

Ordinary Meeting of Council

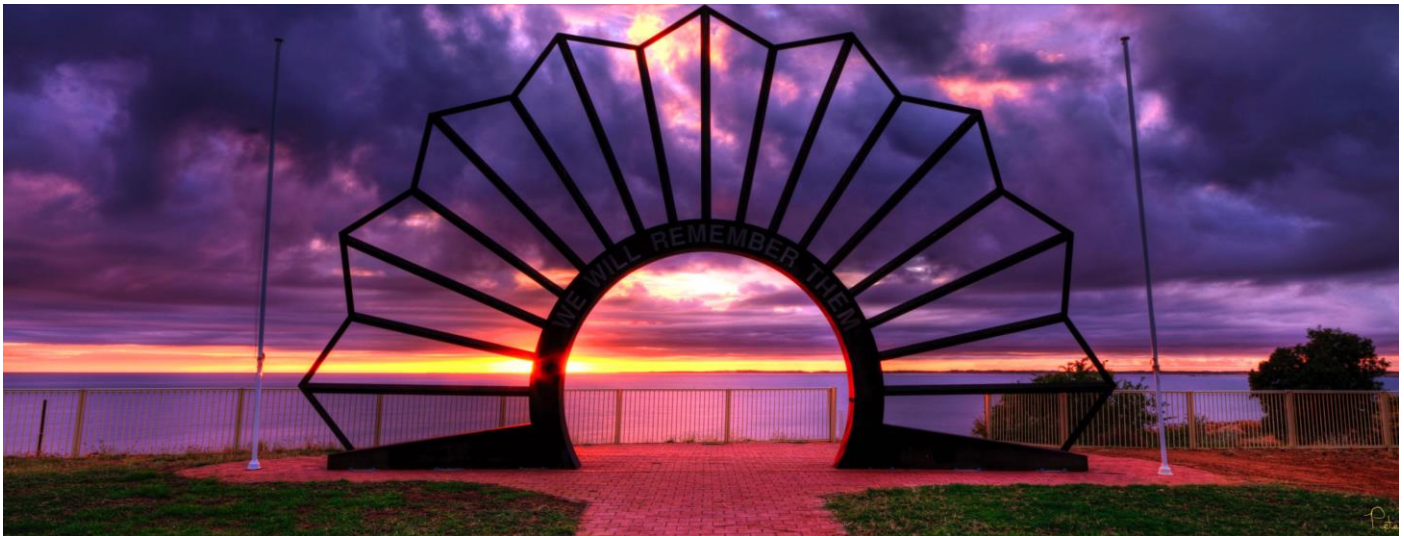
Onslow



Minutes – Public Document

19 August 2015

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



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

Our Vision

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



Our Mission

Working together, enhancing lifestyle and economic vitality



Community Goals

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

Future Focus

The next four years will see a strong focus on:

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



**SHIRE OF ASHBURTON
ORDINARY MEETING OF COUNCIL**

**MINUTES
(Public Document)**

**Onslow Multi-Purpose Centre, Cnr
McGrath Rd and Hooley Ave, Onslow
19 August 2015**

1.00 pm

MINUTES - ORDINARY MEETING OF COUNCIL 19 AUGUST 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 19 August 2015 at Onslow Multi-Purpose Centre, Cnr McGrath Rd and Hooley Ave, Onslow commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.

Neil Hartley
CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

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1. **DECLARATION OF OPENING**

The Shire President declared the meeting open at 1.04 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 D Dias	Paraburdoo Ward
Cr L Thomas	Tableland Ward
Cr P Foster	Tom Price Ward
Cr C Fernandez	Tom Price Ward
Cr A Bloem	Tom Price Ward
Cr D Wright	Pannawonica Ward
Mr N Hartley	Chief Executive Officer
Mr M Ferialdi	General Manager
Ms A Serer	Executive Manager, Strategic & Economic Development
Ms L Reddell	Executive Manager, Development & Regulatory Services
Mr M Sully	Executive Manager, Community Development
Mr T Davis	Executive Manager, Infrastructure Services
Mr F Ludovico	Executive Manager, Corporate Services
Ms J Smith	Executive Officer
Miss J Forward	CEO & Councillor Support Officer

3.2 **APOLOGIES**

There were no apologies.

3.3 **APPROVED LEAVE OF ABSENCE**

Cr L Rumble Deputy Shire President, Paraburdoo Ward

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4. QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 15 July 2015, the following questions were taken on notice and a written response will be provided.

4.2 PUBLIC QUESTION TIME

The following questions were asked:

4.2.1 Roger Brown (Tom Price):

Q1. The Shire of Ashburton has been employing staff on a FIFO / alternative roster basis and has been changing residential roles to FIFO / alternative rosters. What efforts have been done to fill these roles with local staff? Local staff would be beneficial for the community the Shire is representing.

It is agreed that if every Shire staff member could be found locally, this would be beneficial for the community the Shire is representing. This organisation like most others though, needs to provide a range of flexible employment options to ensure it minimises its staff turnover levels and maintains operational efficiency. It therefore employs a blend of staffing arrangements so that it can undertake the tasks of providing for the requirements of the Shire, and it's community. All Shire positions are advertised, some advertisements are focused on the local pool of potential employees, whilst others are advertised state-wide and/or nation-wide. The extent of advertising is based on a number of considerations, like the anticipated availability of skillsets required for the position being located within the relevant town that the job will be located, and the availability of staff housing. Local residents are encouraged to apply for all Shire job vacancies and we all agree that it would be preferable to achieve the goal of having every staff member living residentially in Ashburton.

Q2. Is it true that Rio Tinto have supplied the Shire with housing for residential workers, but these houses and units are now being used for worker in FIFO / alternative roster arrangements?

The Shire has recently been able to secure additional staff housing from RTIO in Tom Price but occupancy is not restricted to residential employees.

Q3. Are there any additional costs for cleaning and maintenance incurred compared to residential occupancy, and how are they being met?

Depending on the type of employee and their previous staff housing arrangements (e.g. Staff previously housed in the Nameless Valley Camp or the Shire's Willow Road Transit House) the Shire does pay for some additional housing costs, like periodic cleaning. These costs are met by the Shire as a normal operational cost. Maintenance for RTIO houses is paid for by RTIO as part of its normal Landlord arrangements. If the Shire could secure all of its staffing requirements through residential employees it would not need to meet some of the housing costs it presently does, but thus far, we have not always been able to secure suitably qualified applicants for all positions advertised from

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within the town that the position will be located. Qualified local applicants though, are encouraged to apply for vacancies as they are advertised.

To assist in the above issue, the Council as part of the 2015/16 budget today, is considering a \$2.5m capital allocation for staff housing, which if approved will provide the Shire with greater flexibility with housing security (the RTIO houses for example, can be reclaimed by RTIO with three months notice, and housing rentals in Onslow are still significantly higher than in all other towns within the Shire). That allocation is only a small portion of the amount needed for the Shire to eliminate the need to secure rental accommodation for its staff across all towns within the Shire, but the proposed \$2.5m allocation does show an important commitment along those lines.

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5. APPLICATIONS FOR LEAVE OF ABSENCE

There were no applications for leave of absence.

6. DECLARATION BY MEMBERS

6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

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

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

Item Number/ Name	Type of Interest	Nature/Extent of Interest
16.4 RFT 9/15 DESIGN AND CONSTRUCTION OF THE PARABURDOO CHILD CARE CENTRE, PARABURDOO		
Cr Douglas (Ivan) Dias	Financial	The nature of my interest being "Dedicated and valued long term employee of Hamersley Iron Pty Ltd" and the extent being "Shares well in excess of the Local Government stipulated \$10,000.00 in Rio Tinto".
Cr Peter Foster	Financial	The nature of my interest being "Financial - Partner employed by Rio Tinto and receives salary and wages" and the extent of my interest being "Partner employed by Rio Tinto".
Cr Anthony Bloem	Financial	The nature of my interest being "Financial" and the extent being "Employee and shareholder in Rio Tinto".
Cr Dennis Wright	Financial	The nature of my interest being "Employee of Rio Tinto at Pannawonica as a Trainer" and the extent of my interest being "Receives a salary from Rio Tinto".
19.1 CONFIDENTIAL ITEM – CARBONE REPORT – FINAL REPORT (NAMELESS VALLEY AIRPORT CAMP FEES AND CHARGES; AND ONSLOW CAMP CONTINUATION)		
Cr Douglas (Ivan) Dias	Financial	The nature of my interest being "Dedicated and valued long term employee of Hamersley Iron Pty Ltd" and the extent being "Shares well in excess of the Local Government stipulated \$10,000.00 in Rio Tinto".
Cr Peter Foster	Financial	The nature of my interest being "Financial" and the extent of my interest being "Partner employed by Rio Tinto and receives salary and wages".
Cr Anthony Bloem	Financial	The nature of my interest being "Employee of Rio Tinto" and the extent being "Financial".
Cr Dennis Wright	Financial	The nature of my interest being "Employee of Rio Tinto at Pannawonica as a Trainer" and the extent of my interest being "Receives a salary from Rio Tinto".

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

The Shire President congratulated Onslow Primary School on winning the Junior School Category and the Best Overall banner in the Western Australian Local Government Association's "*Banners in the Terrace*" competition, which was part of the recent WALGA Local Government Convention 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

There were no presentations to Council.

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9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING OF COUNCIL HELD ON 15 JULY 2015

Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Thomas

That the Minutes of the Ordinary Meeting of Council held on 15 July 2015, as previously circulated on 21 July 2015, be confirmed as a true and accurate record.

CARRIED 7/0

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

9.2 SPECIAL MEETING OF COUNCIL HELD ON 31 JULY 2015

Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Wright

That the Minutes of the Special Meeting of Council held on 31 July 2015, as previously circulated on 4 August 2015, be confirmed as a true and accurate record.

CARRIED 5/2

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

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10. AGENDA ITEMS ADOPTED "EN BLOC"

10.1 EN BLOC

MINUTE: 11987

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 D Wright

That Council adopts en bloc the following Officer recommendations contained in the Agenda for the Ordinary Meeting of Council 19 August 2015.

Item No.	Agenda Title
11.1	PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS JULY 2015
11.2	USE OF COMMON SEAL AND ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF JULY 2015
16.1	PROPOSED CHANGE OF PURPOSE FOR RESERVE 39339 TO INCLUDE POWER TO LEASE TO ESTABLISH A LICENCE AGREEMENT FOR THE RADIO BROADCASTING STATION, LOT 696 WATSON DRIVE, ONSLOW

CARRIED 6/1

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

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11. GOVERNANCE & EXECUTIVE SERVICE REPORTS

11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS JULY 2015

MINUTE: 11987

FILE REFERENCE: GV04

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

NAME OF APPLICANT/
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 21 July 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 Governance and Executive Services, 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 D Wright

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

CARRIED EN BLOC 6/1
Crs White, Dias, Wright, Fernandez, Bloem and Foster voted for the motion.
Cr Thomas voted against the motion.

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

MINUTE: 11987

FILE REFERENCE: GV21

AUTHOR'S NAME AND POSITION: Janyce Smith
Executive Officer

Susan Babao
Administration Assistant Planning

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 21 July 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 July 2015.

Background

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

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

CARRIED EN BLOC 6/1

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

Cr Thomas voted against 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 JUNE & JULY 2015

MINUTE: 11988

FILE REFERENCE: FM03

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

NAME OF APPLICANT/
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 5 August 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

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

June 2015

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

ATTACHMENT 13.1A

July 2015

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

ATTACHMENT 13.1B

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Consultation

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

Statutory Environment

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

Financial Implications

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

Strategic Implications

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

Risk Management

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

Policy Implications

There are no policy implications in this matter.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr A Bloem

SECONDED: Cr D Dias

That Council:

1. **Accepts the Financial Reports for June 2015 ATTACHMENT 13.1A; and**
2. **Notes the Schedule of Accounts and Credit Cards paid in July 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 5/2

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

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13.2 ADOPTION OF DRAFT ANNUAL BUDGET 2015/2016

MINUTE: 11989

FILE REFERENCE: FM14.15.16

AUTHOR'S NAME AND POSITION: Frank Ludovico
Executive Manager, Corporate Services

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 22 July 2015

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

PREVIOUS MEETING REFERENCE: Agenda Item 7.1 (Minute 27)– Special Meeting of Council 31 July 2015
Agenda Item 7.1 (Minute 26)– Special Meeting of Council 9 July 2015
Agenda Item 13.3 (Minute 11971) Ordinary Meeting of Council 17 June 2015. (Fees and Charges)
Agenda Item 7.1 (Minute 25) – Special Meeting of Council 5 June 2015
Agenda Item 13.4 (Minute No. 11949) – Ordinary Meeting of Council 20 May 2015

Summary

The draft Annual Budget for the year ended 30 June 2016 has been workshopped in conjunction with Ordinary Council meetings held in May, June and July 2015.

The statutory form of the budget has now been finalised, taking into account Council's input at these workshops. The document is now submitted to Council for formal adoption.

The draft 2015/2016 Annual Budget is attached.

Background

The draft 2015/16 Annual Budget has been compiled based on the principles contained in the Strategic Plan and the Long Term Financial Plan. The 2015/16 draft Annual Budget has been prepared taking into account the issues workshopped by Council at its May, June and July 2015 Briefing Sessions.

The proposed differential rates were approved by the Council on 6 June 2014 and advertised for public comment. Submissions were received and were considered at Council's Special meeting held on 9 July 2015. It should be noted the advertised rates in the dollar were altered at that meeting as a result of advice from the Department of Local Government and Communities outlining how Council might use its Concession powers to ease the effect of the substantial changes and variations to GRV revaluations that will come into effect in 2015/16.

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A request for approval to use these rates in the dollar has been submitted to the Minister for Local Government for his approval. Staff have been working with the Department of Local Government and Communities to obtain the Minister's approval.

Advice received during those negotiations necessitated Council reviewing the differential rates in the dollar and minimum rate payments. This review occurred at a Special Meeting of Council held on 31 July 2015. A new request for approval to use these rates in the dollar has been submitted to the Minister for Local Government for his approval.

This approval has now been received and is attached.

ATTACHMENT 13.2A

Comment

The budget has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards. The main features of the draft budget include:

The Capital Works program totalling \$63.9million has been provided for with investment in for example:

•	Paraburdoo Childcare		\$4.62m
•	Rebuilding the Onslow Administration Complex		\$9.50m
•	Onslow Basketball Courts		\$4.05m
•	Onslow Swimming Pool		\$5.05m [#]
•	Onslow Landfill closure		\$6.10m [#]
•	Roadworks		\$2.90m
○	Roebourne Wittenoom Road	\$1.04m	
○	Unsealed Road Resheeting	\$861K	
•	Drainage		\$2.07m
○	Onslow Renewals	\$200k	
○	Tom Price Renewals	\$200k	
○	Onslow Shanks Rd	\$500k	
○	Paraburdoo Renewals	\$999k	
•	Onslow Skate Park		\$1.10m
•	Upgrade Onslow Ocean View Caravan Park (Stage1)		\$4.40m [#]
•	Paraburdoo skate Park		\$850k
•	Paraburdoo Community Recreation Hub		\$8.09m [#]
•	Upgrades of Carinya Aged Care Units and Senior Citizens, Onslow		\$ 60k
•	Playgrounds (all Towns)		\$ 124k
•	Staff Housing		\$2.50m

[#]staged project (over multiple financial years)

Funding from partners such as Australia Federal Government, Government of WA, Chevron Australia, Pilbara Development Commission, Rio Tinto Iron Ore, and Lotterywest (and others) support these projects in the order of some \$55.5m.

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Whilst a number of projects from the Long Term Financial Plan are included, several were omitted from the 2015/16 Budget in order to facilitate a balanced end of year position, these projects have been recorded on Attachment 13.2B and will be prioritised ahead of other projects if funding comes available.

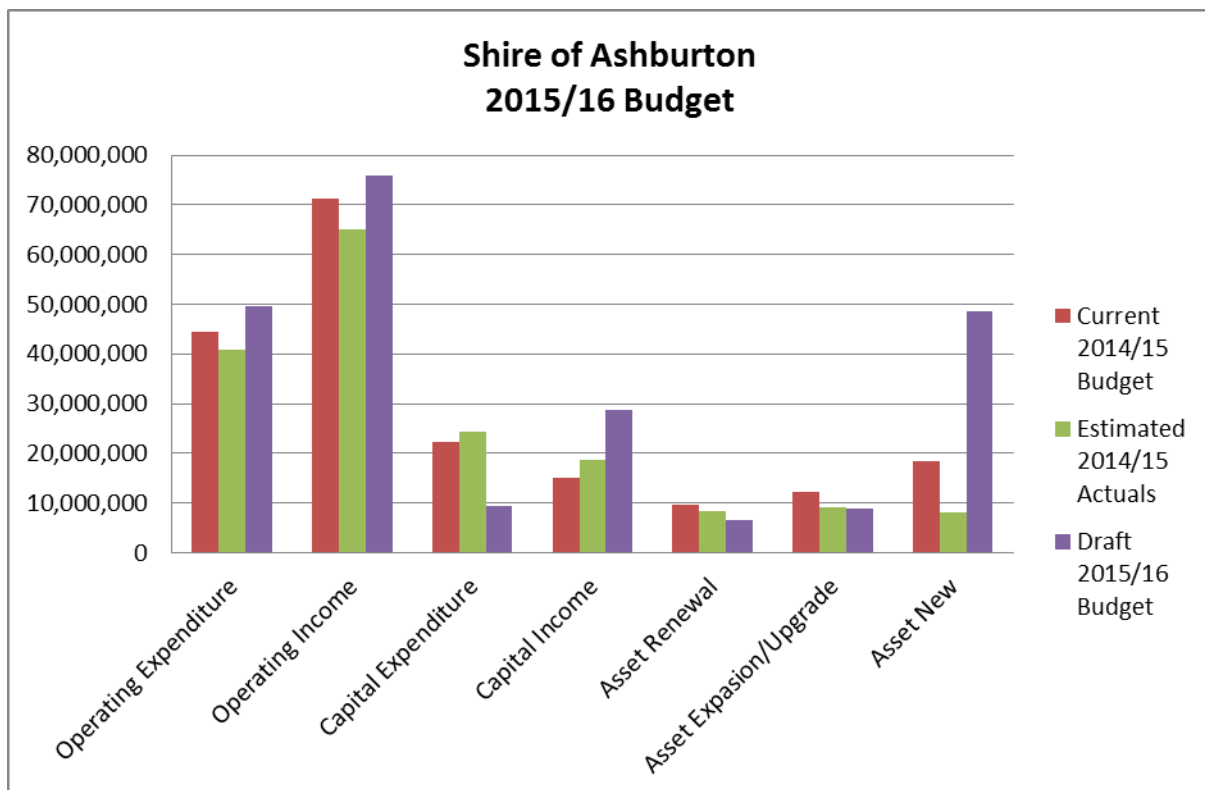
ATTACHMENT 13.2B

In accordance with Section 5.2 of the Local Government Act 1995 the Organisational Structure of the Shire is amended to reflect the positions funded in the 2015/16 Annual Budget.

The Draft 2015/16 Budget is shown as Attachment 13.2C.

ATTACHMENT 13.2C (Under Separate Cover)

A Graphical representation of the Draft Budget is detailed below.



Additional to the Schedule of fees and charges already endorsed at the June 2015 Council meeting, charges are proposed for the use of the Village Green Tom Price, Annual Swimming Pool inspection fees have been revised and clarification in the refuse charges area that a 50% discount is applicable to community groups defined by Policy REC05 (Ordinary Meeting of Council – December 2014). Also advice has now been received regarding statutory planning fees and these have been included in the Schedule for compliances.

ATTACHMENT 13.2D

MINUTES - ORDINARY MEETING OF COUNCIL 19 AUGUST 2015

Consultation

Council and Councillors
Executive Management Group
Officers from relevant functional areas

Statutory Environment

Section 6.2 of the *Local Government Act 1995* requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its Municipal Fund for the financial year ending on the next following 30 June.

The *Local Government Act 1995 [Section 5.63 (1)(b)]* specifically excludes the need for Elected Members to “Declare a Financial Interest” in imposing a rate, charge or fee.

The Section reads as follows:

*“5.63(1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter –
(b) an interest arising from the imposition of any rate, charge or fee by the local government;”*

Additionally, the declaration provisions of the Act do not apply to Council business reimbursements or to Members sitting fees. Any other interest, be it Financial, Proximity or Impartiality must be declared.

Divisions 5 and 6 of the Local Government Act 1995 refer to the setting of budgets and raising of rates and charges. The Local Government (Financial Management) Regulations 1996 details the form and content of the budget. The draft 2015/16 Annual Budget as presented is considered to meet statutory requirements.

There is no legislative requirement to re-advertise differential rates, even if they are changed from the advertised figures.

Financial Implications

The financial implications of the budget are based upon the objective of achieving a balanced budget at 30 June 2016 after carrying out normal operational requirements and an extensive capital program.

The effect of the rating model adopted at the Special meeting on 31 July 2015 on the Draft 2015/16 Budget is a reduction of approximately \$555,000 of income available for services. It is suggested that this sum be made up by a transfer from the Future Projects Reserve to the following projects (and reducing previously proposed own resources funding accordingly) –

1. Project 16.032 Onslow Waste Transfer Station \$460,000 (previously \$750,000 Own Resources); and
2. Project C-over 026 Onslow Tip Closure \$95,000 (previously \$120,000 Own Resources).

This suggested change has been reflected in the Draft 2015/16 Budget attached.

Strategic Implications

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

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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 "High". As a high risk matter, the Executive Manager of Corporate Services will monitor progress.

Policy Implications

ELM10 Financial Sustainability Policy

Voting Requirement

Absolute Majority Required

Recommendation

That Council:

1. Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the Council adopt the Municipal Fund Budget as contained in ATTACHMENT 13.2C (under separate cover) of this agenda and the minutes, for the Shire of Ashburton for the 2015/16 financial year which includes the following:
 - Statement of Comprehensive Income by Nature and Type on page 2 showing a net result for the year of \$26,271,206
 - Statement of Comprehensive Income by Program on page 3-4 showing a net result for the year of \$26,271,206
 - Statement of Cash Flows on page 5 showing a net result for the year of \$23,793,799
 - Rate Setting Statement on page 6 showing a net result for the year of \$23,673,391
 - Notes to and Forming Part of the Budget on pages 7 to 38
 - Budget Functional Schedules on pages 39 to 80
 - Reserve Fund Budget on Pafes 81 to 83
 - Capital Expenditure Program by Program on pages 84 to 101
2. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, Council pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 impose the following differential general and minimum rates on Gross Rental and Unimproved Values.

Differential Rate Category	Rate in the \$	General Minimum Payment \$	Lesser Minimum Payment \$
GRV Commercial/Industrial	0.050305	812.50	
GRV Residential/Community	0.050208	650.00	487.50
UV Mining/Industrial	0.382467	812.50	
UV Tourism	0.160044	812.50	
UV Pastoral	0.052635	812.50	
UV Residential	0.050208	650.00	

MINUTES - ORDINARY MEETING OF COUNCIL 19 AUGUST 2015

5.1 Pursuant to section 5.99A of the Local Government Act 1995 Council adopts the following annual local government allowance for elected members:

- Information & Communications Technology (ICT) Allowance \$500 pa

5.2 Pursuant to section 5.99A of the Local Government Act 1995 Council and regulation 32 of the Local Government (Administration) Regulations 1996 adopts the following annual local government allowance for elected members:

- Child Care the actual cost per hour or \$25 per hour, whichever is the lesser amount.

5.3 Pursuant to section 5.99A of the Local Government Act 1995 regulation 31 of the Local Government (Administration) Regulations 1996 Council adopts the following annual local government allowance for elected members:

- Travelling Expenses rate applicable to the reimbursement of travel and accommodations costs in the same or similar circumstances under the Public Service Award 1992 issued by the Western Australian Industrial Relations Commission as at the date of the current determination of the Salaries and Allowances Tribunal on Local Government Elected Council Members.

5.4 Pursuant to section 5.98(5) of the Local Government Act 1995 Council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

- President \$61,800 pa

5.5 Pursuant to section 5.98A of the Local Government Act 1995 Council adopts the following annual local government allowance to be paid in addition of the annual meeting allowance:

- Deputy President \$15,450 pa

6. Pursuant to Section 6.16 of the Local Government Act 1995, adopts the Fees and Charges previously presented to June 2015 Ordinary Council Meeting with the changes as per ATTACHMENT 13.2D, made under Section 6.16 (3) of the Local Government Act 1995 for inclusion in the 2015/16 Annual Budget

7. In Accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996 adopt the following materiality thresholds:

Condition	Action
Actual variances to Budget up to 5% of Budget	Don't Report
Actual variances to Budget up to 10% of Budget	Use Management Discretion
Actual Variance exceeding 10% and a greater value greater than \$20,000	Must Report

*8. Utilise the projects listed in ATTACHMENT 13.2B ahead of other projects should any funds become available through the 2015/16 Financial year

MINUTES - ORDINARY MEETING OF COUNCIL 19 AUGUST 2015

Council Decision

MOVED: Cr I Dias

Cr A Bloem

That Council:

1. Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the Council adopt the Municipal Fund Budget as contained in ATTACHMENT 13.2C (under separate cover) of this agenda and the minutes, for the Shire of Ashburton for the 2015/16 financial year which includes the following:
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 - Statement of Cash Flows on page 5 showing a net result for the year of \$23,793,799
 - Rate Setting Statement on page 6 showing a net result for the year of \$23,673,391
 - Notes to and Forming Part of the Budget on pages 7 to 38
 - Budget Functional Schedules on pages 39 to 80
 - Reserve Fund Budget on Pafes 81 to 83
 - Capital Expenditure Program by Program on pages 84 to 101

2. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, Council pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 impose the following differential general and minimum rates on Gross Rental and Unimproved Values.

Differential Rate Category	Rate in the \$	General Minimum Payment \$	Lesser Minimum Payment \$
GRV Commercial/Industrial	0.050305	812.50	
GRV Residential/Community	0.050208	650.00	487.50
UV Mining/Industrial	0.382467	812.50	
UV Tourism	0.160044	812.50	
UV Pastoral	0.052635	812.50	
UV Residential	0.050208	650.00	

- 2.1 Pursuant to section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, Council nominates the following due dates for the payment in full by instalments:

MINUTES - ORDINARY MEETING OF COUNCIL 19 AUGUST 2015

Option 1
Due Date **Thur 1 October 2015**

Option 2
1st Instalment Due **Thur 1 October 2015**
2nd Instalment Due **Tue 2 February 2016**

Option 3
1st Instalment Due **Thur 1 October 2015**
2nd Instalment Due **Thur 1 December 2015**
3rd Instalment Due **Tue 2 February 2016**
4th Instalment Due **Tue 5 April 2016**

2.2 Pursuant to section 6.45 of the Local Government Act 1995 and regulation 67 of the Local Government (Financial Management) Regulations 1996, Council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$10 for each instalment after the initial instalment is paid.

2.3 Pursuant to section 6.45 of the Local Government Act 1995 and regulation 68 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.

2.4 Pursuant to section 6.51(1) and subject to section 6.51(4) of the Local Government Act 1995 and regulation 70 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 11% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

3. Offer a concession to GRV Residential/Community properties whose valuations have increased from 2014/15 to 2015/16. The concession to be equivalent to the difference payable between 2014/15 valuations and the proposed 2015/16 GRV Residential/Community properties rate in the dollar (i.e. 0.050208), and 2015/16 valuations and the proposed 2015/16 rate in the dollar. The dollar value of the concession is estimated to be \$294,215.

4. Pursuant to section 6.13 of the Local Government Act 1995 and regulation 19A of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 11% for any amount of money (other than rates and service charges) owing to the Local Government that remains unpaid after becoming due and payable.

5. Pursuant to section 5.99 of the Local Government Act 1995 and regulation 30 of the Local Government (Administration) Regulations 1996, Council adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:

- President** **\$30,385 pa**
- Councillors** **\$22,660 pa**

5.1 Pursuant to section 5.99A of the Local Government Act 1995 Council adopts the following annual local government allowance for elected

MINUTES - ORDINARY MEETING OF COUNCIL 19 AUGUST 2015

members:

- Information & Communications Technology (ICT) Allowance \$500 pa

5.2 Pursuant to section 5.99A of the Local Government Act 1995 Council and regulation 32 of the Local Government (Administration) Regulations 1996 adopts the following annual local government allowance for elected members:

- Child Care the actual cost per hour or \$25 per hour, whichever is the lesser amount.

5.3 Pursuant to section 5.99A of the Local Government Act 1995 regulation 31 of the Local Government (Administration) Regulations 1996 Council adopts the following annual local government allowance for elected members:

- Travelling Expenses rate applicable to the reimbursement of travel and accommodations costs in the same or similar circumstances under the Public Service Award 1992 issued by the Western Australian Industrial Relations Commission as at the date of the current determination of the Salaries and Allowances Tribunal on Local Government Elected Council Members.

5.4 Pursuant to section 5.98(5) of the Local Government Act 1995 Council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

- President \$61,800 pa

5.5 Pursuant to section 5.98A of the Local Government Act 1995 Council adopts the following annual local government allowance to be paid in addition of the annual meeting allowance:

- Deputy President \$15,450 pa

6. Pursuant to Section 6.16 of the Local Government Act 1995, adopts the Fees and Charges previously presented to June 2015 Ordinary Council Meeting with the changes as per ATTACHMENT 13.2D, made under Section 6.16 (3) of the Local Government Act 1995 for inclusion in the 2015/16 Annual Budget

7. In Accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996 adopt the following materiality thresholds:

<u>Condition</u>	<u>Action</u>
Actual variances to Budget up to 5% of Budget	Don't Report
Actual variances to Budget up to 10% of Budget	Use Management Discretion
Actual Variance exceeding 10% and a greater value greater than \$20,000	Must Report

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***8. Utilise the projects listed in ATTACHMENT 13.2B ahead of other projects should any funds become available through the 2015/16 Financial year.**

9. Attachment 13.B be adjusted as per below:

- **16.015 be adjusted from \$148,000 to \$75,000 for “Paraburdoo Shopping Centre shade structure”. The remaining \$73,000 to be allocated to upgrading the toilets in Area W (subject to costings being secured);**
- **A further allocation of \$227,000 be considered at the mid-year budget review (subject to costings being secured) to upgrading the toilets in Area W.**

10. Transfer \$15,000 from Job MPE02 Onslow MPC Expenditure – Rock Climbing Wall to Job EV75 Rodeos (Onslow/Pannawonica) now \$25,279 (i.e. Pannawonica Rodeo component now \$20,000).

LOST NO ABSOLUTE MAJORITY 4/3

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

Reason for Change: It was believed that the shade area at the Paraburdoo Shopping Centre Car Park and the Toilets at Area W in Tom Price should be prioritised for improvement. Also, that the Pannawonica Rodeo funding should be increased at its significant anniversary 2015 event.

Council Decision

MOVED: Cr D Dias

SECONDED: Cr A Bloem

That Council suspend Standing Orders and adjourn for a short break at 1.45 pm.

CARRIED ABSOLUTE MAJORITY 7/0

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

Council Decision

MOVED: Cr A Bloem

SECONDED: Cr C Fernandez

That Council resume Standing Orders and reconvene the meeting at 2.20 pm.

CARRIED ABSOLUTE MAJORITY 7/0

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

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Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That Council:

1. Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the Council adopt the Municipal Fund Budget as contained in ATTACHMENT 13.2C (under separate cover) of this agenda and the minutes, for the Shire of Ashburton for the 2015/16 financial year which includes the following:
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2. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, Council pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 impose the following differential general and minimum rates on Gross Rental and Unimproved Values.

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UV Mining/Industrial	0.382467	812.50	
UV Tourism	0.160044	812.50	
UV Pastoral	0.052635	812.50	
UV Residential	0.050208	650.00	

- 2.1 Pursuant to section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, Council nominates the following due dates for the payment in full by instalments:

Option 1

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Due Date	Thur 1 October 2015
Option 2	
1st Instalment Due	Thur 1 October 2015
2nd Instalment Due	Tue 2 February 2016
Option 3	
1st Instalment Due	Thur 1 October 2015
2nd Instalment Due	Thur 1 December 2015
3rd Instalment Due	Tue 2 February 2016
4th Instalment Due	Tue 5 April 2016
2.2	Pursuant to section 6.45 of the Local Government Act 1995 and regulation 67 of the Local Government (Financial Management) Regulations 1996, Council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$10 for each instalment after the initial instalment is paid.
2.3	Pursuant to section 6.45 of the Local Government Act 1995 and regulation 68 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
2.4	Pursuant to section 6.51(1) and subject to section 6.51(4) of the Local Government Act 1995 and regulation 70 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 11% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.
3.	Offer a concession to GRV Residential/Community properties whose valuations have increased from 2014/15 to 2015/16. The concession to be equivalent to the difference payable between 2014/15 valuations and the proposed 2015/16 GRV Residential/Community properties rate in the dollar (i.e. 0.050208), and 2015/16 valuations and the proposed 2015/16 rate in the dollar. The dollar value of the concession is estimated to be \$294,215.
4.	Pursuant to section 6.13 of the Local Government Act 1995 and regulation 19A of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 11% for any amount of money (other than rates and service charges) owing to the Local Government that remains unpaid after becoming due and payable.
5.	Pursuant to section 5.99 of the Local Government Act 1995 and regulation 30 of the Local Government (Administration) Regulations 1996, Council adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:
	<ul style="list-style-type: none"> • President \$30,385 pa • Councillors \$22,660 pa
5.1	Pursuant to section 5.99A of the Local Government Act 1995 Council adopts the following annual local government allowance for elected members:

MINUTES - ORDINARY MEETING OF COUNCIL 19 AUGUST 2015

- **Information & Communications Technology (ICT) Allowance \$500 pa**

5.2 Pursuant to section 5.99A of the Local Government Act 1995 Council and regulation 32 of the Local Government (Administration) Regulations 1996 adopts the following annual local government allowance for elected members:

- **Child Care the actual cost per hour or \$25 per hour, whichever is the lesser amount.**

5.3 Pursuant to section 5.99A of the Local Government Act 1995 regulation 31 of the Local Government (Administration) Regulations 1996 Council adopts the following annual local government allowance for elected members:

- **Travelling Expenses rate applicable to the reimbursement of travel and accommodations costs in the same or similar circumstances under the Public Service Award 1992 issued by the Western Australian Industrial Relations Commission as at the date of the current determination of the Salaries and Allowances Tribunal on Local Government Elected Council Members.**

5.4 Pursuant to section 5.98(5) of the Local Government Act 1995 Council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

- **President \$61,800 pa**

5.5 Pursuant to section 5.98A of the Local Government Act 1995 Council adopts the following annual local government allowance to be paid in addition of the annual meeting allowance:

- **Deputy President \$15,450
pa**

6. Pursuant to Section 6.16 of the Local Government Act 1995, adopts the Fees and Charges previously presented to June 2015 Ordinary Council Meeting with the changes as per ATTACHMENT 13.2D, made under Section 6.16 (3) of the Local Government Act 1995 for inclusion in the 2015/16 Annual Budget

7. In Accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996 adopt the following materiality thresholds:

<u>Condition</u>	<u>Action</u>
Actual variances to Budget up to 5% of Budget	Don't Report
Actual variances to Budget up to 10% of Budget	Use Management Discretion
Actual Variance exceeding 10% and a greater value greater than \$20,000	Must Report

***8. Utilise the projects listed in ATTACHMENT 13.2B ahead of other projects should**

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any funds become available through the 2015/16 Financial year.

9. A further allocation of \$152,000 be considered as part of project 16.015 at the mid-year budget review (subject to costings being secured) to upgrading the toilets in Area W.
10. Transfer \$15,000 from Job MPE02 Onslow MPC Expenditure – Rock Climbing Wall to Job EV75 Rodeos (Onslow/Pannawonica) now \$25,279 (ie Pannawonica Rodeo component now \$20,000).

CARRIED BY ABSOLUTE MAJORITY 6/1

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

Cr Thomas voted against the motion.

Reason for Change: It was believed that the Toilets at Area W in Tom Price should be prioritised for improvement. Also, that the Pannawonica Rodeo funding should be increased at its significant anniversary 2015 event.

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14. DEVELOPMENT AND REGULATORY SERVICES REPORTS

There were no Development and Regulatory Services reports for this agenda.

15. INFRASTRUCTURE SERVICES REPORTS

There were no Infrastructure Services reports for this agenda.

16. STRATEGIC AND ECONOMIC DEVELOPMENT REPORTS

16.1 PROPOSED CHANGE OF PURPOSE FOR RESERVE 39339 TO INCLUDE POWER TO LEASE TO ESTABLISH A LICENCE AGREEMENT FOR THE RADIO BROADCASTING STATION, LOT 696 WATSON DRIVE, ONSLOW

MINUTE: 11987

FILE REFERENCE: PR39339

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

NAME OF APPLICANT/RESPONDENT: Not applicable

DATE REPORT WRITTEN: 9 July 2015

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The current Licence Agreement for use of the Onslow Radio Broadcasting Station between the Shire of Ashburton and Hits Radio Pty Ltd expired on 25 July 2015.

Reserve 39339 comprises Lot 696 on Deposited Plan 188245 and is reserved for the purpose of "Communications". The land is approximately 0.1796 hectares and is located on Watson Drive, Onslow.

The Shire of Ashburton holds a Management Order for this Reserve; however it does not include Power to Lease conditions.

A Council resolution is required to request the Minister for Lands include Power to Lease conditions for up to 21 years on the Management Order in order for the Shire of Ashburton and Hits Radio Pty Ltd to enter into a Licence Agreement.

Background

In July 2010, a Licence Agreement was executed between the Shire of Ashburton and Hits Radio Pty Ltd for radio transmission at the Onslow Radio Broadcasting Station. The term was 5 years, with expiration being July 2015. To formalise land tenure, negotiations have

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progressed with Hits Radio with the agreed Licence Agreement being presented to the Department of Lands for in-principle support. When completing due diligence checks, Department of Lands officers discovered the exclusion of 'Power to Lease' on the Management Order.

Council supported the change of purpose in May 2013 from "Radio Transmitter Site" to "Communications Site" however, power to lease conditions were omitted from the Agenda Item and subsequent cancellation and creation request to Department of Lands.

Comment

To ensure compliance with section 46 and subject to section 18 of the Land Administration Act 1997, which requires Minister for Lands approval to deal with interest in Crown land, the Shire of Ashburton is required to formally request the revocation of the current Management Order with the inclusion of Power to Lease conditions on the new Management Order.

Consultation

Department of Lands
Principal Planner

Statutory Environment

Land Administration Act 1997

Financial Implications

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

Revenue from the new Licence Agreement will be \$1500.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 01 – Vibrant and Active Communities

Objective 02 – Active People, Clubs and Associations

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

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Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Wright

That Council:

1. Requests the Minister for Lands to:
 - a. Revoke the current Management Order for Reserve 39339;
 - b. Issue a Management Order to the Shire of Ashburton with Power to Lease conditions for Reserve 39339;
2. Authorise the CEO to negotiate the terms of a Licence Agreement between the Shire of Ashburton and Hits Radio Pty Ltd for the licencing of radio transmission at the Onslow Radio Broadcasting Station; and
3. Delegate authority to the CEO to execute a Licence Agreement between the Shire of Ashburton and Hits Radio Pty Ltd.

CARRIED EN BLOC 6/1

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

MINUTES - ORDINARY MEETING OF COUNCIL 19 AUGUST 2015

16.2 ONSLOW AQUATIC FACILITY PROJECT

MINUTE: 11990

FILE REFERENCE: MCR.0643

AUTHOR'S NAME AND POSITION: Anika Serer
Executive Manager, Strategic and Economic Development

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 5 August 2015

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

PREVIOUS MEETING REFERENCE: Agenda Item 16.2 (Minute11821) – Ordinary Meeting of Council 16 July 2014
Agenda Item 18.3 (Minute 42090) – Ordinary Meeting of Council 20 November 2013
Agenda Item 14.04.05– Ordinary Meeting of Council 21 April 2010

Summary

In 2011, Chevron Australia P/L (CAPL) finalised a State Development Agreement for the Wheatstone Project, which included investment in social infrastructure improvements. \$7 million was allocated to the "Onslow Aquatic and Recreational Centre" as part of this Agreement.

Shire Officers have been working with CAPL and Department of State Development (DSD) to progress the Aquatic Centre Project, which included an investigation into the appropriateness of the site identified in the Master Plan. Alternative sites within the town were investigated, and Lot 643 McRae Avenue (Reserve 25799) was endorsed at the Ordinary Meeting of Council on 16 July 2014 as the new site for the facility due to the development constraints of the original location (access to services, earthworks, etc).

The company SGL was engaged to undertake the development of a business case, including feasibility, operating model and draft concept plan, to further inform the design and implementation of the project. The concept design, estimated construction cost and proposed funding model is presented for Council's consideration.

Background

In April 2010, Council endorsed the Onslow Sporting Precinct Master Plan, which includes the proposed construction of an aquatic facility on Reserve 42090 between the Multi-Purpose Centre and existing basketball courts. The Master Plan describes the Aquatic Facility as:

"25 metre x 6 lane pool, leisure pool, toilets/change rooms, kiosk, entry, pump plant, carparking and services"

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The Master Plan brief was based on extensive community consultation carried out by the Shire of Ashburton (SoA) over seven years, including community research carried out in 2011 as part of the 10 year Community Strategic Plan, which highlighted that the lack of recreational facilities as a concern for residents. One of the priorities highlighted by the Community Strategic Plan over the next 10 years (2012-2022) is the development of a public swimming pool in Onslow. The commitment is supported by the Shire's 2013-2017 Corporate Business Plan which identifies the facility as an 'Active Pursuit', meaning there is a firm intention to make the project happen.

In 2011, Chevron (CAPL) finalised a State Development Agreement for the Wheatstone Project, which included investment in social infrastructure improvements. \$7 million was allocated to the "Onslow Aquatic and Recreational Centre" in the Agreement.

The Onslow Aquatic Facility Steering Committee, consisting of representatives from Shire of Ashburton (Officers), CAPL and DSD, has met regularly to progress the Onslow Aquatic Centre as a priority project for the Onslow community. This has included reviewing the initial concept provided in the Master Plan, investigating feasibility/budget and site selection. At the Ordinary Meeting of Council held on 16 July 2014 a new location at Lot 643 McRae Avenue (R25799) was endorsed for the facility.

A Request for Tender was subsequently advertised for a suitably qualified consultant to produce a detailed Business Case to include:

1. Appropriate concept design and general specifications/inclusions (including engagement of an architect for this work);
2. Review of site requirements;
3. Management models inclusive of operating cost estimates and long-term financial budgeting;
4. Operational plan including staff requirements, on-costs, proposed schedule of fees;
5. A cost estimate for each component of the concept design (to be provided by a quantity surveyor);
6. Funding strategy that supports both an upfront and a 'phased' approach for project implementation, considering the existing budget of \$7 million.

SGL was awarded the contract to carry out this work in December 2014, and has been liaising with stakeholders, Shire Officers and the Onslow Aquatic Facility Steering Committee to prepare the Business Case.

Comment

The program for SGL's delivery of the Business Case is separated into four phases:

1. Project Inception
2. Concept Plan
3. Aquatic Centre Research
4. Reporting

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Phases One and Two have now been completed and the concept design with preliminary cost estimates is provided for Council's consideration.

The project brief and overall scope has remained the same as the previous Master Plan endorsed by Council in 2010:

- 25m x 6 lane pool
- Freeform area with beach entry (ensures compliance for disability access)
- Freeform and shallow end of pool covered by retractable shade sails
- Plant room and chemical storage (separately fenced)
- Storage area
- Deck shower
- Amenities building:
 - Entry and reception including kiosk, office and storage
 - Change rooms and toilets
 - First aid room

This information has been used to prepare a draft site plan and facilities concept design as attached.

ATTACHMENT 16.2A
ATTACHMENT 16.2B

Budget

A preliminary budget for the project has been developed based on the draft concept design. It should be noted that the construction cost estimate will be subject to review as the design is developed and further specifications are known, however it is indicative of the project funding requirements:

Element	Estimated Cost (\$m) (excl GST)
Planning/Design Costs	\$0.200
Building Works	\$2.589
Swimming Pool	\$3.621
External Works/Civil/Landscaping	\$0.913
Sub-total	\$7.323
Carpark Works	\$0.678
Project Contingencies (see notes below)	\$1.5 *
Housing and operational set up	\$2.0
Sub-total	\$4.178
Overall Total	\$11.501

* Project Contingencies include:

- Headworks
- Escalation
- Rock excavation
- Security and CCTV
- Loose fittings and furnishings
- Contaminated site remediation

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The Concept Design addresses the basic requirements of an aquatic facility, other features such as shelters, bbq's and playgrounds have not been included at this stage to understand the current budget requirements.

Funding

Funding sources, including potential Shire contributions, have been investigated to meet the budget of the project and identified as follows:

	Chevron (\$m)	SoA (\$m)	CDF (\$m)	Other (\$m)	Subtotal (\$m)
Confirmed	\$7	\$2.5			\$9.5
Pending			\$1.5		\$11
Other Potential:					
Carpark				<\$0.500*	\$11.5

* Combined SDA funding – part allocation from SDA Education Fund for joint car park/drop-off area for the adjoining primary school. This is subject to further consultation and agreement with the school and stakeholders.

The Shire's contribution of \$2.5 million has been identified in the Long Term Financial Plan, with a commitment of \$500,000 in 2015/16 and \$2 million in 2016/17.

The proposed Community Development Fund (CDF) allocation of \$1.5 (from the initial \$15m allocation) million is subject to ratification by the Social Infrastructure Working Group.

Following approval of the concept design, preliminary project budget and funding strategy, SGL will develop the Concept Design for tender documentation, which is expected to be completed by November 2015. This will include detailed design of the car park to meet the requirements of the adjacent primary school. A 'Design and Construct' Tender will then be advertised for a period of six weeks, with the intention to award a contract in January 2016. The detailed design, approvals and construction are currently estimated for completion in November/December 2016, however this will be subject to the successful Tenderer's program.

During the tender documentation stage it is also proposed to undertake community engagement to provide information regarding the design, scope and estimated timelines. This will include various media forms (such as *Inside Ashburton*, website, Facebook page) and regular updates will be provided as the project progresses.

Consultation

Executive Manager Strategic and Economic Development
Onslow Aquatic Facility Steering Committee (Chevron & Department of State Development)
Department of Sport and Recreation

Statutory Environment

S3.57 Local Government Act 195 - Tendering for Goods & Services
Regulation 11 Local Government (Functions and General) Regulations 1996
FIN12 – Purchasing and Tender Policy
FIN04 – Buy Local – Regional Price Preference Policy

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Financial Implications

Funding for the estimated cost of the project has been identified as outlined in this report. It should be noted that funding sources such as the Community Development Fund and SDA Education Funding is subject to formal application and approval, which will be progressed upon endorsement of the Concept Plan.

The tender for the design and construction of the facility will not commence until all necessary funding has been secured.

The Long Term Financial Plan provides for a \$2.5 million contribution to the capital cost of the project by the Shire, as well as estimated operating costs upon completion of the facility. The report produced by the consultant will further inform long-term financial planning and operating cost considerations.

The Shire's Long Term Financial Plan includes assumptions / projections and recent events (like changes in State Government policy and property revaluations) has resulted in negative impacts on those assumptions / projections. The funding for the Onslow Swimming Pool is secure, however some other future LTFP projects will need to be deferred if alternative replacement revenue is not located.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 01 – Vibrant and Active Communities

Objective 02 – Active people, clubs and associations

Goal 02 – Enduring Partnerships

Goal 04 – Distinctive and Well Serviced Places

Objective 01 – Quality Public Infrastructure

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 "High" risk and will be managed by specific monitoring and response procedures, overseen by the Executive Manager Strategic and Economic Development.

In particular, the 'cost risk' of the project has been considered. This will be mitigated throughout the design development phase by regular review of the budget and estimated costs as the design and specifications are developed.

Policy Implications

AMP1 – Asset Management Policy

FIN12 – Purchasing and Tender

FIN04 – Buy Local – Regional Price Preference Policy

ELM10 – Financial Sustainability

These policies will be considered throughout the project.

Voting Requirement

Simple Majority Required

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Council Decision

MOVED: Cr P Foster

SECONDED: Cr A Bloem

That Council:

1. Approves the concept design and specifications for the Onslow Aquatic Facility project to be developed for a Request for Tender for Design and Construction; and
2. Endorses preliminary budget and funding strategy for the project and authorises the Chief Executive Officer to apply for funding from the State Development Agreement Education Fund and the Onslow Community Development Fund (as outlined in the report).

CARRIED 7/0

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

Declaration of Financial Interest

In accordance with Section 5.65 (1) of the Local Government Act Councillors Dias, Bloem, Wright and Foster declared a financial interest in Agenda Item 16.4. 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 in accordance with Section 5.69 (3) (a) of the Local Government Act to allow disclosing members Councillors Dias, Bloem and Foster to debate and vote on Agenda Item 16.4. Councillor Wright disclosed his interest in the item by written notice before the meeting commenced. The Minister's written approval for Councillors Foster and Wright 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 19 August 2015 Council Meeting when this matter is considered;
2. Councillor Dennis Wright must disclose his interest in the item in written notice to you before the meeting, otherwise the approval for him is invalid;
3. Councillors Dennis Wright and Peter Foster must declare the nature and extent of their interests at the Ordinary Meeting of Council when the matter is considered, together with the approval provided;
4. the CEO is to provide a copy of the Departments letter approval to the mentions Councillors;
5. the CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the Ordinary Meeting of Council when the item is considered;
6. the CEO is to provide a copy of the confirmed minutes of the Ordinary Meeting of Council to the Department, to allow the Department to verify compliance with the conditions of this approval; and
7. the approval granted is based solely on the disclosures of interest made in accordance with the application. Should other interest be identified, these interests will not be included in this approval.

The Director General did not consider it necessary to allow Councillors Dias and Bloem 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

ATTACHMENT 16.4B

Crs Bloem and Dias left the meeting at 2.25 pm.

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16.4 RFT 9/15 DESIGN AND CONSTRUCTION OF THE PARABURDOO CHILD CARE CENTRE, PARABURDOO

MINUTE: 11991

FILE REFERENCE: RC39572

AUTHOR'S NAME AND POSITION: Anika Serer
Executive Manager, Strategic and Economic Development

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 5 August 2015

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

PREVIOUS MEETING REFERENCE: Agenda Item 18.1 (Minute No. 11915) Ordinary Meeting of Council 18 February 2015
Agenda Item 7.1 Special Meeting of Council 12 November 2014
Agenda Item 13.1 (Minute No. 11753) – Ordinary Meeting of Council 19 February 2014
Agenda Item 13.2 (Minute No. 11727) – Ordinary Meeting of Council 11 December 2013
Agenda Item 13.3 (Minute No. 11694) – Ordinary Meeting of Council 20 November 2013
Agenda Item 13.3 (Minute No. 11673) - Ordinary Meeting of Council 16 October 2013
Agenda Item 13.3 - Ordinary Meeting of Council 18 September 2013
Agenda Item 13.2 (Minute No. 11611) - Ordinary Meeting of Council 21 August 2013
Agenda Item 12.3 (Minute No. 11550) – Ordinary Meeting of Council 5 June 2013
Agenda Item 12.6 (Minute No. 11351) - Ordinary Meeting of Council 21 November 2012
Agenda Item 15.3 (Minute No. 11294) - Ordinary Meeting of Council 19 September 2012
Agenda Item 15.1 (Minute No. 11100) - Ordinary Meeting of Council 14 December 2011

Summary

A Request for Tender for the Design and Construction of the Paraburdoo Child Care Centre, Paraburdoo (RFT 09/15) was advertised from 25 April 2015 until 15 June 2015. Seven compliant, and one non-compliant, submissions were received in response to the RFT. The evaluation panel has now completed its assessment of the submissions, and recommends award of Contract to Pindan Contracting.

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Background

The concept design for the 'Paraburdoo Community Hub', including a 73 place Child Care Centre, was endorsed by Council at the Ordinary Meeting held on 21 November 2012.

Funding for the Child Care Centre component and initial headworks for the overall Hub was identified (\$4.66m) and at the Ordinary Meeting held on 21 August 2013. Council approved this work to proceed upon finalisation of the required funds, which was secured from the following sources:

Pilbara Development Commission	\$1,500,000	
Rio Tinto	\$2,860,000	
Shire of Ashburton	<u>\$ 300,000</u>	(from Infrastructure Reserve)
Total	\$4,660,000	

The original location for the Child Care Centre was identified as the carpark area to the south of the swimming pool, which required this portion of road reserve to be closed and amalgamated in the adjoining Reserve (oval). The process to achieve this commenced upon endorsement of the Child Care Centre project, as it can take some time to finalise all approvals.

During this period further review and redesign of the other components of the Paraburdoo Hub (recreation facilities) took place, and a revised Master Plan was endorsed in November 2014 which required the child care centre to be relocated slightly to the west (on to the corner of the oval). The excision of this portion of land from the existing Recreation Reserve, for the purpose of Child Care Centre, has now been approved by Department of Lands and the Deposited Plan has been submitted to Landgate for issue of the new title.

The relocation of the Child Care Centre to the south-east corner of the oval required some minor design variations to be undertaken to the entry and drop-off parking area, which did not affect the estimated construction cost or overall scope. The design was used as the basis for the development of the Request for Tender for the design and construction of the facility.

The Request for Tender was advertised from 25 April 2015, and closed on 15 June 2015. Eight Tender submissions were received and assessed by the Evaluation Panel with the following results:

Tenderer	Price (excl GST)	Score	Ranking
Pindan Contracting	\$3,349,352.65	69.2	1
Mitie Construction	\$3,614,545.45	51.0	2
Geraldton Building & Cabinets	\$3,769,672.73	49.8	3
Thomas Building	\$4,005,285.45	49.3	4
Woollam Constructions	\$4,524,000.00	42.0	5
Westforce Construction	\$3,878,143.00	41.7	6
Firm Constructions	\$4,487,345.50	18.0	7
Ashley Tointon (ACT)	Non-compliant		

Comment

The works proposed under this Tender will complete the planned design and construction of the Paraburdoo Child Care Centre with the exception of early works (service upgrades and connections) which are being carried out by the Shire and Rio Tinto Utilities

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

The proposed programme in the Tender seeks the completion of the project by 30 June 2016:

STAGE 1	TENDER PROCESS	DATE
A	Issue Tender Documents	25 th April 2015
B	Tender Close	08 June 2015
C	Tender approval by Council and Award to Contractor	16 July 2015
STAGE 2	DESIGN, DOCUMENTATION & APPROVALS	
A	Contractor's issue of draft design documentation for Principal's review	13 August 2015
B	Principal's review and comment on draft design documentation (2 weeks)	27 August 2015
C	Planning Approval Submission by Contractor	03 September 2015
D	Contractor's issue of Final design and documentation for Principal's review	24 September 2015
E	Principal's review and comment on final design documentation (3 weeks)	08 October 2015
F	Contractor's issue of Final design and documentation for Principal's review	22 October 2015
G	Final design and documentation sign-off by Principal (1 week)	29 October 2015
H	Building Licence Application	05 November 2015
I	Anticipated Building Licence Approvals	26 November 2015
J	Contractor to commence procurement, mobilisation to site	01 December 2015
STAGE 3	CONSTRUCTION COMMENCEMENT	08 December 2015
STAGE 4	COMPLETION & HANDOVER	30 June 2016
STAGE 5	DEFECT LIABILITY PERIOD	30 June 2017

One Tender submission was deemed non-compliant (and therefore invalid) for the following reason:

1. Ashley Tointon: Submission only for painting required in the project – not full specification as contained in the RFT.

Pindan's submission is compliant with the Specification contained in the RFT, within the allocated budget for the project, and the organisation has demonstrated strong experience in 'Design and Construction' projects of a similar nature. The proposed construction programme identifies a completion and handover date of 20 June 2016, however this was predicated on the Tender being awarded no later than 16 July 2015 (the recommendation for award has taken longer than anticipated due to the volume of Tender Submissions received and clarification of information therein). It is therefore expected that the completion date will be around one month later (31 July 2016).

Consultation

Chief Executive Officer
Strategic Partnership Manager
HQ Management
Rio Tinto Partnership Management Group

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Statutory Environment

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

Financial Implications

1. The construction cost of the Child Care Centre and initial headworks for the overall development is estimated at \$4.66 million (excl GST);
2. The Shire has confirmed a contribution of \$300,000 toward the project from \$684,000 held in Council's Infrastructure Reserve;
3. \$1.5 million has been assigned by RDL to the Child Care Centre project;
4. Rio Tinto has confirmed a contribution of \$2.86 million through the Community Infrastructure and Services Partnership (funding agreement signed and contributions have been received);
5. The Paraburdoo Child Care Centre has been identified in the Long Term Financial Plan for construction between 2015-2016.

It is proposed to lease the completed facility to an appropriate child care service provider, on terms that will cover the operating and maintenance cost of the building (i.e. there is a \$nil cost to the Shire's operating budget). Shire Officers are working closely with Rio Tinto through the Partnership to develop a model for the successful leasing and sustainability of the facility, including any potential subsidies or provisions to be offered by Rio Tinto to the operator. The proposed model will be developed and presented for Council's consideration in the next two-three months.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 01 - Vibrant and Active Communities

Objective 01 – Connected, caring and engaged communities

Objective 02 – Active people, clubs and associations

Goal 04 - Distinctive and well serviced places

Objective 01 – Quality public infrastructure

Objective 03 – Well planned towns

Risk Management

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

In particular, the 'reputational risk' of the project programme (i.e. potential delays), and ensuring the completed facility meets the expectations of the community, has been considered. This will be mitigated throughout the construction phase by close monitoring of the contractor's progress and milestones, ensuring construction is in accordance with approved designs and ensuring prompt responses to any contractor queries.

Policy Implications

AMP1 – Asset Management Policy

FIN12 – Purchasing and Tender

FIN04 – Buy Local – Regional Price Preference Policy

ELM10 – Financial Sustainability

These policies will be considered throughout the project.

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Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr D Wright

SECONDED: Cr P Foster

That Council:

- 1. Accepts the Lump Sum Tender of \$3,349,352.65 (GST exclusive) from Pindan Contracting for RFT 9/15 Design and Construction of the Paraburdoo Child Care Centre, Paraburdoo in accordance with its Tender submission;**
- 2. Authorises the Chief Executive Officer to negotiate the final terms and execute the Contract documentation; and**
- 3. Authorises the Chief Executive Officer to manage the Contract, including variations to the design specifications and contract value, providing this does not exceed the project budget or reduce the building's overall scope.**

CARRIED 5/0

Crs White, Wright, Thomas, Fernandez and Foster voted for the motion.

Cr Bloem and Dias re-entered the meeting at 2:36pm.

17. COUNCILLORS AGENDA ITEMS / NOTICES OF MOTIONS

17.1 NOTICE OF MOTION IN REGARDS TO A MEMORIAL GARDEN IN TOM PRICE

FILE REFERENCE: GV17

Cr Peter Foster tabled the following notice of motion in regards to a Memorial Garden in Tom Price.

Notice of motion

Request the CEO to investigate and report back to Council on the establishment of a memorial garden in Tom Price for deceased former residents to be remembered.

17.2 NOTICE OF MOTION IN REGARDS TO A REVIEW OF THE TRANSIENT WORKER ACCOMMODATION POLICY

FILE REFERENCE: GV17

Cr Peter Foster tabled the following Notice of Motion in regard to a review of the Transient Worker Accommodation Policy.

Notice of Motion

CEO to initiate a review of LPP13 transient worker accommodation policies and any other related planning in light of other related Councillors opposition to double bunking. Councillors have expressed concerns as Chevrons intentions to double bunk at their Wheatstone Project.

17.3 NOTICE OF MOTION IN REGARDS THE SHIRE OF ASHBURTON TO JOIN A GRAGE SALE

FILE REFERENCE: GV18

Cr Cecilia Fernandez tabled the following Notice of Motion in regard to the Shire of Ashburton joining a garage sale.

Notice of Motion

For Council to consider to join the Garage Sale Trail on the 24th of Oct. This garage sale is a joint project for all Councils across Australia.

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

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

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

(a) a matter affecting an employee or employees;

(b) the personal affairs of any person;

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

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

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

(I) a trade secret;

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

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

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

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

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

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

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

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

(h) such other matters as may be prescribed.

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Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That Council close the meeting to the public at pursuant to sub section 5.23 (2) (e) (ii) and (iii) of the Local Government Act 1995 (for item 19.1) and section 5.23 (2) (c) (d) and (e) (for item 19.2).

CARRIED 7/0

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

Members of the public gallery left the room at 2.37pm.

Declaration of Financial Interest

In accordance with Section 5.65 (1) of the Local Government Act Councillors Dias, Bloem, Wright and Foster declared a financial interest in Agenda Item 19.1. 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 in accordance with Section 5.69 (3) (a) of the Local Government Act to allow disclosing members Councillors Dias, Bloem, Wright and Foster, to debate and vote on Agenda Item 19.1. The Minister's written approval for Councillors Foster and Wright 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 19 August 2015 Council Meeting when this matter is considered;
2. Councillors Dennis Wright and Peter Foster must declare the nature and extent of their interests at the Ordinary Meeting of Council when the matter is considered, together with the approval provided;
3. the CEO is to provide a copy of the Department's letter advising of the approval to each declaring member;
4. the CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the 19 August 2015 Council meeting when this matter is considered;
5. the CEO is to provide a copy of the confirmed minutes of the Ordinary meeting of Council to the Department, to allow the Department to verify compliance with conditions of the approval; and
6. The approval granted is based solely on the disclosure of interest made in accordance with the application. Should other interests be identified, these interests will not be included in this approval.

The Director General did not consider it necessary to allow Councillors Dias and Bloem 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

ATTACHMENT 19.1C

Cr Bloem and Dias left the meeting at 2.36 pm

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Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr A Bloem

That Council re-open the meeting to the public at 3.05pm.

CARRIED 7/0

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

Members from the public gallery re-entered the room at 3.05 pm.

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20. NEXT MEETING

The next Ordinary Meeting of Council will be held on Wednesday 16 September 2015, at the Mayu Maya Centre, Pannawonica, commencing at 1.00 pm.

21. CLOSURE OF MEETING

The Shire President declared the meeting closed at 3.06 pm.