



**SHIRE OF ASHBURTON
ORDINARY MEETING OF COUNCIL**

**MINUTES
(Public Document)**

**Onslow Multi-Purpose Centre, Cnr
McGrath Rd and Hooley Ave, Onslow
20 May 2015**

1.00 pm

MINUTES - ORDINARY MEETING OF COUNCIL 20 MAY 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 20 May 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 pm.

2. **ANNOUNCEMENT OF VISITORS**

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

3. **ATTENDANCE**

3.1 **PRESENT**

Cr K White	Shire President, Onslow Ward
Cr L Rumble	Deputy Shire President, Paraburdoo Ward
Cr D Dias	Paraburdoo Ward
Cr L Thomas	Tableland Ward
Cr 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
Ms L Reddell	Executive Manager, Development & Regulatory Services
Mr M Sully	Executive Manager, Community Development
Mr T Davis	Executive Manager, Infrastructure Services
Mr F Ludovico	Executive Manager, Corporate Services
Mr A Patterson	Town Planner
Ms J Smith	Executive Officer
Miss J Forward	CEO & Councillor Support Officer

3.2 **APOLOGIES**

There were no apologies.

3.3 **APPROVED LEAVE OF ABSENCE**

There were no Councillors on approved leave of absence.

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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 April 2015 no public questions were taken on notice.

4.2 PUBLIC QUESTION TIME

4.2.1 Kirsti Wilkinson (Tom Price)

Q1. Why are there being new footpaths done in town when the old ones care not being maintained, they get spray painted then 6 months later get sprayed again and never get fixed? Also will there ever be street lights put down Doradeen Street? I have come across passed out people and have tripped over so many times down there as the path is very uneven.

It is always a difficult decision for Council to make as part of its annual budgeting process, as to whether to provide a new footpath to residents with no established footpath at all, or to allocate those funds to the maintenance of existing paths. The Shire's Long Term Financial Plan includes a very modest allocation for new paths of just \$100,000 in 2015/16 rising to \$300,000 in 2017/18. \$100,000 will complete approximately 300 metres of footpaths in total per year, with the total budget of course to be shared between the various towns of the Shire of Ashburton.

The Shire has recently and widely advertised for public input into our future footpath program and there was no input from anyone regarding Doradeen Street (although it is noted that Doradeen doesn't have any residences fronting onto the street). The Shire does have a footpath maintenance program in place (the annual budget includes approximately \$200,000 per year) and the areas you highlight as being painted for attention are scheduled for works in June this year. The Doradeen Street footpath is still though, considered to be suitably safe for pedestrians as suitable care should be taken by users of all public places, including footpaths and roads.

Street lighting in Tom Price is maintained by Rio Tinto.

5. APPLICATIONS FOR LEAVE OF ABSENCE

There were no applications received for leave of absence.

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6. DECLARATION BY MEMBERS

6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

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

6.2 DECLARATIONS OF INTEREST

Councillors to Note

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

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

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

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

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

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

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

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

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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.

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

The Shire President advised that Cr Wright had spoken to her earlier and wished to advise the Council of his future intentions as a Councillor of the Pannawonica Ward.

Cr Wright announced his pending retirement as Councillor from 30 September 2015, and thanked Councillors for their efforts, particularly where the Council had been put in very difficult circumstances, but had addressed those issues with commitment and in the best interests of the wider Ashburton community. He also thanked staff and Councillors for the works that have been progressed over the past couple of years, which has brought the Shire back to the efficient, relevant and productive organisation it has always been.

He advised that it was pleasing to note that there was keen interest in Pannawonica from residents wishing to represent the Ward at the October 2015 elections, with a couple of people already making it known to him that they intended to nominate.

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 APRIL 2015

Officer's Recommendation

That the Minutes of the Ordinary Meeting of Council held on 15 April 2015, as previously circulated on 20 April 2015, be confirmed as a true and accurate record.

Council Decision

MOVED: Cr Foster

SECONDED: Cr Rumble

That the Minutes of the Ordinary Meeting of Council held on 15 April 2015, as previously circulated on 20 April 2015, be confirmed as a true and accurate record, subject to the following amendment:

CARRIED 7/1

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

Cr Fernandez voted against the motion.

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10. AGENDA ITEMS ADOPTED "EN BLOC"

10.1 EN BLOC

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

"Part 5 – Business of a meeting

Clause 5.6 Adoption by exception resolution:

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

Note - There were no En Bloc items for this meeting.

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11. GOVERNANCE & EXECUTIVE SERVICE REPORTS

11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS APRIL 2015

MINUTE: 11943

FILE REFERENCE: GV04

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

NAME OF APPLICANT/
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 21 April 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 D Wright

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

CARRIED 7/1

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

Cr Fernandez voted against the motion.

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

MINUTE: 11944

FILE REFERENCE:

GV21
IT03
CM02
LP10.7.0

AUTHOR'S NAME AND POSITION:

Janyce Smith
Executive Officer

Susan Babao
Administration Assistant Planning

NAME OF APPLICANT/RESPONDENT:

Not Applicable

DATE REPORT WRITTEN:

1 May 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 April 2015.

Background

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

Comment

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

ATTACHMENT 11.2

Consultation

Relevant officers as listed in the Attachment.

Statutory Environment

Local Government Act 1995

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

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Financial Implications

As outlined in Attachment 11.2.

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 C Fernandez

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

CARRIED 8/0
Crs White, Rumble, Dias, Wright, Thomas, Foster, Bloem and Fernandez voted for the motion.

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11.3 NOTICE OF MOTION - LOCAL INDIGENOUS COMMUNITIES AND STATE GOVERNMENT CONSULTATION

MINUTE: 11955

FILE REFERENCE: GV17

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

NAME OF APPLICANT/RESPONDENT: Cr Peter Foster

DATE REPORT WRITTEN: 21 April 2015

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

At the Ordinary Meeting of Council held on 15 April 2015, Cr Foster tabled a Notice of Motion regarding Indigenous Communities within the Shire of Ashburton. The Notice of Motion was:

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

The matter of remote indigenous communities is complex and the Shire has a paucity of information from which to make important judgements. It is therefore suggested that at least in regard to the matter of how many or how the future of Ashburton's remote indigenous communities should be promoted (i.e. notice of motion #'s 1 and 2), no policy position decision be made as to what is considered to be the best interests of Indigenous and wider community interests until there is clarity as to the WA State Government's position and any relevant consultations can occur.

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Background

The Commonwealth has historically accepted a share of the responsibility for funding selected component running costs of remote indigenous communities (through the *Municipal and Essential Services Program*, known as MUNS). The WA State Government has been the other substantial partner in that funding role. The State is also the key body that undertakes/coordinates the operational matters of remote indigenous communities. Local governments have generally only played a minor role, but the service level can be variable depending on each individual local government's policy position.

In the last year or so, the WA State Government and the Federal Government reached agreement on the funding arrangements for remote indigenous communities moving forward. It is understood that the Federal Government does not now provide dedicated funding for the operation of remote indigenous communities.

Notwithstanding the public statement of the Premier several months ago on the potential closure of a large number of remote indigenous communities, the Shire is not aware of any formal position having been established as to how the WA State Government will manage remote indigenous communities differently to how it does presently in Western Australia. The Department of Local Government has advised the Shire (25 November 2014) that... *the State Government has confirmed it will be unable to cover the funding shortfall and the changes will require it to make difficult but important decisions about the future of services in some remote communities. Those decisions will focus on ensuring Indigenous people are able to live in communities that are sustainable and provide education and employment opportunities for current and future generations, but that no decision has been made to cease services to any community.* The Shire has since then (23 February 2015) with other Pilbara Regional Council members, attended a meeting with the State's Department of Regional Development (the agency now taking primary responsibility for remote indigenous communities). At this meeting Shire representatives were advised that no decisions had been made to that point, and that for the time being (at least until 30 June 2015) no changes to funding/operational procedures would occur. This "lead agency" Department highlighted that it is keen to engage with all relevant local governments on the subject.

At the Joint Pilbara/Kimberley Forum (3 May) Minister Terry Redman (Regional Development) and Mr Ralph Addis (Director General, Department of Regional Development, made the following points –

- The State wants to build a strong relationship with local governments on this issue of remote indigenous communities, and how they are managed and serviced;
- The goal is to deliver a better outcome for those people living in remote indigenous communities;
- It was reinforced that there was no 'hit list' of remote indigenous communities planned for closure;
- The State's goal is to have clear planning developed in the first instance, before it decides how to invest into indigenous communities. Several months of consultation is expected before a plan is considered will be developed (estimated to be completed by early 2016) and which be followed by a strategic implementation plan;
- Any pathway forward will need to 'marry up' with Indigenous culture;
- If there are any impacts on existing towns anticipated, it will be preceded by resources/investment as required to accommodate those impacts;

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- There is no expectation that the process of community-wellbeing development of indigenous communities will be able to be undertaken quickly, quite the contrary, it will take at least a generation.

Following the State Cabinet decision of 4 May, there has also been a recent item of correspondence received from the Minister for Education (attached) highlighting that no indigenous people will be forced off their land and there is no overall plan to close Indigenous communities.

ATTACHMENT 11.3

Comment

The matter of the levels of funding and services for remote indigenous communities across Western Australia has been the subject of ongoing discussions for many years. There are many challenges to deal with and there are numerous agencies involved. It is a complex matter with such issues as history, cultures, responsibilities, and funding capacities to address and many people, organisations, and governments have endeavoured over decades to address the variety of indigenous issues that present themselves. The Shire of Ashburton does not have any specific officer expertise in the area of Indigenous culture, although it has for decades dealt with its Indigenous communities using its best endeavours and with the knowledge offered by local people and elected Councillors.

Whilst it would seem reasonable for the Council to oppose the forced closures of remote Indigenous communities within the boundaries of the Shire of Ashburton, by the same token there is insufficient information available to make a fully appreciative judgement on that question. It may be better to wait in the first instance, until more information from the State Government is available outlining what action it proposes to take (if any), and then await the positions of Ashburton's local Indigenous communities following them being able to digest what the State is offering.

No research has been undertaken into the history of the six communities outlined in the notice of motion (vis. Youngaleena Community, Wakathuni Community, Bellary Springs Community, Bindi Bindi Community, Ngurawaana Community and Jundaru Community (Peedamulla)) and again, whilst it would seem reasonable for the Council "formally acknowledge" them, it might again be best to leave that question until more information is available from the State about how it intends to address the question of which communities it believes are sustainable, and which it considers do not meet that criteria (if that is the direction it eventually takes).

In regard to notice of motion #3 (*vis. direct the CEO to write a report and write back to Council on the issue of forced closures of remote Indigenous communities, including what municipal services are provided to Shire of Ashburton Indigenous communities, what grants the Shire of Ashburton are receiving to help cover these costs, what impact the removal of the grants will have on the Shire Budget, what is known so far about the State Government's plans to close remote Indigenous communities in Western Australia, outline a course of action that Council can take with the State Government on this matter, such as a letter writing outlining Council's position, seeking further information on what the State Government has planned for remote Indigenous communities and seeking direct engagement with Council and our Indigenous communities, should our communities be potential targets for community closures*) officers can report as follows –

1. The municipal services provided by the Shire are for refuse removal and a partnership with the Department of Health to provide community health services. The

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approximate cost of these two services are \$50,000 (nett of the Department of Health's annual contribution);

2. Every local government receives Financial Assistance Grants (FAGs). These grants are based on complicated formulas but nearly all include population as a factor. The Shire of Ashburton does not though, receive any FAGs designated specifically for Indigenous Communities/Activities. You could use a ratio of indigenous community population to whole Shire population to estimate a FAGs dollar figure that you could say is specific for indigenous communities, but this is a simplistic calculation and would need for example, to be offset proportionately against broader use community services/facilities dispersed around the Shire. FAGs do have an allocation for indigenous access roads but the Shire of Ashburton has not received an allocation in 2014/15 (although we were recipients of \$10,000 in 2013/14);
3. The Federal Assistance Grants will not adjust unless there is a statewide modification to the distribution methodology. Such a change is not considered to be likely. The Health Department partnership is contractual and funding and service expenses are tied together. Any removal of the Department of Health funding will result in the service being withdrawn entirely, or Council agreeing that it should retain the service and meet the Department's existing contribution share (approximately \$30,000pa);
4. Other than the public announcement by the Premier about the subject some time ago and the details contained within this report, the Shire has no knowledge of any formal details of any State Government plans to forcibly close any of the remote Indigenous communities within the Shire of Ashburton;
5. In regard to a potential course of action that Council can resolve that it should take with the State Government on this matter, it is suggested that the Shire –
 - a. continue to engage with the Department of Regional Development (as the State's lead agency on the subject) in the first instance;
 - b. continue to liaise with WALGA (as the WA local government peak body and the coordinator of several local government briefing sessions, and which has also developed submissions on this subject to both state and federal governments over past years);
 - c. continue to liaise with the district's parliamentary representatives (as the community's elected representatives), and to advise as appropriate, that remote Indigenous communities do likewise;
 - d. continue to offer itself as a conduit between the State, and the Shire's remote Indigenous communities, so that a genuine exchange of information can flow; and
 - e. seek to engage with the State Government's consultation process so as to contribute to a mutually agreeable position, and
 - f. defer any decision on the question of a Shire policy position on Ashburton's remote Indigenous communities, at least until the initial positions of the WA State Government and the several local Indigenous communities are ascertained.

Consultation
Executive Team

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Statutory Environment

The Local Government Act Section 3.1 (General function) states that –

- (1) The general function of a local government is to provide for the good government of persons in its district.
- (2) A liberal approach is to be taken to the construction of the scope of the general function of a local government.

Financial Implications

Whilst all Indigenous communities have access to the broader range of community facilities and services available across the shire area, the Shire presently provides a modest range of services direct to our Indigenous communities, in particular health and refuse services. The approximate cost of these two services is about \$50,000 (nett of the Department of Health's annual contribution).

Until the State Government provides more information about what role the Shire might need to take in addition to that which it already does (namely providing refuse collection service at no charge, and contributing roughly 33% of the costs of the Department of Health/Shire of Ashburton health officer service) it is not possible to provide a definitive cost estimate of what the Shire's financial responsibilities might be to service local Indigenous communities into the future. With six individual Indigenous communities throughout Ashburton though, an annual expense per community in excess of \$100,000pa would not seem unrealistic.

Strategic Implications

There are numerous references to Ashburton's Indigenous people throughout the Shire's Community Plan, and its Corporate Plan, but generally in the context of them being a part of the overall fabric of our Ashburton community. There is though, a specific reference to strategy TS8 Indigenous Health Services.

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 "High to Extreme" risk in light of the financial impacts (at least \$100,000 and possibly in excess of \$500,000) that the Shire might need to incur to assist with the ongoing operational costs of the six communities (or the added costs of servicing those families if they relocate to existing towns in the Shire). Also, there is the possibility of delays in other broader community projects/deliverables if funds are redirected. These can be managed though, by specific monitoring and actions as required, by the Shire's Executive Management Team.

Policy Implications

There are several policies relevant that are general to the overall Ashburton district (like ADM08 Community Engagement Policy) but a specific policy applicable solely to our Indigenous communities is HTH02 Indigenous Environmental Health Strategy.

Voting Requirement

Simple Majority Required.

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MOVED: Cr Peter Foster

That Council:

1. Support the communities of Wakathuni, Bellary Springs, Youngaleena, Bindi Bindi and Nguawana;
2. Engages with the WA State Government's proposed consultation process so as to contribute to the WA State Government's planning for remote Indigenous communities in the Shire of Ashburton; and
3. Monitor the State Government consultation process to ensure the views of the several local Indigenous communities are adequately invited.

The motion lapsed for want of a Secunder.

Council Decision

MOVED: Cr A Bloem

SECONDED: Cr L Rumble

That Council:

1. **Engages with the WA State Government's proposed consultation process so as to contribute to the WA State Government's planning for remote Indigenous communities in the Shire of Ashburton;**
2. **Monitor the State Government consultation process to ensure the views of the several local Indigenous communities are adequately invited; and**
3. **Defers any decision on the question of a Shire policy position on Ashburton's remote Indigenous communities, at least until the initial positions of the WA State Government and the several local Indigenous communities are ascertained.**

CARRIED 8/0

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

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11.4 SHORT TERM STAFF HOUSING BUDGET PRIORITIES – TOM PRICE & ONSLOW 2015-2017

MINUTE: 11946

FILE REFERENCE: ED28

AUTHOR'S NAME AND POSITION: Kim Parks
Manager Organisational Development

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 08 May 2015

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

PREVIOUS MEETING REFERENCE: Agenda Item 19.2 (Minute No. 11872) – Ordinary Meeting of Council 15 October 2014
Agenda Item 16.2 (Minute No. 11831) – Ordinary Meeting of Council 16 July 2014
Agenda Item 16.3 (Minute No. 11805) – Ordinary Meeting of Council 21 May 2014
Agenda Item 12.1 (Minute No. 11172) – Ordinary Meeting of Council 18 April 2012

Summary

With the decommissioning of the Nameless Valley Camp at the end of 2014, staff resident in the camp were temporarily relocated to the Tom Price Caravan Park. More cost effective arrangements are now being implemented amounting to less than a quarter of what would otherwise be incurred by the Shire by leaving the staff in the Caravan Park. The new arrangements involve the leasing of additional properties from Rio Tinto and all camp staff are on track to be relocated from the Tom Price Tourist Park by the end of June 2015.

Private leases of staff housing in Onslow is costly and construction of Shire-owned staff housing is the best overall solution to the problem. The Long term Financial Plan includes the provision of \$2,000,000 for construction of staff housing in 2015/16, and support is being sought to prioritise this for staff housing in Onslow in the 2015/16 annual budget.

The joint venture with Department of Housing to develop Service Worker and Staff Accommodation across Lots 396, 397 on Reserve 41970 and Lots 398, 399 and 400 Third Avenue Onslow has been delayed and commencement is now not expected until 2016/17. Support is being sought to re-allocate budgeted funds for this venture to more urgent staff housing construction in Onslow in the 2015/16 annual budget.

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Background

This report provides:

- a) Details of progress, and future proposals regarding the accommodation of staff formally housed at Nameless Valley Camp, and;
- b) Details of progress, and future proposals regarding the joint development partnership between the Department of Housing and the Shire of Ashburton for the development of Service Worker and Staff Accommodation across Lots 396, 397 on Reserve 41970 and Lots 398, 399 and 400 Third Avenue Onslow.

Accommodation for former Nameless Valley Camp residents (Tom Price).

At the ordinary meeting of Council 15 October 2014, Council authorised the Chief Executive Officer to secure interim accommodation from external accommodation providers for the short to medium term and to house resident staff who would be displaced by the decommissioning of the Nameless Valley Camp.

For the short term (December 2014 to June 2015), the nine displaced staff were relocated to the Tom Price Tourist Park, at a cost of \$1,233 each (all inclusive) per week. The search for more cost-effective alternatives commenced immediately, with the options below being identified. Two of the nine employees have since left the Shire's employ, leaving seven to be re-housed from the Tom Price Tourist Park:

Option 1: Tom Price Tourist Park – lease long term caravan sites at \$245 per week plus power averaging \$25- \$50 per week. These lots have the 2 ablution blocks nearby to use. Caravans could be purchased for a once-off capital outlay of \$35,000 each, including TV, shower/toilet, table, double bed, kitchenette, and annexes to allow employees to sit outside their caravans.

If the caravans were plumbed-in to the Park's water and sewerage systems, an additional once-off cost of \$1,600 per van would be expensed.

Total cost would be ~\$274,200 capital outlay for caravans, plumbing and freight, then approximately \$2,163 per week for 7 sites, including rent, cleaning and utilities (i.e. \$112,476pa) .

There are no chalets/units for sale in the Tom Price Tourist Park.

Option 2: Lease small units or houses from Rio Tinto – The downturn in the mining sector and resulting redundancies have meant that Rio Tinto have had a number of single bed units and two-bed units in Area W, as well as a number of older-stock 3x1 houses become available. These would be leased for \$400 per week each from Rio Tinto on periodical leases (meaning the Shire and its staff residents can be evicted at any time with 60 days' notice).

***Total cost of 7 units/houses being leased from Rio Tinto per annum would be \$243,600pa (including rent, utilities and cleaning)
Furniture costs for the 7 units – \$42,000 (once-off – allowing for \$6000 per unit).***

Option 3: Jarndumunah Camp (Rio Tinto) – Rio Tinto offered 6 rooms at \$165ea per night although this price may be negotiable. Price includes all meals & cleaning. The seventh employee to be moved to Willow Road Transit House or one of the other options (eg. Unit).

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Total Cost - \$ 420,420 per annum.

Option 4: Privately lease two 4x3 bedroom houses - Newly built two-storey homes. 4 spacious bedrooms with built in robes. 3 bathrooms. Double carport. Large kitchen and dining area. Dishwasher included. Split air conditioning throughout. Low maintenance gardens. This could be run the same as a Transit House with 3 people each having their own bathroom, and communal kitchen/living areas. It could be furnished in the same way as the Willow Road transit house with each bedroom to have its own TV.

Total Cost per annum for both houses would be \$349,200pa (rent/lease, utilities & cleaning), plus utilities, and cleaning. Furniture cost would be a little cheaper due to communal lounge rooms, kitchen laundry etc - estimated \$30,000 once off outlay. The seventh employee to be relocated to Willow Road Transit House.

Option 2 was chosen as the most overall viable 2-3 year option when considering capital outlay and desirability (which influences staff attraction and retention levels), with the assumption that RTIO will not terminate the leases during that time. This would allow the Shire time to consider permanent accommodation options with the security of being Shire-owned.

It is important to note that, since Option 2 was implemented, actual lease costs have been approximately half of what was originally anticipated, due to:

- a) three staff agreeing to share two 3x1 houses (the fourth occupant being a non-NVC FIFO employee, who would otherwise take up a room permanently in the Willow Road Transit House), and;
- b) RTIO dropping the rent for their 1-2bed units to \$130-\$150pw.

This has since had the effect of making Option 2 the preference from almost every perspective.

General comments regarding future strategy/priority for transit accommodation and workers.

Investigation is continuing into a long-term/permanent solution for reliable/Shire-owned transit accommodation. A distinction needs to be made between sporadic and ongoing transit accommodation needs.

Transit-House style accommodation is ideal for irregular/sporadic use where consultants, temporary staff, or staff travelling within the Shire's boundaries require short-term accommodation. The Willow Rd Transit House is a prime example of this style of accommodation, where individually-lockable bedrooms with ensuites open onto shared/common-use areas. This accommodation is serviced in the same way as a motel.

Ongoing transit workers consist of FIFO employees and others who have neither a free housing entitlement nor their own private accommodation within the Shire – such as those formerly accommodated at the Nameless Valley Camp. For these workers, it is more realistic to expect a level of self-maintenance responsibility so cleaning service etc should not be at the same “motel” level as for the sporadic/short term transit arrangements. Likewise, it is realistic to expect these employees to develop a sense of ownership for “their” space (essentially a “home away from home”). The ideal accommodation for this type of transit worker is a single bed self-contained unit (i.e. same functionality and privacy as a mining camp “donger”) with shared laundry (and possibly kitchen) facilities. An example of this type

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of accommodation is the “single-persons” accommodation provided by Rio Tinto in Windawarrie Lodge.

If ongoing transit workers (eg. FIFOs etc) are removed from the Willow Rd Transit House, it remains adequate for current sporadic demands in Tom Price. If the provision of Camp accommodation in Onslow is removed, the existing Transit House in Onslow will not be adequate for current nor forecasted sporadic demand, so the primary strategy should be to include a new transit house similar to the Willow Rd Transit House (in Tom Price) to be constructed in Onslow along with other staff housing. Construction in Tom Price, while of a lesser priority than Onslow, should include “single person” style accommodation along with other staff housing.

Joint development partnership between the Department of Housing and the Shire of Ashburton for staff housing in Onslow.

At the ordinary meeting of Council 16 July 2014, Council:

- a) Provided in-principle support for a joint development partnership between the Department of Housing and the Shire of Ashburton for the development of Service Worker and Staff Accommodation across Lots 396, 397 on Reserve 41970 and Lots 398, 399 and 400 Third Avenue Onslow;
- b) Delegated authority to the Chief Executive officer to progress the proposal and negotiate the financial terms, project management arrangements and design concepts of the proposed joint development partnership, and;
- c) Requested a final report to be presented to Council at a later date that details the particulars of the project before commencement of the proposed partnership.

It is likely that the above would provide approximately three-to-four decent 4x2 houses for the Shire, demonstrating the financial effectiveness of this option, however necessary tenancy issues and milestones required by the Department of Housing have now meant that the joint development of this housing will not commence until sometime in 2017, in turn meaning the budgeted \$1.5m (plus proceeds from the sale of Hedditch St) for this will sit in abeyance for over two years while the Shire continues to pay high rents for privately leased houses in Onslow (currently totalling nearly \$650,000 per annum for 11 houses/units).

While rents in Onslow have decreased significantly since the resources downturn, the Shire will be at the mercy of the market should that again increase at some stage in the future. The cost of housing will vary considerably, dependent on location (i.e whether it is a flood risk area or not, and whether the house is built on Shire owned land). For the purpose of a guide, it may cost between a low of \$500,000 and a high of \$1m per house in Onslow.

There is clearly merit (both in financial and lease-security perspectives) in replacing existing privately-leased with Shire-owned housing stock, and this capital cost will likely decrease through volume cost-efficiencies – as the joint development proposal demonstrates. One example of the available options is the purchase of house and land packages in the Barrada Estate Development however, this is obviously further from the Town centre and therefore may not suit all situations (eg. transit accommodation). Another option may be to purchase recently-constructed houses (perhaps built on spec) that are now appearing on the market due to failure in realising the previously high rental rates. This option may offer some immediate relief for the situation. These options and others will be presented to Council in due course.

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In addition to the \$1.5m loan identified above from the 14/15 budget, the Long term Financial Plan provides \$2m each year (for 2015/16 (General Revenue) 2016/17 (extra rates reserve) and 2017/18 (Onslow Social Infrastructure Fund)) for developing the Shire's capital housing stock for the next three years.

Comment

The recent downturn in the resources sector has provided some "breathing space" for the Shire regarding the development and funding of more long term solutions to staff accommodation shortages within its Towns. While it is clear construction of additional staff housing is needed in both Onslow and Tom Price, the provision of cost-effective accommodation leases from Rio Tinto in Tom Price have meant that, for a brief period of perhaps 2-3 years, attention can be focused on staff accommodation development in Onslow, where rents are still 3-4 times higher than what the Shire pays in Tom Price.

For these reasons it is recommended that the \$1.5m (plus Hedditch St sale proceeds) budget allocation for the joint development with Department of Housing be re-allocated to other immediate additional staff housing construction in Onslow. In addition, the \$1.5m budgeted for 2015/16 from the Long Term Financial Plan should also be concentrated on staff accommodation construction in Onslow, and by way of example, at least one, and possibly two additional houses will be required in Onslow to house the new swimming pool's staff. The \$1.5m budgeted for 2017/18 from the Long Term Financial Plan should be reserved to fund the joint development with Department of Housing.

Existing housing stock in Tom Price & Onslow

The tables below shows the 68 houses/units in Tom Price and Onslow, (including rents paid by the Shire for 32 RTIO/private leases). There are a further 9 Shire-owned houses in Paraburdoo.

HOUSE#	STREET	RENT	LEASED FROM	DESCRIPTION
398	Acalypha St	N/A		4 x 1
Jan-00	Allambie Way	\$130pw	Pilbara Iron Housing	2 x 1
601	Boolee St	\$180pw	Pilbara Iron Housing	3 x 1
279	Carob St	N/A		4 x 1
283	Carob St	N/A		3 x 1
155	Cassia St	\$156pw	Pilbara Iron Housing	3 x 1
178	Cassia St	N/A		3 x 1
126	Cedar St	N/A		3 x 1
17b	Cogelup Wy	\$180pw	Pilbara Iron Housing	3 x 2
215	Grevillea St	N/A		3 x 1
1033	Gungarri Circuit	\$400pw	Pilbara Iron Housing	3 x 2
1034	Gungarri Circuit	\$400pw		3 x 2
423	Hibiscus St	\$400pw	Pilbara Iron Housing	3 x 1
1104a	Jabbarup Pl	N/A		3 x 2
1104b	Jabbarup Pl	N/A		3 x 2
2/2	Kanberra Dr	\$130pw	Pilbara Iron Housing	2 x 1
3/10	Kanberra Dr	\$170pw		2 x 1
404	Kanberra Dr	\$400pw		1 x 1

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406	Kanberra Dr	\$300pw		1 x 1
797	Kulai St	N/A		3 x 1
816	Kulai St	\$180pw	Pilbara Iron Housing	3 x 1 (Pool)
773	Larnook St	N/A		3 x 1
17	Lilac St	N/A		3 x 1 (with added room)
20	Lilac St	\$180pw	Pilbara Iron Housing	3 x 1
22	Lilac St	N/A		3 x 1
27	Lilac St	\$400pw	Pilbara Iron Housing	3 x 1
1004	Marradong Pl	N/A		3 x 2
740	Mungarra St	\$180pw	Pilbara Iron Housing	3 x 1
758	Mungarra St	N/A		3 x 1
98	Oleander St	N/A		3 x 1
651	Pilkena	\$180pw	Pilbara Iron Housing	4 x 1
61	Pine St	N/A		3 x 1
261	Poinciana St	N/A		4 x 1
498	Sirus St	N/A		4 x 1
69	Tamarind St	\$400pw	Pilbara Iron Housing	3 x 1
1152	Tarwonga Crt	N/A		3 x 1
825	Warara St	N/A		3 x 1
825b	Warara St	N/A		2 x 2
4	Weelamurra Ct	\$180pw	Pilbara Iron Housing	3 X 2
1217	Wilgerup St	\$400pw	Pilbara Iron Housing	3 x 2
27	Willow Rd	N/A		7 x 6
1143	Yanagin Pl	N/A		3 x 2 (Pool) plus patio room
683	Yaruga St	\$180pw	Pilbara Iron Housing	3 x 1
726	Yiluk St	\$230pw	Pilbara Iron Housing	3 x 1

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HOUSE#	STREET	RENT	LEASED FROM	DESCRIPTION
3	Discovery Pk	\$450pw + GST	Dept of Housing	2 x 2
6	Discovery Pk	\$450pw + GST	Dept of Housing	2 x 2
9	Discovery Pk	\$450pw + GST	Dept of Housing	2 x 2
307	First Ave	N/A		3 x 1+1
335	First Ave	N/A		3 x 1
944	First St	\$425pw		3 x 1
6B	Hedditch St	\$1400pw		
18B	Hope Ave	\$2400pw	Private Lease - Ray White	4 x 2
2/8	Maunsell Cnr	\$5,648pm	Private Lease - Ray White	2 x 1
3/8	Maunsell Cnr	\$5,214pm	Private Lease - Ray White	2 x 1
5A	Maunsell Cnr	\$7,100pm	Private Lease - Ray White	4 x 2
5B	Maunsell Cnr	\$6,500pm	Private Lease - Tracey Bolland	4 x 2
10b	Payne Wy	\$5,200pm	Private Lease - Ray White	3 x 1
1/9	Second Ave	N/A		3 x 2
2/9	Second Ave	N/A		3 x 2
3/9	Second Ave	N/A		3 x 2
325	Third Ave	N/A		4 x 3
583	Third Ave	N/A		3 x 1
584	Third Ave	N/A		3 x 1
585	Third Ave	N/A		3 x 1

Most of the Shire-owned properties are dated due for major refurbishments. The only potential need for additional accommodation in Paraburdoo is a transit house, which would decrease the need for staff & Council to drive to Tom Price or otherwise pay for overnight accommodation in Paraburdoo. This is a significantly lower priority than accommodation needs for Tom Price and Onslow and therefore is not yet allowed for in the Long Term Financial Plan.

Consultation

Chief Executive Officer
 Executive Manager - Strategic & Economic Development
 Manager - Organisational Development
 Staff Housing Officer
 External Accommodation Providers
 Business Development Officer - Department of Housing

Statutory Environment

Local Government Act 1995 s3.54 and s3.55 apply to this proposal.
 Local Government Act 1995 s3.58 is exempt from this proposal under the Local Government Functions and Regulations 1996, s30.(c)(ii).

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Financial Implications

Capital expenditure for this proposal would be drawn from:

- a) the sale of surplus Shire owned properties, namely Lot 578 Hedditch Street Onslow, which is currently budgeted for in GL 10909080 (likely to be realised at around \$300,000 in the current market) and loan funds of \$1.5m held for the purposes of staff housing, and;
- b) the Long Term Financial Plan, integrating with the 2015/16 Annual budget (CapEx).

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 02 – Enduring Partnerships

Objective 02 – Enduring partnerships with Industry and Government

Goal 04 – Distinctive and Well Serviced Places

Objective 03 – Well planned towns

Goal 05 – Inspiring Governance

Objective 03 – 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 "Medium" risk and will be managed by specific monitoring and response procedures. Staff housing is a priority in both Tom Price and Onslow. The current downturn in the mining industry, particularly in relation to iron ore, has relieved pressure and costs in the Tom Price housing sector. While there is currently an oversupply of private housing in Onslow, rents are still high and it is not sustainable for the Shire to continue to pay premium rentals to house members of the permanent Onslow workforce. To ensure risk in the area of staff housing does not escalate, it is important that the Shire increases its own housing stock in Onslow which is considered the more volatile of the two locations.

Policy Implications

There were no policy implications identified

Voting Requirement

Absolute Majority Required

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Council Decision

MOVED: Cr D Wright

SECONDED: Cr P Foster

That Council:

1. Re-allocates the funds budgeted for in GL 10909080 (likely to be realised at around \$300,000 in the current market) and loan funds of \$1.5m held for the purposes of staff housing from the joint venture with Department of Housing for the development of Service Worker and Staff Accommodation across Lots 396, 397 on Reserve 41970 and Lots 398, 399 and 400 Third Avenue Onslow to funding forthcoming alternative proposals for immediate staff housing construction in Onslow;
2. Prioritises the \$2,000,000 provided for construction of new staff housing within the Long Term Financial Plan for the 2015/16 year to Onslow staff housing in the 2015/16 annual budget.
3. Endorses the leasing of RTIO properties as necessary to accommodate the Shire's staff housing needs, until such time that the Shire is able to build up its own housing stocks.

CARRIED BY ABSOLUTE MAJORITY 6/2

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

Crs Fernandez and 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 MARCH & APRIL 2015

MINUTE: 11947

FILE REFERENCE: FM03

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

NAME OF APPLICANT/
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 4 May 2015

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

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

Background

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

Comment

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

Comment

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

March 2015

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

ATTACHMENT 13.1A

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April 2015

- Schedule of Accounts and Credit Cards paid under delegated authority for the Month of April 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

Absolute Majority Required

Council Decision

MOVED: Cr P Foster**SECONDED: Cr D Wright**

That Council:

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

CARRIED 7/1

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

**Cr Fernandez voted for the motion.
Cr Fernandez voted against the motion.**

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13.2 2015/16 BUDGET TIMELINE AND SPECIAL MEETINGS

MINUTE: 11956

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: 1 May 2015

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The preparation of the 2015/16 Budget needs to comply with a number of statutory timelines and Rating Policies and Procedures recently introduced by the Department of Local Government and Communities.

The purpose of this item is to inform Council of these timelines and procedures and consider determining Special Meetings of Council so the Budget can be progressed efficiently.

Background

The Department of Local Government and Communities requires the raising of Differential Rates to follow certain Rating Policies and Procedures (<http://dlg.wa.gov.au/Content/LG/RatingPolicies/Default.aspx>).

These processes define the information required in any notice, how we communicate to ratepayers and the information needed by the Minister in order to make a determination. This process was introduced in 2014/15 and is continuing in 2015/16.

Developing the case for any differential rating is a critical path in order to develop the 2015/16 Budget.

Council also is advised that a general revaluation of Gross Rental Valuation (GRV) properties has occurred during 2014/15 and will be applicable for the 2015/16 year. It is forecast that substantial changes will occur in valuations making it more difficult to develop an equitable model for differential rates.

As can be seen below a number of other critical activities are being undertaken in parallel to the differential rating process. The process entails greater consultation with Councillors in the development of the Budget.

In order to develop the 2015/16 Budget it will be necessary for Council to consider Special Meetings so the Budget can be adopted in a timely manner.

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Comment

The proposed budget timeline is:

Activity	Date	Comment
Review Fees & Charges	20 May 2015	Council Workshop
Capital Expenditure LTFP (detailed costings)	15 May 2015	Officer Timeline for submitting information
Operational Budget Salaries Budget	23 May 2015	Officer Timeline for submitting information
Determine Differential Rate	3 June 2015	Special Meeting
Review carried forward items and Work In Progress.	3 June 2015	Officer Timeline for submitting information
Advertise Differential Rate for Public comment	6 June 2015	Allow 21 days for comment. Closing date for submissions 30 June 2015
Review Operation Budget	17 June 2015	Council Meeting
Differential Rates - Consider submissions and send report to Minister seeking his approval to levy differential rates	9 July 2015	Special Meeting Allow at least 14 days for Ministerial Approval (25 July 2014)
Review 201/15 Budget	15 July 2015	Council Meeting
Adopt 2015/16 Budget	29 July 2015	Special Meeting

Consultation

Chief Executive Officer
Executive Management Team
Finance Team

Statutory Environment

Section 6.32 of the Local Government Act 1995 (LGA) provides Council with the power to apply rates to property.

Section 6.33 LGA provides Council with the power to apply differential general rates although Ministerial approval is required where a differential rate is more than the lowest differential rate to be imposed.

Section 6.35 LGA provides Council with the power to apply a minimum payment which is greater than the general rate which would otherwise be payable on that land;

Section 6.36 LGA requires Council to give public notice of its intention to impose differential rates, inviting submissions within 21 days (or more if desired). Council is also required to consider any submissions received prior to imposing the proposed rate or minimum payment.

Section 6.2 LGA 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.

Section 5.63 (1)(b) LGA specifically excludes the need for Elected Members to "Declare a Financial Interest" in imposing a rate, charge or fee.

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Regulation 14A Local Government (Administration) Regulations 1996 Instantaneous Communication. Councillors within 150km of the physical location of the meeting cannot participate via teleconference.

Department of Local Government and Communities Rating Policies (Ministerial Circular No 06-2013 and Ministerial Circular 13-2014):

- Valuation of Land
- Differential Rates
- Minimum Payments
- Rateable Land
- Giving Notice
- Valuation of Land - Mining

Financial Implications

The development of the 2015/16 Budget in a timely manner will enable Council to issue rate notices so funding can be made available for the implementation of the Budget projects and plans.

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

Policy Implications

There are no Council Policy Implications relative to this issue.

Voting Requirement

Absolute Majority Required

Recommendation

That Council:

1. Convene Special Meetings of Council at Onslow Multi-Purpose Centre, corner of McGrath Rd and Hooley Rd Onslow on

3 June 2015

9 July 2014

29 July 2014

commencing at 7.00 pm for the purpose of determining the 2015/16 Annual Budget and its components; and

2. Approve the use of instantaneous communications for the Special Meeting in the following locations:

MINUTES - ORDINARY MEETING OF COUNCIL 20 MAY 2015

Council Decision

MOVED: Cr P Foster

SECONDED: Cr A Bloem

That Council:

3. **Convene Special Meetings of Council at Onslow Multi-Purpose Centre, corner of McGrath Rd and Hooley Rd Onslow on**

5 June 2015

commencing at 7.00 pm for the purpose of determining the 2015/16 Annual Budget and its components; and

4. **Approve the use of instantaneous communications for the Special Meeting in the following locations:**

- **Onslow Multi-Purpose Centre**
- **Tom Price Council Chambers**
- **Paraburdoo Library**
- **Panawonica Library**

CARRIED BY ABSOLUTE MAJORITY 7/1

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

Reason for Change: That the dates/need for the remaining proposed Special Council Meetings would be best considered at the 5 June Special Council Meeting.

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13.3 BUDGET AMENDMENT / VARIATION

MINUTE: 11948

FILE REFERENCE: FM14.14.15

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 7 May 2015

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

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

Background

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

It is proposed to amend the 2014/2015 budget to reflect various adjustments to the General Ledger with an overall effect to the budget as detailed below. Due to the nature of these variations, they fall outside the annual budget review.

Comment

It is recommended that the required budget variations to the Current Budget for 2014/2015 as outlined below be approved.

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1. Community Development: Foreshore Areas				
GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget
15094	Removal & Renewal Fish Offal Tank	\$6,000	\$15,180	\$21,180
110073	Grant Income	\$0	(\$15,180)	(\$15,180)
Reason: Shire's grant application of \$15,180 has been approved for Beadon Creek Fish Compost Facility & Signage from the Recreational Boating Facilities Scheme (RBFS) round 20 funding, Department of Transport Coastal Infrastructure so expenditure has been increased to undertake the project and income increased to reflect the grant income.. This variation will have no effect on the budget.				
2. Governance & Executive Services Media & Tourism				
GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
130147	Consultant/Project Costs GEN	\$255,000	(\$70,000)	\$185,000
BE432	Tom Price Visitor Centre Upgrade	\$0	\$70,000	\$70,000
Reason: When the 2014-15 Budget was adopted, Council approved a \$330,000 allocation towards helping implement actions in the Shire's Tourism Strategy (adopted in 2011). This was placed in operations budget (Area Promotion General – Consultants 130147). Funding was reduced to \$255,000 in the March Budget Review. One of the top priorities for these funds has been the upgrading the two external signs at the outside of the Tom Price Visitor Centre., these signs are now being funded by the Tom Price Revitalisation account. When the budget was originally prepared, staff were not considering doing works on the inside of the TPVC but there is now an opportunity to do this using the budget allocation in consultants 130147. Council is requested to approve the transfer of the costs for the Design and Outfitting the Inside of Tom Price Visitor Centre from the operations budget code to capital expenditure code. This variation will have no effect on the overall budget position.				

Consultation

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

Statutory Environment

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

(b) is authorized in advance by resolution*

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

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*requires an absolute majority of Council

Financial Implications

The proposed budget amendments will have no impact on the current budget's 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 L Rumble

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

**1. Community Development:
Foreshore Areas**

GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
15094	Removal & Renewal Fish Offal Tank	\$6,000	\$15,180	\$21,180
jo110073	Grant Income	(0)	(\$15,180)	(\$15,180)

Reason: Shire's grant application of \$15,180 has been approved for Beadon Creek Fish Compost Facility & Signage from the Recreational Boating Facilities Scheme (RBFS) round 20 funding, Department of Transport Coastal Infrastructure so expenditure has been increased to undertake the project and income increased to reflect the grant income.. This variation will have no effect on the budget.

**2. Governance & Executive Services
Media & Tourism**

GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
130147	Consultant/Project Costs GEN	\$255,000	(\$70,000)	\$185,000
BE432	Tom Price Visitor Centre Upgrade	\$0	\$70,000	\$70,000

Reason: When the 2014-15 Budget was adopted, Council approved a \$330,000 allocation towards helping implement actions in the Shire's Tourism Strategy (adopted in 2011). This was placed in operations budget (Area Promotion General – Consultants 130147). Funding was reduced to \$255,000 in the March Budget Review. One of the top priorities for these funds has been the upgrading the two external signs at the outside of the Tom Price Visitor Centre., these signs are now being funded by the Tom Price Revitalisation account. When the budget was originally prepared, staff were not considering doing works on the inside of the TPVC but there is now an opportunity to do this using the budget allocation in consultants 130147. Council is requested to approve the transfer of the costs for the Design and Outfitting the Inside of Tom Price Visitor Centre from the operations budget code to capital expenditure code. This variation will have no effect on the overall budget position.

CARRIED BY ABSOLUTE MAJORITY 6/2

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

Crs, Fernandez and Thomas voted against the motion.

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13.4 SHIRE OF ASHBURTON RATING STRATEGY

MINUTE: 11949

FILE REFERENCE:	RV01
AUTHOR'S NAME AND POSITION:	Frank Ludovico Executive Manager Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	01 May 2015
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 6.1 – Special Meeting of Council 9 July 2014

Summary

At Council's Special Meeting held on 9 July 2014 Council decided to "initiate a review into the rating of Mining tenements within the Shire of Ashburton with particular attention to Ashburton North Strategic Industrial Area and future sustainability".

In November 2014 a consultancy was awarded to undertake this review with its scope broadened to look at all rating categories within the Shire, to compare rating in Pilbara and Kimberley local governments and to prepare a Rating Strategy for the Shire.

Background

At Council's Special Meeting held on 9 July 2014 Council decided to "initiate a review into the rating of Mining tenements within the Shire of Ashburton with particular attention to Ashburton North Strategic Industrial Area and future sustainability".

In November 2014 a consultancy was awarded to undertake this review with its scope broadened to look at all rating categories within the Shire, to compare rating in Pilbara and Kimberley local governments and to prepare a Rating Strategy for the Shire.

The draft report was workshop with Council in April 2015. A copy of the Strategic Rate Review (Attachment 13.4A) and Rating Strategy (Attachment 13.4B) are attached.

ATTACHMENT 13.4A
ATTACHMENT 13.4B

The Report recommends:

1. In respect to Gross Rental Value properties
 - 1.1. the combining of the Residential and Community differential rate codes

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- 1.2. the combining of the Commercial, Industrial and Tourism differential codes. With the inclusion of the four UV Tourism assessments once their valuation method has been changed in accordance with the Department of Local Government and Communities policy on this matter
- 1.3. the retitling of the current Workers Accommodation Facilities to Transient Workforce Accommodation
2. In respect to an Unimproved Valuation properties
 - 2.1. the phased increase in the average yield for Pastoral properties so they are compatible with neighbouring local governments
 - 2.2. leaving Mining Leases, Commercial/Industrial generally unchanged
 - 2.3. discontinue rating of Tourism properties once the relevant properties are valued on a GRV bases
3. In respect to Minimum rate payments increase them so they reflect a contribution made by all ratepayers to basic services and facilities in the Shire.

Comment

In respect to GRV's Commercial/Industrial rate in the dollar, the higher costs associated including, but not limited to, refuse collection relevant areas, high town planning control costs, health inspections administration costs, and a complexity and building control, high traffic volumes and vehicle mass due commercial and industrial activity, parking facilities, traffic management, pedestrian access, commercial industrial signage, visitor servicing and street furniture all create a case for a higher rate in the dollar for these properties. Council currently set a rate in the dollar of 20% higher than GRV Residential/Community and it is suggest this could increase to 25%.

In respect to Pastoral properties the 2014/15 average rate per property is \$5,677 whereas the average amongst our neighbours is approximately \$10,400 per property. Increasing Ashburton pastoralist rates to something equivalent to the Pilbara/Kimberly average would represent a substantial increase and a phasing in process over, say five years may be appropriate.

In respect to minimum rate payments the consultant has reviewed our 2014/15 budget to aggregate accounts considered to provide basic services and facilities. These items displayed similar characteristics to a public good being nonexclusive services and infrastructure of the benefit to, or accessible by, all in the community. They have calculated the net amount to be \$3.24 million and based on the number of assessments of 3,897 properties the minimum rate is calculated as approximately \$830 per property.

It is suggested that this increase be phased in over time (say five years) and the level assessed on a regular basis to ensure that any changes in the net cost of basic services and the number of properties in the district are reflected in the calculation.

However there are some special circumstances attributable to Wittenoorn properties where the status of the townsite (i.e. degazetteal) could allow, for example a 25% discount to

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minimum rates. Please note policy Fin10 would need to be reviewed if Council allowed a discount.

As the rate in the dollar for GRV Commercial/Industrial is proposed to be set at 25% higher than GRV Residential/Community, it would then seem appropriate to also set the minimum rate 25% higher. It is suggested that this increase be phased in over time (say five years).

In respect to the four UV Tourism assessments as other tourism operations are currently rate on a GRV basis it would be consistent to rate these properties in that manner. The process required to move from UV to GRV rating involves consulting with the affected parties, indicating to them the effect of the proposed change and then Council determining the matter. Follow by then obtaining approval from the Minister for Local Government to implement the change. This process will take some time and will not be able to come into effect before the 2015/16 budget.

The same consistency issue as with UV Tourism assessments arises in respect to Transient Worker Force Accommodation and it would seem best to retain the UV based rating system for the time being.

Consultation

Chief Executive Officer
Executive Management Team

Statutory Environment

Section 6.47 Local Government Act 1995 (LGA) indicates that a local government may resolve to waive or grant a concession for a rate or service charge (absolute majority required).

In addition regulation 69A indicates a local government cannot use its powers under section 6.47 LGA based on whether or not the land is occupied by a person who owns the land (so called absentee owner clause).

Regulation 56 of the Financial Management Regulations 1996 indicates that a rate notice must contain information concerning any concession made under section 6.47 LGA.

The other sections in Local Government Act 1995 that apply are:

- Section 6.32 LGA provides Council with the power to apply rates to property;
- Section 6.33 LGA provides Council with the power to apply differential general rates although Ministerial approval is required where a differential rate is more than the lowest differential rate to be imposed;
- Section 6.35 LGA provides Council with the power to apply a minimum payment which is greater than the general rate which would otherwise be payable on that land;
- Section 6.35 LGA provides Council with the power to apply a lesser minimum to a portion of the district.
- Section 6.36 LGA requires Council to give public notice of its intention to impose differential rates, inviting submissions within 21 days (or more is desired). Council is also required to consider any submissions received prior to imposing the proposed rate or minimum payment.

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- Section 5.63 (1)(b) LGA specifically excludes the need for Elected Members to “Declare a Financial Interest” in imposing a rate, charge or fee.

Part 5 of the *Local Government (Financial Management) Regulations 1996*.

Department of Local Government and Communities Rating Policies (Ministerial Circular No 06-2013 and Ministerial Circular 13-2014):

- Valuation of Land
- Differential Rates
- Minimum Payments
- Rateable Land
- Giving Notice
- Valuation of Land - Mining

Financial Implications

The Rating Strategy will underpin Council's ability to provide services and facilities for the 2015/16 financial year and into the future.

Please note a general revaluation of GRV properties will come into effect from 1 July 2015 (this data has only been received in recent days) and changes to the valuations of mining and petroleum tenements recently made, will have a significant impact on our rating. Modelling will reveal the effect of these changes. The Strategy attempts to deal with these matters however it may need to be refined in the light of these amended valuations.

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

The proposed Rating Strategy will help to underpin Council's long term financial sustainability. The major risk in not adopting the recommended Rating Strategy is in limiting our ability to provide services and facilities into the future.

Policy Implications

Council policy Fin10 applies. In addition to stating it will cease providing all physical services and promotion to Wittenoom and Yampire Gorge, it also states Council is to cease waving rates for Wittenoom properties.

The policy also states "Council will rate or properties in Wittenoom. This is an acknowledgement that local government rates do not pertain specifically to property but also relate to a range of services provided to the community on a non-geographic basis such as sporting facilities, libraries, roads, governance and economic development."

Voting Requirement

Simple Majority Required.

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Council Decision

MOVED: Cr D Wright

SECONDED: Cr P Foster

That Council receive the Rating Strategy and support the principle of:

1. The Report methodology for a Minimum Rate for all properties, phased in over a period of up to 5 years.
2. The increase of Pastoral rates to the average of the Pilbara/Kimberly Region, phased in over a period of up to 5 years.
3. The discounting the Minimum Rate for Wittenoom Residential properties by 25%, phased in over a period of up to 5 years (ie introduce a lesser minimum for these properties).
4. The application of a differential rate for GRV Commercial/Industrial properties 25% higher than the GRV Residential/Community rate in the dollar.
5. The application of a minimum rate for GRV Commercial/Industrial properties only, 25% higher than the Minimum Rate phased in over a period of up to 5 years.
6. Not pursuing separate rating of Transit Worker Accommodation for the present time.

CARRIED 6/2

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

~~**Crs Fernandez and Thomas voted for the motion.**~~

Crs Fernandez and Thomas voted against the motion.

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14. DEVELOPMENT AND REGULATORY SERVICES REPORTS

14.1 PROPOSED EXCISION OF PORTION OF RESERVE 42090 TO ALLOW FOR RELOCATION OF ONSLOW POLICE STATION

MINUTE: 11950

FILE REFERENCE: PR42090

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

Janelle Fell
Economic and Land Development Manager

NAME OF APPLICANT/
RESPONDENT: Western Australia Police

DATE REPORT WRITTEN: 20 April 2015

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

Western Australia Police (WAPOL) have requested Shire of Ashburton's support and collaboration to relocate Onslow's police station from its current location at Lot 594 Second Avenue to a site adjacent to the Department of Fire and Emergency Services' (DFES) facility located on Lot 501 McGrath Avenue, Onslow.

The site identified as most appropriate for the new Police facility is located partly on an undeveloped portion of Lot 501 McGrath Avenue (the site of the Department of Fire and Emergency Services facility), and partly on the adjacent Lot 970 on Deposited Plan 220088 that is an undeveloped Crown Reserve (ATTACHMENT 1 – LOCATION PLAN). The combined land parcel is approximately 4000m².

Lot 970 is held as a managed reserve (Reserve 42090) with a Management Order to the Shire of Ashburton for the purpose of 'Recreation' and remains largely undeveloped and with no formalised recreational use.

In order to secure tenure of the portion of Lot 970, WAPOL have requested that the Shire surrender that part of Reserve 42090 identified for development as a new Police Station. Following the surrender of the unused portion of Lot 501 by DFES, both land parcels would then be amalgamated and reserved for 'Police Purposes' and subsequently developed as the new police station.

ATTACHMENT 14.1A

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Background

The Western Australia Police Service (WAPOL) propose to relocate the Onslow Police Station to a new site located adjacent to the DFES building on McGrath Avenue, Onslow. The selected site will provide increased space for the expansion of services, with the selected site's higher elevation offering greater protection from flood and storm events.

The preferred site includes a portion of Lot 501, being the DFES site, along with portion of Lot 970 that comprises the whole of Crown Reserve 42090 that is managed by the Shire of Ashburton for the purpose of 'Recreation'. Until 2014, Reserve 42090 was managed by the Department of Education as the land had been initially identified as a future school site and, apart from a number of informal tracks, is not used for any active recreational purposes.

The surrender by the Shire of the identified portion of Reserve 42090 is the first step required in the land assembly process that will also involve the acquisition of a portion of Lot 501 that is held in freehold title by the Minister for Fire and Emergency Services, the reserving of the new lot as a Crown Reserve for 'police purposes', and an amendment to the Shire of Ashburton Town Planning Scheme No. 7 (TPS7) to change the Scheme reserve from "Public Purposes – Education", most likely to 'Public Purposes – Civic Purposes' to more accurately reflect the anticipated development of the site.

In their request to the Shire, WAPOL have advised that:

"DFES has acknowledged WA Police's strategic interest in acquiring a portion of their site, Lot 501 which adjoins Reserve 42090, and are prepared to progress the land assembly with WA Police."

Accordingly, the Shire's support and surrender of the portion of Reserve 42090 is currently the only remaining impediment to the progress of this project.

When surrendering all or part of a managed reserve, the Department of Lands will require the management authority (in this case, the Shire) to sign a statutory declaration that the affected land has no interests (such as leases, licences, or approved uses by a third party) affecting the land, and that there is no remaining contamination (such as asbestos, oil spills etc.) on the land. A brief investigation has revealed no potential issues relating to these matters, and should Council support the excision of a portion of Reserve 42090, a thorough investigation of the land will be undertaken prior to submitting the statutory declaration.

ATTACHMENT 14.1

Comment

The *Onslow Structure Plan* (2003) identifies the whole of Reserve 42090 for 'Future Community and Civic' purposes and the development of part of the Reserve for a new police station is consistent with this strategic planning instrument. It is acknowledged that the *Onslow Structure Plan* is a dated document that requires extensive reviewing given the development experienced in the town that would not have been anticipated at the time of its preparation.

The Shire of Ashburton's Master Plan for Reserve 42090 indicates that the subject area was previously identified as parking/access to the swimming pool. Notwithstanding the Master Plan, the proposed pool development site has been relocated to another site adjacent to the primary school and so will not be affected by this development.

ATTACHMENT 14.1B ATTACHMENT 14.1C

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In addition to the benefits in constructing a new police station in a location that is less susceptible to flooding, there is also a community benefit in co-locating with other emergency services (the FESA building) to facilitate communication between these agencies. In addition, the location of the police station in close proximity to significant existing (the Multipurpose Centre) and proposed (basketball courts) Shire assets provides an added level of protection from misuse and acts of vandalism.

Consultation

Executive Manager – Strategic and Economic Development

Statutory Environment

S.18 of the Land Administration Act 1997 requires Minister's approval to deal with interest in Crown land.

Shire of Ashburton Local Planning Scheme No. 7

Financial Implications

All costs associated with the excision would be borne by Western Australia Police.

Strategic Implications

Goal 04 Distinctive and Well Serviced 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.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Wright

That Council support WAPOL's Request and:

- 1. Request the Minister for Lands to excise that portion of Lot 970 on Deposited Plan 220088 from Reserve 42090 generally as described in the Plan shown as ATTACHMENT 1 to this report; and**
- 2. Recommend to the Western Australian Police that a request to amend the Shire of Ashburton Town Planning Scheme No. 7 to reserve the land appropriate to the intended purpose should be prepared and submitted prior to commencing development.**

CARRIED 8/0

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

15. INFRASTRUCTURE SERVICES REPORTS

NOTE: The original agenda item could not be completed with all of the necessary information and Officer Recommendation before the Agenda was distributed, as the closure timeline of the Tender preceded the agenda distribution timeline. Below is the updated report, including completed tender assessment details and Officer Recommendation.

15.1 AWARD OF RFT 08/15 CLOSURE WORKS AND REHABILITATION OF THE ONSLOW LANDFILL

MINUTE: 11959

FILE REFERENCE: CM08.15

AUTHOR'S NAME AND POSITION: Michelle Tovey
Project Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 2 May 2015

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The Shire of Ashburton intends to close and rehabilitate the existing Onslow landfill site. The tender for this work (RFT 08/15) was released on 22 April and closed on 13 May 2015.

Seven tender submissions were received. Following evaluation of these submissions, it is recommended that Council authorise the Chief Executive Officer to award the contract to the preferred tenderer, Ertech Pty Ltd.

Background

The current Onslow Landfill, located on Lot 302 Macedon Road, is reaching the end of its operational life. As the population continues to grow and waste from the LNG industry rises, the facility will not be able to cater for the waste disposal needs of the town.

Furthermore, the surrounding land development and Onslow Ring Road is encroaching on the existing landfill facility, posing land use conflicts. As a result the current Onslow Landfill is scheduled to cease operations in the near future and be rehabilitated to best practice standards.

Talis Consultants were commissioned to prepare an Onslow Landfill Rehabilitation and Post-Closure Management Plan. This provides the Shire with a clear direction for the remaining landfilling operations at the Site, the works required to accommodate the Onslow Ring Road Development, and the Landfill Rehabilitation and Post-Closure Management requirements.

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This Rehabilitation Plan also includes detailed design drawings and an appropriate closure profile and landfill capping system to ensure that long term environmental impacts associated with the landfilling activities are controlled in accordance with best practice.

The Rehabilitation Plan was utilised as the basis for Request For Tender 08/15 Closure Works and Rehabilitation of the Onslow Landfill. This tender was released on 22 April 2015 and closed on Wednesday 13 May 2015. The Shire evaluated the submissions in conjunction with Talis Consultants (the design engineers for the project) and intends to award the tender to the Contractor who offers the most value for money and best addresses the selection criteria and demonstrates their ability to undertake this contract.

The selection criteria were varied under delegation (DA-06-2) from that in FIN14 as the original selection criteria were not appropriate for this project. The advertised selection criteria for this project were;

- Relevant Experience – 40%
- Demonstrated Understanding and Project Programme – 30%
- Key Personnel and Sub-Contractors – 20%
- Resources – 10%
- Price - non weighted

It is important to note that Price was non-weighted in this evaluation. This means the evaluation was a multi-staged process;

1. Compliance Check
2. Qualitative Assessment based on Selection Criteria
3. Price / Value For Money Assessment
4. Overall Assessment based on the above.

Price being non-weighted is a useful approach to evaluating tenders and is recognised by WALGA in its procurement guidelines. In this instance, the qualitative score and ranking is only the first step of this process rather than being the final result.

Once the tenders were ranked by the qualitative score, the evaluation panel then made a value judgement as to the cost affordability, qualitative ranking and risk of each Tender, in order to determine the Tender which is most advantageous to the Principal.

This process allowed the Shire to determine tender “elasticity” when considering price and qualitative score (i.e. to determine the value that is placed on the qualitative score and the value that is placed on price/value for money).

An evaluation of the price schedules was also undertaken. The price schedule evaluation had the following objectives:

- Assess the lump sum fee for each Tenderer;
- Verify that the quoted costs added up correctly in each of the Submissions; and
- To identify any significant rates that were considered abnormally low/high in respect to the average and anticipated rate of all Submissions.

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Seven contractors submitted tenders, with three of these also submitting alternative tenders, whereby they also offered a solution that differed slightly from the Shire's Specification. The tender submissions were evaluated as outlined below.

Conforming Submission Assessment		
Tenderer	Final Score	Lump Sum Fee (ex GST)
Ertech	74	\$ 4,472,579.54
Ngarda	57	\$ 4,726,038.26
Marniyarra	53	\$ 5,147,986.00
BGC	53	\$ 4,981,328.76
NTC	52	\$ 6,636,251.39
Central	48	\$ 5,559,751.48
AK Evans	28	\$ 2,906,561.00

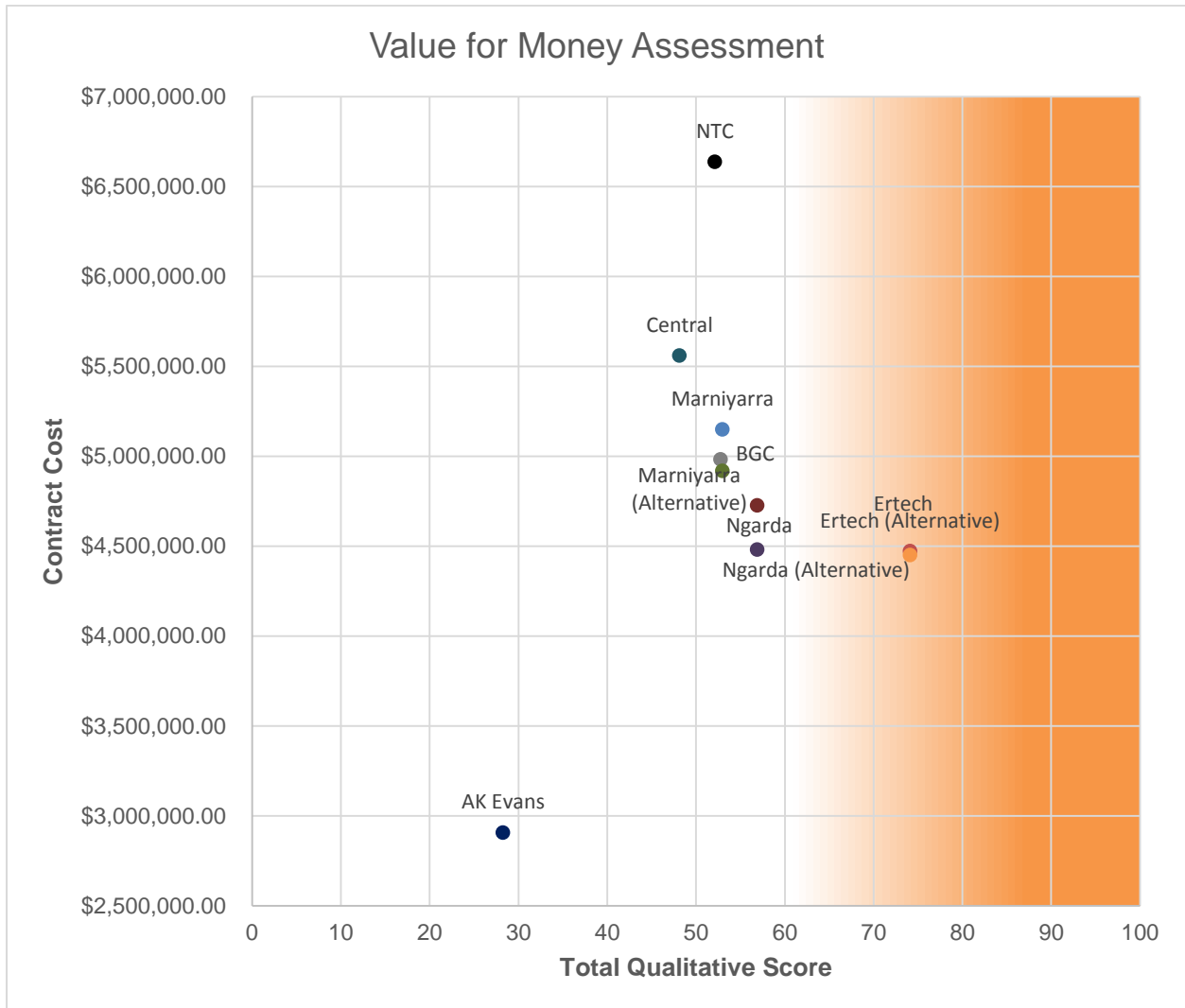
Alternative Submission Assessment		
Tenderer	Final Score	Alternative Tender Lump Sum Fee
Ertech	74	\$ 4,450,261.42
Ngarda	57	\$ 4,481,033.62
Maniyarra	53	\$ 4,918,358.00

Ertech received the highest qualitative score (74 out of 100) of all submissions, 17 points greater than the second placed submission (Ngarda). AK Evans received a low qualitative score of 28 which illustrates that its submission did not adequately satisfy a variety of the qualitative criterion.

The evaluation panel then assessed the submissions for price and value for money. The Price Schedule Evaluation showed AK Evans submitted the lowest Tendered Price of \$2.9Million, which is approximately \$1.5M less than the next lowest price of Ertech (\$4.5M). All other prices submitted ranged from \$4.7M to \$6.6M.

The graph below depicts value for money and the relationship between price and qualitative score for each tenderer.

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The scatter graph shows that Ertech have scored highest on the Qualitative Evaluation, 17 points ahead of the next highest qualitative score of Ngarda. This is reflective of Ertech’s substantial experience in working on similar projects and their exceptional demonstrated understanding of the project. In addition, Ertech proposed to only subcontract the fence works which further minimises risks of time delays on the project. All other tenderers proposed to sub-contract additional areas of the project.

Ertech’s price was second lowest of all prices tendered, and lowest of the tenderers that achieved a qualitative score in excess of 48 points. As outlined previously, AK Evan’s submitted the lowest tendered price for the project. However, they achieved a qualitative score of 28 which is significantly lower than that of all other submissions. This raised concerns within the review panel regarding the acceptability of AK Evan’s submission, its understanding of the project and capability to deliver the works required.

Comment

The timing of this project necessitates award of this tender at May Ordinary Meeting of Council. This is primarily to allow for preliminary excavation works to be undertaken at the site prior to the commencement of the construction of the Onslow Ring Road in July. The Onslow landfill project timing is as follows;

Tender Close – Wednesday 13 May

Tender Evaluation & Recommendation – Thursday 14 May to Tuesday 19 May

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Tender Award – Wednesday 20 May
Contract Formation and Pre-Mobilisation Planning – 21 May to 1 June
Contractor Mobilisation – June 2015
Project Construction – June to October 2015

Consultation

Director, Waste Management – Talis Consultants

Chief Executive Officer
Executive Manager – Infrastructure Services
Manager Procurement
Manager Technical Services

Statutory Environment

Complies with all statutory requirements.

Financial Implications

The preliminary excavation works that will be completed under this Contract prior to the commencement of the construction of the Onslow Ring Road will be funded through an endorsed Project Implementation Plan (PIP) under a State Development Agreement with Chevron. This will account for up to \$1,268,975 of income and expenditure within the project.

Of the remaining \$3,800,000 to be funded by the Shire, \$300,000 has already been allowed for in the 2014/15 Annual Budget, with the remainder to be budgeted for in 2015/16.

Whilst the 2015/16 Annual Budget hasn't been adopted by Council, this expenditure is outlined in the Long Term Financial Plan 2015-2030 under Forecast Capital Projects (Onslow Landfill 2015/16 - \$3,500,000). This document was adopted at the 18 March 2015 Ordinary Meeting of Council. Furthermore, the Onslow landfill rehabilitation is listed in the Corporate Business Plan as a funded strategic capital project as it is anticipated that this project will be funded through reserves.

Strategic Implications

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

Risk Management

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

Policy Implications

FIN12 Purchasing and Tender Policy
FIN14 Tender Assessment Policy

Voting Requirement

Simple Majority Required

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Recommendation

That Council:

1. Endorse (Name of Tenderer) as the successful tenderer (detailed recommendation to be provided following evaluation of tender submissions); and
2. Include in the 2015/16 financial year budget, sufficient funds to progress this project for that financial year (anticipated to be approximately \$3.5m funded via a loan).

1.58pm Council Decision

MOVED: Cr Foster

SECONDED: Cr Rumble

That Council adjourn for five minutes to allow time for Councillors to read the updated agenda item.

CARRIED 8/0

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

2.03pm Council Decision

MOVED: Cr Fernandez

SECONDED: Cr Foster

That Council reconvene the meeting.

CARRIED 8/0

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

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Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Dias

That Council:

1. Endorse Ertech Pty Ltd as the preferred tenderer for RFT 08/15 Closure Works and Rehabilitation of the Onslow Landfill;
2. Authorise the Chief Executive Officer to award the Contract for RFT 08/15 to Ertech Pty Ltd to a value not exceeding \$4,472,579.54 (ex GST);
3. Authorise the Chief Executive Officer to approve variations up to 10% of the contract sum; and
4. Include sufficient funds in the 2015/16 Annual Budget to progress this project.

CARRIED 6/2

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

Reason for Change: The original report could not be completed with an Officer Recommendation before the Agenda was distributed, due to the closure timeline of the Tender. An updated report and Officer Recommendation was provided on the day of the Meeting. The Officer Recommendation was after due consideration, endorsed by Council.

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15.2 ENDORSEMENT OF A DEED BETWEEN LANDCORP AND SHIRE OF ASHBURTON FOR THE PROVISION OF FILL MATERIAL FOR THE CLOSURE OF THE ONSLOW LANDFILL

MINUTE: 11951

FILE REFERENCE: WM07

AUTHOR'S NAME AND POSITION: Michelle Tovey
Project Officer

NAME OF APPLICANT/RESPONDENT: LandCorp

DATE REPORT WRITTEN: 7 May 2015

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The Shire of Ashburton intends to close and rehabilitate the existing Onslow landfill site. This project requires approximately 84,000m³ of fill material to be imported to the site.

The Shire has sourced approximately 19,000m³ of fill material from its own reserves. In addition, LandCorp has agreed (subject to a range of conditions) to make the fill material stockpiled to the northwest of the Stage 1 Subdivision development in Onslow available through a Deed between LandCorp and the Shire. This would allow for the timely completion of the Onslow landfill rehabilitation works.

Background

The current Onslow Landfill, located on Lot 302 Macedon Road, is reaching the end of its operational life. As the population continues to grow and waste from the LNG industry rises, the facility will not be able to cater for the waste disposal needs of the town.

Furthermore, the surrounding land development and Onslow Ring Road is encroaching on the existing landfill facility, posing land use conflicts. As a result the current Onslow Landfill is scheduled to cease operations in the near future and be rehabilitated to best practice standards.

Following cessation of landfill operations, a fully engineered capping system will be installed on the landfill in accordance with best practice. This work will commence in June 2015 and be completed by late 2015, in order to minimise future emissions and impacts from the landfill and to facilitate development of the surrounding lands.

Modelling of the proposed closure design based on a January 2015 survey of the landfill has indicated the fill material requirement for the landfill closure is 84,000m³. The Shire has therefore been actively seeking sources of material for the capping works within reasonable proximity to the landfill. A breakdown of the current sources identified is presented in the

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table below. Main Roads WA have also indicated that there may be a surplus of up to 15,000m³ from the Ring Road project available to the Shire but the timing or volume is not yet certain.

Source	Volume of Fill Material (m ³)
Shire – Drainage Basin Reserve	14,500
Shire – Borrow Pit	4,500
LandCorp Stockpiles	65,000
Total Volume	84,000

The provision of the 65,000m³ of fill material from the stockpiles is dependent upon the execution of a Deed (see draft at **ATTACHMENT 15.2**) between LandCorp and the Shire. LandCorp has estimated the fill material to be valued at \$3 million and have proposed the financial impact can be offset with the provision of the following support from the Shire;

1. The Shire continues to prioritise the closure and remediation of the tip site.
2. Fill removal to comply with location and finished levels stipulated/approved by LandCorp.
3. The Shire will obtain all approvals required and will cover directly, or through waiver of future Shire fees, any of LandCorp's consultants costs (if any) associated with determining and setting out locations and finished levels of fill extraction areas.
4. The Shire will make available, at no cost to LandCorp, up to 65,000m³ of fill material at geotechnical specifications similar or superior to the fill removed upon request.
5. In addition, a further volume of fill is to be made available also at no cost to LandCorp to offset the costs of extraction and transport, based on recognised market rates at the time.
6. The Shire re-vegetates and stabilises the Stage 2 extraction area, or any other agreed extraction area, under LandCorp's control immediately upon the fill being removed and is responsible for dust management of the extraction area until it is permanently stabilised.
7. The Shire to jointly manage dust with LandCorp at Barrarda Estate. Responsibilities extend to the Shire and LandCorp jointly managing community complaints regarding dust management.
8. The Shire to install LandCorp supplied street trees for new residents in Barrarda Estate Stage 1 once houses are built and maintain them for two years.
9. The Shire and Main Roads WA to resolve the issue of standing drainage water between Shanks Road and Beadon Creek Road as this is not within LandCorp's Barrarda Estate development area.
10. The Shire to advance clearances for Stage 1C via a roads/infrastructure-only Deposited Plan in July 2015 (excluding residential lots) and then the remaining residential lots on a further Deposited Plan once the water and power connections are granted in early 2017.

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Comment

In order to fulfill the above responsibilities pertaining to the provision of fill material to LandCorp at a later date the Shire would, amongst other things, need to establish a borrow pit in Onslow. This development would benefit the Shire through facilitating the completion of other Shire projects in the region and is therefore considered advantageous.

General conditions (1) to prioritise the tip closure/remediation; (2) compliance with expected finish levels; (3) to obtain all necessary approvals; (4) replace fill utilised by the Shire; and (6) control dust, are all what could be described as “standard conditions” to such an agreement and are considered acceptable.

It is to be expected that LandCorp might desire a “premium” for allowing the Shire to access fill that might be required in the future by itself. Deed conditions to do with (5) offsetting extraction costs; (7) managing dust from the Barrarda Subdivision; (8) planting and maintaining of Barrarda Estate trees; (9) dealing with Onslow Road’s road drainage; and (10) provision of advance clearances, require clarification and perhaps further negotiation before any Deed can be signed off. To that extent, it is suggested that the CEO progress these discussions with LandCorp and secure an agreement that is mutually acceptable to both parties for ultimate sign-off by the Shire President and CEO (on the Shire’s behalf).

Consultation

Talis Consultants – Director, Waste Management
Department of State Development – Executive Director, Strategic Infrastructure (Resources and Industry Development)

Chief Executive Officer
Executive Manager – Infrastructure Services
Manager Technical Services

Statutory Environment

Complies with all statutory requirements.

Financial Implications

Clauses 1 through 6 (noting that portion of clause 5 requires further negotiation) as outlined above relate directly to the closure of the landfill. The costs of fulfilling these requirements will be included in the budget for the closure of the landfill.

The remaining clauses as outlined above, require further negotiation but if they remain unchanged, will result in a financial impost of some type upon the Shire (mostly as a direct financial or a staff resource cost). Clause (5) offsetting extraction costs will require the Shire to give up borrow pit resources; (7) managing dust from the Barrarda Subdivision will require staff resources; (8) planting and maintaining of Barrarda Estate trees will require two years of staff time and plant resources plus water costs; (9) dealing with Onslow Road’s road drainage does not necessarily require any financial contribution by the Shire, but it will require staff resources to lobby MRWA to resolve the issue (it does though, formalise Landcorp’s “non-involvement” with this drainage issue).

Strategic Implications

Goal 04 - Distinctive and Well Serviced Places
Objective 01 – Quality Public Infrastructure
Objective 02 – Accessible and Safe Towns
Objective 03 – Well Planned 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 associated with not executing this Deed and securing the fill material is considered to be "High". The high level of risk is being driven by the high financial value of the Onslow Landfill Closure project and also the risk to the Shire's reputation in the event that this project cannot be delivered as scheduled. As a high risk matter, the Chief Executive Officer and Executive Manager Infrastructure Service are monitoring progress.

On the other hand, the perceived level of risk associated with executing this Deed is considered to be "Medium" and will be managed by specific monitoring and response procedures. The medium level of risk is primarily being driven by the financial implications of fulfilling the commitments of the Deed.

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. Agrees in principle to a Deed between LandCorp and the Shire of Ashburton, with mutually agreeable conditions, that allows access to a LandCorp soil resource (required to assist in the closure and remediation of the Onslow Landfill Site);**
- 2. Authorise the Chief Executive Officer to negotiate the Deed conditions;**
- 3. Authorise the Shire President and Chief Executive Officer to execute the finalised Deed; and;**
- 4. Authorise the Chief Executive Officer to fulfill the requirements of the Deed.**

CARRIED 8/0

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

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16. STRATEGIC AND ECONOMIC DEVELOPMENT REPORTS

16.1 ESTABLISHMENT OF A COMMERCIAL LEASE FOR THE ONSLOW AIRPORT TERMINAL KIOSK, LOT 16 ONSLOW ROAD, ONSLOW

MINUTE: 11952

FILE REFERENCE: TT06

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

NAME OF APPLICANT/
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 29 April 2015

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

A suitably qualified and experienced company or individual is required to enter into a Commercial Lease for the operation of food and beverage services at the Onslow Airport Terminal Kiosk.

With the present high volumes of flight arrivals and departures servicing the resource sector, tourism and the Onslow community, Council endorsement is sought for Delegated Authority to be awarded to the Chief Executive Officer to negotiate the terms and execute an appropriate Commercial Lease Agreement for the operation of the kiosk.

Background

Regular arrival and departure services are being conducted by Airline operators Virgin Regional Airlines P/L, Mr EJ Roulston, Chrishine Nominees P/L and Karratha Flying Services P/L at the Onslow Airport Terminal. It is projected that passenger volumes could reach approximately 200,000 per year while the Wheatstone gas plant is under construction.

The Onslow Airport Terminal was designed to include a kiosk and an appropriate operator is therefore required to lease the kiosk and provide food and beverage services to terminal patrons commencing in July 2015.

Comment

Whilst the operational model will need to alter as terminal usage patterns change, with present high numbers of users it is likely there will be commercial interest in operating the Airport Kiosk (possibly in partnership/cooperation with another airport contract/service).

A valuation provided by Griffin Valuation Advisory in September 2014 advises that the 16m² kiosk will achieve a rental fee of \$6,000 p/a. This amount will be considered when negotiating the annual lease fee, but as highlighted above, rents achievable will be directly

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related to the number and type of airport patronage (and their willingness to utilise the service).

Essential terms to be included in the Commercial Lease include, but are not limited to:

- Lessee compliance with relevant food legislation;
- Kiosk fit out and equipment is the responsibility of the Lessee;
- The annual lease fee is inclusive of all outgoings – water, electricity and rubbish costs;
- Operation hours at a minimum must be 1 hour prior to flight arrivals and 30 minutes after flight departure;
- Cleaning of the kiosk and alfresco furniture is the responsibility of the Lessee;
- The Lessee and all personnel must complete all site inductions and adhere to all security requirements;
- Three Shire owned vending machines will be incorporated into the lease, at a fee, as the Lessee's responsibility.

A menu and price list must be submitted by applicants and will be considered along with the proposed annual lease fee.

The lease agreement will be for a period of two years with a further optional term of one year (by mutual agreement and a condition that kiosk supplies and service delivery standards are acceptable to the Shire).

To allow the Lessee suitable time to procure equipment prior to the proposed 1 July 2015 commencement date, which coincides with passenger and baggage screening services, endorsement to delegate authority to the Chief Executive Officer to negotiate the terms and execute the lease for the kiosk is sought.

The proposed lease agreement will be advertised for public comment as per Section 3.58 'Disposing of Property' of the Local Government Act 1995, for not less than 2 weeks. Council endorsement is sought to allow the Chief Executive Officer to negotiate the terms of the lease agreement, advertise the proposal for public comment and execute the lease agreement if no comment is received.

Consultation

Executive Manager, Strategic & Economic Development
Airport Manager, Infrastructure Services

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

The income generated through the annual lease fee will be captured in the 2015/16 budget.

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 02 – Enduring Partnerships

Objective 01 - Strong Local Economies

Objective 02 – Enduring Partnerships with Industry and Government

Goal 04 – Distinctive and Well Serviced Places

Objective 01 – Quality Public Infrastructure

Objective 02 – Accessible and Safe Towns

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

Absolute Majority Required

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr P Foster

That Council:

- 1. Endorse the proposal to lease the Onslow Airport Kiosk (in accordance with Section 3.58 'Disposing of Property' of the Local Government Act 1995);**
- 2. Delegate Authority to the Chief Executive Officer to negotiate the terms of the Lease Agreement with a kiosk operator at the Onslow Airport Terminal (including the best practicable annual lease fee and other clauses generally in accordance with the terms outlined in this report) 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 8/0

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

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16.2 ESTABLISHMENT OF A COMMERCIAL LEASE FOR RESERVE 38264 BEING LOT 85 ONSLOW ROAD, ONSLOW

MINUTE: 11953

FILE REFERENCE: RC38264

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

**NAME OF APPLICANT/
RESPONDENT:** Alex Baldwin

DATE REPORT WRITTEN: 5 May 2015

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

Onslow resident Alex Baldwin has requested the Shire investigate potential lots for lease suitable for the agistment of two horses. Lot 85 on Deposited Plan 215492, being Reserve 38264 has been identified by Shire Officers as the most suitable.

Council endorsement of this request is sought to proceed with negotiating a lease, advertising for public comment and delegating authority to the Chief Executive Officer to execute a Commercial Lease Agreement.

Background

Onslow resident Alex Baldwin has requested the Shire investigate potential lots for lease suitable for the agistment of two horses. Lot 85 on Deposited Plan 215492, being Reserve 38264 has been identified by Shire Officers as the most suitable.

Council endorsement of this request is sought to proceed with negotiating a lease, advertising for public comment and delegating authority to the Chief Executive Officer to execute a Commercial Lease Agreement.

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Comment

Leasing of Shire managed Reserves to individuals is not common practice. Five Shire managed Reserves with 'equestrian purposes' are currently vacant in Onslow. Granting a commercial lease of the lot will generate a small income while promoting the Shire of Ashburton's Community Strategic Plan 2012 - 2022 Goal 1 Active and Vibrant Communities, Objective 2 Active People, Clubs and Associations.

Support has been received from the Department of Lands regarding the proposed commercial lease of the Reserve for equestrian purposes.

Usual expenses occurred when negotiating a lease, such as: survey, valuation, advertising and administrative costs, will be borne by the lessee along with any fencing requirements. Any improvements to the lot would be subject to necessary Shire approvals.

In the event Council supports this proposal a valuation would be procured with the rental amount set accordingly.

The lease agreement will be for a period of one year with two further (by mutual agreement) optional terms of one year.

The proposed lease agreement will be advertised for public comment as per Section 3.58 'Disposing of Property' of the Local Government Act 1995, for not less than 2 weeks. Council endorsement is sought to allow the Chief Executive Officer to negotiate the terms of the lease agreement, advertise the proposal for public comment and execute the lease agreement if no comment is received.

The North East corner of the lot has an unapproved laydown area. The Shire's Compliance Officer is addressing this unauthorised use and it is expected this will be rectified promptly.

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Consultation

Facilities Manager – Community Development
Temporary Project Officer – Community Development
Principal Planner – Development and Regulatory Services
Executive Manager – Development and Regulatory Services

Statutory Environment

Section 18 ‘Crown land transactions that need Minister’s approval’ of the Land Administration Act 1997, requires the Minister for Lands approval of the lease.

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

There are no known meaningful financial implications relative to this matter in excess of officer time and minor administrative costs. Costs associated with preparing the (e.g. legal costs) lease will be borne by the lessee.

The income generated through the annual lease fee will be captured in the 2015/16 budget.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 01 – Vibrant and Active Communities
Objective 01 – Connected, Caring and Engaged Communities

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

Absolute Majority Required

Council Decision

MOVED: Cr L Rumble **SECONDED:** Cr C Fernandez

That Council:

- 1. Delegate Authority to the Chief Executive Officer to negotiate the terms of the Lease Agreement with Alex Baldwin for Lot 85 Onslow Road, Onslow, generally in accordance with the terms outlined in this report, and advertise the proposal for public comment; and**
- 2. 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*, pending approval from the Minister for Lands.**

CARRIED BY ABSOLUTE MAJORITY 8/0
Crs White, Rumble, Dias, Wright, Thomas, Foster, Bloem and Fernandez voted for the motion.

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16.3 OUTCOME OF MEMORANDUM OF UNDERSTANDING WITH LANDCORP TO INVESTIGATE THE DELIVERY OF THE ONSLOW LIGHT INDUSTRIAL DEVELOPMENT AND ESTABLISHMENT OF COMMERCIAL LEASES FOR LOT 9000 ONSLOW ROAD, ONSLOW

MINUTE: 11954

FILE REFERENCE: ONS.9000

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 20 April 2015

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

PREVIOUS MEETING REFERENCE: 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 .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

In accordance with Council's resolution from the Ordinary Meeting of Council on 19 November 2014, LandCorp's assistance was sought to propose options for the development of the proposed Mixed Business zoned land on Lot 9000 Onslow Road, Onslow.

After analysis of various options, LandCorp has presented its findings for Council's consideration:

1. LandCorp seeks the Shire's endorsement to expand its investigations to include additional options for new light industrial lots within Onslow;
2. Landcorp is available to assist the Shire with preparing funding applications to support the Onslow LIA development project;
3. LandCorp suggests the Shire considers leasing areas of the Airport Light Industrial Area project, subject to a strategy permitting future development around lease areas, to expedite and attract new investment into industrial activity in Onslow;
4. Subject to rezoning and a positive feasibility, LandCorp will consider the progression and pre-release of composite industrial lots at Barrarda Estate; and
5. LandCorp invites the Shire to participate in a joint Expression of Interest process to identify potential light industrial land users.

Council support is requested to proceed with LandCorp's recommendations.

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Background

Request for Tender for the sale and consequent Mixed Business subdivision of Lot 9000 was advertised on 6 September 2014. With no suitable tenders received, Council supported the commencement of dialogue between Shire Officers and LandCorp in view of securing a suitable development model.

A Memorandum of Understanding was executed in January 2015 between the Shire of Ashburton and LandCorp to investigate the most feasible method of developing a Mixed Business development of Lot 9000, Onslow.

During this investigation, LandCorp reviewed all available information and determined further investigation is required to identify a financially viable alternative. LandCorp seek endorsement to extend their investigations to include further options for developing the Mixed Business zoned LIA by the end of May 2015.

ATTACHMENT 16.3

Comment

Landcorp proposes to investigate different development options of the Mixed Business area at the Onslow Airport (referred to as the Light Industrial Area) and may suggest an alternative to provide the timely release of serviced commercial lots assisting in the stimulation of economic growth by attracting new investment into commercial activity in Onslow.

As there is an immediate need for commercial lots, a valuation has been sought to lease the unserviced lots adjacent to the current airport road. Preserving the surrounding land for future development is essential, and was considered when identifying suitable lot configurations for lease.

A commercial valuation was undertaken by Independent Valuers of Western Australia in May 2015. The indicative rental amount per sqm is determined to range from \$5.43 - \$10.91 (exclusive of GST). This valuation will be applied in negotiating new lease agreements for the Mixed Business lots, including the area Morgan & Co hangars are situated on. One year leases with two further one year options (on mutual agreement) would form terms of the lease to give the Lessee surety while providing the Shire the ability to develop the lots as required.

Permission was given to Morgan & Co in January 2015 for the hangars on their existing lease to remain until development required removal. The location of the hangars does not impede the development of the Airport airside lots. As development options are still being explored, it is proposed a formal lease agreement be negotiated with Morgan & Co in accordance with the rates to be applied to the new lots.

Amendment 15 to the Shire of Ashburton Town Planning Scheme No. 7 was lodged to WAPC in March 2015. This amendment will rezone the proposed subdivision from 'Public Purposes - Airport' to 'Mixed Business' permitting a wider range of commercial, light and service industries, and storage uses.

LandCorp's experience in obtaining funding through Royalties for Regions sources have the potential for creating a positive cash flow for the project, although any future return should not be anticipated prior to the end of 2016.

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LandCorp have offered to partner the Shire in conducting Expressions of Interest for the Mixed Business zoned land at the Onslow Airport. This will assist in compiling a detailed

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business case through identification of potential users and subdivision configuration requirements.

A feasibility study for the pre-release of light industrial lots in Barrarda Estate (lots fronting Onslow Road) is currently being undertaken by LandCorp. Rezoning and subdivision approval is required along with pre-sales to ensure positive feasibility. Any proposed use of the lots would be subject to Shire of Ashburton Planning and Building approvals. The availability of alternative commercial lots for lease at the Onslow Airport may influence the feasibility study as the market demand may be reduced. LandCorp will investigate this option further if lots are not released for lease at the Onslow Airport Mixed Business zoned land.

Consultation

LandCorp

Executive Manager – Strategic and Economic Development

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.

Planning and Development Act 2005

Town Planning Regulations 1967

Shire of Ashburton Town Planning Scheme No. 7

Financial Implications

Allocation has been made in the budget for Design and Plan Expenses for the Onslow Mixed Business development. Costs will be minimised by utilising Shire Administration resources to draft the lease lots plan. Survey costs to peg the lots will be recuperated through lease fees.

Adjustments to expected expenditure and income will be made through the Budget Review process as required.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 02 – Economic Prosperity

Objective 01 – Strong Local Economies

Objective 02 – Enduring Partnerships with Industry and Government

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".

The high level of risk is being driven by the unknown financial value of this project and the risk to the Shire's reputation in the event that this project cannot be delivered or progressed to a successful outcome for the Shire and Onslow Community. As a high risk matter, the Executive Manager of Strategic and Economic Development is monitoring progress.

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Absolute Majority Required

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Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Rumble

That Council:

1. Authorise the Chief Executive Officer to request LandCorp expand its investigations to include additional options for new Mixed Business lots at the Onslow Airport;
2. Authorise the Chief Executive Officer to liaise with LandCorp to prepare funding applications to support the Onslow Airport Mixed Business development project;
3. Delegate Authority to the Chief Executive Officer to negotiate lease agreements for the Onslow Mixed Business lots, including Morgan & Co, for a period of 1 year with further two x 1 year options, and an annual rental fee amount based on the valuation provided.
4. Should no adverse public comment be received after local public notice as per s3.58 of the *Local Government Act 1995*, authorise the Shire President and/or Chief Executive Officer sign the Leases Agreements and if required, to affix the Common Seal of the Shire of Ashburton. .
5. Authorise the Chief Executive Officer to enter into a joint Expression of Interest process with LandCorp to identify potential light industrial land users and their configuration and service requirements.

CARRIED BY ABSOLUTE MAJORITY 8/0

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

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16.4 OCEAN VIEW CARAVAN PARK - CONCEPT MASTER PLAN AND BUSINESS PLAN, LOT 3001, RESERVE 24405, ONSLOW

MINUTE: 11958

FILE REFERENCE: RC24405

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 8 May 2015

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

PREVIOUS MEETING REFERENCE: Agenda Item 11.3 (Minute 11924) – Ordinary Meeting of Council 18 March 2015
Agenda Item 11.3 (Minute 11839) – Ordinary Meeting of Council 20 August 2014
Agenda Item 11.3 (Minute 11824) – Ordinary Meeting of Council 16 July 2014
Agenda Item 11.3 (Minute 11812) – Ordinary Meeting of Council 18 June 2014
Agenda Item 11.3 (Minute 11794) – Ordinary Meeting of Council 21 May 2014
Agenda Item 16.1 (Minute 11784) – Ordinary Meeting of Council 16 April 2014
Agenda Item 16.2 (Minute 11775) – Ordinary Meeting of Council 19 March 2014
Agenda Item 13.5 (Minute 11664) – Ordinary Meeting of Council 16 October 2013
Agenda Item 18.3 (Minute 11297) – Ordinary Meeting of Council 19 September 2012
Item 17.3 (Minute 11267) – Ordinary Meeting of Council 15 August 2012

Summary

At the Ordinary Meeting of Council held on 19 March 2014 it was resolved to “form a Committee of Council to oversee and workshop the master plans for the Ocean View Caravan Park Onslow and report back to Council...” The Committee has met regularly to workshop and develop a brief for the redevelopment of the facility, and review concept designs produced by MI Engineers. The concept Master Plan, including staging and estimated costs, is now presented for Council’s consideration.

In accordance with Section 3.59 of the Local Government Act 1995 “Commercial enterprises by local governments” a business plan outlining the proposed development and operation of the facility by the Shire of Ashburton is required to be prepared and advertised for six weeks, seeking public comment. The proposed business plan is also presented for Council’s endorsement.

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Background

Ocean View Caravan Park is located on a Crown Reserve vested in the Shire of Ashburton for its care, control and management. The property is more properly described as Lot 3001 on Plan 48469, Reserve 24405, Onslow.

In September 2012 the Shire of Ashburton resumed full control and management of the Ocean View Caravan Park following the expiration of the previous lease between the Council and the former operator.

Following the Council assuming management responsibility, it was concluded that the caravan park required substantial works in order to meet statutory obligations and compliance requirements for caravan parks, to provide both a higher quality of accommodation options and a variety of accommodation options to better meet the needs of a diverse range of caravan park users as well as to upgrade essential services and facilities that have been unable to meet peak load demands.

In response to these identified requirements, the Shire engaged the services of Brighthouse Consultants to prepare a Master Plan and subsequently a Business Case and Management Guideline to inform this project.

The Master Plan and Business Case prepared by Brighthouse were presented in a Councillor's Workshop held on 19 February 2014, and formally considered by Council at the Ordinary Meeting held on 19 March 2014. At this time Council resolved to:

"form a Committee of Council to oversee and workshop the master plans for the Ocean View Caravan Park Onslow and report back to Council with recommendations including and considering:

- *Applying for funding from Royalties for Regions Infrastructure Fund for the upgrades to power, water and sewage and to liaise with Tourism WA to apply for grants for ablution blocks; and*
- *Allocating the \$200k in the budget on the purchase of a manager's house."*

A committee was formed by Councillors White, Fernandez, Eyre and Thomas to undertake the responsibilities outlined in Council's resolution. Investigation into the availability of funding from Royalties for Regions Infrastructure Fund found that local government operated parks were not eligible, which was reported to Council at the Ordinary Meeting held on 18 June 2014.

On 4 September 2014 a workshop was conducted for the project management consultant, Committee members, utility providers, relevant officers and the caravan park managers to review the condition of the existing park, consider the outcomes of previous consultations with park residents, statutory requirements, and prepare the brief for a revised master plan, including the managers residence, which considers staging the required works.

MI Engineers were engaged in January 2015 through a public tender process, to undertake the design and staging of the Master Plan based on the brief produced by the workshop. The concept Master Plan, staging and estimated project cost were reviewed by the Committee on 17 March 2015 and is now presented for Council's consideration.

ATTACHMENT 16.4

Comment

The concept Master Plan prepared by MI Engineers provides for a two stage redevelopment of the Ocean View Caravan Park, and considers the following requirements:

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- Long term residents and visitors to be accommodated on site throughout the project (to be moved to one end of the park while the other end is upgraded);
- Initial budget of \$4.2 m over two years which will allow Stage 1 to be completed;
- Managers residence, office, one camp kitchen, one new ablution block and four new cabins included in Stage 1, with an additional camp kitchen and ablution block in Stage 2;
- Revised layout including size of bays, road access and public open space to meet compliance requirements

ATTACHMENT 16.4A ATTACHMENT 16.4B

The concept Master Plan provides for the western end of the park to be redeveloped first (closest to the lookout) and the bulk of the improvement works to be included in this stage. The initial cost estimate for this stage is \$4.022 m, however on review it was found that this did not include the replacement of all internal electrical wiring in the park, which will be required upon upgrade of the transformer. The adjusted budget for Stage 1 is therefore around \$4.2 m.

Stage 2, which covers the eastern end of the park, was originally estimated to cost \$2.396 m however moving all electrical wiring works into the first stage will reduce this to around \$2.2 m. Updated budgets were not available at the time of this report however the originals are provided for information which will need the above adjustments.

ATTACHMENT 16.4C ATTACHMENT 16.4D

The costs are subject to detailed design and Tender of the various areas of the project such as civil works, and construction of the new buildings (managers residence, office, ablutions, cabins, etc). Upon completion of the various Tenders value management practices can be incorporated to manage the cost if it is over budget. This can take a number of forms such as reviewing the specifications, investigation alternative products, reducing the number of cabins, etc.

Following endorsement of the concept Master Plan by Council, detailed design will be undertaken to finalise the specifications which can then be used to Tender for the civil works and construction/installation of the new buildings.

It is noted that the Ocean View Caravan Park is located within the 'Onslow Coastal Hazard Area' and therefore Amendment 24 to the Town Planning Scheme No 7 must be considered during the redevelopment of the facility. It is proposed that the Managers Residence and Cabins conform to the 'Residential' requirement of AM24 by incorporating a finished floor level of 5.9m AHD. The detailed design process will take this into account and potentially include undercroft parking or storage below these buildings if required to ensure best practice in design and practice.

Other elements of the caravan park such as camp kitchens and ablutions fit within the Scheme definition of 'holiday accommodation' and are therefore assessed as 'Commercial – non Strategic' under Amendment 24 provisions, requiring a minimum finished floor level of 4.9m AHD. Alternatively, should these built elements of the caravan park be removed prior to 31 December 2040, these may be developed at 4m AHD.

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The detailed design and specification will be referred to the Planning Department as it progresses to ensure the requirements of AM24 are followed whilst ensuring an attractive and accessible facility for users.

Consultation

Councillor White
Councillor Thomas
Councillor Fernandez
Chief Executive Officer
Executive Manager Development and Regulatory Services
Principal Town Planner
HQ Management
MI Engineers
Horizon Power
Water Corporation
Managers, Ocean View Caravan Park

Statutory Environment

The Ocean View Caravan Park is subject to the provisions of the Caravan and Camping Grounds Act 1995 and the Caravan and Camping Ground Regulations 1997. The concept Master Plan produced by MI Engineers complies with these requirements.

The establishment of fees and charges applicable for the Ocean View Caravan Park is subject to the fees and charges provision of the Local Government Act 1995.

The operation of the Ocean View Caravan Park is subject to the provisions of the Health Act 1911 and associated Regulations.

The facility is located within the 'Onslow Coastal Hazard Area' and therefore will require the provisions of Amendment 24 to the Town Planning Scheme No. 7 to be incorporated into the proposed development.

In accordance with Section 3.59 of Local Government Act 1995, a Business Plan providing details of any proposed land transaction over \$2 m, or commercial undertaking over the value of \$500,000 or 10% of the lowest operating expenditure, must be advertised for public comment for a period of not less than six weeks, and any comment received considered by Council, before the transaction is undertaken. A proposed business plan is attached for Council's consideration to comply with this requirement, which if approved can be advertised whilst detailed design is being progressed for the overall project.

The business plan also addresses Section 3.18 (3) of the Local Government Act 1995:

"A local government is to satisfy itself that services and facilities that it provides –

- a) *Integrate and coordinate, so far as practical, with any provided by the Commonwealth, the State or any public body;*
- b) *Do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and*
- c) *Are managed efficiently and effectively".*

ATTACHMENT 16.4E

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Financial Implications

The proposed Master Plan for the redevelopment of the Ocean View Caravan Park will require approximately \$4.2 m to complete Stage 1, and a further \$2.2 m to complete Stage 2.

The 2014/15 Budget provided \$2.2 m for the upgrade of the facility, including a Managers residence. These works were to be funded from the Property Development Reserve.

At the Annual Budget Review the amount was reduced to \$700,000 so planning and design work could be undertaken.

The Long Term Financial Plan did not contemplate this project as there were too many unknowns at the time of its preparation.

Funding for the project could be made available from the Property Development Reserve.

The anticipated balance for the Property Reserve is expected to be \$6.13 m.at 30 June 2015. A breakdown of the reserve is detailed below.

Year	Description	Tom Price	Onslow	Other	Total
2012/13	Opening Balance and Interest Earned			50,320	50,320
	Proceeds from sale of Warara/Yaruga & Pilkena St Land Tom Price	3,500,000			3,500,000
2013/14	Sale of Lot 555 &556 Beadon Creek, Onslow		4,500,000		4,500,000
	TP Industrial Land development	(204,588)			(204,588)
	Expenses				
	Onslow Industrial Land development expense Lot 16	(168,554)			(168,554)
	Onslow Interest Earned			89,970	89,970
2014/15	Forecast 30 June 2015				
	Onslow Caravan Park		(700,000)		(700,000)
	Onslow Airport Industrial Area	(220,000)			(220,000)
	Tom Price Residential Subdivision - Footpath construction	(620,000)			(620,000)
	Tom Price Industrial Area - Boonderoo	(235,000)			(235,000)
	Interest Earned			138,109	138,109
	Forecast 30 June 2015 Balances	2,051,858	3,800,000	278,399	6,130,257

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The Onslow component of the Reserve contains sufficient funds to complete Stage 1 (\$700,000 already allocated and \$3.5 m plus contingency required). If there are insufficient funds from the Reserve to complete Stage 2 of the project (estimated at \$2.2 m), loan funds may need to be considered.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 02 – Enduring Partnerships

Objective 03 – Well Managed Tourism

Risk Management

The proposal has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "High" risk due to the proposed budget, current non-compliance of the facility and potential impact on third parties (inconvenience to residents and park occupants). The project will be monitored by senior management and consultants to manage this risk.

Policy Implications

None identified

Voting Requirement

Absolute Majority Required

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr D Dias

That Council:

- 1. Endorses the concept Master Plan outlining Stages 1 and 2 of the redevelopment of Ocean View Caravan Park;**
- 2. Endorses the Business Plan attached to this report to be advertised for a period of no less than 6 weeks, seeking public comment in response to the Shire's proposal to undertake a major land transaction;**
- 3. If no public comment is received, approves the progression of the Ocean View Caravan Park redevelopment project in accordance with the concept Master Plan and approved budget.**

CARRIED BY ABSOLUTE MAJORITY 7/1

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

Cr Fernandez voted against the motion.

17. COUNCILLORS AGENDA ITEMS / NOTICES OF MOTIONS

17.1 NOTICE OF MOTION IN REGARDS TO THE WESTSIDE COMMUNITY OF TOM PRICE AND PARABURDOO ROAD

FILE REFERENCE: GV17

Cr Peter Foster tabled the following Notice of Motion in regard to the Westside Community of the Tom Price/Paraburdoo Road:

Notice of Motion

Request Council Report on the status of Westside Community of Tom Price – Paraburdoo Road including who owns the land, who resides there and whether it is compliant, to determine Council’s position on this community.

17.1 NOTICE OF MOTION IN REGARDS TO THE ROLE AND IMPLEMENTATION OF THE ABORIGINAL PORTFOLIO

FILE REFERENCE: GV18

Cr Cecilia Fernandez tabled the following Notice of Motion in regard to the Role and Implementation of the Aboriginal Portfolio:

Notice of Motion

Request Council to review the role and implementation of Aboriginal portfolio.

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

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

19. CONFIDENTIAL MATTERS

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

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

(a) a matter affecting an employee or employees;

(b) the personal affairs of any person;

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

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

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

(I) a trade secret;

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

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

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

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

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

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

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

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

(h) such other matters as may be prescribed.

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20. NEXT MEETING

The next Ordinary Meeting of Council will be held on Wednesday 17 June 2015, at the Ashburton Hall, Ashburton Avenue, Paraboradoo, commencing at 1.00 pm.

21. CLOSURE OF MEETING

The Shire President declared the meeting closed at 2.41pm.