

Ordinary Meeting of Council

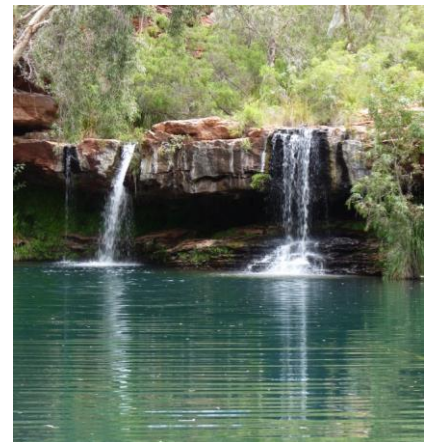
Tom Price



Agenda – Public Document

21 October 2015

Clem Thompson Sports
Pavilion
Stadium Road
Tom Price
1.00p



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

Our Vision

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



Our Mission

Working together, enhancing lifestyle and economic vitality



Community Goals

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

Future Focus

The next four years will see a strong focus on:

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



**SHIRE OF ASHBURTON
ORDINARY MEETING OF COUNCIL**

**AGENDA
(Public Document)**

**Clem Thompson Sports Pavilion, Stadium
Road, Tom Price
21 October 2015
1.00 pm**

AGENDA - ORDINARY MEETING OF COUNCIL 21 OCTOBER 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 21 October 2015 at Clem Thompson Sports Pavilion, Stadium Road, Tom Price commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.

Neil Hartley
CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

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1. **DECLARATION OF OPENING**

Note: As this is the first meeting following the ordinary election conducted on 17 October 2015 the Local Government Act 1995 provides that the Chief Executive Officer will preside over the opening of the meeting and conduct the election for the Office of the Shire President.

1.1 **SWEARING IN OF COUNCILLORS ELECT**

In accordance with section 2.29 of the Local Government Act 1995 Councillors Elect will be sworn in by making the Declaration by an Elected Members of Council (Electoral Form 7).

1.2 **ELECTION OF SHIRE PRESIDENT**

The election of Shire President will be conducted in accordance with Schedule 2.3 of the Local Government Act 1995. The Chief Executive Officer will conduct this election as per clause 4(2) of Schedule 2.3.

In accordance with the Section 2.28 (Item 11) of the Local Government Act 1995 the term of the Shire President ends *when the President is next elected at or after the Local Government's next Ordinary Election*. Therefore, it is necessary to elect the Shire President. The Chief Executive Officer will conduct this election.

After the election the Shire President will make a declaration (Electoral Form 7) in accordance with Regulation 13 (1)(c) of the Local Government (Constitutions) Regulations 1996.

1.3 **ELECTION OF DEPUTY PRESIDENT**

In accordance with the Section 2.28 (Item 12) of the Local Government Act 1995 the term of the Deputy Shire President ends *at the start of the first meeting of the Council after the Local Government's next Ordinary Election*. Therefore, it is necessary to elect the Deputy Shire President. The Shire President will conduct this election as per clause 8(2) of Schedule 2.3.

After the election the Deputy Shire President will make a declaration (Electoral Form 7) in accordance with Regulation 13 (1)(c) of the Local Government (Constitution) Regulations 1996.

2. **ANNOUNCEMENT OF VISITORS**

AGENDA - ORDINARY MEETING OF COUNCIL 21 OCTOBER 2015

3. ATTENDANCE

3.1 PRESENT

Shire President and Deputy Shire President

Cr K White, Shire President - Term Expires when next President is elected (as per Section 2.28 (Item 11))

Cr L Rumble, Deputy Shire President - Term Expires at start of October Council Meeting (as per Section 2.28 (Item 12))

Existing Councillors

Cr D Dias	Paraburdoo Ward
Cr C Fernandez	Tom Price Ward
Cr A Bloem	Tom Price Ward

Councillors Requiring to take Declarations

Cr G Dellar (elected unopposed)	Ashburton Ward
(To be advised following Election Day)	Onslow Ward
(To be advised following Election Day)	Pannawonica Ward
Cr L Rumble (elected unopposed)	Paraburdoo Ward
Cr L Thomas (elected unopposed)	Tableland Ward
Cr P Foster (elected unopposed)	Tom Price Ward

Mr N Hartley	Chief Executive Officer
Mr M Ferialdi	General Manager
Ms A Serer	Executive Manager, Strategic & Economic Development
Ms L Reddell	Executive Manager, Development & Regulatory Services
Mr M Sully	Executive Manager, Community Development
Mr T Davis	Executive Manager, Infrastructure Services
Mrs L Hannagan	A/Executive Manager, Corporate Services
Ms J Smith	Executive Officer
Miss J Forward	CEO & Councillor Support Officer

3.2 APOLOGIES

3.3 APPROVED LEAVE OF ABSENCE

There were no Councillors on approved leave of absence.

4. QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 16 September 2015 no public questions were tabled.

4.2 PUBLIC QUESTION TIME

AGENDA - ORDINARY MEETING OF COUNCIL 21 OCTOBER 2015

5. APPLICATIONS FOR LEAVE OF ABSENCE

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.

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

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

8. PETITIONS / DEPUTATIONS / PRESENTATIONS

8.1 PETITIONS

8.2 DEPUTATIONS

8.3 PRESENTATIONS

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING OF COUNCIL HELD ON 16 SEPTEMBER 2015

Officer's Recommendation

That the Minutes of the Ordinary Meeting of Council held on 16 September 2015, as previously circulated on 22 September 2015, be confirmed as a true and accurate record.

AGENDA - ORDINARY MEETING OF COUNCIL 21 OCTOBER 2015

10. AGENDA ITEMS ADOPTED "EN BLOC"

10.1 AGENDA ITEMS ADOPTED 'EN BLOC'

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

"Part 5 – Business of a meeting

Clause 5.6 Adoption by exception resolution:

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

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11. GOVERNANCE & EXECUTIVE SERVICE REPORTS

11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS SEPTEMBER 2015

FILE REFERENCE:	GV04
AUTHOR'S NAME AND POSITION:	Jasmin Forward CEO & Councillor Support Officer
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	24 September 2015
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 10.1 (Minute: 11477) - Ordinary Meeting of Council 10 April 2013

Summary

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

Background

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

Comment

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

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

ATTACHMENT 11.1

Consultation

Chief Executive Officer
Executive Management Team

Statutory Environment

Not Applicable

Financial Implications

Not Applicable

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

Not Applicable

Voting Requirement

Simple Majority Required

Recommendation

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

Author: Jasmin Forward	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 21 OCTOBER 2015

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

FILE REFERENCE:	GV21
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Officer Susan Babao Administration Assistant Planning
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	24 September 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 September 2015.

Background

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

Comment

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

ATTACHMENT 11.2

Consultation

Relevant officers as listed in the Attachment.

Statutory Environment

Local Government Act 1995

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

Financial Implications

As outlined in Attachment 11.2.

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

ELM 13 – Affixing the Shire of Ashburton Common Seal.

FIN12 – Purchasing and Tendering Policy.

Voting Requirement

Simple Majority Required

Recommendation

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

Author: Janyce Smith Susan Babao	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 21 OCTOBER 2015

11.3 APPOINTMENT OF COUNCILLORS AND STAFF TO COMMITTEES

FILE REFERENCE:	GV02
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	9 October 2015
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Following the Election on the 17 October 2015 Council must appoint Councillors and staff members to various committees on which it is represented.

Background

Being the first Ordinary Meeting of Council following the General Local Government Elections on the 19 October 2015, Council is required to give consideration to appointing Councillors and staff members to various committees on which it is represented.

Comment

Attached to this Agenda is a list of the appointments made at the Special Meeting of Council held on 29 October 2013.

ATTACHMENT 11.3A

Staff have reviewed these Committees, Working Groups and External Committees in an effort to ensure they are up to date and the various groups are detailed in the recommendation.

In respect to Deputies, it is suggested that Council appoint the Councillors who are not members to the Committee as Deputies so they are able to attend and participate in Committee meetings to ensure quorums.

Committees (eg Land Conservation Committees or Development Assessment Panels) where an appointment is for a particular term have been included as the representative's term is current.

It is proposed that the Ocean View Caravan Park Committee (which had the purpose of *'To oversee and workshop the master plans for the Ocean View Caravan Park, Onslow and report back to Council with recommendations.'*) has completed its task and need not be continued (albeit it can be re-established at any time Council decides). Stage One of the upgrade is currently being facilitated, and Stage Two of the upgrade will be facilitated through the 2016/17 budget and the Council meeting system as tenders are awarded.

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The Old Onslow Advisory Group was designed to give direction and advise Council on the management of Old Onslow. It's role was to help set priorities in regards to the conservation and maintenance of the ruins. Council has (in May 2012) endorsed the "Old Onslow Townsite Conservation Plan" (prepared by Gaye Nayton and funded by Chevron) and we subsequently have agreed with the Pilbara Regional Council to coordinate the \$1m "Old Onslow Conservation Works" project. With the Conservation Plan in place, there would seem to be no contemporary need for the Old Onslow Advisory Group to continue, but Council may consider re-establishing the group at some future point in time.

The Occupational Safety & Health Committee is not a Committee of Council but an operational group, therefore no Councillor representation is required.

It has been confirmed by Fortescue Metals Group that its Fortescue Community Working Group is defunct.

Consultation

Chief Executive Officer
Executive Managers

Statutory Environment

Local Government Act 1995, Part 5 Subdivision 2, Sections 5.8 to 5.18
Local Government (Administration) Regulations 1996 – Regulation 4.

A local government may establish (by an absolute majority) committees of three or more persons to assist the Council and to exercise the powers and discharge the duties of the Council. Council may also appoint Councillors to represent it on external committees such as those established by the State Government (e.g., Land Conservation District Committees).

A committee is to have as its member's persons appointed (absolute majority) by the local government to be members of the committee. At any given time each Councillor is entitled to be a member of at least one committee and if a Councillor nominates himself or herself to be a member of such a committee or committees, the local government is to include that Councillor in the persons appointed to at least one of those committees as the local government decides (section 5.10 Local Government Act 1995).

If at a meeting of the Council a local government is to make an appointment to a committee that has or will have a Councillor as a member and the President informs the local government of his or her wish to be a member of the committee, the local government is to appoint the President to be a member of the committee.

Where a person is appointed as a member of a committee the person's membership of the committee continues until:

- The person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;
- The person resigns from membership of the committee;
- The committee is disbanded; or
- The next ordinary election day, whichever happens first.

A committee member may resign from membership of the committee by giving the CEO or the committee's presiding member written notice of the resignation.

AGENDA - ORDINARY MEETING OF COUNCIL 21 OCTOBER 2015

Financial Implications

There are no financial implications relevant to this appointment process, but expenses will be incurred to facilitate attendance at some of the listed meetings (e.g. airfares/accommodation to attend Pilbara Regional Council Meetings).

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 03 – Council Leadership

Risk Management

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

Policy Implications

Council Policy ELM01- Council and other Meetings.

Voting Requirement

Absolute Majority Required

Recommendation

That Council:

1. Confirm that all previous appointments of Councillors and Staff to Shire of Ashburton Committees have expired.
2. Make the following appointment to Committees of Council:

2.1 Audit Committee

Members: Crs _____, _____, _____,

Deputies: All other Councillors

Membership: 4 Councillors

Quorum: 3 Councillors

Purpose: Under the Local Government Act 1995, Local Governments are required to appoint an Audit Committee (section 7.1A of the Local Government Act 1995).

An Audit Committee is to provide guidance and assistance to the Local Government – as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act and as to the development of a process to be used to select and appoint a person to be an auditor and may provide guidance and assistance to the Local Government as to – matters to be audited, the scope of audits, its functions under Part 6 of the Act and the carrying out of its functions relating to other audits and other matters related to financial management. (clause 16 Local Government (Audit) Regulations 1996).

Meeting cycle: At least once annually to recommend the adoption of the Annual Report.

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2.2 Committee on Ageing

Members: Crs _____, _____, _____,
_____, Executive Manager Community Development

Deputies: All other Councillors

Membership: 4 Councillors

Quorum: 3 Councillors

Purpose: To recommend to Council actions regarding the provision of services for the Aged that can be considered for inclusion in the Shire's future Corporate Business Plan.

Meeting cycle: As required.

3. Make the following appointment to Working Groups of Council:

3.1 CEO Performance Review Panel

Members: Crs _____, _____

Deputies: Crs _____, _____

Purpose: Review the CEO's Performance.

Meeting Cycle: Anniversay of the CEO's contract and then biannually or as required.

3.2 Aboriginal Community Working Group

Members: Crs _____, _____, _____

Purpose: To develop a proposal for Council's later consideration, including the suggested role and purpose, membership, meeting frequency and locations, and likely resourcing costs of operating an *Aboriginal Community Committee* and any possible long term budget expectations.

Meeting cycle: As required.

3.3 Bush Fire Advisory Committee

Shire President, Cr _____, Executive Manager, Development & Regulatory Services, Emergency Management Co-ordinator and Fire Control Officers.

Purpose: To enable the communication and coordination of Bush Fire related matters within the Shire as per the Bush Fires Act 1954.

Meeting Cycle: As required

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- 3.4 Onslow Local Emergency Management Committee
Delegates: Crs _____, _____ and Executive Manager,
Development & Regulatory Services.
Deputies: All other Councillors
Membership: Shire of Ashburton _____ (Chairman)

Other representation as per the Emergency Management Act
2006.

Meeting Cycle: As required
- 3.5 Onslow Local Recovery Committee
Delegates: Crs _____, _____ and Executive Manager,
Development & Regulatory Services..
Deputies: All other Councillors
Membership: Shire of Ashburton _____ (Chairman)

Other representation as per the Emergency Management Act
2006.

Meeting Cycle: As required
- 3.6 Shire of Ashburton Inland Local Emergency Management Committee
Delegates: Crs _____, _____, Executive Manager,
Development & Regulatory Services and Emergency
Management Co-ordinator.
Deputies: All other Councillors
Membership: Shire of Ashburton _____ (Chairman)

Other representation as per the Emergency Management Act
2006.
- 3.7 Shire of Ashburton Inland Local Recovery Committee
Delegates: Crs _____, _____, Executive Manager,
Development & Regulatory Services and Emergency
Management Co-ordinator.
Deputies: All other Councillors
Membership: Shire of Ashburton - Emergency Management Co-ordinator
(Chairman).

Other representation as per the Emergency Management Act
2006.
- 3.8 Pannawonica Local Emergency Management Committee
Delegates: Cr _____ and Executive Manager, Development &
Regulatory Services.
Deputies: All other Councillors
Membership: Shire of Ashburton – Emergency Management Co-ordinator
(Chairman)

Other representation as per the Emergency Management Act
2006.

AGENDA - ORDINARY MEETING OF COUNCIL 21 OCTOBER 2015

3.9 Pannawonica Local Recovery Committee

Delegates: Cr _____ and Executive Manager, Development & Regulatory Services.

Deputies: All other Councillors

Membership: Shire of Ashburton / Rio Tinto (Chairman)

Other representation as per the Emergency Management Act 2006.

3.10 Pilbara District Emergency Management Committee

Delegates: Emergency Management and Executive Manager, Development & Regulatory Services.

Deputy: _____

4. Make the following appointments to External Groups:

4.1 Pilbara Regional Council

Delegates: Crs _____, _____

Deputies: Crs _____, _____

In the absence of the above Councillors all other Councillors.

Meeting Cycle: As required

4.2 Regional Road Group

Delegates: Crs _____, _____ and Executive Manager, Infrastructure Services.

Deputies: Crs _____, _____,

In the absence of the above Councillors all other Councillors

NOTE: as this meeting occurs on the same date as the Pilbara Regional Council meeting it's preferable the Delegates are the same.

4.3 Western Australian Local Government Association Pilbara Country Zone

Delegate: Cr _____

Cr _____

Deputies: Cr _____

Cr _____

In the absence of the above Councillors all other Councillors.

Meeting Cycle: As required.

NOTE: as this meeting occurs with the Pilbara Regional Council meeting it's preferable the Delegates and Deputies are the same.

4.4 Development Assessment Panels

Delegate: Cr Dias (expiring 26 April 2017)

Cr _____

Deputies: Cr White (expiring 26 April 2017)

Cr Rumble (expiring 26 April 2017)

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- 4.5 Onslow Tourism and Progress Association
Delegate: Cr _____
Deputy: Cr _____
In the absence of the above Councillors all other Councillors
- 4.6 Ashburton Land Conservation District Committees (LCDC)
Delegate: Cr Dias expires 30 June 2017.
- 4.7 Roebourne/Port Hedland Land Conservation District Committee (LCDC)
Delegate: Cr Thomas expires 31 January 2018.
- 4.8 Lyndon Land Conservation District Committee (LCDC)
Delegate: Kimberly De Pledge (Yanrey Station) expires 31 March 2017.
- 4.9 Onslow Chamber of Commerce & Industry - Committee Member
Delegate: _____
Membership: Can be either a Councillor or Staff Member.
2 year term from AGM (27 October 2015) expires October 2017.
Meeting Cycle: Every 2 months and other events as required.
- 4.10 Onslow Economic Leaders Group - (Onslow Chamber of Commerce & Industry)
Delegate: _____
Delegate: _____
Membership: Can be either a Councillor or Staff Member.
Membership is a 2 year renewable period as an organisation.
Expires April 2017.
Meeting Cycle: Face to face at a time to be determined by the Chair (but not less than two times per year). Interim meetings may be conducted on an as needs basis via teleconference (at the discretion of the Chair or as determined by the representatives).
- 4.11 Onslow Community Garden Management Committee
Delegate: _____
Delegate: _____
Delegate: _____
Department of Education Representatives: _____
Membership: To be advised at Council Meeting October 2015.
Three Shire / Community Representatives.
Appointment of representatives will be for a two year period.
Meeting Cycle: To meet at least every three months (or more frequently if required).

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5. Make the following nominations to External Groups:

5.1 Pilbara Development Commission Board

Nominee: _____

Nominee: _____

Membership: Appointment of successful candidates will be for a term of up to three years from date of appointment (with any member not being permitted to serve more than a maximum of six years (two terms)).

Meeting Cycle: Every two months.

ATTACHMENT 11.3B

Author: Janyce Smith	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 21 OCTOBER 2015

12. COMMUNITY DEVELOPMENT REPORTS

12.1 APPLICATION ACCEPTANCE OF COMMUNITY SUPPORT GRANT ALLOCATIONS - ROUND 1, 2015/16 ANNUAL FINANCIAL YEAR

FILE REFERENCE:	GS01
AUTHOR'S NAME AND POSITION:	Dee Walkington Executive Assistant Community Development
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	17 September 2015
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 12.1 (Minute No 11925) - Ordinary Meeting of Council 18 March 2015

Summary

Twenty five applications were received for funding in response to the Shire's invitation for grants under its REC08 Policy (Community Donations, Grants and Funding). The submissions were specifically for Community Support Grants and applications closed on the 31st August 2015.

These grants are to assist groups with in-kind and financial assistance to deliver high quality programs, community events and services run by community groups. The recommendations from the review panel are now presented to Council for consideration.

Background

The Community Support Grant funding round was advertised on the Shire of Ashburton website with incorporated groups being invited to apply. There are two funding rounds each year, one opening in July closing August and one opening in February closing March. At the close of applications on the 31st August, 2015 twenty five applications were received.

A panel consisting of Councillors representing three wards (Councillor White, Onslow Ward, Councillor Bloem and Councillor Fernandez, Tom Price Ward, Councillor Rumble and Councillor Diaz, Paraburdoo Ward) along with the Acting Chief Executive Officer, Executive Manager Community Development and Temporary Project Officer met Wednesday 16th September to consider the applications received and deliberate the outcomes.

Included in the deliberations was a resolution of Council from the March 2015 Council Meeting to include donations under individual budget accounts and included in the Sponsorships and Grants account for each group in the draft 2015/16 annual financial budget for signature events as listed:

Onslow Rodeo Association	\$5,000
Robe River Rodeo Association	\$20,000
Tom Price Camp Draft Association	\$2,500

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These donations were adopted by Council in August 2015 as part of the 2015/16 annual financial budget. Cash and in-kind donations have subsequently been paid to the groups organizing these signature events.

Additional to these signature events two events were recognized by Council as worthy of additional financial recognition as listed:

Red Dirt Rocks Committee	\$10,000
Pannawonica Gala Association	\$5,000

Whilst Red Dirt Rocks Committee was allocated \$10,000 in the 2015/16 Annual Budget only \$6,545 was allocated to the committee and paid to the group with the remaining funds suggested to be allocated to Paraburdoo Men's Shed as per the deliberations of the Round 1 funding panel.

These funding allocations for the signature events have been reflected in this funding round.

Comment

Twenty five groups applied for a grant in Round 1 of the Community Support Grants 2015/16 annual financial year. One application received from Steps for Stessy was referred to the Small Assistance Donations as it was a request from an unincorporated body and not eligible for a Community Support Grant. As the total amount requested exceeded the amount available for Round 1, it has been recommended that some organisations receive less than the amount requested.

The groups and the amount of donation recommended by the panel are listed below.

Name of Organisation	Event/Project	Cash \$	In-Kind \$	Total \$	Budget Code
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SIGNATURE EVENTS – FUNDS ALREADY PAID TO GROUPS AS APPROVED BY COUNCIL

Onslow Rodeo Association	Onslow Rodeo	5,000.00	0.00	5,000.00	EV75
Robe River Rodeo Association	Robe River Rodeo	20,000.00	0.00	20,000.00	EV80
Tom Price Camp Draft Association	Tom Price Camp Draft	1,480.00	1,020.00	2,500.00	081877
Red Dirt Rocks Committee	Paraburdoo Ball	5,000.00	1,545.00	6,545.00	EV22

SIGNATURE EVENTS – RECOMMENDATIONS FOR PAYMENT

Pannawonica Gala Association	Family Fun Day	5,000.00	0.00	5,000.00	113182
Paraburdoo Men's Shed	Para Colour Fun Run	3,455.00	0.00	3,455.00	EV22

COMMUNITY SUPPORT GRANTS – GENERAL ROUND 1

Name of Organisation	Event/Project	Cash \$	In-Kind \$	Total \$
ONSLOW				
St Nicholas Church & Onslow Tourism & Progress Assoc.	Electrical works on St Nicolas Church.	2,272.73	0.00	2,272.73
SAFE Onslow	De-sexing Onslow stray dogs and cats.	2,500.00	0.00	2,500.00
PANNAWONICA				
Pannawonica Kindergym Inc.	Installation of wall bar.	2,500.00	0.00	2,500.00

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Pannawonica Youth Club	Youth program: 'more than a game.'	2,500.00	0.00	2,500.00
Pannawonica Playgroup	Redevelopment of outdoor space.	2,500.00	0.00	2,500.00
PARABURDOO				
Paraburdoo Amateur Swim Club	Professional coaching for swim teachers/coaches.	2,000.00	0.00	2,000.00
Paraburdoo Tee ball Assoc.	Northwest Tee ball Championships	1,575.00	0.00	1,575.00
Paraburdoo Golf Club	Purchase and installation of family playground.	1,900.00	0.00	1,900.00
Paraburdoo Toy Library	Replacing outdoor activity equipment and waiving of lease fees.	850.00	550.00	1,400.00
Paraburdoo Motorcycle Club	Hosting Northwest Regional Motorcross Championships	2,000.00	0.00	2,000.00
TOM PRICE				
Catch Music	Catch Music Program	0.00	1,250.00	1,250.00
The Nintirri Centre	Ngala parenting education workshops.	1,000.00	0.00	1,000.00
Tom Price Drive In	New speakers & amplifier system.	1,250.00	0.00	1,250.00
Tom Price Tee ball	Northwest Tee ball Championships	1,250.00	0.00	1,250.00
Tom Price BMX Club	Hosting final North West Round	1,106.00	144.00	1,250.00
Tom Price Amateur Swimming Club	Coaching of parents/club members/interested gen. public in level 1 referees.	1,250.00	0.00	1,250.00
Tom Price Netball Association	Training for junior netball coaches.	1,250.00	0.00	1,250.00
TOM PRICE & PARABURDOO				
Fortescue Cricket Association	Oval & light tower fees.	0.00	1,625.00	1,625.00
Total		27,703.73	3,569.00	31,272.73

Consultation

Acting Chief Executive Officer
 Executive Manager – Community Development
 Executive Manager – Corporate Services
 Temporary Project Officer
 Economic and Land Development Manager
 Shire of Ashburton Councillors

Statutory Environment

Local Government Act (1995) Section 6.7 (2)

Financial Implications

There is \$72,500 available in budget account 081877 to cover two Community Support Grant funding rounds in the 2015/16 annual financial year. \$38,000 was allocated to Round 1 to be split equally (\$9,500) between Onslow, Tom Price, Paraburdoo and Pannawonica. Any funds remaining for each town from the \$9,500 was to be rolled over to the second funding round to the town which did not allocate the full \$9,500. The panel suggested that at the end of Round 2 any funds remaining to an individual town will be allocated to a town that requires additional funding assistance.

Funding available for each of the Shire's four towns for Round 1 and Round 2 listed below:

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Town	Round 1 Funds Available \$	Round 1 Funding Allocations \$	Funds Rolled Over to Round 2 \$	Round 2 Funding Available \$	Total Funds Available for Round 2 \$
Onslow	9,500	4,772.73	4,727.27	8,625.00	13,352.27
Pannawonica	9,500	7,500.00	2,000.00	8,625.00	10,625.00
Paraburdoo	9,500	9,500.00	0.00	8,625.00	8,625.00
Tom Price	9,500	9,500.00	0.00	8,625.00	8,625.00
TOTAL	38,000	31,272.73	6,727.27	34,500.00	41,227.27

The signature events excluding Tom Price Camp Draft Association (allocated from 081877) have been allocated against individual general ledger accounts therefore have no influence on the balance of money in the Community Support Grant funding account 081877.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Risk Management

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

Policy Implications

REC08 Community Donations, Grants and Funding Policy

Voting Requirement

Simple Majority Required

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Recommendation

That Council:

1. Accepts the donation recommendations for two signature events/groups as listed below:

Name of Organisation	Proposed Funding \$	Budget Code
Pannawonica Gala Association	5,000.00	113182
Paraburdoo Men's Shed	3,455.00	EV22

2. Accepts the donation recommendations for general Community Support Grant applications being allocated from account 081877 (Sponsorships and Grants) as listed below:

Name of Organisation	Proposed Funding \$
St Nicholas Church & Onslow Tourism & Progress Assoc.	2,272.73
SAFE Onslow	2,500.00
Pannawonica Kindergym	2,500.00
Pannawonica Youth Club	2,500.00
Pannawonica Playgroup	2,500.00
Paraburdoo Amateur Swim Club	2,000.00
Paraburdoo Tee ball Association	1,575.00
Paraburdoo Golf Club	1,900.00
Paraburdoo Toy Library	1,400.00
Paraburdoo Motorcycle Club	2,000.00
Catch Music	1,250.00
The Nintirri Centre	1,000.00
Tom Price Drive In	1,250.00
Tom Price Tee ball	1,250.00
Tom Price BMX Club	1,250.00
Tom Price Amateur Swimming Club	1,250.00
Tom Price Netball Association	1,250.00
Fortescue Cricket Association	1,625.00

Author: Dee Walkington	Signature:
Manager: Mike Sully	Signature:

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12.2 INCLUSION OF BUDGET ALLOCATIONS FOR CELEBRATING COMPLETION OF SMALL PROJECTS

FILE REFERENCE:	GV18
AUTHOR'S NAME AND POSITION:	Mike Sully Executive Manager Community Development
NAME OF APPLICANT/RESPONDENT:	Councillor C. Fernandez
DATE REPORT WRITTEN:	23 September 2015
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 17.1 - Ordinary Council Meeting 19 September 2015

Summary

At the Ordinary Meeting of Council held on 16 September 2015, Cr Fernandez tabled a Notice of Motion with regard to the the provision of funds to a value of \$500 to be allocated in the project budgets of small project to be used for celebrating the completion and opening of such projects with the community. The Notice of Motion was:

That \$500 be allocated in the project budgets of small projects to be used for celebrating the completion and opening of such projects with the community

This report provides information relevant to the proposal that a budget allocation of up to \$500 is made in the operational budgets for small projects, for the conducting of opening celebrations, with the community, at the completion and opening of small projects.

Background

The Shire undertakes numerous development projects each year, some are extensive, and require a large amount of funds and take considerable time to plan and construct. These projects generally have official opening ceremonies, which are incorporated into the overall planning process and are budgeted for within the scope of the project (and generally require several thousands of dollars to accommodate).

The opening of smaller Shire projects however has not generally been recognised by the Shire in any formal manner unless either specifically highlighted during the budget process, or has been specifically requested prior to the project's completion (and funding is available through project savings).

Comment

Not having an official opening can on occasion result in some confusion amongst community members (e.g. members of the public sometimes contacted the Shire to confirm that the project is finished and that the area or facility is safe and available for use). A "semi-formal opening" as suggested would assist with community understanding in this regard.

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It will not be possible though, to conduct even a very small opening ceremony for \$500. Staff time alone to plan, prepare, facilitate and conduct the opening would consume more than the entire sum (and even though the staff time costs are pre-budgeted, there will be an impact on the service delivery of the alternative activity the staff member would have otherwise been attending to). Other costs that would be incurred include for example, vehicle/transport costs; advertising; invitations; postage/office costs; catering; cleaning costs; etc.

That said, as a matter of principle, officially openings for community services/facilities have merit, but it is important to have a consistent understanding of the extent and cost of such events, and when they should occur. Ideally, these should be identified as part of the budget process to ensure workforce and financial planning are coordinated.

Perhaps as a starting point, Council could consider different styles of openings (e.g. "comprehensive", or "local") as a trial. Comprehensive openings would be for larger projects (like the Onslow Airport, the Paraburdoo Skate Park, or the Tom Price Lions Park Playground) and involve official invitations, catering etc and be conducted along the lines of previous recent official openings. Local openings would be for much smaller projects (like a minor playground upgrade) and be kept to a low budget allocation (\$500 would be quite appropriate, not including staff time or vehicle/plant costs).

In regard to these "local events", the following are suggested to keep costs within the allocation:

- ❖ Low cost community invitations;
- ❖ No community transport to be provided;
- ❖ No catering to be provided (water only); and
- ❖ Celebrations to be held during standard working hours to avoid overtime costs.

Consultation

Shire of Ashburton - Councillor Fernandez
Chief Executive Officer
A/Chief Executive Officer
Executive Management Team
Executive Manager – Community Development

Statutory Environment

Local Government Act (1995) Part 6, Financial Management, Div. 1 – 4, (6.1–6.14)

Local Government Financial Regulations (1996) Part 2, General Financial Management, (5a-21), Part 3, Annual Budget, (22-33a)

Financial Implications

The addition of \$500 to an individual small project's budget will be within the financial ability of the Shire for the current financial year, considering that there are only a small number of projects listed within the 2015/2016 capital budget.

Funding for future celebrations should be specifically considered during upcoming year's budget deliberations.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 1 – Active and Vibrant Communities
Objective 2 – Active People, Clubs and Associations

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Risk Management

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

Policy Implications

Not applicable

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Allocate \$500 within the existing budget allocations to be used for celebrating the completion and opening of such projects with the community (for example, park and pool upgrades) and the CEO to liaise with Councillors to select the appropriate 2015/16 projects).
2. As a trial, Council adopt two different styles of openings ("comprehensive", and "local"). Comprehensive openings would be for larger capital projects, whilst Local openings would be for much smaller community projects and be limited to approximately \$500 in cost (excluding existing budgeted Shire operating/staff costs).
3. A Shire Policy be developed prior to the 2016/17 budget to formalise (2) above.
4. As part of future Capital Works Budget Workshops, the style of the official opening of projects be noted for budget consideration.

Author: Mike Sully	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 21 OCTOBER 2015

12.3 APPLICATION ACCEPTANCE OF COMMUNITY LEASE FUNDING ALLOCATIONS FOR COMPLIANCE – ROUND 1, 2015/16 ANNUAL FINANCIAL YEAR

FILE REFERENCE:	GV20
AUTHOR'S NAME AND POSITION:	Mabel Gough Project Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	1 September 2015
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 12.1 (Minute No. 11968) – Ordinary Meeting of Council 17 June 2015 Agenda Item 12.1 (Minute No. 11901) – Ordinary Meeting of Council 28 January 2015 Agenda Item 12.2 (Minute No. 11890) – Ordinary Meeting of Council 10 December 2014

Summary

Two applications were received for funding in response to the Shire's invitation for grants under its REC08 Policy (Community Donations, Grants and Funding). The submissions were specifically for Community Lease/Licence Funding and applications closed on 31st August, 2015.

These grants are to assist clubs with meeting legislative and asset management obligations of their respective areas of responsibility in regards to their reserve lease agreements. The recommendations from the review panel are now presented to Council for consideration.

Background

Following inspections of Shire of Ashburton community leased reserves to collate the Implementation Plan which identifies a timeline for each Club to rectify their areas of noncompliance such as submitting planning applications, undertaking structural works, obtaining an electrical safety certificate and meeting minimum health requirements, community groups were provided with feedback on structures which were likely to require renovations or demolition and replacement.

Community groups were encouraged to utilise this feedback and proactively commence initial works to improve the safety and hygiene of their facilities prior to any formal notification (Implementation Plan roll out) being addressed to the Clubs. Community groups were advised that whilst Shire resources are not unlimited Shire funding is available to assist each Club with lease compliance.

The Community Lease/Licence funding round was advertised via email, in person and telephone to community groups leasing reserves. There are two funding rounds each financial year, one opening in July closing August and one opening in February closing March with \$30,894.06 available for each funding round. At the close of applications (31st

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August, 2015), two applications were received.

A panel consisting of Councillors representing three wards (Councillor White, Onslow Ward, Councillor Bloem and Councillor Fernandez, Tom Price Ward, Councillor Rumble and Councillor Diaz, Paraburdoo Ward) along with the Acting Chief Executive Officer, Executive Manager Community Development and Temporary Project Officer met Wednesday 16th September to consider the applications received and deliberate the outcomes.

Comment

Two community groups on leased reserves applied for funding as part of the Community Lease/Licence funding round and they are listed below. As the total amount requested exceeded the amount available (\$30,894.06) for Round 1, it has been recommended that Tom Price Speedway Association receive less than the amount requested.

Name of Organisation	Club Commitment Cash	Club Commitment In-Kind	Other Funding Received	Cash Request from Shire (ex GST)	In-Kind Request from Shire (ex GST)	Total Cost of Project	Comments
Tom Price Speedway Association	\$0.00	\$5,000.00 Mini-excavator.	On-site Rental: in kind machine hire.	\$27,120.50	\$2,500.00 Waiving of tip fees.	\$34,620.50	<p>Donation to assist with demolition and removal of dilapidated ablution block and the purchase of porta-loos.</p> <p>\$15,105.00 has been requested by the Club to pay Gladstone Motors for the demolition of the dilapidated ablutions, a company owned by members of Speedway.</p> <p>\$20,000.00 cash and \$2,500.00 in-kind proposed by the review panel as the donation to Speedway.</p>
Tom Price Motorcycle Club	\$0.00	Unskilled labour to assist with demolition.	\$3,520.00 RCR discount, Simms Metal & free machine and tool hire.	\$7,200.00	\$0	\$10,720.00	<p>Donation to assist with demolition and removal of unsafe pit bay structure. RCR to undertake structure removal.</p> <p>\$7,200.00 cash proposed by the review panel as the donation to Motorcross.</p>
Total				\$34,320.50	\$2,500.00		
Grand Total requested from SOA				\$36,820.50			

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Consultation

Acting Chief Executive Officer
Shire of Ashburton Councillors
Executive Manager – Community Development
Facilities Manager
Waste Management Coordinator
Temporary Project Officer
Tom Price Sporting Shooters Association Incorporated – Bob Walshaw
Onslow Motorcross & Enduro Club Incorporated – Justin Casey
Tom Price Camp Draft Association Incorporated– Doug Diver
Mountain View Sporting Club Incorporated – Rikki Sturzaker
Tom Price Horse & Pony Club Incorporated – Leon Brislane
Onslow Rodeo Association Incorporated – Shane Stratford
Tom Price Speedway Association– Tanya Manfield
Crushers Sporting Club Incorporated – Eric King
Tom Price Motorcycle Club – Ross Chadwick
Tom Price BMX Club – Phillip Kerrison
Impala Kart Club – Dwayne Gordon

Statutory Environment

Local Government Act (1995) Section 6.7 (2) (ensuring there is sufficient money in the budget)

Financial Implications

An allocation of \$160,000 (111223) has been made in the 2015/16 annual financial budget to contribute to the anticipated cost of community lease compliance during 2015/2016. Due to waste removal on leased reserves occurring at the same time as the 2014/15 End of Financial Year (EOFY) and a number of Clubs requiring more time to address waste disposal the already approved in-kind donations and waste works will not be completed and costs applied to account 111223 until end of October 2015.

Taking such costs into consideration leaves \$79,188.12 to be allocated to obtaining retrospective Planning approvals for Clubs (\$5,400), undertaking electrical audits for Clubs (\$12,000) and Club lease compliance donations for the 2015/16 financial year. The remaining funds (\$61,788.12) are required to cover further waste removal grant applications and new grant applications to assist with infrastructure work as identified in the Implementation Plan for the twelve leased Shire community reserves.

Two applications were received for funding in response to the Shire's invitation for grants in Round 1. It is proposed that Tom Price Motorcycle Club receive the full \$7,200.00 requested. To ensure suitable funds are available for Round 2 it is suggested that Tom Price Speedway Association be granted \$22,500.00 (cash and in-kind) of the \$29,620.50 requested. The Speedway Association will be required to raise a further \$7,120.50 for the purchase of the portable ablutions. As the Speedway project is not fully funded the Shire will 'hold' the cash donation until Speedway is able to demonstrate that the Association has full funding. When full funding is sourced for the project \$20,000.00 cash is suggested to be paid to the Tom Price Speedway Association.

Estimated expenses already allocated, planning application expenses, envisaged electrical audit expenses and Round 1 donations to account 111223 with a current budget amount of \$160,000 as follows:

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Works Already Allocated to the 2015/16 Annual Financial Year Budget from the 2014/15 End of Year Funding Round	Expense/Costs \$
2015/16 Budget	160,000.00
Onslow Rodeo Association (in-kind truck tyre disposal)	-19,065.50
Tom Price Speedway (in-kind tyre disposal)	-124.00
Tom Price Speedway (in-kind – 10m3 of waste)	-634.00
Tom Price Speedway (in-kind general waste disposal)	-5,334.00
Tom Price Sporting Shooters Association (in-kind tyre disposal)	-600.00
Tom Price Sporting Shooters Association (in-kind general waste disposal)	-2,550.00
Tom Price Horse & Pony Club (in-kind general waste disposal)	-1,066.44
Tom Price BMX (arsenic tower pole disposal)	-22,034.18
Tom Price BMX (in-kind disposal of 476 tyres)	-5,530.00
Tom Price Motorcycle Club (in-kind disposal of general waste and tyres)	-3,650.00
Tom Price Campdraft Association (in-kind general waste disposal)	-10,200.00
Tom Price Campdraft Water Removal (waste from pre normalisation)	-10,000.00
Funds Remaining	79,188.12
Budget Allocations for the 2015/16 Annual Financial Year Budget	
Electrical Audit Inspections	-12,000.00
Planning Applications	-5,400
Funds Remaining	61,788.12
Round 1 Funding Allocations	
Tom Price Speedway Association	-22,500.00
Tom Price Motorcycle Club	-7,200.00
Funds Remaining	32,088.12
Round 2 Funding Allocations	
Assistance towards further waste removal for those Club's which did not apply for the last round in 2014/15 and for those Club's which have additional waste to remove plus assistance towards infrastructure works as indicated in the Implementation Plan.	-32,088.12
Funds Remaining 2015/16 EOFY	0.00

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 01 – Vibrant and Active Communities

Objective 02 – Active People, Clubs and Associations

Shire of Ashburton 10 Year Community Plan 2012-2022

Goal 04 – Distinctive and Well Serviced Places

Objective 03 – Well Planned Towns

Risk Management

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

Policy Implications

REC05 Community Lease and Licence Agreements of Shire Assets (Facilities, Buildings and Land)

REC08 Community Donations, Grants and Funding Policy

Voting Requirement

Simple Majority Required

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Recommendation

That Council:

1. Accepts the donation recommendations being allocated from account 111223 (Donation to Community Groups – Compliance) as outlined in the table below:

Name of Organisation	Cash	In-Kind	Total
Tom Price Speedway	\$20,000.00	\$2,500.00	\$22,500.00
Tom Price Motorcycle Club	\$7,200.00	\$0.00	\$7,200.00

2. Approve \$20,000.00 cash to be 'held' in the Shire's municipal fund until Tom Price Speedway Association is able to demonstrate that the Association has full funding and suitable contracts/agreements in place for the ablution project. Upon demonstration of the above, \$20,000.00 to be paid to the Tom Price Speedway Association.

Author: Mabel Gough	Signature:
Manager: Mike Sully	Signature:

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13. CORPORATE SERVICES REPORTS

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

FILE REFERENCE:	FM03
AUTHOR'S NAME AND POSITION:	Leah M John Finance Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	8 October 2015
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

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

Background

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

Comment

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

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

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

August 2015

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

ATTACHMENT 13.1A

September 2015

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

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ATTACHMENT 13.1B

Consultation

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

Statutory Environment

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

Financial Implications

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

Strategic Implications

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

Risk Management

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

Policy Implications

There are no policy implications in this matter.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

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

Author: Leah M John	Signature:
Manager: Frank Ludovico	Signature:

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13.2 TOM PRICE MEMORIAL GARDEN

FILE REFERENCE:	GV20
AUTHOR'S NAME AND POSITION:	Lisa Hannagan Administration Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	1 September 2015
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 17.1 Ordinary Meeting of Council 19 August 2015.

Summary

At the August 2015 Ordinary Meeting of Council held on the 19 August 2015, Cr Foster tabled a Notice of Motion in regard to a Memorial Garden in Tom Price. The Notice of Motion was:

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

Council already permits this activity in Paraburdoo.

The suggested location in Tom Price is the existing large garden bed in the Doug Talbot Park (known locally as “Bird Park”) located on Lot 317 in Diagram 67300, being Reserve 41388 with management (Recreation purposes) by the Shire of Ashburton. This site is adjacent to the Shire’s Visitor centre and Community Hall on Central Road.

Background

The Paraburdoo Memorial Garden has been established for many years. Council has requested Shire Officers investigate the establishment of a similar facility in Tom Price. The purpose of Memorial Parks is to allow for the placement of small stone monuments and plaques by the community.

Memorial Gardens are not available for the interment of ashes.

Council’s existing policy ADM11, Memorials on Council Controlled Land (attached), details the requirements for the installation of plinths, rocks and plaques.

Comment

Parks and gardens are exempt under the Public Works Act, therefore no planning/development applications are required.

Even though the Policy enables the placement of memorials in many different locations, for the sake of clarification, it is recommended that Council designate the Doug Talbot Park as a

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place for memorials in Tom Price (and acknowledge the Paraburdoo Memorial Garden concurrently).

Consultation

Chief Executive Officer
Executive Manager – Corporate Services
Executive Manager – Development & Regulatory Services

Statutory Environment

Local Government Act 1995
Land Administration Act 1997

Financial Implications

The garden bed and surrounding parkland are currently maintained by the Shire. The only cost implication will be that of arranging signage and installation– estimated to be a one off cost of \$1,500. (Note under the policy this cost will be borne by the applicant)

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 3 – Unique Heritage & Environment
Objective 3 – Celebration of History & Heritage

Risk Management

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

Policy Implications

Council Policy ADM11 – Memorials on Council Controlled Land sets out the requirements for installation of plinths, rocks and plaques.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Permits memorials at the rotunda/garden bed in Doug Talbot Park Tom Price; and
2. Modifies Policy ADM11 to include at the end of point 6(a) “(noting that Council has endorsed the Paraburdoo Memorial Garden and Doug Talbot Park in Tom Price as Memorial Gardens)”

Author: Lisa Hannagan	Signature:
Manager: Frank Ludovico	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 21 OCTOBER 2015

13.3 BUDGET AMENDMENT / VARIATION

FILE REFERENCE:	FM14.15.16
AUTHOR'S NAME AND POSITION:	Leah M John Finance Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	8 October 2015
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

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

Background

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

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

Comment

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

1. Community Facilities				
GL/Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget
15086	Tom Price Lions Park - Replace Playground Equip* (* Carried Forward Balance)	\$58,770	(\$20,000)	\$38,770
C1612	New Aircondition Installation - Junior Football Building	\$15,000	\$20,000	\$35,000
Reason: Extra funds are required for this project C1612 as the Junior Football Building will need to be enclosed before installing the new air conditioners. Urgent work, essential to be completed prior to the installation of the air conditioners. This variation has no effect on the overall budget. The Lions Park Playground is completed and remaining funds will				

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accommodate any playground costs yet to be finalised.

2. Ranger Services

GL/Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget
10501480	Fines & Penalties	(\$1,000)	\$1,000	0
10518430	Fines & Penalties	(\$8,000)	(\$1,000)	(\$9,000)

Reason: As part of the implementation and operation of the new synergy infringement module, only one GL code is required to capture income for ranger activity. This variation has no effect on the overall budget.

3. Emergency Management & Services

GL/Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget
10590930	Administration Allocation (Fire Brigades)	\$1,117	(\$1,117)	0
10501030	Administration (SES)	\$1,160	(\$1,160)	0
10516820	Administration (Fire Prevention)	\$17,976	\$2,277	\$20,253

Reason: Administration Allocation to be removed from BFB & SES budgets and reallocated to Fire Prevention budget as the BFB & SES are fully funded by grant income and the attributing SoA administration costs to these budgets complicates the funding acquittal process at the end of the financial year. This variation has no effect on the overall budget.

4. Parks & Ovals

GL/Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget
15218	Paraburdoo Shopping Mall Replace Playground	\$40,000	\$12,033	\$52,033
11113070	Income - Donations/Reimbursements	0	(\$12,033)	(\$12,033)

Reason: A donation of funds raised by the Volunteer Fire Brigade was received for the replacement of the playground equipment at the Paraburdoo IGA Grassed Area. Expense budget needs to be adjusted accordingly. This variation has no effect on the overall budget.

5. Town Planning

GL/Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget
11030820	Consultant Fees	\$225,000	(\$37,842)	\$187,158
11028820	Salaries & Superannuation	\$360,663	\$37,842	\$398,505

Reason: Recruitment of Temporary Town Planner who is on a 0.5 FTE contract for 12 months, to assist with strategic town planning projects. Budget to be allocated from town planning consultant GL to fund this position. This variation has no effect on the overall budget and the proposed change is a more appropriate accounting outcome.

Consultation

Executive Manager – Corporate Services

Executive Manager – Community Development

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Executive Manager – Infrastructure Services
 Finance Manager
 Budget and Grants Finance Officer

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

(b) is authorized in advance by resolution*

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

*requires an absolute majority of Council

Financial Implications

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

Strategic Implications

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

Risk Management

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

Policy Implications

There are no specific policy implications relative to this issue.

Voting Requirement

Absolute Majority Required

Recommendation

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

1. Community Facilities				
GL/Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget
15086	Tom Price Lions Park - Replace Playground Equip * (* Carried Forward Balance)	\$58,770	(\$20,000)	\$38,770
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Reason: Extra funds are required for this project C1612 as the Junior Football Building will need to be enclosed before installing the new air conditioners. Urgent work, essential to be completed prior to the installation of the air conditioners. The Lions Park Playground is completed and remaining funds will accommodate any playground costs yet to be finalised.				

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2. Ranger Services				
GL/Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget
10501480	Fines & Penalties	(\$1,000)	\$1,000	0
10518430	Fines & Penalties	(\$8,000)	(\$1,000)	(\$9,000)
Reason: As part of the implementation and operation of the new synergy infringement module, only one GL code is required to capture income for ranger activity.				
3. Emergency Management & Services				
GL/Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget
10590930	Administration Allocation (Fire Brigades)	\$1,117	(\$1,117)	0
10501030	Administration (SES)	\$1,160	(\$1,160)	0
10516820	Administration (Fire Prevention)	\$17,976	\$2,277	\$20,253
Reason: Administration Allocation to be removed from BFB & SES budgets and reallocated to Fire Prevention budget as the BFB & SES are fully funded by grant income and the attributing SoA administration costs to these budgets complicates the funding acquittal process at the end of the financial year.				
4. Parks & Ovals				
GL/Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget
15218	Paraburdoo Shopping Mall Replace Playground	\$40,000	\$12,033	\$52,033
11113070	Income - Donations/Reimbursements	0	(\$12,033)	(\$12,033)
Reason: A donation of funds raised by the Volunteer Fire Brigade was received for the replacement of the playground equipment at the Paraburdoo IGA Grassed Area. Expense budget needs to be adjusted accordingly.				
5. Town Planning				
GL/Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget
11030820	Consultant Fees	\$225,000	(\$37,842)	\$187,158
11028820	Salaries & Superannuation	\$360,663	\$37,842	\$398,505
Reason: Recruitment of Temporary Town Planner who is on a 0.5 FTE contract for 12 months, to assist with strategic town planning projects. Budget to be allocated from town planning consultant GL to fund this position. This variation has no effect on the overall budget and the proposed change is a more appropriate accounting outcome.				

Author: Leah M John	Signature:
Manager: Frank Ludovico	Signature:

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14. DEVELOPMENT AND REGULATORY SERVICES REPORTS

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

15. INFRASTRUCTURE SERVICES REPORTS

15.1 AMENDMENT TO COUNCIL'S FEES AND CHARGES - ONSLOW AIRPORT

FILE REFERENCE:	TT06
AUTHOR'S NAME AND POSITION:	Nicole Hardy Administration Assistant
NAME OF APPLICANT/RESPONDENT:	N/A
DATE REPORT WRITTEN:	07 October 2015
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Ordinary Meeting of Council 19 August 2015 (Minute: 11989) Proposed 2015 / 2016 Fees and Charges

Summary

The purpose of this report is to seek Council's resolution to amend the fees and charges schedule for 2015/2016 to include an afterhours, per hour, screening fee, (applicable to the relevant airline) to cover screening staff charges due to delayed flights.

Background

Council at its meeting of 19 August 2015 resolved to set fees and charges for the 2015/2016 financial year in accordance with the Local Government Act 1993.

It has been subsequently identified that the schedule for the Onslow Airport does not include an afterhours screening charge.

The operating hours for the Onslow Airport terminal are 0700-1900. Flight schedules are only approved for services that operate within these hours. On occasions there are flight delays which run outside of these hours requiring screening staff to work out of contracted hours.

Comment

The current screening fee of \$18 per head is calculated based on an estimate of annual expenses anticipated to be incurred for the screening process. It covers items such as consumables, equipment maintenance and screening labour (based on a set schedule) a fee had not been included for flight delays, although the current fee does have a small allowance for the occasional delay. At the time of budgeting it had not been envisaged that flight delays would be so significant.

From 6 July to 27 September the Shire has incurred \$8879.50 in additional screening charges due to delayed flights.

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Accordingly this report seeks approval to recoup these costs from the relevant airline. The fee would apply to all delays outside the terminal operational hours and based on per hour / or part thereof.

The hourly rate the Shire is charged due to the flights delays is \$295.00. Therefore it is recommended that a fee of \$325 (ex GST) per hour (or part thereof) is applied to delayed flights.

Consultation

Executive Manager – Infrastructure Services
Airport Manager

Statutory Environment

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

Financial Implications

The proposed adoption of a fee for the additional screening charges will cover the costs of delayed flights that were not originally budgeted for.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 04 'Distinctive and Well Serviced Places'
Objective 01 – Quality Public Infrastructure:
Objective 02- Accessible and Safe Towns
Objective 03 - Well Planned towns

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be Low as the proposal will realise unbudgeted income.

Policy Implications

Policy ELM10 (Financial Sustainability) outlines that 'no policy or other decisions will be made without considering the long term financial impact on those decisions'

Voting Requirement

Absolute Majority Required

Recommendation

That Council:

1. Adopt an afterhours screening fee of \$325 (ex GST) per hour or part thereof to cover the costs for screening labour associated with flights delays.
2. Amends the 2015/2016 Fees & Charges to reflect this change; and
3. Advertises the amended Fees & Charges for a period of 7 days in accordance with Section 6.19 of the Local Government Act 1995.

Author: Nicole Hardy	Signature:
Manager: Troy Davis	Signature:

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15.2 AGREEMENT WITH MAIN ROADS WA FOR THE HANDOVER OF A SECTION OF ONSLOW ROAD

FILE REFERENCE:	RD.0002
AUTHOR'S NAME AND POSITION:	Troy Davis Executive Manager Infrastructure Services
NAME OF APPLICANT/RESPONDENT:	Main Roads WA
DATE REPORT WRITTEN:	12 October 2015
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Minute 11664 Ordinary Meeting of Council 16 October 2013

Summary

At Council's October 2013 Ordinary Council Meeting Council considered an agenda item on the proposed new Onslow Ring Road and the future of the remainder of the existing Onslow Road to the North.

Council resolved the following:

1. Provide in-principle support for Main Roads WA (MRWA) to control the proposed Onslow Ring Road.
2. Delegate authority to the Chief Executive Officer to negotiate with MRWA on the proposal.
3. Receive a further report to consider the tenure of the proposed Onslow Ring Road and the remainder of the existing Onslow Road to the north.

Subsequent to this resolution, Officers have been working with Main Roads WA (MRWA) to progress the Onslow Ring Road and agree a position for the handover of the remainder of Onslow Road to the north.

MRWA have presented their final position with respect to this handover and Council's agreement is sought so that the necessary gazettal processes can be initiated.

Background

The Onslow Townsite Strategy (2011) and subsequent Planning and Community developed documents, such as the Onslow Expansion Plan 2012, have highlighted the need for a new access road (Onslow Ring Road) from Onslow Road adjacent to the Onslow Airport, cutting across the northern end of the old Onslow Landfill and accessing the Onslow Township at Simpson St.

One of the principal functions of the road is to provide an upgraded and all-weather access into Onslow.

Given the strategic nature of the proposed Onslow Ring Road, it was recommended that Council give in-principle support to negotiate with MRWA for them to take control of the road with Council taking the responsibility for the remainder of Onslow Rd to the north.

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Subsequent to Council agreeing, in-principle, to support the alterations to the Onslow Road responsibilities, Shire officers have been involved in numerous discussions with MRWA staff.

Preliminary discussions proved to be favourable, with a number of factors tabled for consideration. These were:

1. MRWA will not accept responsibility for two accesses into Onslow. Therefore the section of Onslow Rd to the north of the proposed Ring Road to the Beadon Creek Rd intersection (approximately 2.4km) would need to become the responsibility of Council.
2. Council staff position that any 'gifting' of road assets from MRWA would require upgrade works to be undertaken to ensure they are at a high standard, including upgraded intersections, before they would be considered for acceptance.

The primary elements to the staff position were that:

1. Onslow Rd would have pavement defects repaired, shoulders graded, a full reseal and linemarking reinstated;
2. The Beadon Creek Rd intersection would be upgraded to provide 36.5m road train access; and
3. The drainage issues at the Shanks Rd intersection would be resolved.

After site assessments and preliminary design and costing works were undertaken by both MRWA and Shire staff, MRWA have subsequently agreed to point 1 above but do not recognise the need for, nor the financial viability of undertaking works to achieve points 2 and 3.

Road responsibilities in WA are governed by the Main Roads Act 1930 whereby the Commissioner for Main Roads can declare any improvements to, or deviation from, a new main road and simply needs to notify the relevant Local Government. If a Council believes the situation to be unreasonable, it can lodge a grievance with the Commissioner.

Comment

After almost 2 years of negotiations regarding the conditions of handover of the balance of Onslow Rd north of the new Onslow Ring Road intersection, Council is in receipt of MRWA's position. Correspondence was received on 3 June 2015 detailing the MRWA position with discussion regarding the reasons behind their rejection of the upgrade and improvement works at both Beadon Creek Rd and Shanks Rd intersections.

ATTACHMENT 15.2A

Subsequent to that correspondence, officers sought clarification of the MRWA position plus additional information on the status of the adjacent ruck breakdown area.

Further correspondence was received on 20 August 2015 further clarifying MRWA's position and detailing the proposed transfer of responsibility for the truck breakdown area to Council.

ATTACHMENT 15.2B

Basically, MRWA's position is that the road is 'fit for purpose' from a geometric perspective and requires no intersection upgrades or improvements. They have agreed to undertake remediation works on the length of Onslow Rd being transferred, including:

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Edge repair;
Shoulder grading;
Crack patching;
Surface correction;
Pavement repairs;
Single coat bitumen seal; and
Linemarking.

A local government has a limited ability to argue its position with respect to the change in status of a main road, therefore it is recommended that Council agree to accept responsibility for the balance of Onslow Rd upon completion of the works noted in the MRWA correspondence.

The works proposed to ensure Onslow Road is brought up to contemporary standard is reasonable, but the question of road train access to Beadon Creek and drainage at Shanks Road will now be left in the Shire's hands – both works upgrades will add value but Shanks Road has been a drainage issue for many years and is considered to have the highest priority. It is suggested that the Council seek the assistance of the local state government representatives to secure some complimentary grant funds to undertake these works (perhaps \$ for \$ State/Shire), either through Main Roads, or an alternative source.

Consultation

Chief Executive Officer
Director Regional Operations MRWA
Regional Manager Mid-West Gascoyne MRWA
Asset Manager Mid-West Gascoyne MRWA

Statutory Environment

Main Roads Act 1930

Financial Implications

The works proposed to be undertaken by MRWA are funded by the Ring Road project and no Council funds are to be expended.

Strategic Implications

Shire of Ashburton 10 year Community Strategic Plan 2012-2022
Goal 4 Distinctive and Well Services Places
Objective 1 Quality Public Infrastructure

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".

Policy Implications

Not Applicable

Voting Requirement

Simple Majority Required

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Recommendation

That Council:

1. Agree to the Main Roads WA proposal to hand over the section of Onslow Road, north of the new Onslow Ring Road upon completion of pavement rectification works to the satisfaction of the Chief Executive Officer; and
2. Correspond with Ashburton's state government representatives to seek their assistance in securing complimentary state government grant funds to improve drainage at Shanks Road (as an immediate priority) with the opportunity for road train access to Beadon Creek to be considered as part of the 2016/17 budget deliberations (on the basis it can secure joint MRWA/Shire of Ashburton funding allocations).

Author: Troy Davis	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 21 OCTOBER 2015

16. STRATEGIC AND ECONOMIC DEVELOPMENT REPORTS

16.1 RFT 15/15 DESIGN AND CONSTRUCTION OF ONSLOW MULTIPURPOSE COURTS, ONSLOW

FILE REFERENCE:	CM15.15 PR42090
AUTHOR'S NAME AND POSITION:	Anika Serer Executive Manager Strategic and Economic Development
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	15 September 2015
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal
PREVIOUS MEETING REFERENCE:	Agenda Item 16.5 (Minute 11798) – Ordinary Meeting of Council 21 May 2014 Agenda Item 18.3 (Minute 11709) – Ordinary Meeting of Council 20 November 2013 Agenda Item 12.3 (Minute 11348) – Ordinary Meeting of Council 21 November 2012 Agenda Item 14.04.05– Ordinary Meeting of Council 21 April 2010

Summary

A Request for Tender for the Supply and Installation of Modular Buildings for the Onslow Multipurpose Courts, Onslow (RFT 15/15) was advertised from 20 June 2015 until 4 August 2015. Six compliant submissions were received in response to the RFT. The evaluation panel has now completed its assessment of the submissions and recommends awarding the tender to Pindan Contracting Pty Ltd.

Background

The Onslow Multipurpose Courts have been identified as a vital piece of community infrastructure, designed to cater primarily for the basketball and netball needs of the Onslow community, but also to accommodate a variety of other community purposes such as markets, events and outdoor activities. The purpose of the project is to provide the town of Onslow with a facility that is of a standard suitable for State competitions, and that provides some shelter from the extreme climatic conditions in Onslow so that it can be used year round for basketball, netball and other events.

The completed facility will include three basketball / netball courts (two covered and one open-air), car and bus parking, toilets, a storage shed and associated facilities

The Onslow Sporting Precinct Master Plan was endorsed by the Shire of Ashburton (SoA) in April 2010 following over seven years of extensive community consultation. The Master Plan includes a new basketball / netball complex on Reserve 42090 (adjacent to the Multi-Purpose Centre), in response to community feedback that the existing courts are aged, not fit for use, and do not address the Onslow climate.

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Preliminary work was undertaken by consultants during 2011-12 to investigate the site feasibility and layout for the Basketball Complex, including the preparation of an aspirational Concept Design.

The Shire of Ashburton endorsed the Concept Design for the Basketball Complex project at the Ordinary Council Meeting on 21 May 2014. The Onslow Macedon Social Infrastructure Working Group (OMSIWG) approved the project proceeding to a design and construct tender and project implementation plan preparation stage on 29 July 2014.

The Design and Construct Tender (RFT15/15) was advertised from 20 June 2015, closing on 4 August 2015. Following assessment of the tender submissions and identification of a preferred Tenderer, the project information was used to produce a Project Implementation Plan (PIP), to secure BHP Billiton funding for the project. Approval of the PIP has been received from BHP Billiton.

The six Tender submissions that were received and assessed by the Evaluation Panel, along with the panel recommendation are provided under confidential attachment.

CONFIDENTIAL ATTACHMENT 16.1A

Comment

The initial brief, as detailed in the Minutes – Ordinary Meeting of Council 21 May 2014, for the Onslow Basketball Courts Project provides for the design and construction of:

1. Two undercover basketball courts and one open-air basketball court (state competition standard) including earthworks and other preparatory works;
2. Lighting;
3. Time clock and scoring facilities;
4. Car parking;
5. Spectator viewing and shade;
6. Basic storage shed;
7. Basic ablutions (one female, one male, one universal access);
8. Drinking fountain;
9. Paving and limited soft landscaping;
10. Signage; and
11. Funding/sponsor acknowledgement.

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

The proposed programme in the Tender seeks the completion of the project in July 2016:

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TENDER PROCESS	DATE
Tender Closed	04 Aug 2015
Tender Review process complete	31 Aug 2015
Prepare PIP for endorsement from the SoA and OMSIWG for the award of Tender	02 Oct 2015
Tender award approval by Council	21 Oct 2015
Award of Tender	23 Oct 2015
DESIGN, DOCUMENTATION & APPROVALS	
Contractors draft design submission and SoA approval	Oct 2015
Planning approval	Dec 2015
Contractors Detailed Design submission and SoA approval	Dec 2015
Working Group Endorsement of Scope and updated Project Budget	Dec 2015
Building Permit approval	Feb 2015
Community information session	Feb 2016
Install project sponsorship signage	Feb 2015
CONSTRUCTION	
Earthworks	March 2016
Roof structure, Courts, Toilets, Store	May 2016
External Works (Parking, Pathways, Landscaping)	June 2016
COMPLETION & HANDOVER	
Opening ceremony & media promotion	July 2016

The alternative concept design submitted by Pindan has superior aesthetic qualities over the other tender submissions. The court roof is naturally ventilating, has additional cantilevered shade supports on two eaves of the structure, and was larger than the other tender submissions.

ATTACHMENT16.1B

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Consultation

Councillor White

Chief Executive Officer

Onslow Macedon Social Infrastructure Working Group

Executive Manager Development and Regulatory Services

Principal Town Planner

Funding Source	Amount
Provided from the \$5m Social Infrastructure Projects Fund committed by BPH Billiton in the State Development Agreement for the nearby Macedon Project.	\$ 3,700,000
Funded by the Pilbara Development Commission from the Pilbara Regional Grants Scheme.	\$ 300,000
Total Budget	\$ 4,000,000

HQ Management

Horizon Power

Water Corporation

Statutory Environment

Reserve 42090 is located on Lot 970, adjacent to the existing Multi-Purpose Centre in Onslow.

The Reserve is crown land with a Management Order issued for the Shire of Ashburton for the purpose of Recreation. The successful Tenderer will need to complete a Development and Building Permit applications prior to commencement of the works.

Financial Implications

The project funding is sourced as follows:

Following assessment of the tender submissions, the updated pre-construction project budget is as follows:

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		Current Estimated Cost (\$ Ex GST)
Funds spent by SoA (Concept design, survey, Heritage, legal), pending re-imburement on project completion and remaining budget funds availability:		\$ 110,695
Tender preparation and advertising		\$ 20,167
Estimated future professional fees during design and construction		\$ 140,000
MAIN CONTRACTOR		
Design documentation, approvals and preliminaries	\$ 437,872	
Covered Courts 1 & 2, Toilet and shed	\$ 1,570,344	
Court 3	\$ 148,075	
External works & equipment	\$ 633,414	
Provisional Sums	\$ 401,950	\$ 3,211,655
Contingency (12.5%)		\$ 402,707
Project signage & audit		\$ 8,500
TOTAL ESTIMATED COST		\$ 3,903,724
TOTAL PROJECT BUDGET		\$ 4,000,000

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 02 – Enduring Partnerships

Objective 03 – Well Managed Tourism

Risk Management

The proposal has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Low" risk due to the available funding, a healthy pre-construction budget with suitable contingencies, and professional project management expertise in place. An allowance has been made for acoustic attenuation within the Provisional Sum allowances. The project will still be closely monitored by senior management and consultants to maintain this risk profile.

Policy Implications

AMP1 – Asset Management Policy

FIN12 – Purchasing and Tender

FIN04 – Buy Local – Regional Price Preference Policy

These policies will be considered throughout the project.

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Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Accepts the Lump Sum Tender of \$3,221,655 (GST exclusive) from Pindan Construction for RFT 15/15 Design and Construction of Onslow Multipurpose Courts, Onslow in accordance with its Tender submission and provisional sum allowance;
2. Authorises the Chief Executive Officer to negotiate the final terms and execute the Contract documentation;
3. Authorises the Chief Executive Officer to manage the Contract, including variations to the design specifications and contract value, providing this does not exceed the project budget or reduce the overall scope.

Author: Anika Serer	Signature:
Manager: Neil Hartley	Signature:

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16.2 PROPOSED EXCISION OF PORTION OF PILBARA IRON SPECIAL LEASE L3116/4591 (WINDELL LOCATION 120), PARABURDOO REFUSE STATION, FOR CREATION OF A RESERVE WITH MANAGEMENT BY THE SHIRE OF ASHBURTON AND POWER TO LEASE

FILE REFERENCE:	WM05
AUTHOR'S NAME AND POSITION:	Janelle Fell Economic and Land Development Manager
NAME OF APPLICANT/RESPONDENT:	Not applicable
DATE REPORT WRITTEN:	24 September 2015
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 10.06.755 – Ordinary Meeting of Council 21 June 2005

Summary

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

During investigations, it was ascertained the Paraburadoo Refuse Site is located on portion of Pilbara Iron’s Special Lease (No. 3116/4591), Beasley Road, Paraburadoo.

In order for Department of Lands to progress the request to excise portion of the special lease (identified as Lot 500 on Deposited Plan 62511) for creation of a Crown Reserve with a Management Order in favour of the Shire of Ashburton, including power to lease options, and after requirements under the Contaminated Sites Act 2003 are met, Council endorsement is required in accordance with Section 41 of the Land Administration Act 1997.

Background

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

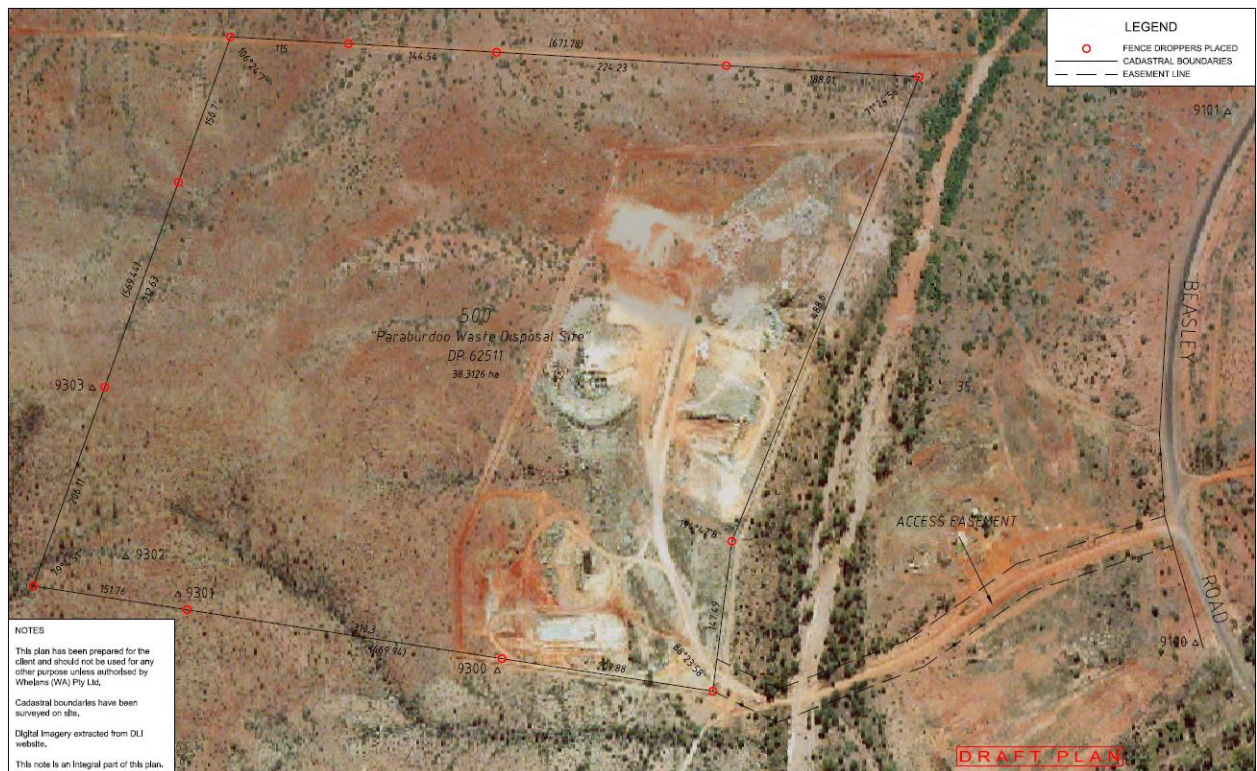
During the course of investigations, it was ascertained that the existing site was part of the Hamersley Iron Special Lease (No.3116/4591). While the Shire, Rio Tinto, and the Department of Regional Development and Lands (now Department of Lands) supported the proposal, the formalities to create a reserve for waste disposal purposes were not finalised. Part of this process involves facilitating disclosure requirements under the *Contaminated Sites Act 2003 (Act)*.

As the current lessee, Rio Tinto are required to meet the requirements of the Act and as such proposed a Baseline Environmental Assessment across the site, including two

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investigation options. Advice was sought from the Department of Environment Regulation to ensure the proposed investigations characterise the possible contamination status under the *Contaminated Sites Act 2003* so that implications for future monitoring, management and, if necessary, remediation of the site can be properly assessed.

Installation of groundwater monitoring wells and soil bores were completed in September 2015 for detailed site investigations, with a report expected late November 2015, after the completion of onsite works and receipt of laboratory results. This will satisfy the requirements under the Act for the excision of the subject parcel of land.



Comment

Shire Officers have been liaising with Department of Lands who support the request to excise the portion for creation of a reserve with a Management Order issues in favour of the Shire of Ashburton, including power to lease.

During the Shire's due diligence process, consultation with Department of Environment Regulation resulted in Rio Tinto being advised the preferred option (of two) was to provide a more comprehensive understanding of the sites contamination status as it incorporated a detailed site investigation with additional groundwater investigations. Upon completion of the report by Rio Tinto's contractor Environmental Resources Management, Department of Environment Regulation will review the document and advise the Shire of Ashburton of any further classification reviews. After clearance of any recommendations from Department of Environment Regulation, Shire Officers will substantiate the request for transfer of land tenure with Department of Lands.

Council endorsement is requested to formally request the Minister for Lands to excise the identified portion for creation of a Crown Reserve with power to lease options and for the Shire to accept management of the Reserve in accordance with Section 41 of the Land Administration Act 1997 to allow the land tenure for the site to be transferred from Rio Tinto to the Shire of Ashburton.

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Consultation

Manager Environmental Health – Development and Regulatory Services
Manager Works and Civil Services – Infrastructure Services
Waste Coordinator – Infrastructure Services
Department of Environment Regulation
Department of Lands
Rio Tinto
Principal Planner

Statutory Environment

Land Administration Act 1997
Shire of Ashburton Local Planning Scheme No. 7
Contaminated Site Act 2003

Financial Implications

All costs associated with the excision will be borne by Rio Tinto.

Strategic Implications

Goal 03 Unique Heritage and Environment
Objective 02 – Leading Regional Sustainability
Goal 04 Distinctive and Well Service 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.

Voting Requirement

Simple Majority Required

Recommendation

Upon clearance from Department of Environment Regulation that the requirements of the Contaminated Sites Act 2003 have been met by Rio Tinto, that Council request the Minister for Lands to:

- a. Excise that portion identified as Lot 500 on Deposited Plan 62511 from Lease No. 3116/4591 generally as described in the Plan shown as **ATTACHMENT 16.2** to this report for the creation of a Crown Reserve for the purpose of "Waste Disposal"; and
- b. Issue a Management Order to the Shire of Ashburton with power to lease.

Author: Janelle Fell	Signature:
Manager: Anika Serer	Signature:

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16.3 RFT 17/15 DESIGN AND CONSTRUCTION OF THE STAGE 1 OF THE OCEAN VIEW CARAVAN PARK REDEVELOPMENT, ONSLOW

FILE REFERENCE:	CM17.15 RC24405
AUTHOR'S NAME AND POSITION:	Anika Serer Executive Manager, Strategic and Economic Development
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	9 October 2015
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 16.1 (Minute 11997) – Ordinary Meeting of Council 16 September 2015 Agenda Item 16.4 (Minute 11958) – Ordinary Meeting of Council 20 May 2015 Agenda Item 11.3 (Minute 11924) – Ordinary Meeting of Council 18 March 2015 Agenda Item 11.3 (Minute 11839) – Ordinary Meeting of Council 20 August 2014 Agenda Item 11.3 (Minute 11824) – Ordinary Meeting of Council 16 July 2014 Agenda Item 11.3 (Minute 11812) – Ordinary Meeting of Council 18 June 2014 Agenda Item 11.3 (Minute 11794) – Ordinary Meeting of Council 21 May 2014 Agenda Item 16.1 (Minute 11784) – Ordinary Meeting of Council 16 April 2014 Agenda Item 16.2 (Minute 11775) – Ordinary Meeting of Council 19 March 2014 Agenda Item 13.5 (Minute 11664) – Ordinary Meeting of Council 16 October 2013 Agenda Item 18.3 (Minute 11297) – Ordinary Meeting of Council 19 September 2012 Item 17.3 (Minute 11267) – Ordinary Meeting of Council 15 August 2012

Summary

A Request for Tender for the Design and Construction of Stage 1 of the Ocean View Caravan Park Redevelopment, Onslow (RFT 17/15) was advertised from 9th September 2015 until 2nd October 2015. Five compliant submissions were received in response to the RFT. The evaluation panel has now completed its assessment of the submissions, and recommends award of Prime Civil Pty Ltd.

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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.

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 endorsed by Council at the Ordinary Meeting held on 20 May 2015.

ATTACHMENT 16.3A

Upon completion of the detailed design, Anika Serer and Steve Moran from HQ Management developed a procurement plan to deliver the first stage of the park redevelopment which includes a two stage tender process being:

- 1) Procure a modular building supplier to manufacture, transport, place and install the modular buildings; and
- 2) Procure a civil works contractor to undertake the site preparation, demolition, electrical and civil works for the site.

These works will complete Stage 1 of the redevelopment, focusing on the western end of the park.

Once the civil works contractor is approved and contracted, the modular building supplier will be novated across to the care of the civil works contractor to ensure the works are adequately coordinated and the responsibility for all the works rest with a single contractor. This approach avoids any delay of the commencement of the manufacture of the modular buildings and will allow the civil works contractor to commence the site works in readiness for the supply and installation of the modular buildings.

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Request for Tender for the modular building supply and installation was advertised from 25 July 2015, and closed on 18 August 2015 and the recommendation to award the Contract to Murray River North Pty Ltd was endorsed by Council at the Ordinary Meeting held on 16th September 2015. Murray River North is currently finalising design for approval to commence fabrication of the modular buildings.

The Request for Tender for the site civil and electrical works was advertised from 9th September 2015, and closed on 2nd October 2015. Five Tender submissions were received and assessed by the Evaluation Panel with the results provided under confidential attachment.

CONFIDENTIAL ATTACHMENT 16.3B

Comment

The works proposed under this Tender will complete the site preparation, demolition, electrical and civil works. The works exclude the supply and installation of the modular buildings which has been awarded to Murray River North.

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

The proposed programme in the Tender seeks the completion of the project by Early April 2016, however this programme will be modified to ensure both contractor's works are coordinated and a single mutually agreed programme will be developed between Prime Civil and Murray River North. The programme outlined in Prime Civil's tender is outlined below but as mentioned will be subject to change to ensure the works are coordinated in an efficient manner:

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STAGE 1	TENDER PROCESS	DATE
A	Issue Tender Documents	9 September 2015
B	Tender Close	2 October 2015
C	Tender approval by Council and Award to Contractor	23 October 2015
STAGE 2	DESIGN, DOCUMENTATION & APPROVALS	
A	Principal to provide relevant building design information for the D&C component	26 October 2015
B	Contractor's issue of draft design documentation for Principal's review	11 November 2015
C	Principal's review and comment on draft design documentation (2 weeks)	25 November 2015
D	Contractor's issue of Final design and documentation for Principal's review	2 December 2015
E	Final design and documentation sign-off by Principal (1 week)	9 December 2015
F	Contractor's issue of Management Plans for Principal's review	9 December 2015
G	Principal's review and comment on draft Management Plans (1 week).	16 December 2015
H	Contractor's issue of Final Management Plans for Principal's review.	18 December 2015
I	Final Management Plans completion and sign-off by Principal (1 week).	8 January 2016
J	Contractor to commence procurement, mobilisation to site	8 January 2016
STAGE 3	CONSTRUCTION COMMENCEMENT	22 January 2016
STAGE 4	COMPLETION & HANDOVER	8 April 2016
STAGE 5	DEFECT LIABILITY PERIOD	8 April 2016

Prime Civil's submission is compliant with the Specification contained in the RFT and offered the second lowest tendered price for the project, but only by a very small margin. The organisation has demonstrated extensive experience in projects of a similar nature, offered smart cost conscious approach, offered a strong site team with sufficient capacity to undertake the works, and were highly regarded by the nominated referees.

The proposed construction programme identifies completion in early April 2016, however as mentioned above, this will be subject to change when coordinating with Murray River North's building fabrication programme.

Consultation

Councillor White
 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 detailed design produced by MI Engineers which the tendered price is based off.

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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.

This tender award will only account for a \$1,848,919.73 portion of the approved \$4.2m. With the Murray River North component of \$1,521,452 and the \$321,620 required for the new transformer this leaves \$508,152 for consultant fees and contingency.

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

AMP1 – Asset Management Policy

FIN12 – Purchasing and Tender

FIN04 – Buy Local – Regional Price Preference Policy

These policies will be considered throughout the project.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Accepts the Lump Sum Tender of \$1,848,919.73 (GST exclusive) from Prime Civil for RFT 17/15 Design and Construction of Stage 1 of the Ocean View Caravan Park Redevelopment, Onslow in accordance with its Tender submission;
2. Authorises the Chief Executive Officer to negotiate the final terms and execute the Contract documentation;
3. Authorises the Chief Executive Officer to manage the Contract, including variations to the design specifications and contract value, providing this does not exceed the project budget or reduce the overall scope.

Author: Janelle Fell	Signature:
Manager: Anika Serer	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 21 OCTOBER 2015

16.4 AUTHORISATION TO AFFIX COMMON SEAL – REMOVAL OR MODIFICATION AND NOTIFICATION UNDER SECTION 70A, LOT 16 ONSLOW ROAD, ONSLOW

FILE REFERENCE:	ONS.0016
AUTHOR'S NAME AND POSITION:	Janelle Fell Economic and Land Development Manager
NAME OF APPLICANT/RESPONDENT:	Water Corporation
DATE REPORT WRITTEN:	9 October 2015
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

To progress the required preparatory works prior to application for Certificate of Title for the two lot subdivision of Lot 16 Onslow Road, Onslow into Lots 9001 and 9500, execution of a Removal or Modification of Notification under Section 70A (removal of existing Notification under Section 70A), and two Notifications under Sections 70A (notification of Water Corporations Agreement and notification of Water Corporations distribution main adjacent to the lot on the new Titles) in relation to the Water Corporation's water main is required. Execution of these documents requires affixing of the Common Seal.

Authorisation to affix the Common Seal is requested.

Background

A Deed of Easement for Lot 16 Onslow Road, Onslow exists in favour of Water Corporation for the water main which traverses the land.

Comment

To proceed to new Certificates of Title for the two lot subdivision of Lot 16, Onslow Road, Onslow into Lots 9001 and 9500, execution of the Removal or Modification of Notification under Section 70A (removal of an existing Notification) and two Notification's under Section 70A (notification of Water Corporations Agreement and notification of Water Corporations distribution main adjacent to the lot on the new Titles) are required by Water Corporation.

**ATTACHMENT 16.4A
ATTACHMENT 16.4B
ATTACHMENT 16.4C**

Consultation

Water Corporation

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Statutory Environment

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

Financial Implications

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

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 for this matter.

Voting Requirement

Simple Majority Required

Recommendation

That Council approves affixing the Common Seal in the presence of the Shire President and the Chief Executive Officer to:

- a) Removal or Modification or Notification under Section 70A; and
- b) Two notifications under Section 70A for Lot 16 (to be subdivided into Lots 9001 and 9500) Onslow Road, Onslow.

Author: Janelle Fell	Signature:
Manager: Anika Serer	Signature:

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16.5 REQUEST FOR CREATION OF RESERVE WITH MANAGEMENT BY SHIRE OF ASHBURTON – UNALLOCATED CROWN LAND BEING LOT 330 ON DEPOSITED PLAN 66635 AND PORTIONS OF UNALLOCATED CROWN LAND BETWEEN LOTS 330 AND 414 FOR THE PURPOSE OF “RECREATION”, ONSLOW

FILE REFERENCE:	PR4
AUTHOR’S NAME AND POSITION:	Janelle Fell Economic and Land Development Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	(9 October 2015)
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 504.1 – Ordinary Meeting of Council 15 August 1989 – 20 November 1989 Agenda Item 10.05.633 – Ordinary Meeting of Council 21 May 2002 Agenda Item 14.05.05 – Ordinary Meeting of Council 19 May 2009

Summary

Lot 330 on Deposited Plan 66635 and portions of UCL between lots 330 and 414 encompasses Sunset Beach Park and the Ian Blair Memorial Boardwalk as depicted on Plan Onslow Boardwalk - 01. The current land use may be unauthorised as the land is Unallocated Crown Land and accordingly, the Shire has no formal land tenure. It is therefore proposed that the Shire of Ashburton seek formal tenure over the subject land.

ATTACHMENT 16.5

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

Background

From 1997 to 2001, the Shire of Ashburton received Coastwest/Coastcare funding for the partial funding of the Onslow Coastal Plan – Elevated Dual Use Pathway, now known as the Ian Blair Memorial Boardwalk. This funding was provided through the then Department of Planning and Infrastructure. Construction labour was sourced through Onslow’s Community Development Employment Project and volunteers of the Green Corps.

In 2009 NRM Rangelands Coastal Funding was received for the installation of ablutions at Sunset Beach.

Shire Officers contacted the Department of Lands in July 2009 requesting Lot 330 on

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Deposited Plan 66635 be created into a "Recreation" reserve. Investigations in 2015 indicated the Shire of Ashburton has no tenure over the land on which the Ian Blair Memorial Boardwalk is constructed, being portions of UCL between Lots 330 and 414. The subject area encompasses the Ian Blair Memorial Walk and Sunset Beach ablutions and park.

Department of Lands has been pursuing the reservation and subsequent Management Order of the subject land.

To facilitate NOITT actions, the Department of Lands require a letter complying with Section 165(2) of the Land Administration Act 1997, stating how the proposed future act will convey a social and economic benefit to the state, region and locality.

Comment

To formalise use of the land, Shire Officers consider requesting that the land be reserved with a Management Order issued to the Shire as the most appropriate form of land tenure. Support has been received from Department of Lands to have this portion of land set aside as a Reserve to be managed by the Shire of Ashburton for the continued current use.

Indemnification against any and all liabilities, obligations, costs, expenses or disbursements including compensation forms part of formalising land tenure. At this stage, compensation costs are unknown but may be comparable with the associated costs of removal of all Shire assets and rehabilitation of the sites in the event land tenure is not pursued.

Associated costs, including preparation and survey of a deposited plan depicting the subject land to be set aside as a reserve, will be the responsibility of the Shire. Department of Lands advised the Shire to seek an independent indicative valuation for compensation purposes. Compensation is estimated to be up to a maximum of 210% of the current land value although this may vary following discussions with the native title holders.

A valuation was conducted by Griffin Valuation Advisory in October 2015 with the market value being determined as \$30,000. This figure indicates compensation costs of circa \$65,000.

Attributable to Onslow's primary tourist destination status within the region, these facilities contribute significantly to the social benefit to the Onslow community in the form of improved tourist facilities through the recreational infrastructure located on the land. Therefore, land tenure is required to comply with the Land Administration Act 1997.





Consultation

Executive Manager – Strategic & Economic Development
Principal Planner
Facilities Manager

Statutory Environment

Section 41 of the Land Administration Act 1997
Section 165(2) of the Land Administration Act 1997
Native Title Act 1993

Financial Implications

Costs associated with the preparation and survey of the deposited plan will be allocated in the 2015/16 budget.

Compensation costs are expected some 1.5 – 2 years after initiating the future act process and will be captured in the 2016/17 budget.

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Ongoing maintenance costs are minimal and are provided for in the budget.

Strategic Implications

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

Risk Management

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

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Request the Minister for Lands to:
 - a. Reserve Lot 330 and portions of Unallocated Crown Land from Lot 330 to Lot 414 as described on Plan Onslow Boardwalk - 01 and dated April 2015 for the purpose "Recreation"; and
 - b. Issue a Management Order to the Shire of Ashburton.
2. Advise Department of Lands in writing of the Shire's commitment to indemnify the Minister against any claim for compensation.

Author: Janelle Fell	Signature:
Manager: Anika Serer	Signature:

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

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

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

(a) a matter affecting an employee or employees;

(b) the personal affairs of any person;

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

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

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

(I) a trade secret;

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

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

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

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

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

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

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

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

(h) such other matters as may be prescribed.

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20. NEXT MEETING

The next Ordinary Meeting of Council will be held on Wednesday 18 November 2015, at the Ashburton Hall, Ashburton Ave, Paraborndoo, commencing at 1.00 pm.

21. CLOSURE OF MEETING