

Ordinary Meeting of Council

Paraburdoo



Minutes – Public Document

18 November 2015

Ashburton Hall
Ashburton Avenue
Paraburdoo
1.00pm



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

Our Vision

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



Our Mission

Working together, enhancing lifestyle and economic vitality



Community Goals

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

Future Focus

The next four years will see a strong focus on:

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



**SHIRE OF ASHBURTON
ORDINARY MEETING OF COUNCIL**

**MINUTES
(Public Document)**

**Ashburton Hall, Ashburton Avenue,
Paraburdoo
18 November 2015**

1.00 pm

MINUTES - ORDINARY MEETING OF COUNCIL 18 NOVEMBER 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 18 November 2015 at Ashburton Hall, Ashburton Avenue, Paraborndoo commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.

Neil Hartley
CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

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1. **DECLARATION OF OPENING**

The Shire President declared the meeting open at 1.06 pm.

2. **ANNOUNCEMENT OF VISITORS**

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

3. **ATTENDANCE**

3.1 **PRESENT**

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

3.2 **APOLOGIES**

Cr L Thomas	Tableland Ward
Cr M Gallanagh	Pannawonica Ward

3.3 **APPROVED LEAVE OF ABSENCE**

There were no Councillors on approved leave of absence.

4. **QUESTION TIME**

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

At the Ordinary Meeting of Council held on 21 October 2015 no public questions were taken on notice

4.2 **PUBLIC QUESTION TIME**

There were no questions from the public.

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5. APPLICATIONS FOR LEAVE OF ABSENCE

An application was received from Cr Cecilia Fernandez for leave of absence for the Ordinary Meeting of Council being held on 9 December, 2015 and the 19 January, 2015.

Council Decision

MOVED: Cr Foster

SECONDED: Cr Bloem

That Council accept the application for leave of absence from Cr Cecilia Fernandez for the Ordinary Meeting of Council being held on 9 December, 2015 and 19 January, 2015.

CARRIED 7/0

Crs White, Rumble, Dias, Dellar, Bloem, Fernandez and Foster voted for the motion.

6. DECLARATION BY MEMBERS

6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

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

6.2 DECLARATIONS OF INTEREST

Councillors to Note

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

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

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

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

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

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

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

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

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it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.

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

11.5 PROPOSAL FOR TOURISM COMMITTEE TO BE ESTABLISHED		
Neil Hartley	Impartiality Pursuant	The nature of my interest is I am the report writer and the Corporate Communications and Media advisor is my wife.
13.4 PROPOSED CEO DELEGATION – PUBLIC LANDS, MAKING SUBMISSIONS ON BEHALF OF COUNCIL		
Cr Ivan Dias	Financial	The nature of my interest is long serving, valued, appreciated, dedicated and loyal employee of Hamersley Iron PTY LTD and the extent of my interest is Rio Tinto LTD shareholder with shares well in excess of \$10,000 in value.
15.1 PROPOSAL TO ESTABLISH A FUEL FARM AT ONSLOW AIRPORT		
Cr Kerry White	Financial	The nature of my interest is Financial and the extent of my interest is I rent my house to Sky Fuel.
16.1 RELINQUISHMENT OF LOT 46 SOUTH ROAD, TOM PRICE BY HAMERSLEY IRON FOR ACQUISITION BY THE SHIRE OF ASHBURTON		
Cr Linton Rumble	Financial	The nature of my interest is shareholder greater than \$10,000 in value and the extent of my interest is work for local contractor that services Rio Tinto Iron Ore housing and mine sites air-conditioning units.
Cr Ivan Dias	Financial	The nature of my interest is long serving, valued, appreciated, dedicated and loyal employee of Hamersley Iron PTY LTD and the extent of my interest is Rio Tinto LTD shareholder with shares well in excess of \$10,000 in value.
Cr Tony Bloem	Financial	The nature of my interest is Financial and the extent of my interest is employee and shareholder of Rio Tinto greater than \$10,000 in value.
Cr Peter Foster	Financial	The nature of my interest is Financial and the extent of my interest is partner Samuel Samaras employed by Rio Tinto and receives salary from them.

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7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The Shire President asked all present at the meeting to observe a minute of silence for the gentleman that passed away at Paulsens Mine Site south of Pannawonica on Monday 16 November 2015.

8. PETITIONS / DEPUTATIONS / PRESENTATIONS

8.1 PETITIONS

There were no petitions presented to Council.

8.2 DEPUTATIONS

There were no deputations presented to Council.

8.3 PRESENTATIONS

Mrs Leanne Murphy presented to Council her 2016 Pilbara Calendar fundraiser for a Rainbow Buddy Bench for the Paraburdoo Primary School.

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING OF COUNCIL HELD ON 21 OCTOBER 2015

Council Decision

MOVED: Cr P FOSTER

SECONDED: Cr I DIAS

That the Minutes of the Ordinary Meeting of Council held on 21 October 2015, as previously circulated on 27 October 2015, be confirmed as a true and accurate record.

CARRIED 7/0
Crs White, Rumble, Dias, Dellar, Bloem, Foster and Fernandez voted for the motion.

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10. AGENDA ITEMS ADOPTED "EN BLOC"

10.1 AGENDA ITEMS ADOPTED 'EN BLOC'

MINUTE: 12024

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

"Part 5 – Business of a meeting

Clause 5.6 Adoption by exception resolution:

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

Council Decision

MOVED: Cr P Foster

SECONDED: Cr A Bloem

That Council adopts en bloc the following officer recommendations contained in the Agenda for the Ordinary Meeting of Council 18 November 2015.

Item No.	Agenda Item
11.1	PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS OCTOBER 2015
11.2	USE OF COMMON SEAL AND ACTIONS PERFORMAED UNDER DELEGATED AUTHORITY FOR THE MONTH OF OCTOBER 2015
11.4	ONLINE REGISTER FOR GIFTS AND GRATUITIES RECEIVED BY COUNCIL MEMBERS AND STAFF, AND COUNCIL MEMBER CONTACT WITH DEVELOPERS
14.1	RECONSIDERATION OF FINAL ADOPTION OF AMENDMENT 29 TO REZONE PORTION OF LOT 500 ON DEPOSITED PLAN 401881 (RESERVE 19291) BEING THE SITE FOR THE ONSLOW WASTE TRANSFER STATION FROM 'RURAL' TO 'PUBLIC PURPOSES – WASTE DISPOSAL AND TREATMENT'
16.2	AUTHORISATION TO AFFIX COMMON SEAL – APPLICATION FOR A NEW/BALANCE TITLE FOR LOT 16 ONSLOW ROAD, ONSLOW

CARRIED 7/0

Crs White, Rumble, Dias, Dellar, Bloem, Foster and Fernandez voted for the motion.

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11. GOVERNANCE & EXECUTIVE SERVICE REPORTS

11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS OCTOBER 2015

MINUTE: 12024

FILE REFERENCE: GV04

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

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

DATE REPORT WRITTEN: 30 October 2015

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

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

Summary

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

Background

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

Comment

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

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

ATTACHMENT 11.1

Consultation

Chief Executive Officer
Executive Management Team

Statutory Environment

Not Applicable

Financial Implications

Not Applicable

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

Not Applicable

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr A Bloem

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

CARRIED EN BLOC 7/0

Crs White, Rumble, Dias, Dellar, Bloem, Foster and Fernandez voted for the motion.

MINUTES - ORDINARY MEETING OF COUNCIL 18 NOVEMBER 2015

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

MINUTE: 12024

FILE REFERENCE: IT03

AUTHOR'S NAME AND POSITION: Janyce Smith
Executive Officer

Susan Babao
Administration Assistant Planning

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 30 October 2015

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

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

Background

Council has historically sought a monthly update of the more significant activities for the organisation relative to (1) Use of the Common Seal, and (2) actions performed under delegated authority requiring referral to Council as per the Shire of Ashburton Delegated Authority Register 2015.

Comment

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

ATTACHMENT 11.2

Consultation

Relevant officers as listed in the Attachment.

Statutory Environment

Local Government Act 1995

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

Financial Implications

As outlined in Attachment 11.2.

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

ELM 13 – Affixing the Shire of Ashburton Common Seal.

FIN12 – Purchasing and Tendering Policy.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr A Bloem

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

CARRIED EN BLOC 7/0

Crs White, Rumble, Dias, Dellar, Bloem, Foster and Fernandez voted for the motion.

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11.3 ORDINARY MEETING OF COUNCIL - SCHEDULE OF MEETING DATES, TIMES AND LOCATIONS FOR JANUARY TO DECEMBER 2016

MINUTE: 12033

FILE REFERENCE: GV06

AUTHOR'S NAME AND POSITION: Janyce Smith
Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 27 October 2015

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

PREVIOUS MEETING REFERENCE: Agenda Item 11.3 (Minutes No: 11864) – Ordinary Meeting of Council 15 October 2014
Agenda Item 10.4 (Minute No: 11688) - Ordinary Meeting of Council 20 November 2013
Agenda Item 10.6 (Minute No: 11586) - Ordinary Meeting of Council 17 July 2013
Agenda item 10.1 (Minute No: 11395) - Ordinary Meeting of Council 16 January 2013

Summary

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

The following have been submitted to Council for approval:

1. Schedule of Meeting Dates, times and locations.
2. Commencement times for Elected Member Information Forums (EMIF).
3. Elected Member Information Forums "Carried Over" Compliance Items.

Background

In October 2014, Council adopted the meeting schedule for the entire 12 month period from January to December 2015.

This report sets out the proposed dates and commencement times of Council Meetings and Elected Member Information Forums (EMIF's) for the following calendar year.

Comment

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

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Suggested dates are outlined in the table below. If this proposal is adopted there will be four meetings in Onslow, four meetings in Tom Price, three meetings in Paraburdoo and one meeting in Pannawonica during the year. Traditionally meetings are held on the third Wednesday of the month. It is suggested that the January 2016 meeting be scheduled for the fourth Wednesday (27 January 2016) and the December 2016 meeting be scheduled for the second Wednesday (14 December 2016) to best accommodate the Christmas and New Year period.

The proposed schedule is set out below.

DATE	LOCATION	TIME
Wednesday, 27 January 2016	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00 pm
Wednesday, 17 February 2016	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00 pm
Wednesday, 16 March 2016	Onslow Multi-Purpose Centre, Cnr McGrath Rd & Hooley Avenue, Onslow	1:00 pm
Wednesday, 20 April 2016	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00 pm
Wednesday, 18 May 2016	Onslow Multi-Purpose Centre, Cnr McGrath Rd & Hooley Avenue, Onslow	1:00 pm
Wednesday, 15 June 2016	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00 pm
Wednesday, 20 July 2016	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00 pm
Wednesday, 17 August 2016	Onslow Multi-Purpose Centre, Cnr McGrath Rd & Hooley Avenue, Onslow	1:00 pm
Wednesday, 21 September 2016	Mayu Maya Centre / Barry Lang Centre, Pannawonica	1:00 pm
Wednesday, 19 October 2016	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00 pm
Wednesday, 16 November 2016	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00 pm
Wednesday, 14 December 2016	Onslow Multi-Purpose Centre, Cnr McGrath Rd & Hooley Avenue, Onslow	1:00 pm

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

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

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

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

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

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

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

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

A schedule has been developed for Elected Members to complete the Compulsory Annual Compliance Items not dealt with at the Council Meeting day Elected Member Information Forums. It is proposed that this forum occur on a monthly basis (approximately two weeks after Council Meeting) but only as required. Proposed dates and times for EMIF “Carried Over” Compliance Items are set out below.

	DATE	TIME
Carry Over December 2015 EMIF	13 Jan 16	7 pm or as required
Carry Over January EMIF	3 Feb 16	7 pm or as required
Carry Over February EMIF	2 Mar 16	7 pm or as required
Carry Over March EMIF	6 Apr 16	7 pm or as required
Carry Over April EMIF	4 May 16	7 pm or as required
Carry Over May EMIF	1 Jun 16	7 pm or as required
Carry Over June EMIF	6 Jul 16	7 pm or as required
Carry Over July EMIF	3 Aug 16	7 pm or as required
Carry Over August EMIF	7 Sep 16	7 pm or as required
Carry Over September EMIF	5 Oct 16	7 pm or as required
Carry Over October EMIF	2 Nov 16	7 pm or as required
Carry Over November EMIF	30 Nov 16	7 pm or as required
Carry Over December EMIF	11 Jan 17	7 pm or as required

There has been a request from Cr Bloem that consideration be given to holding Council Meetings on Tuesdays due to a change of his shift roster (he is now working every Wednesday throughout the year). There will be no significant operational impact if Council decides to change the meeting day to a Tuesday, or alternatively to a Thursday. The delivery / published day for the agenda will still be on the Friday before the Council Meeting.

Consultation

Chief Executive Officer
Executive Management Team

Statutory Environment

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

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

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

Financial Implications

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

Strategic Implications

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

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

Policy Implications

Council Policy ELM01 – Council and other meetings

Council Policy ELM09 – Elected Member Information Forums

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Adopt the Schedule of Ordinary Council Meeting dates, times and locations for the period January 2016 to December 2016 as outlined below.

DATE	LOCATION	TIME
Wednesday, 27 January 2016	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00 pm
Wednesday, 17 February 2016	Ashburton Hall, Ashburton Avenue, Paraburdo	1:00 pm
Wednesday, 16 March 2016	Onslow Multi-Purpose Centre, Cnr McGrath Rd & Hooley Avenue, Onslow	1:00 pm
Wednesday, 20 April 2016	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00 pm
Wednesday, 18 May 2016	Onslow Multi-Purpose Centre, Cnr McGrath Rd & Hooley Avenue, Onslow	1:00 pm
Wednesday, 15 June 2016	Ashburton Hall, Ashburton Avenue, Paraburdo	1:00 pm
Wednesday, 20 July 2016	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00 pm
Wednesday, 17 August 2016	Onslow Multi-Purpose Centre, Cnr McGrath Rd & Hooley Avenue, Onslow	1:00 pm
Wednesday, 21 September 2016	Mayu Maya Centre / Barry Lang Centre, Pannawonica	1:00 pm
Wednesday, 19 October 2016	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00 pm
Wednesday, 16 November 2016	Ashburton Hall, Ashburton Avenue, Paraburdo	1:00 pm
Wednesday, 14 December 2016	Onslow Multi-Purpose Centre, Cnr McGrath Rd & Hooley Avenue, Onslow	1:00 pm

2. Pursuant to section 5.25(g) of the Local Government Act 1995, give local public notice of the Schedule of Meeting dates, times and locations for the period January 2016 to December 2016.
3. Approve the commencement times for the Council Meeting Day Elected Member Information Forums as set out below:
 - Tom Price and Paraburdo: 10.00 am.
 - Onslow and Pannawonica: 11.00 am.

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4. Approve the dates and commencement times for the Elected Member Information Forums "Carried Over" Compliance Items as set out below:

	DATE	TIME
Carry Over December 2015 EMIF	13 Jan 16	7 pm or as required
Carry Over January EMIF	3 Feb 16	7 pm or as required
Carry Over February EMIF	2 Mar 16	7 pm or as required
Carry Over March EMIF	6 Apr 16	7 pm or as required
Carry Over April EMIF	4 May 16	7 pm or as required
Carry Over May EMIF	1 Jun 16	7 pm or as required
Carry Over June EMIF	6 Jul 16	7 pm or as required
Carry Over July EMIF	3 Aug 16	7 pm or as required
Carry Over August EMIF	7 Sep 16	7 pm or as required
Carry Over September EMIF	5 Oct 16	7 pm or as required
Carry Over October EMIF	2 Nov 16	7 pm or as required
Carry Over November EMIF	30 Nov 16	7 pm or as required
Carry Over December EMIF	11 Jan 17	7 pm or as required

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr P Foster

That Council:

1. Adopt the Schedule of Ordinary Council Meeting dates, times and locations for the period January 2016 to December 2016 as outlined below.

DATE	LOCATION	TIME
Tuesday, 19 January 2016	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00 pm
Tuesday, 16 February 2016	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00 pm
Tuesday, 15 March 2016	Onslow Multi-Purpose Centre, Cnr McGrath Rd & Hooley Avenue, Onslow	1:00 pm
Tuesday, 26 April 2016	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00 pm
Tuesday, 24 May 2016	Onslow Multi-Purpose Centre, Cnr McGrath Rd & Hooley Avenue, Onslow	1:00 pm
Tuesday, 21 June 2016	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00 pm
Tuesday, 19 July 2016	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00 pm
Tuesday, 16 August 2016	Onslow Multi-Purpose Centre, Cnr McGrath Rd & Hooley Avenue, Onslow	1:00 pm
Tuesday, 27 September 2016	Mayu Maya Centre / Barry Lang Centre, Pannawonica	1:00 pm
Tuesday, 25 October 2016	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00 pm
Tuesday, 22 November 2016	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00 pm
Friday, 16 December 2015	Onslow Multi-Purpose Centre, Cnr McGrath Rd & Hooley Avenue, Onslow	1:00 pm

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2. Pursuant to section 5.25(g) of the Local Government Act 1995, give local public notice of the Schedule of Meeting dates, times and locations for the period January 2016 to December 2016.
3. Approve the commencement times for the Council Meeting Day Elected Member Information Forums as set out below:
 - Tom Price and Paraburdoo: 10.00 am.
 - Onslow and Pannawonica: 11.00 am.
4. Approve the dates and commencement times for the Elected Member Information Forums “Carried Over” Compliance Items as set out below:

	DATE	TIME
Carry Over December 2015 EMIF	13 Jan 16	7 pm or as required
Carry Over January EMIF	2 Feb 16	7 pm or as required
Carry Over February EMIF	1 Mar 16	7 pm or as required
Carry Over March EMIF	29 Mar 16	7 pm or as required
Carry Over April EMIF	10 May 16	7 pm or as required
Carry Over May EMIF	7 Jun 16	7 pm or as required
Carry Over June EMIF	5 Jul 16	7 pm or as required
Carry Over July EMIF	2 Aug 16	7 pm or as required
Carry Over August EMIF	30 Aug 16	7 pm or as required
Carry Over September EMIF	11 Oct 16	7 pm or as required
Carry Over October EMIF	8 Nov 16	7 pm or as required
Carry Over November EMIF	7 Dec 16	7 pm or as required
Carry Over December EMIF	6 Jan 17	7 pm or as required

CARRIED 7/0

Crs White, Rumble, Dias, Dellar, Bloem, Foster and Fernandez voted for the motion.

Reason for Change in Recommendation: The reason for change is to accommodate the working roster for Crs Dias and Bloem.

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11.4 ONLINE REGISTER FOR GIFTS AND GRATUITIES RECEIVED BY COUNCIL MEMBERS AND STAFF; AND COUNCIL MEMBER CONTACT WITH DEVELOPERS

MINUTE: 12024

FILE REFERENCE: GV22

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

NAME OF APPLICANT/RESPONDENT: Cr Peter Foster

DATE REPORT WRITTEN: 27 October 2015

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

PREVIOUS MEETING REFERENCE: Agenda Item 17.1 – Ordinary Meeting of Council 21 October 2015

Summary

At the Ordinary Meeting of Council held on 21 October 2015, Cr Foster tabled a Notice of Motion in regard to the potential of online registers of existing declarations being established.

The Notice of Motion was:

That the CEO investigate and report back to Council on what is involved in the creation of an online register for the following:

- a) gifts and gratuities received by Council Members and Staff; and
- b) Council Member contact with Developers.

The Local Government Act (and its associated Regulations) addresses the processes for assessing and recording gifts that might be received by Councillors and staff. There is no legislation around the issue of Council Member contact with Developers, but there are Guidelines and some local governments have adopted a Policy to address this issue.

The question of how widely a local government might choose to make public the various Registers it must keep (beyond the minimum legislative requirements) is a matter for each individual Council to decide.

Background

Cr Foster has lodged a Notice of Motion as follows:

That the CEO investigate and report back to Council on what is involved in the creation of an online register for the following:

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a) *gifts and gratuities received by Council Members and Staff; and*

b) *Council Member contact with Developers.*

The Local Government Act (and its associated Regulations) addresses the processes for assessing and recording the various types of interests and gifts that might apply to Councillors and staff. The following minimum requirements apply in regard to the Notice of Motion proposal –

- Declarations of “gifts” are recorded in a Gifts Register, which is available for public viewing upon request.
- There are no legislative requirements to register “meetings with developers”.

At the recent Western Australian Local Government Association (WALGA) AGM on 5 August, a more expansive motion (but along similar accountability lines) was proposed but was not supported by the members and was lost.

Comment

The Local Government Act provides regulated requirements for gifts, registers, and the compulsory availability of information to the general public. It is incumbent on every local government to meet those legal requirements and those Registers are maintained by the Shire.

The Shire of Ashburton has addressed the requirement for its Elected Members to acknowledge their communication with Developers and Interest Groups in its policy ELM04 Code of Conduct (clause 1.4). The requirement is for Elected Members to provide the Shire President and CEO of meeting details which may compromise their impartiality. This information is recorded in the Shire’s records system, but it is not kept in a Register format.

The WALGA AGM considered a similar suggestion (plus several other accountability suggestions) on 5 August but it was not supported by the majority of those present at that meeting. It may have been the breadth of the motion that resulted in its failure on the day, but it would none-the-less be wise to “take on board” the reasons for that decision. That does not though mean Ashburton can’t adopt a different position if it chooses.

If the Council does not have an urgent need for such a proposal to be implemented, it would be best to propose to WALGA that it investigates on behalf of all of those Western Australian local governments that wish to adopt this position, that it researches and develops –

1. a standard Policy for *Council Member contact with Developers*, and
2. a standard wording/procedure for how best to set up a Web Page (and importantly for example, the information explaining to readers what the information is and the judgment they should show if they wish to reproduce it).

Consultation

Chief Executive Officer
Governance & Policy Consultant

Statutory Environment

Local Government (Rules of Conduct) Regulations 2007 (clause 12(5)) outlines that a Register of Gifts is to be maintained, and Local Government Act Section 5.94(aa) outlines that the Gift Register must be made available for public inspection.

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There is no legislation around the issue of Council Member contact with Developers, but some local governments have a Policy that reflects the Gifts provisions and which requires that Councillor contacts with developers be recorded in a Register, which would outline amongst other things, the nature of the issue covered in the contact and the Councillor response and what level of availability the Register might have to the general public. The Local Government Operational Guidelines #12 titled *Elected Members Relationship with Developers* is available on the Department Local Government and Communities website. This Guideline provides suggested standards on how elected members deal with approaches from applicants and what gifts or benefits they may accept without prejudicing the trust a local government has achieved. It is intended as a guide to good practice and not as compliance.

Financial Implications

There would be minor administrative costs involved in establishing and managing a Register of Council Member contacts with Developers, and in having that Register available of the Shire's Web Page.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

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 a "Low", and can be managed though specific monitoring and actions as required.

Policy Implications

There will be the need to develop a Council Member contact with Developers Policy in order to establish the protocols for such things as the nature of the issue covered in the Councillor contact, what level of detail is required for any Councillor responses or information provided to the developer, and what level of availability the Register might have to the general public.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr A Bloem

That in order for Council to give the matter further consideration, it seek from WALGA a suggested blanket WA local government policy for *Council Member contact with Developers*; and also, provide a suggested protocol for individual local government Web Pages to display Registers of Gifts, Gratuities and Developer Contact information.

CARRIED EN BLOC 7/0

Crs White, Rumble, Dias, Dellar, Bloem, Foster and Fernandez voted for the motion.

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Declaration of Interest

Prior to consideration of this Agenda Item:

Neil Hartley declared a (Impartiality pursuant) interest.

See item 6.2 for details of the interest declared.

11.5 PROPOSAL FOR TOURISM COMMITTEE TO BE ESTABLISHED

MINUTE: 12025

FILE REFERENCE: GV06

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

NAME OF APPLICANT/
RESPONDENT: Cr Peter Foster

DATE REPORT WRITTEN: 23 October 2015

DISCLOSURE OF FINANCIAL INTEREST: The author declares a conflict of interest in the proposal.

PREVIOUS MEETING REFERENCE: Agenda Item 17.2 – Ordinary Meeting of Council 21 October 2015

Summary

At the Ordinary Meeting of Council held on 21 October 2015, Cr Foster tabled a Notice of Motion in regard to the potential of a Tourism Committee being established.

The Notice of Motion was:

I move that the CEO investigate and report back on the formulation of a Council Committee on Tourism to better engage with the sector, including with local businesses and tourism operators, and report back to Council on what work is required to build upon the Shire's strengths and weaknesses, and what investment is required.

Tourism in Ashburton is undertaken in "precincts" with Onslow (the Western Precinct) managed by a voluntary group, Tom Price is managed by the Shire directly through a Visitor Centre, and Paraburdoo and Pannawonica activities are on an "as needs" basis and decided annually through the Shire budget. A Tourism Destination Development Strategy is in place and is being progressively implemented as budget allocations permit. The Tourism Strategy is still relevant and not in need of review. In light of this, there is no net value seen with a Tourism Committee being appointed until the Shire's Tourism Strategy program of activities is close to being exhausted (which is not likely to occur in the next several years).

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Background

Cr Foster has lodged a Notice of Motion as follows:

I move that the CEO investigate and report back on the formulation of a Council Committee on Tourism to better engage with the sector, including with local businesses and tourism operators, and report back to Council on what work is required to build upon the Shire's strengths and weaknesses, and what investment is required.

Tourism in Ashburton is undertaken in "precincts" with Onslow (the Western Precinct) managed by a voluntary group, Tom Price is managed by the Shire directly through a Visitor Centre, and Paraburdoo and Pannawonica activities are on an "as needs" basis and decided annually through the Shire budget. There is a good deal of cooperation between the "eastern" and "western" precincts and both Visitor Centres actively value add and promote the other.

A Council endorsed (Council Meeting 16 March 2011) Tourism Strategy is in place and is being progressively implemented as budget allocations permit. The Tourism Strategy is still relevant and not in need of review. The Tourism budget component of the Shire has increased substantially over the last couple of years, but still represents only a very small component of the overall budget (approximately 1%). The Tourism Strategy program (which includes capital and operations initiatives) will therefore take many years to be completed.

A Tourism Committee is not seen of benefit as Shire officers and Councillors are already promoting tourism and engaging with the tourism sector, for example, in the following ways:

- Participating in regional tourism initiatives through the Pilbara Development Commission and Pilbara Regional Council such as "My Pilbara Adventure"; WiFi in Tom Price and Paraburdoo for visitors and locals; the "Pilbara Tourism Product Development Plan"
- Engaging with Tourism WA; Tourism Council of WA; other Visitor Centres; and Australia's North West.
- Upgrading the signage at the Tom Price Visitor Centre and Onslow Visitor Centre and creating a tourism 'brand' for the Shire. This project also includes the refreshing of the internal fit-out of the Tom Price Visitor Centre currently underway.
- Sponsoring key tourism events such as Karijini Experience in 2015.
- Attend PICI (Pilbara Inland Chamber of Industry) meetings.
- Tom Price and Onslow Visitor Centres encourage tourism businesses to join as members.
- Tourism publications and maps are being updated and 'rebranded', as is the Tom Price Visitor Centre website and Facebook page.

Comment

In light of the background information, there is no net value seen with a Tourism Committee being appointed at this time, but when the Shire's Tourism Strategy program of activities is close to being exhausted or the Strategy itself warrants a review (likely within the next several years), a Tourism Committee is a reasonable option for consideration that time.

Any future Tourism Committee should take a 'Shire-wide' perspective to tourism to reflect a 'whole of Shire' approach as outlined in the Tourism Strategy. The logistics of how this Committee would work with other towns, including the existing Onslow Tourism and Progress Association (which operates the Onslow Visitor Centre), should also be considered.

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Consultation

Chief Executive Officer
Corporate Communications and Media Advisor
Executive Manager Strategic & Economic Development
Tom Price Visitor Centre
Onslow Visitor Centre

Statutory Environment

Local Government Act Part 5 — Administration has a number of sections dedicated to Committees. A Committee needs a Council decision to be established, and has similar rules that apply to a Council meeting and its membership, including for example, the application of Shire of Ashburton Standing Orders (2012).

Financial Implications

The management of a Committee will require similar costs to be incurred as a Council meeting (depending on the membership, meeting schedule and location), including the preparation of agendas, reports, minutes, and other attendee expenses (e.g. travel and accommodation etc).

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 2 – Economic Prosperity
Objective 3 – Well Managed Tourism

There are several specific tourism related initiatives within the Plan, like Onslow Caravan Park upgrade and Tom Price Visitor Centre upgrade, but also “related” proposals, like the Tom Price to Karratha Road upgrade all of which are progressing.

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”, and can be managed through specific monitoring and actions as required.

Policy Implications

There are no Policy implications.

Voting Requirement

Simple Majority Required

1.29pm - Cr White left the chair to speak for the motion.

1.29pm - Cr Rumble took the chair.

1.32pm - Cr White resumed the chair.

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr A Bloem

That Council not establish a Tourism Committee at this point in time.

CARRIED 5/2

**Crs White, Rumble, Dias, Dellar, and Fernandez voted for the motion.
Crs Bloem and Foster voted against the motion.**

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11.6 PROPOSAL FOR AGENDA ITEMS FOR PILBARA REGIONAL COUNCIL MEETING IN REGARDS TO THE PILBARA FLIGHT COSTS

MINUTE: 12026

FILE REFERENCE: TT05

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

NAME OF APPLICANT/
RESPONDENT: Cr Cecilia Fernandez

DATE REPORT WRITTEN: 2 November 2015

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

PREVIOUS MEETING REFERENCE: Agenda Item 17.3 – Ordinary Meeting of Council 21 October 2015

Summary

At the Ordinary Meeting of Council held on 21 October 2015, Cr Fernandez tabled a Notice of Motion in regard to the issue of Pilbara flight costs.

The Notice of Motion was:

Request the CEO to write a report to consider communicating with the Minister for Transport addressing the issue of prices of Pilbara air fares to Perth.

Airfares to/from the Pilbara have been the subject of many discussions in the past, with no significant changes resultant. Issues such as costs, competition, and passenger numbers are key factors in setting seat prices, as is the factor of the resource industry and its commercial arrangements with airline carriers.

Background

Cr Fernandez has lodged a Notice of Motion as follows:

Request the CEO to write a report to consider communicating with the Minister for Transport addressing the issue of prices of Pilbara air fares to Perth.

Airlines operate within the Pilbara on a commercial basis, albeit there are complimentary arrangements between resource companies and airlines that result in either beneficial or detrimental impacts upon others.

Recent discussions with one airline indicates that whilst the costs of running aircraft to the Pilbara are expensive, of more importance to "the commercial bottom line" is overall passenger numbers. In summary, the more passengers are in the market the higher the levels of competition that are likely to exist. That competition in combination with innovation, costs, and paying customers, will likely result in more competitive seat prices being generated and whilst there are examples of some of the more popular flight times being

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more expensive than other days/times, that is simply the market pricing in supply and demand.

Comment

Any challenge as to presumed excessive pricing needs to be considered on a longer term basis (like a financial year) to be justifiable, as airlines need to be profitable into the longer term to survive and to service the Pilbara. Seat pricing in this region is a complex equation of for example, the unique Pilbara marketplace, the commercial reality that airlines need to be profitable, costs (like fuel, wages, airport charges, etc.) and customer numbers.

It is therefore suggested that it would be best for Council "to seek to understand" these complexities before taking any further action and to therefore ask of the Pilbara Regional Council to undertake a Pilbara-wide study (with the view to seeking out options to reduce seat prices) so that the matter might again be considered by Council with the benefit of such a study before them.

Consultation

Chief Executive Officer
Executive Manager Infrastructure Services

Statutory Environment

Local Government Act S3.1. (General function) outlines at subsection (1) the general function of a local government is to provide for the good government of persons in its district and at subsection (3) that a liberal approach is to be taken to the construction of the scope of the general function of a local government.

A local government is quite within its rights therefore, to forward correspondence to other levels of government in regard to the services provided within its district.

Financial Implications

The cost of writing a letter include minor administrative expenses. The extent of research required and Council reports can though, be more significant.

Strategic Implications

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

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be a "Low", and can be managed though specific monitoring and actions as required.

Policy Implications

There are no Policy implications.

Voting Requirement

Simple Majority Required

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Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr P Foster

That Council request that the Pilbara Regional Council to conduct a study into the issue of prices of Pilbara air fares to/from Perth, with the view to ascertaining options as to how these prices might be lowered whilst still maintain airline and airport sustainability, and reasonable service levels to the Pilbara communities.

CARRIED 7/0

Crs White, Rumble, Dias, Dellar, Bloem, Foster and Fernandez voted for the motion.

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12. COMMUNITY DEVELOPMENT REPORTS

There were no Community Development reports for this agenda.

13. CORPORATE SERVICES REPORTS

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

MINUTE: 12027

FILE REFERENCE: FM03

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

NAME OF APPLICANT/
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 4 November 2015

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

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

Background

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

Comment

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

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

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

September 2015

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

ATTACHMENT 13.1A

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October 2015

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

ATTACHMENT 13.1B

Consultation

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

Statutory Environment

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

Financial Implications

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

Strategic Implications

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

Risk Management

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

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Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Rumble

That Council:

- 1. Accepts the Financial Reports for September 2015 ATTACHMENT 13.1A; and**
- 2. Notes the Schedule of Accounts and Credit Cards paid in October 2015 as approved by the Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds as per ATTACHMENT 13.1B.**

CARRIED 6/1

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

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13.2 STRATEGIC COMMUNITY PLAN - MID POINT DESKTOP REVIEW

MINUTE: 12028

FILE REFERENCE: CM03

AUTHOR'S NAME AND POSITION: Lisa Hannagan
Administration Manager

NAME OF APPLICANT/RESPONDENT: Not applicable

DATE REPORT WRITTEN: 3 November 2015

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

PREVIOUS MEETING REFERENCE: Agenda Item 12.2 (Minute No 11258 – Ordinary Meeting of Council 15 August 2012)

Summary

The Community Strategic Plan (CSP) was adopted by Council in August 2012. The plan is required to be reviewed (desktop) by Council every two years.

The community is to be consulted every four years.

In the case of Ashburton, there was a 12 month lag between adoption of the Community Strategic Plan (adopted 15 August 2012) and the Corporate Business Plan (Adopted 21 August 2013) therefore we are using the mid point of the Corporate Business Plan schedule as our nominal review date.

The desktop review has been completed and the Strategic Community Plan was workshopped with Councillors on two occasions being 15 April 2015 in Tom Price and 16 September 2015 in Pannawonica.

Background

The Community Strategic Plan (CSP) outlines the visions, values, aspirations and priorities of the Shire of Ashburton communities in the longer term (+10 year).

It is just one part of a suite of documents that form the Integrated Planning and Reporting Framework and must be closely aligned, in particular, with the Long Term Financial Plan and Budgetary documents. Amendments made in the CSP will flow through to the Corporate Business Plan.

While the original document is based on community consultation – and a comprehensive community consultation is planned for 2016/17 - it is necessary for the document to undergo an in-house “desk top” review by Council during the mid point of the Corporate Business Planning cycle.

The in-house review has been completed and the Strategic Community Plan was

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workshopped with Councillors on two occasions being 15 April 2015 (in Tom Price) and 16 September 2015 (in Pannawonica).

Comment

Over the last couple of years since the adoption of the initial plan, a good deal of progress on the priorities within the document has occurred, with many services undertaken, with many projects having been completed, and with many others well underway.

This review was completed with Councillor/staff input only. One of the purposes of the review was to reconsider the priorities contained within the original document. According to Department of Local Government advice, "amendments to the plan should be based on performance information and changing circumstances", so for example, Council has the opportunity to reclassify priorities in light of the fact that local economic circumstances have changed (and that funding opportunities may have also been impacted).

Finally, the review will allow Council in coordination with the informing strategies that support the Integrated Planning Framework, to clarify in a formal review of the Strategic Community Plan, the Shire's contemporary activities.

The amended document will be disseminated throughout the Shire, primarily via the Shire of Ashburton website, to ensure that our communities and key stakeholders are able to access this information.

Amendments made in the CSP will flow through to the Corporate Business Plan to enable implementation.

Consultation

Councillors
Chief Executive Officer
Executive Team
Margaret Hemsley, Consultant

Statutory Environment

The *Local Government Administration Regulations 1996* were amended to require each local government to adopt a Strategic Community Plan and a Corporate Business Plan.

Section 5.56(1) and (2) of the Act requires that each local government is to "plan for the future of the district", by developing plans in accordance with the Regulations.

Financial Implications

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

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 5 – Inspiring Governance
Objective 1 Custodianship
Objective 3 – Council Leadership

Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "High" risk but can be managed by senior management, and is unlikely to need specific allocation of resources beyond staff time and minor costs for public communications.

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Policy Implications

There were no policy implications identified.

Voting Requirement

Absolute Majority Required

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr D Dias

That Council adopt the revised Strategic Community Plan as provided in ATTACHMENT 13.2.

**CARRIED BY ABSOLUTE MAJORITY 7/0
Crs White, Rumble, Dias, Dellar, Bloem, Foster and Fernandez voted for the motion.**

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13.3 BUDGET AMENDMENT / VARIATION

MINUTE: 12029

FILE REFERENCE: FM14.15.16

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 5 November 2015

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

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

Background

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

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

Comment

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

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1. Club Development				
GL/Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget
11380530	Bike Rack Design Paraburdoo	\$8,050	\$10,500	\$18,550
11380850	Reserve	(\$89,800)	(\$10,500)	(\$100,300)
<p>Reason: The designs produced by the project were more artistic than initially envisioned. This increased the cost to produce each rack. Installation costs were also much higher than anticipated. Partnership underspend from 2013/14 approved by PMG Team to increase the funds available.</p> <p>Note: No adverse impact on the anticipated end of year financial position for the Municipal Account, the Reserve Account for the RTIO Partnership will have a reduced end of year balance.</p>				
2. Health – Pest Control				
GL/Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget
11380530	Mosquito and Pest Control	\$8,000	\$31,487	\$39,487
10723530	Mosquito Control subsidy GEN	(\$10,500)	(\$31,487)	(\$41,987)
<p>Reason: Extra funding received from the Department of Health (FIMMWA) for 2015-16 after the adoption of the Shire's budget. The amount received is \$31,486.50.</p> <p>Note: No adverse impact on the anticipated end of year financial position for the Municipal Account.</p>				
3. Club Development				
GL/Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget
GE043	Mental Health Week	\$0	\$13,000	\$13,000
GE044	Seniors' Week	\$0	\$1,500	\$1,500
CS008	Consultant Project Costs	\$81,500	(\$12,500)	\$69,000
GI043	Inc - Mental Health Week	\$0	(\$1,000)	(\$1,000)
GI044	Inc - Seniors' Week	\$0	(\$1,000)	(\$1,000)

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Reason: Successful grant applications for two programs (Mental Health Week and Senior's Week). Expenditure for these planned projects was originally budgeted for in our general project expense code (CS008), but in light of the successful grant applications, we need to separate expenses to facilitate the grant acquittal process.

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

4. Town Site Revitalisation

GL/Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget
10410360	Communication & Promotion GEN	\$20,000	\$20,000	\$40,000
10410480	Transfer to Reserve	\$115,363	(\$20,000)	(\$95,363)

Reason: As part of the Rio Tinto Partnership an annual review and report is presented to the Partnership Governing Committee each year to demonstrate the outcomes and successes. The development of a short video has been approved however additional funds from the Partnership Management Agreement Fund are required, which were transferred to Reserve at the start of the year. These funds are provided by Rio Tinto for the partnership management projects.

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

5. Onslow Airport Mixed Business Land

GL/Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget
11473180	Services Installation - Onslow Airport Mixed Business Land GEN	\$250,000	(\$50,000)	\$200,000
11401270	Consultant/Project Costs GEN	\$30,000	(\$20,000)	\$10,000
11473090	Land Settlement Expense GEN	\$0	\$70,000	\$70,000

Reason: This transfer is necessary due to the redirection from lease to sale for a portion of Lot 16 Onslow Rd, Onslow, better known as the Onslow Industrial Subdivision. At this stage the remainder of the expenditure forecast for GL 11473180 should remain in the event that the Council does not support the sale. It is proposed that a further \$20,000 be transferred from GL 11401270 – Consultant/Project Costs as these services are expected to be minimal in the 2015/16 FY due to the initial scope of works being conducted by Planning & Survey service providers.

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

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6. Onslow Airport				
GL/Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget
B426	Annual Routine Maintenance	\$200,000	(\$25,000)	\$175,000
W613	Access Road & Carpark	\$5,000	\$25,000	\$30,000
<p>Reason: No budget allocation has been provided for dust fencing along the access road to the airport terminal. As the terminal building is relatively new and still under warranty for half of the financial year, not all the annual routine maintenance has been necessary. Hence not all of the allocated budget funds for that code will be used this financial year. Therefore, it is recommended that \$25,000 be reallocated to the Access Road & Carpark to allow the installation of permanent dust fencing parallel to the road to assist with the dust problem at the Onslow Airport terminal.</p> <p>Note: No adverse impact on the anticipated end of year financial position for the Municipal Account.</p>				
7. Playground Audit				
GL/Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget
C042	Federation Park (Paraburdoo) Playground Maintenance	\$10,000	(\$10,000)	\$0
C1615	Refurbishment playground Equipment (Talbot Park)	\$10,000	(\$10,000)	\$0
C1617	Playground Audit Repairs	0	\$20,000	\$20,000
<p>Reason: A recent Playground Audit conducted across all of the Shire's 13 playgrounds indicates that repairs are required at most of these sites. It is proposed to utilise the funds across all of the playgrounds highlighted in the Audit, to address as many of compliance/risk issues raised as possible.</p> <p>Note: No adverse impact on the anticipated end of year financial position for the Municipal Account.</p>				

Consultation

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

Statutory Environment

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

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(b) is authorized in advance by resolution*

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

*requires an absolute majority of Council

Financial Implications

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

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 5 - Inspiring Governance

Objective 4 - Exemplary Team and Work Environment

Risk Management

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

Policy Implications

There are no specific policy implications relative to this issue.

Voting Requirement

Absolute Majority Required

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Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Dias

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

1. Club Development				
GL/Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget
11380530	Bike Rack Design Paraburdoo	\$8,050	\$10,500	\$18,550
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GI044	Inc - Seniors' Week	\$0	(\$1,000)	(\$1,000)
<p>Reason: Successful grant applications for two programs (Mental Health Week and Senior's Week). Expenditure for these planned projects was originally budgeted for in our general project expense code (CS008), but in light of the successful grant applications, we need to separate expenses to facilitate the grant acquittal process.</p> <p>Note: No adverse impact on the anticipated end of year financial position for the Municipal Account.</p>				
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C1617	Playground Audit Repairs	0	\$20,000	\$20,000
<p>Reason: A recent Playground Audit conducted across all of the Shire's 13 playgrounds indicates that repairs are required at most of these sites. It is proposed to utilise the funds across all of the playgrounds highlighted in the Audit, to address as many of compliance/risk issues raised as possible.</p> <p>Note: No adverse impact on the anticipated end of year financial position for the Municipal Account.</p>				
<p>CARRIED BY ABSOLUTE MAJORITY 7/0 Crs White, Rumble, Dias, Dellar, Bloem, Foster and Fernandez voted for the motion.</p>				

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Declaration of Interest

Prior to consideration of this Agenda Item:
Cr Dias declared a (financial) interest.

See item 6.2 for details of the interest declared.

1.53pm - Cr Dias requested to stay and vote on this item and left the room.

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr P Foster

That Council approve Cr Dias to re-enter the room and vote on agenda item 13.4
PROPOSED CEO DELEGATION - PUBLIC LANDS, MAKING SUBMISSIONS ON BEHALF OF COUNCIL.

CARRIED 6/0

Crs White, Rumble, Dellar, Bloem, Fernandez and Foster voted for the motion.

1.54pm – Cr Dias re-entered the room.

13.4 PROPOSED CEO DELEGATION - PUBLIC LANDS, MAKING SUBMISSIONS ON BEHALF OF COUNCIL

MINUTE: 12030

FILE REFERENCE: GV21

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

NAME OF APPLICANT/RESPONDENT: Not applicable

DATE REPORT WRITTEN: 3 November 2015

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

PREVIOUS MEETING REFERENCE: Agenda Item 10.06.755 – Ordinary Meeting of Council
21 June 2005

Summary

Council resolved at the Ordinary Meeting of Council on 21 June 2005 “that the Department of Planning and Infrastructure be requested to initiate an extension of the crown reserve covering the Tom Price and Paraburdoo landfill facilities to cater for future waste management needs”.

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During investigations, it was ascertained the Paraburdoo Refuse Site is located on portion of Pilbara Iron's Special Lease (No. 3116/4591), Beasley Road, Paraburdoo. Several Councillors therefore declared Financial Interests in the matter leaving no quorum to deal with the issue. The item was therefore deferred. It was discussed as to the potential of utilising existing CEO delegation, but no suitable delegation is presently in place to accommodate this situation.

A proposed delegation DA01-9 Public Lands – Making Submissions on Behalf of Council would allow the CEO to make a determination on the changes required at the Paraburdoo Refuse Site. This determination is not perceived as a strategic matter but rather an administrative one in that and there is general agreement as to the alterations required to the site itself. There will be no significant changes to the service or to the access provided to the community.

Without the use of this proposed delegation the process for dealing with the item will require considerable effort by Councillors with RTIO financial interests and for the administration to coordinate the exemptions required from the Minister, Department of Local Government and Communities.

It is recommended therefore that Council adopt the proposed Delegation similar to those used in all Pilbara local governments, to deal with this, and comparable examples in the future.

Background

Due to the Paraburdoo waste disposal site approaching full capacity, Council resolved at its Ordinary Meeting on 21 June 2005 to initiate the necessary action to increase the Paraburdoo refuse area to cater for future disposal needs.

During the course of investigations, it was ascertained that the existing site was part of the Hamersley Iron Special Lease (No.3116/4591). While the Shire, Rio Tinto, and the Department of Regional Development and Lands (now Department of Lands) supported the proposal, the formalities to create a reserve for waste disposal purposes were not finalised due to declarations of financial interests by several Councillors.

Research was undertaken with other Pilbara local governments to ascertain how they deal with this type of situation and the following summary is provided –

- Peer review in drafting the Delegation of Authorisation referenced the City of Karratha, Town of Port Hedland and Shire of East Pilbara and found all have delegations in place that enable the CEO to deal with management orders, land tenure etc.
- It was determined that the City of Karratha was the only Shire to have referenced the Land Administration Act 1997 s41 (which was quoted in the report to Council Agenda Item 10.06.755) delegation to their CEO. The City of Karratha's Delegation of Authorisation is attached.

ATTACHMENT 13.4B

- The Town of Port Hedland also has a delegation with the Legislative Power pertaining to the Land Administration Act 1997 referring to s 46(1) and (2) which is not as extensive as the City of Karratha's which has referenced the Land Administration Act 1997 s41, 46, 47, 48, 50, 51, 52, 86, 91 and 267. Whereas the

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Shire of East Pilbara has a delegation with reference to the Land Administration Act 1997 s4.52 Resumption of Land (statutory power being Part 9).

Comment

Shire Officers have been liaising with Department of Lands who support the request to excise the portion for creation of a reserve with a Management Order issue in favour of the Shire of Ashburton, including power to lease. With a Delegation in place, these processes will be completed administratively, with any future instances being referred through EMACCESS and otherwise recorded in the Shire's records system, as outlined in the Delegation. In the instances where RTIO land is involved, it will avoid the need for Councillors making declarations and for the officers to allocate time to coordinate the securing of the Department of Local Government and Communities exemptions. It is apparent that other Pilbara Local Governments have already adopted similar processes to deal with similar situations.

Consultation

Administration Manager
Governance & Policy Consultant

Statutory Environment

Local Government Act Sections 5.42 and 5.43 deal with the matter of what delegations can be provided to the CEO and the limits applicable. The delegation proposed sits within those legislative parameters.

Financial Implications

There are only administrative costs involved in establishing the Policy.

Strategic Implications

Corporate Business Plan Priority 5.1 highlights the need for productive policies and procedures to be established.

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.

Voting Requirement

Absolute Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That Council adopt the Delegation DA01-9 *Public Lands - Making Submissions On Behalf Of Council* at ATTACHMENT 13.4A.

CARRIED BY ABSOLUTE MAJORITY 7/0

Crs White, Rumble, Dias, Dellar, Bloem, Foster and Fernandez voted for the motion.

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14. DEVELOPMENT AND REGULATORY SERVICES REPORTS

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

MINUTE: 12024

FILE REFERENCE: LP10.7.29
PS.TP.7.29

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

NAME OF APPLICANT/RESPONDENT: Shire of Ashburton

DATE REPORT WRITTEN: 30 October 2015

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

PREVIOUS MEETING REFERENCE: Agenda Item 18.1 (Minute No. 11885) - Ordinary Meeting of Council 19 November 2014
Agenda item 14.3 (Minute no. 11934) - Ordinary Meeting of Council 15 April 2015

Summary

At its Ordinary Meeting on 19 November 2014, Council initiated Amendment 29 to the Shire of Ashburton Town Planning Scheme No. 7 (TPS7) ATTACHMENT 14.1. This amendment seeks to reserve a portion of Lot 500 on Deposited Plan 401881 for 'Public Purposes – Waste Disposal and Treatment'. This Scheme reserve reflects the use of this land for the Onslow Waste Transfer Site (WTS) that has been constructed and is now in operation. Lot 500 comprises part of Reserve 19291 that is a managed reserve with Orders to the Shire of Ashburton for the purpose 'Common'.

Following the required public advertising for comment, on 15 April 2015, Council resolved to adopt Amendment 29 for final adoption and submission to the Western Australian Planning Commission (WAPC) for approval by the Minister for Planning.

During preparation of the 15 April report, three submissions supporting the Amendment were misfiled and not referenced for consideration by Council in making its decision. This report presents these missing submissions for Council's consideration.

The recommendation of this report is identical to that resolved by Council at its Ordinary Meeting on 15 April 2015.

ATTACHMENT 14.1

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Background

As noted in the Scheme Amendment Initiation report, the WTS is required as a waste processing site while a new landfill site is identified and developed to service the Onslow townsite. The WTS has been constructed and commissioned and is currently operational. The initial construction and operation of this facility was undertaken on legal advice provided by the Shire's consultant project manager that the facility comprised a public work and so was exempt from local government planning approval. Notwithstanding, Amendment 29 has been prepared to more closely align the WTS use with appropriate Scheme zoning.

The Onslow landfill was closed in May 2015, with all waste now deposited at the WTS site that is located approximately 5 km from Onslow. This land is in the process of being subdivided into a new lot that will be reserved with a Management Order issued to the Shire. At the time of writing this report, the subdivision is yet to be completed and the Crown reserve has not yet been created.

In the preparation of the Council report recommending final adoption for Amendment 29, three submissions lodged by Departments of State Development, Fire and Emergency Services, and Health were not included in the schedule of submissions, or their comments included for Council's consideration.

Comment

The Planning and Development (Local Planning Scheme) Regulations 2015 require that a Local Government consider all submissions made in relation to a Scheme Amendment and determine whether to support an amendment with or without modifications on the basis of any relevant issues that may have been raised by way of submission during the advertising period. Given three submissions were inadvertently missed in the previous consideration of this Scheme Amendment, this report seeks to rectify the matter and give Council the opportunity to adopt Amendment 29 for final adoption in the context of all submissions received.

Consultation

In accordance with statutory requirements, this proposed amendment to the Shire of Ashburton Town Planning Scheme No. 7 was referred to the Environmental Protection Authority (EPA) for assessment on 1 December 2014 and the Shire was advised on 14 January 2015 that the proposal was not to be formally assessed.

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

- Notice published in the Pilbara News on 14 January 2015, with submissions closing on 27 February 2015 (44 days);
- Sign advising of the proposal erected on site from 14 January until 27 February 2015;
- The following stakeholders advised in writing of the proposed amendment:
 - Department of State Development
 - Department of Regional Development
 - Department of Lands
 - Department of Planning
 - Department of Parks and Wildlife
 - Department of Aboriginal Affairs
 - Department of Health
 - Department of Water
 - Water Corporation
 - LandCorp
 - Main Roads Western Australia

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- Horizon Power
- Forrest and Forrest
- Burrabalanynji Thalanyji People
- Rio Tinto
- Onslow Salt
- Chevron Australia
- Department of Fire and Emergency Services
- Notice published on the Shire's website; and
- Notice published on the Shire noticeboard and reception windows at Onslow, Paraburdoo, and Tom Price.

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

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

Author	Submission	Comment	Recommendation
Department of Mines and Petroleum	No objection	Noted (Previously considered in the 15 April 2015 report)	No modification to amendment
Main Roads Western Australia	No objection	Noted (Previously considered in the 15 April 2015 report)	No modification to amendment
Chevron Australia	No objection	Noted (Previously considered in the 15 April 2015 report)	No modification to amendment
Department of State Development	Strongly supports	Noted	No modification to amendment
Department of Fire and Emergency Services	No objection	Noted	No modification to amendment
Department of Health	No objection subject to: <ul style="list-style-type: none"> - Compliance with requirements of DER; and - Site being managed to mitigate hazards to human health 	DER requirements and managing human health hazards will be addressed through management of the site	No modification to amendment

Statutory Environment

Planning and Development Act 2005

Town Planning Regulations 1967

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

Financial Implications

There are no financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 01 - Vibrant and Active Communities

Goal 02 - Strong Local Partnerships

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Goal 04 - Distinctive and Well Serviced Places
Objective 03 - Well Planned Towns

Risk Management

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

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr A Bloem

That Council:

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

CARRIED EN BLOC 7/0

Crs White, Rumble, Dias, Dellar, Bloem, Foster and Fernandez voted for the motion.

15. INFRASTRUCTURE SERVICES REPORTS

Declaration of Interest

Prior to consideration of this Agenda Item:
Cr Kerry White declared a (Financial) interest.

See item 6.2 for details of the interest declared.

1.54pm – Cr White left the room and Cr Rumble assumed the chair.

15.1 PROPOSAL TO ESTABLISH A FUEL FARM AT ONSLOW AIRPORT

MINUTE: 12031

FILE REFERENCE:	TT06
AUTHOR'S NAME AND POSITION:	Megan Walsh
NAME OF APPLICANT/RESPONDENT:	Skyfuel Pty Ltd
DATE REPORT WRITTEN:	3 November 2015
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The purpose of this report is to consider a recent proposal from Skyfuel Pty Ltd to supply, install and operate a permanent fuel farm at the Onslow Airport.

Council endorsement is sought to approve a 'peppercorn' lease and for Delegated Authority to be awarded to the Chief Executive Officer to negotiate the terms and execute an appropriate Commercial Lease Agreement.

Background

The Onslow Airport is a security controlled, CASA certified airport which is owned and operated by the Shire of Ashburton. The airport has a 1900m sealed runway, two aprons and a terminal building fully equipped with screening facilities. The airport is utilised by general aviation (including RFDS & Aspen Medical), Regular Passenger Transport (RPT) and closed charter operations. On the current regular schedule the airport is currently turning around five RPT and 26 closed charter flights per week.

The Onslow Airport is nearing completion of a multimillion dollar redevelopment which included provision for the development of permanent fuel farm facilities. The fuel farm is a critical part of the redevelopment for the following reasons:

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- Allows for Onslow Airport to be used as an alternate airport (part of flight planning often involves the identification of one or more airports which can be flown to in case of unexpected conditions, such as weather, at the destination airport);
- Can attract more general aviation;
- Can attract potential commercial users/airlines;
- Provides the opportunity for bulk buying power - assists in keeping fuel levy's down on ticket prices;
- Provides for improved flight planning/ fuel management – If an aircraft cannot re fuel in Onslow the aircraft will need to operate with reduced loads (passengers, cargo) so they can carry extra fuel to make the return journey. This incurs additional and unnecessary costs which then can be offset on ticket prices; and
- En route refueling increases flying time and costs for operators needing to refuel outside Onslow.

In order for Onslow Airport to be competitive with other ports and attract new business to the site a fueling facility is considered to be vital infrastructure.

The installation of a jet fuel facility for dispensing of fuel is not necessarily expected to be a significant revenue generator for the airport. However, potential revenue is generated from increased landing fees and passenger fees that can be collected from additional services.

An Expression of Interest, EOI 02/14 was issued on 30 August 2014. It was decided an EOI was the best first step in the process due to the Shire needing more information from potential suppliers regarding the infrastructure required and costs/conditions that may be applied. Two submissions from the EOI were received and the conditions and proposed rental yield of both submissions were below those that had been previously anticipated by Shire Officers. The decision was made to reject both submissions and progress to a public request for tender process to open the process to a wider audience.

A Request for Tender, RFT 40/14 was issued on 17 July 2015 via TenderLink. No submissions were received.

Local Government (Function and General) Regulations 1996 Part 4, Division 2, 11 (2) (c) (i), states that:

“Tenders do not have to be publically invited according to the requirements of this Division if – within the last 6 months – the local government has, according to the requirements of this Division, publically invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications; or the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer”.

Based on this provision, Shire Officers made direct contact with several potential suppliers for the establishment and management of a fuel facility at Onslow Airport. This resulted in one potential supplier (Skyfuel) expressing their interest and presenting a proposal to the Shire for the construction and operation of a fuel facility at Onslow Airport.

Comment

Three years ago Skyfuel were asked by Virgin Australia to provide a rapid, turnkey and temporary (6 months) solution to the Virgin/Bechtel closed charter operation at Onslow Airport. This refueling operation currently consists of:

1. A 16,000 litre on-airfield refueling tanker compliant with JIG4 aviation fuel standards;

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2. A 33,000 litre bridger (fuel tanker) /temporary storage facility that is used to pick up Jetfuel ex Shell in Karratha and hold it in storage in close proximity to Onslow Airport for use as required.

The maintenance of mobile equipment is very expensive and in terms of efficiency, operating mobile equipment is probably the most expensive option available. These assets were deployed to Onslow as a rapid turnkey solution, not as a commercially viable long term solution. The current arrangement is not a viable permanent solution.

In April 2015 staff entered into discussions with Skyfuel for the supply, installation and operation of a permanent fuel facility through a commercial lease arrangement. The lease area allocated for the fuel farm is depicted in Plan 9949nr-11 – Proposed Lease Boundaries (fuel farm Airside lot, see **ATTACHMENT 15.1A**). The proposed facility must comply with all the relevant standards, guidelines and regulations for the supply and refueling of aviation fuels. Skyfuel's challenge was to supply a facility that fitted into the Shire's overall plans for the precinct and a facility that met both the immediate and long term needs of the airport. The proposal needed to be a workable and sustainable fuel solution that met both parties' requirements. The configuration and functional ability was workshopped with experience consultants and ultimately agreed to with Skyfuel. The proposed fixed fuel facility consists of:

- 55000ltr above ground lined tank
- Concrete bund
- Card operated bowser
- Vehicle Fill – preset meter
- Flameproof Diesel discharge pump + Filter
- Quality control Shed – 6m x 4m
- Security Fencing
- Fire Hose reel
- Safety Shower
- Refuelling truck (Non fixed infrastructure)

The estimated cost of this proposal (not including the fuel truck) funded by Skyfuel is estimated to be approximately \$250,000 - \$400,000.

A layout of the proposal is attached.

ATTACHMENT 15.1A
ATTACHMENT 15.1B

In Kind Support

Once the permanent fuel facility is in place, Bechtel will no longer be subsidising the refueling operation. The operation will need to maintain its own commercial viability based on fuel sales alone. Moving into the future (post Wheatstone construction) it is reasonable to assume fuel levels will drop to minimal amounts. It is estimated fuel volumes will be reduced by approximately 80%. Fuel farms and mobile refueling trucks are a costly, regulated operation so costs will need to be minimised to ensure long term commercial viability.

As such, Skyfuel requests from the Shire of Ashburton "in-kind" financial support in the way of an ongoing 'peppercorn lease' (very low or nominal lease) for the land. Skyfuel has advised once the facility is established it would be there in perpetuity with this legacy arrangement written into the lease agreement.

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The proposed lease agreement will be for a 10 year period with a further optional term of 5 years (by mutual agreement and a condition that the fuel farm service delivery standards are acceptable to the Shire). If Council endorses a peppercorn lease the cost of providing dispensation would amount to approximately \$21,455 per annum (i.e. based on current valuations, the difference between the anticipated market lease fee and a peppercorn).

Site Establishment

In order to maintain the same standard of construction as applied to the rest of the airport precinct, the Staff propose to undertake the initial civil works component of the fuel farm site. Expenditure related to this has been budgeted for in PIP 3 – Airport Terminal and Landside Facilities. The civil works program is estimated to cost no more than \$150,000. Works included in this program will consist of the following:

- Earthworks - leveling, excavation and compacting site. Installation of the road train delivery bay;
- Concreting – Concrete pads for Bunds, footings, plant, small building (office) and safety shower plinth; and
- Fencing & gates.

Additional to the civil cost component, Airport Operations also proposes to fund and manage the essential services component. This involves extending the electricity and water services (connections) from the terminal building to the site. The essential services program is estimated to cost no more than \$100,000. Expenditure for these works has also been budgeted for in the PIP3 – Airport Terminal and Landside Facilities.

Consultation

Executive Manager Infrastructure Services
Manager of Procurement

Economic and Land Development Manager

Aerodrome Management Services

Airport Manger – Learmonth Airport

Project Manager - HQ Management Pty Ltd

Senior Project Engineer - ACOR MCE Consultants Pty Ltd

General Manager / Charter Sales - Virgin Australia Regional Airlines Pty Ltd

Skyfuel Pty Ltd

Statutory Environment

In accordance with Section 3.58 'Disposing of Property' of the Local Government Act 1995, a local government can dispose (lease) of property if it gives local public notice of the proposed disposition for not less than 2 weeks after the notice is first given.

Financial Implications

This income stream was not provided for the 2015/2016 budget therefore there is no requirement to amend the budget.

The cost to provide the initial civil works is funded through the existing PIP3 – Airport Terminal and Landside Facilities.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 04 'Distinctive and Well Serviced Places'

Objective 01 – Quality Public Infrastructure:

Objective 02- Accessible and Safe Towns

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Risk Management

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

Policy Implications

Shire of Ashburton – FIN12 Procurement Policy

Voting Requirement

Absolute Majority Required

Council Decision

MOVED: Cr A Bloem

SECONDED: Cr P Foster

That Council:

- 1. Endorse the proposal to lease (10 + 5 years) the Onslow Airport Fuel Farm as depicted in Plan 9949nr-11 (in accordance with Section 3.58 'Disposing of Property' of the Local Government Act 1995) to Skyfuel;**
- 2. Delegate Authority to the Chief Executive Officer to negotiate the terms of the Lease Agreement and advertise the proposal for public comment; and**
- 3. Authorise the execution of the Lease Agreement should no adverse public comment be received after local public notice as per s3.58 of the Local Government Act 1995.**

CARRIED BY ABSOLUTE MAJORITY 5/1
Crs Rumble, Dias, Bloem, Foster and Fernandez voted for the motion.
Cr Dellar voted against the motion.

1.59pm – Cr White re-entered the room and resumed the chair.

16. STRATEGIC AND ECONOMIC DEVELOPMENT REPORTS

Declaration of Financial Interest

In accordance with Section 5.69 (3) (a) of the Local Government Act Cr Rumble, Cr Bloem, Cr Dias and Cr Foster declared a financial interest in Agenda Item 16.1 The nature and extent of their interest is outlined in item 6.2.

As there would not be a quorum to vote, approval was sought from the Minister of Local Government to allow disclosing members Cr Rumble and Cr Dias, to debate and vote on Agenda Item 16.1. The Minister's written approval for Crs Rumble and Foster to fully participate in the discussion and decision making process in relation to this agenda item was obtained prior to the Council Meeting. The approval was granted subject to the following conditions:

1. The approval is only valid for the ordinary meeting of Council to be held on 18 November 2015;
2. Crs Rumble and Foster must declare the nature and extent of their interest at the above mentioned meeting when the matter is considered, together with the approval provided;
3. You, as the CEO are to provide a copy of this letter of approval to the abovementioned Councillors;
4. You, as the CEO are to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the meeting when this matter is considered
5. You, as the CEO are to provide a copy of the confirmed minutes of the abovementioned meeting to the Department, to allow the Department to verify compliance with the conditions with the conditions of this approval; and
6. Approval is granted based solely on the disclosures of interest made in accordance with the application. Should other interests be identifies, these interests will not be included in this approval

The Director General did not consider it necessary to allow Crs Bloem and Dias to participate in the discussion and decision making in this instance and has declined to approve the request for them to participate.

RECORDED ON REGISTER GV07

2.02pm – Crs Dias and Bloem left the room.

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16.1 RELINQUISHMENT OF LOT 46 SOUTH ROAD, TOM PRICE BY HAMERSLEY IRON FOR ACQUISITION BY THE SHIRE OF ASHBURTON

MINUTE: 12032

FILE REFERENCE: STA.0314
SOU.0046

AUTHOR'S NAME AND POSITION: Janelle Fell
Economic and Land Development Manager

NAME OF APPLICANT/RESPONDENT: Not applicable

DATE REPORT WRITTEN: 4 November 2015

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.1 (Minute No. 11066) – Ordinary Meeting of Council 16 November 2011
Agenda Item 13.11.41 - Ordinary Meeting of Council 20 November 2007
Agenda Item 13.10.36 – Ordinary Meeting of Council 16 October 2007
Agenda Item 12.10.070 – Ordinary Meeting of Council 24 October 2006

Summary

As part of Hamersley Iron's extension application for construction worker accommodation at the entrance to Tom Price Mine (Jundunmunnah Village), the Minister for State Development noted Council's October 2006 resolution requesting conditional approval of the application. The condition applied was for Hamersley Iron to gift a number of lots to the Shire of Ashburton to develop for the benefit of the community to address critical housing shortages. These lots included Lot 314 and 46 on South Road, Tom Price.

While Lot 314 has been relinquished to the Department of Lands who are compiling a Development Lease in favour of the Shire of Ashburton, Lot 46 is yet to be relinquished. Hamersley Iron has requested support from the Shire of Ashburton to proceed with the relinquishment of Lot 46, pending internal approvals.

Council support is now requested to proceed with the acquisition of Lot 46 for transfer of ownership to the Shire of Ashburton.

Background

As recorded in the October 2007 minutes, whilst Council did not support fly-in fly-out resource projects it recognised the specific circumstances of an application from Hamersley Iron for an extension at the Tom Price Mine Site (Jundunmunnah Village) subject to a 'value proposition' agreement between the Shire of Ashburton and Hamersley Iron. This proposition consisted of the provision of land for development to address critical housing shortages. Council agreed at its October 2007 meeting to submit a letter to the Minister for

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State Development advising support subject to Hamersley Iron giving a written undertaking to relinquish its special lease of the 'golf course site' (being the land between the Tom Price golf course and South Road) in the event Hamersley Iron did not developed the site for land release.

Pilbara Cities identified Lot 314 as a potential development site as part of the 2011 'Lazy Lands' project, which has steadily progressed. Relinquishment by Hamersley Iron of Lot 314 to the Department of Lands has progressed throughout 2015. A Development Lease in favour of the Shire of Ashburton has been allocated to the solicitor for Department of Lands for review prior to forwarding to the Shire of Ashburton for execution. Upon completion of the Lot 314 deconstraining project, expected to be completed in June 2016, the land will transfer in freehold to the Shire of Ashburton for a nominal fee as determined by the Valuer General.

Comment

With Lot 46 (consisting of two lots hatched red in the image below) complementing Lot 314, acquisition of this lot was pursued by Shire Officers. Rio Tinto is now in a position to relinquish Lot 46 South Road to the Shire of Ashburton at nil cost (with the exception of transfer costs) for inclusion in the Lot 314 development.



To complement the development of Lot 314, acquisition of Lot 46 is desirable. No provision has been made for these parcels of land in the Lazy Lands deconstraining project of Lot 314, however, scope of works and costs will be presented to Council at a later date for consideration when the land is scheduled for development.

Lot 46 has been included in the proposed subdivision plan which aims to provide a mixed development of R20, R30 and R40 sites for 10% retention for Shire Staff housing, 20% service/key worker and 70% private housing.

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With this ideal location, and it being relatively deconstrained, Council endorsement for acquisition of the lot is recommended.

Consultation

Rio Tinto Iron Ore
Principal Planner
Executive Manager, Development and Regulatory Services
Executive Manager, Strategic and Economic Development

Statutory Environment

Transfer of Land Act 1893
Land Administration Act 1997

Financial Implications

Transfer costs (eg stamp duty, registration fees, conveyance fees) are not expected to exceed \$2000.

Strategic Implications

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

Risk Management

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

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That Council:

- 1. Endorses the acquisition of Lot 46 South Road, Tom Price; and**
- 2. Approves affixing the Common Seal in the presence of the Shire President and the Chief Executive Officer to the transfer of land documents for lodgment to Landgate.**

CARRIED 5/0

Crs White, Rumble, Dellar, Foster and Fernandez voted for the motion.

2.03pm – Crs Dias and Bloem re-entered the room.

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16.2 AUTHORISATION TO AFFIX COMMON SEAL – APPLICATION FOR A NEW/BALANCE TITLE FOR LOT 16 ONSLOW ROAD, ONSLOW

MINUTE: 12024

FILE REFERENCE:	ONS.0016
AUTHOR'S NAME AND POSITION:	Janelle Fell Economic and Land Development Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	4 November 2015
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 16.2 (Minute No. 12006) – Ordinary Meeting of Council 8 September 2015 Agenda Item 19.2 (Minute No. 11993) – Ordinary Meeting of Council 19 August 2015 Agenda Item 19.2 (Minute No. 11985) – Ordinary Meeting of Council 15 July 2015 Agenda Item 16.3 (Minute No. 11954) – Ordinary Meeting of Council 20 May 2015 Agenda Item 16.3 (Minute No. 11884) – Ordinary Meeting of Council 19 November 2014 Agenda Item 16.1 (Minute No. 11829) – Ordinary Meeting of Council 16 July 2014 Agenda Item 13.4 (Minute No. 11737) – Ordinary Meeting of Council 22 January 2014 Agenda Item 13.1 (Minute No. 11693) – Ordinary Meeting of Council 20 November 2013

Summary

Affixation of the common seal is required to apply for new Certificates of Title for the two lot subdivision of Lot 16 Onslow Road, Onslow into Lots 9001 and 9500.

Authorisation to affix the Common Seal is requested.

Background

Shire Officers have been progressing the required deposited plans and easements for lodgment to Landgate for the two lot subdivision of Lot 16 Onslow Road, Onslow. This subdivision will see the ~34ha lot (Lot 9500) developed for mixed business use while the balance (Lot 9001) will be retained by the Shire of Ashburton for its current use as an airport.

Comment

To proceed to new Certificates of Title for the two lot subdivision of Lot 16, Onslow Road, Onslow into Lots 9001 and 9500, execution of Form A6 Application for a New/Balance Title is required.

ATTACHMENT 16.2

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Consultation

McMullen Nolan Group – Surveyors
LJ Hooker Settlements

Statutory Environment

Local Government Act 1995 – Section 9.49A – Affixing the Common Seal
Transfer of Land Act 1893
Land Administration Act 1997 – Section 195

Financial Implications

Transaction costs are to be estimated to be no more than \$1,100, consisting of settlement fees, postage, land titles, office search fees, application registration fee, notification registration fee and has been accounted for in the 2015/16 Land Settlement Expenses budget.

Strategic Implications

Goal 04 – Distinctive and Well Served Places
Objective 01 – Quality Public Infrastructure
Objective 03 – Well Planned Towns

Risk Management

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

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr A Bloem

That Council approves affixing the Common Seal in the presence of the Shire President and the Chief Executive Officer to the Application for a New/Balance Title form for lodgment to Landgate.

CARRIED EN BLOC 7/0

Crs White, Rumble, Dias, Dellar, Bloem, Foster and Fernandez voted for the motion.

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17. COUNCILLORS AGENDA ITEMS / NOTICES OF MOTIONS

17.1 NOTICE OF MOTION IN REGARDS TO THE LEASE OF THE ONSLOW COMMUNITY GARDEN

FILE REFERENCE: GV14
CP58

Cr Kerry White tabled the following Notice of Motion in regard to the lease of the Onslow Community Garden.

Notice of Motion

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

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

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

There were no New Business of an Urgent Nature Introduced by Decision of Meeting reports for this agenda.

19. CONFIDENTIAL MATTERS

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

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

(a) a matter affecting an employee or employees;

(b) the personal affairs of any person;

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

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

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

(I) a trade secret;

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

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

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

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

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

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

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

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

(h) such other matters as may be prescribed.

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20. NEXT MEETING

The next Ordinary Meeting of Council will be held on Wednesday 9 December 2015, at the Onslow Multi-Purpose Centre, Cnr McGrath Rd and Hooley Avenue, Onslow, commencing at 1.00 pm.

21. CLOSURE OF MEETING

The Shire President declared the meeting closed at 2.08pm.