b> Neil Hartley	<b>Signature:</b>

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### 16.3 RFT 10/15 DESIGN AND CONSTRUCTION OF THE PARABURDOO SKATE PARK

<b>FILE REFERENCE:</b>	CM10.15
<b>AUTHOR'S NAME AND POSITION:</b>	Anika Serer Executive Manager, Strategic and Economic Development
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	07 July 2015
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the matter.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 11.2 (Minute No. 11749) – Ordinary Meeting of Council 19 February 2014 Agenda Item 16.2 (Minute No. 11883) – Ordinary Meeting of Council 19 November 2014

#### Summary

Tender submissions were sought from suitably qualified and experienced Contractors for the design and construction of a modern skate park facility including shade, lighting, soft and hard landscaping, barbecue and chilled water fountain, on an allocated area of Reserve 39572, Ashburton Avenue, Paraburdoo.

This report seeks Council consideration of the tender assessment outcome, to accept the Tender from CONVIC.

#### Background

In 2013 Shire Officers identified unspent money from the RTIO funding agreement. These funds were applied to the initial design for a skate park in Paraburdoo.

CONVIC was engaged and travelled to Paraburdoo in November 2013 to undertake community consultation sessions and produce an initial concept design for the skate park.

Tenders were called for the design and construction of the Paraburdoo Skate Park with Tenders closing on 10 June 2015.

Five Tenders were received and assessed with the following results:

<b>Tenderer</b>	<b>Price (excl GST)</b>	<b>Score</b>	<b>Ranking</b>
<b>CONVIC</b>	\$798,000.00	73.7	1
<b>Skate Sculpture</b>	\$1,550,300.00	41.5	2
<b>Granotek (Enlocus Pty Ltd)</b>	\$1,697,619.00	37.6	3
<b>Total Eden (non-compliant)</b>	\$560,828.85		4
<b>Ashley Tointon (non-compliant)</b>	\$5,281.65		5

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### Comment

The works proposed under this Tender will complete the planned design and construction of the Paraburdoo Skate Park.

The Tenders were initially assessed against the compliance, qualitative and pricing criteria specified in the tender.

The RFT seeks the completion of the project by 31 December 2015, commencing on the Contract signing date.

<b>Task</b>	<b>Date</b>
<b>Tender Released</b>	29/04/2015
<b>Tender Closing</b>	10/06/2015
<b>Tender Opening and Registration</b>	10/06/2015
<b>Compliance Criteria Assessed</b>	12/06/2015
<b>Tender submissions and evaluation documentation provided to panel members</b>	12/06/2015
<b>Evaluation panel assess tender submissions</b>	26/06/2015
<b>Evaluation panel consensus meeting to discuss tender submissions</b>	30/06/2015
<b>Clarification/shortlisting process (if required)</b>	30/06/2015
<b>Evaluation report draft prepared by Anika Serer</b>	01/07/2015
<b>Evaluation report finalised and signed off by each panel member</b>	02/07/2015
<b>Approval sought for award by Council Resolution</b>	15/07/2015
<b>DESIGN, DOCUMENTATION &amp; APPROVALS</b>	
<b>Contractor's issue of draft design documentation for Principal's review (3 weeks)</b>	06/08/2015
<b>Principal's review and comment on draft design documentation (1 week)</b>	13/08/2015
<b>Contractor's issue of Final design and documentation for Principal's review (2 weeks)</b>	27/08/2015
<b>Principal's review and comment on final design documentation (1 weeks)</b>	03/09/2015
<b>Contractor's issue of Final design and documentation for Principal's review</b>	10/09/2015
<b>Final design and documentation sign-off by Principal (1 week)</b>	17/09/2015
<b>Building Licence Application</b>	21/09/2015
<b>Anticipated Building Licence Approvals</b>	12/10/2015
<b>Contractor to commence procurement, mobilisation to site</b>	19/10/2015
<b>CONSTRUCTION COMMENCEMENT</b>	26/10/2015
<b>COMPLETION &amp; HANDOVER</b>	21/12/2015
<b>DEFECT LIABILITY PERIOD</b>	21/12/2016

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Two tenders were deemed non-compliant (and therefore invalid) for the following reasons:

1. Total Eden: Did not submit any of the schedules required in accordance with the Conditions of Tendering. Evaluation panel was unable to determine compliance with the specification contained in the RFT. Tenderer was contacted twice to clarify but a response was not received.
2. Ashley Tointon: Submission only for painting required in the project – not full specification as contained in the RFT.

CONVIC's submission is compliant with the Specification contained in the RFT, within the allocated project for the budget, and the organisation has successfully completed a similar project for the Shire on time and within budget.

### Consultation

Chief Executive Officer

Strategic Partnership Manager

CONVIC

Paraburdoo Community (design and location consultation)

### Statutory Environment

Section 3.57 "Tenders for providing goods or services" of the Local Government Act 1995.

### Financial Implications

The initial consultation and design process cost approximately \$35,000 and was funded by Rio Tinto via the Partnership.

The further consultation and assessment process has cost an additional \$4,000 which was funded through the Shire's operational budget for consultants.

\$850,000 has been allocated to the construction of the skate park in the 2014/15 budget (to be rolled over to 2015/16), consisting of the following contributions:

Shire of Ashburton	\$100,000
Rio Tinto	\$350,000 (funding confirmed)
Lotterywest	\$400,000 (funding confirmed)

Once the project is complete, consideration will need to be made for the maintenance costs of the skate park and this should be included in future budgets. As the Shire already maintains an old skate park facility in Paraburdoo, this can be demolished and operating costs transferred to the new facility.

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 01 - Vibrant and Active Communities

Objective 01 – Connected, caring and engaged communities

Objective 02 – Active people, clubs and associations

Goal 04 - Distinctive and well serviced places

Objective 01 – Quality public infrastructure

Objective 03 – Well planned towns

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### **Risk Management**

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

In particular, the 'reputational risk' of endorsing the site has been considered. This is mitigated by the additional community consultation undertaken, and professional advice received from CONVIC with regard to site selection for a skate facility.

### **Policy Implications**

AMP1 – Asset Management Policy

FIN12 – Purchasing and Tender

FIN04 – Buy Local – Regional Price Preference Policy

### **Voting Requirement**

Simple Majority Required

### **Recommendation**

That Council accepts the Lump Sum Tender of \$798,000.00 (GST Exclusive) from CONVIC for RFT 10/15 Design and Construction of the Paraburdoo Skate Park and authorises the Chief Executive Officer to execute the Contract documentation.

<b>Author: Anika Serer</b>	<b>Signature:</b>
<b>Manager: Neil Hartley</b>	<b>Signature:</b>

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

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

- (2) *If a meeting is being held by a Council or by a committee referred to in subsection (1)(b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:*
  - (a) *a matter affecting an employee or employees;*
  - (b) *the personal affairs of any person;*
  - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
  - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
  - (e) *a matter that if disclosed, would reveal:*
    - (I) *a trade secret;*
    - (II) *information that has a commercial value to a person; or*
    - (III) *information about the business, professional, commercial or financial affairs of a person,*  
  
*Where the trade secret or information is held by, or is about, a person other than the local government.*
  - (f) *a matter that if disclosed, could be reasonably expected to:*
    - (I) *Impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
    - (II) *Endanger the security of the local government's property; or*
    - (III) *Prejudice the maintenance or enforcement of any lawful measure for protecting public safety;*
  - (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1981; and*
  - (h) *such other matters as may be prescribed.*

## AGENDA - ORDINARY MEETING OF COUNCIL 15 JULY 2015

### 19.1 CONFIDENTIAL ITEM - CARBONE REPORT - FINAL REPORT (NAMELESS VALLEY AND ONSLOW AIRPORT CAMPS FEES AND CHARGES; AND ONSLOW CAMP CONTINUATION)

<b>FILE REFERENCE:</b>	FM09.12.13
<b>AUTHOR'S NAME AND POSITION:</b>	Frank Ludovico Executive Manager Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	25 June 2015
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 18.1 (Minute No. 11629) – Ordinary Meeting of Council 21 August 2013

Report/ Attachment is Confidential as per Local Government Act 1995, Section 5.23 (2)(a)(d)(f).

#### **Recommendation**

That Council:

1. Refund the overcharges for the Nameless Valley and the Onslow Airport Camps (as per **ATTACHMENT 19.2B**);
2. Conclude that the Onslow Airport undercharge (\$20) be written off; and also the charges made prior to a formal fee being officially set for the Nameless Valley and the Onslow Airport Camps were fair and reasonable charges and were a fair exchange of value at the time, and that consequently, the Shire not pursue these matters any further; and also
3. Note that the matter of the Onslow Airport Camp accommodations/associated facilities tender is being dealt with through a Town Planning Scheme amendment proposal, which will be followed by a tender for the supply/hire of these facilities.

## AGENDA - ORDINARY MEETING OF COUNCIL 15 JULY 2015

### 19.2 CONFIDENTIAL ITEM - PROPOSAL FROM ONSLOW MARINE SUPPLY BASE FOR THE ACQUISITION OF LOT 9000 ONSLOW ROAD, ONSLOW

<b>FILE REFERENCE:</b>	ONS.9000
<b>AUTHOR'S NAME AND POSITION:</b>	Janelle Fell Economic and Land Development Manager
<b>NAME OF APPLICANT/RESPONDENT:</b>	Andrew Natta Onslow Marine Base Supplies Pty Ltd
<b>DATE REPORT WRITTEN:</b>	2 July 2015
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 13.1 (Minute No. 11693) – Ordinary Meeting of Council 20 November 2013 Agenda Item 13.4 (Minute No. 11737) – Ordinary Meeting of Council 22 January 2014 Agenda Item 16.1 (Minute No. 11829) – Ordinary Meeting of Council 16 July 2014 Agenda Item 16.3 (Minute No. 11884) – Ordinary Meeting of Council 19 November 2014 Agenda Item 16.3 (Minute No. 11954) – Ordinary Meeting of Council 20 May 2015

Report/ Attachment is Confidential as per Local Government Act 1995, Section 5.23 (2)(c)(d)(e).

#### **Recommendation**

That Council:

1. Decline Onslow Marine Support Base Pty Ltd's proposal for acquisition of Lot 9000 Onslow Road, Onslow, in its current form; and
2. Delegate Authority to the Chief Executive Officer to negotiate a contract of sale (price and terms) with Onslow Marine Support Base Pty Ltd, for Council's consideration.



## **AGENDA - ORDINARY MEETING OF COUNCIL 15 JULY 2015**

### **20. NEXT MEETING**

The next Ordinary Meeting of Council will be held on Wednesday 19 August 2015, at the Onslow Multi-Purpose Centre, Cnr McGrath Rd and Hooley Avenue, Onslow, commencing at 1.00 pm.

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