



**SHIRE OF ASHBURTON
ORDINARY MEETING OF COUNCIL**

**MINUTES
(Public Document)**

**Onslow Multi-Purpose Centre, Cnr
McGrath Rd and Hooley Ave, Onslow
10 December 2014**

1.00 pm

MINUTES - ORDINARY MEETING OF COUNCIL 10 DECEMBER 2014

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 10 December 2014 at Onslow Multi-Purpose Centre, Cnr McGrath Rd and Hooley Ave, Onslow commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.

Neil Hartley
CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

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1. **DECLARATION OF OPENING**

The Shire President declared the meeting open at 1.02 pm.

2. **ANNOUNCEMENT OF VISITORS**

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

3. **ATTENDANCE**

3.1 **PRESENT**

Cr K White	Shire President, Onslow Ward
Cr L Rumble	Deputy Shire President, Paraburdoo Ward
Cr D Dias	Paraburdoo Ward
Cr L Thomas	Tableland Ward
Cr A Bloem	Tom Price Ward
Cr A Eyre	Ashburton Ward
Cr D Wright	Pannawonica Ward
Mr N Hartley	Chief Executive Officer
Ms D Wilkes	Executive Manager, Community Development
Mr F Ludovico	Executive Manager, Corporate Services
Mr T Davis	Executive Manager, Infrastructure Services
Ms A Serer	Executive Manager, Strategic & Economic Development
Mr A Patterson	Town Planner
Ms J Smith	Executive Officer CEO
Mrs C Robson	CEO & Councillor Support Officer

3.2 **APOLOGIES**

Cr Peter Foster Tom Price Ward

3.3 **APPROVED LEAVE OF ABSENCE**

Cr Cecilia Fernandez Tom Price Ward

4. **QUESTION TIME**

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

At the Ordinary Meeting of Council held on 19 November 2014 no questions were taken on notice.

4.2 **PUBLIC QUESTION TIME**

There were no questions from the public.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Council Decision			
MOVED:	Cr A Bloem	SECONDED:	Cr L Rumble
That Council:			
Accept the application for leave of absence from Cr Douglas Ivan Dias for the February Ordinary Meeting of Council.			
			CARRIED 7/0
Crs White, Rumble, Dias, Eyre, Wright, Bloem and Thomas voted for the motion			

6. DECLARATION BY MEMBERS

6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

Councillors White, Rumble, Eyre, Dias, Wright, Bloem and Thomas all indicated that they had 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.

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2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
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.

Declarations of Interest provided:

Item Number/ Name	Type of Interest	Nature/Extent of Interest
12.2 REVIEW OF POLICY REC05 COMMUNITY LEASE AND LICENCE AGREEMENTS OF SHIRE ASSETS (FACILITIES, BUILDINGS AND LAND)		
Cr Bloem	Financial	The nature of my interest is joint operator of a gym in a Shire of Ashburton building and the extent of my interest is financial.
Cr Rumble	Impartiality	The nature of my interest is that I am on the committee Tennis Club and the extent of my interest is playing member Tennis Club.
13.1 GRV RATING OF WORKER ACCOMMODATION FACILITIES		
Cr Dias	Financial	The nature of my interest is financial and the extent of my interest is 21638 FMG shares and 6433 BHP shares both ordinary shares as of 30 th November 2014 all held in joint names with my wife.
Cr White	Financial	The nature of my interest is shares and the extent of my interest is more than \$10,000 shares in B.H.P.
Cr Eyre	Financial	The nature of my interest is financial and the extent of my interest is over the \$10,000 worth of FMG shares.
Neil Hartley	Financial	The nature of interest is Shareholder with FMG.
Franco Ludovico	Indirect	The nature of my interest is my wife has shares in FMG and the extent of my interest is the value of the

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		shares is less than \$10,000.
14.1 REQUEST TO REMOVE CONDITION FROM PLANNING APPROVAL 20120758 (P) RELATING TO NOTIFICATION ON CERTIFICATE OF TITLE ADVISING OF POTENTIAL NOISE IMPACTS		
Cr Eyre	Financial	The nature of my interest is financial and the extent of my interest is my spouse is employed by Onslow Salt P/L.
15.1 SUPPORT OF PROCLAMATION OF NANUTARRA MUNJINA ROAD REALIGNMENT FORTESCUE METALS GROUP SOLOMON MINE NEAR FORTESCUE RIVER CROSSING ROAD		
Cr Eyre	Financial	The nature of my interest is financial and the extent of my interest is over the \$10,000 worth of FMG shares.
Cr Dias	Financial	The nature of interest is financial and the extent of my interest is 21638 FMG ordinary shares as of 30 th November 2014 held in joint names with my wife.
15.2 SUPPORT OF PROCLAMATION OF NANUTARRA MUNJINA ROAD WESTERN TURNER SYNCLINE REALIGNMENT BY RIO TINTO MINING		
Cr Dias	Financial	The nature of my interest is employee of Hamersley Iron Pty Ltd and the extent of my interest is as of 30 th November 2014, 8316 ordinary shares in joint names with my wife and 401 fully paid ordinary shares in my name and wife has 401 fully paid ordinary shares in Rio Tinto Ltd.
15.3 REVIEW OF ONSLOW AIRPORT PASSENGER HEAD TAX		
Cr Dias	Financial	The nature of my interest is financial and the extent of my interest is 5000 Qantas ordinary shares and 25000 Virgin ordinary shares as of 30 th November 2014 held with joint names with my wife.
16.1 REVIEW OF LOCATION FOR ONSLOW SKATE PARK FACILITY		
Cr Dias	Financial	The nature of my interest is financial and the extent of my interest is 6433 BHPB ordinary shares as of 30 th November 2014 held in joint names with my wife.
Cr White	Financial	The nature of my interest is B.H.P shares and the extent of my interest is more than \$10,000 of shares.
16.2 ESTABLISHMENT OF COMMERCIAL LEASES - ONSLOW AIRPORT TERMINAL		
Cr Dias	Financial	The nature of my interest is financial and the extent of my interest is 5000 Qantas ordinary shares and 25000 Virgin Australia ordinary shares as of 30 th November 2014 held in joint names with my wife.

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

The President congratulated staff on the Onslow Airstrip award won at the AAA Airport Industry Awards. The Onslow Airport has been a challenging project and the construction of the airstrip itself, in such a difficult physical environment, is to be commended.

Cr Wright left the meeting at 1.17 pm.

Cr Wright entered the meeting at 1.19 pm.

8. PETITIONS / DEPUTATIONS / PRESENTATIONS

8.1 PETITIONS

Mr Bruce Strahan tabled a letter and petition with approximately 160 names in relation to the proposed location of the Onslow Skate Park. This petition was referred to be considered in conjunction with item 16.1 of this agenda.

8.2 DEPUTATIONS

There were no deputations presented to Council.

8.3 PRESENTATIONS

There were no presentations to Council.

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 SPECIAL MEETING OF COUNCIL MEETING HELD ON 12 NOVEMBER 2014

Council Decision

MOVED: Cr A Bloem

SECONDED: Cr A Eyre

That the Minutes of the Special Meeting of Council held on 12 November 2014, as previously circulated on 18 November 2014, be confirmed as a true and accurate record, subject to the following correction:

In the Declaration of Financial Interest (Prior to 7.1) correct the employer details so that the sentence 'Cr Dias is an employee of Pilbara Iron or a subsidiary of Rio Tinto Ltd and owns shares in Rio Tinto Ltd' reads as follows 'Cr Dias is an employee of Hamersley Iron Pty Ltd and owns shares in Rio Tinto Ltd'.

CARRIED 7/0

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

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9.2 ORDINARY MEETING OF COUNCIL HELD ON 19 NOVEMBER 2014

Council Decision

MOVED: Cr L Thomas

SECONDED: Cr D Dias

That the Minutes of the Ordinary Meeting of Council held on 19 November 2014, as previously circulated on 26 November 2014, be confirmed as a true and accurate record.

CARRIED 7/0

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

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10. AGENDA ITEMS ADOPTED "EN BLOC"

10.1 AGENDA ITEMS ADOPTED 'EN BLOC'

MINUTE: 11888

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

"Part 5 – Business of a meeting

Clause 5.6 Adoption by exception resolution:

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

Council Decision

MOVED: Cr A Bloem

SECONDED: Cr A Eyre

That Council adopts en bloc the following officer recommendations contained in the Agenda for the Ordinary Meeting of Council 10 December 2014.

Item No.	Agenda Item
11.1	PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS NOVEMBER 2014
11.2	ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF NOVEMBER 2014
13.2	RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF OCTOBER & NOVEMBER 2014
13.4	AUDIT & RISK COMMITTEE NEW TERMS OF REFERENCE

CARRIED EN BLOC 7/0

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

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11. GOVERNANCE & EXECUTIVE SERVICE REPORTS

11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS NOVEMBER 2014

MINUTE: 11888

FILE REFERENCE: OR.MT.1

AUTHOR'S NAME AND POSITION: Chelsie Robson
CEO & Councillor Support Officer

NAME OF APPLICANT/
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 26 November 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 1.1 (Minute: 11477) - Ordinary Meeting of Council 10 April 2013

Summary

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

Background

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

Comment

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

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

ATTACHMENT 11.1

Consultation

Chief Executive Officer
Executive Management Team

Statutory Environment

Not Applicable

Financial Implications

Not Applicable

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

Not Applicable

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr A Bloem

SECONDED: Cr A Eyre

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

CARRIED EN BLOC 7/0

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

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11.2 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF NOVEMBER 2014

MINUTE: 11888

FILE REFERENCE: OR.DA.00.00
AS.AS.00000.000
PS.TP.07.00

AUTHOR'S NAME AND POSITION: Janyce Smith
Executive Officer

Susan Babao
Administration Assistant, Planning

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 26 November 2014

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 back to Council actions performed under delegated authority for the month of November 2014.

This report includes all actions performed under delegated authority for:

- The Use of the Common Seal.
- Development and Regulatory Services
- Approval to Purchase Goods and Services by the Chief Executive Officer (CEO).
- Tender Approvals by the Delegations of Authorisation used by the Chief Executive Officer.

Background

All actions performed under delegated authority for the following items are included in **ATTACHMENT 11.2:**

- The Use of the Common Seal.
- Development and Regulatory Services
- Approval to Purchase Goods and Services by the Chief Executive Officer (CEO).
- Tender Approvals by the Delegations of Authorisation used by the Chief Executive Officer.

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Comment

The Information Bulletin is not a public document and so to increase transparency, a report on actions performed under delegated authority has been prepared for Council.

This report is prepared for each Council meeting.

Consultation

The Use of the Common Seal

Chief Executive Officer

Development and Regulatory Services

Chief Executive Officer

Executive Manager, Development & Regulatory Services

Approval to Purchase Goods and Services by the Chief Executive Officer

General Manager

Executive Manager Corporate Services

Tender Approvals by Delegations of Authorisation used by the Chief Executive Officer

Executive Manager Infrastructure Services

Statutory Environment

The Use of the Common Seal

Local Government Act 1995, S9.49A Execution of documents.

Development and Regulatory Services

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

Local Government Act 1995, S5.45 – Other matters relevant to delegations under this Division,

S5.70 – Employees to disclose interest relating to advice or reports, S5.71 – Employees to disclose interests relating to delegated functions.

Approval to Purchase Goods and Services by the Chief Executive Officer

Tender Approvals by Delegations of Authorisation used by the Chief Executive Officer

Local Government Act 1995, S3.57 Tenders for providing goods or services.

Financial Implications

The Use of the Common Seal

There are no financial implications related to this matter.

Development and Regulatory Services

There are no financial implications related to this matter.

Approval to Purchase Goods and Services by the Chief Executive Officer

Goods purchased in accordance with 2014/15 Budget.

Tender Approvals by Delegations of Authorisation used by the Chief Executive Officer

Goods purchased in accordance with 2014/15 Budget.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

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Risk Management

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

Policy Implications

The Use of the Common Seal

ELM 13 – Affixing the Shire of Ashburton Common Seal.

Development and Regulatory Services

There are no policy implications related to this matter.

Approval to Purchase Goods and Services by the Chief Executive Officer

Tender Approvals by Delegations of Authorisation used by the Chief Executive Officer

FIN12 – Purchasing and Tendering Policy.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr A Bloem

SECONDED: Cr A Eyre

That Council accepts the report "11.2 Actions Performed Under Delegated Authority for the Month of November 2014".

CARRIED EN BLOC 7/0

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

12. COMMUNITY DEVELOPMENT REPORTS

12.1 YOUTH ENGAGEMENT STRATEGY

MINUTE: 11889

FILE REFERENCE: CS.SS.02.00

AUTHOR'S NAME AND POSITION: Laryanne Moir
Executive Assistant, Community Development

NAME OF APPLICANT/
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 24 November 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 15.5 Minute No. 11198 – Ordinary Meeting of Council 16 May 2012

Summary

On 16 May 2012 Council accepted the recommendation to implement a Youth Advisory Council (YAC) Policy. To date we have not been able to implement this policy as the distribution of young people across the four towns creates a challenge to establishing a YAC.

Developing a Youth Engagement Strategy that allows flexibility and collaboration with external agencies could provide the solution to our unique issues.

Background

On 16 May 2012 Council accepted the recommendation to implement a Youth Advisory Council (YAC) Policy. As part of the policy, Council agreed to establish Youth Advisory Councils in each town and a budget of \$5000 per town was allocated to assist with this. To date no Youth Advisory Council has been established, and as this policy is due for review it is timely to reassess if this is the best way to formally engage with youth across the Shire of Ashburton or whether different and potentially more effective methods should be employed.

Local government authorities within the Perth metropolitan area often have successful YAC's and comment on the positive contribution these YAC's make. It must, however, be noted that these LGA's have considerably larger populations, often have multiple high schools to draw from and do not have the expansive travel challenges that regional areas experience.

The Shires of Wyndham-East Kimberley and Broome, the Town of Port Hedland and the City of Karratha do not have YAC's, while East Pilbara and Carnarvon are in the process of disbanding theirs. Primary difficulties experienced by regional local governments included the very small numbers of young people in remote towns, the costs of attendance at meetings, and the travel and logistical challenges to have Councillors available to mentor and support the YAC members.

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Comment

Youth Advisory Councils traditionally have high school aged members (13 - 17 years) and the Shire of Ashburton has a relatively small number of young people in this age group. There is only one high school, Tom Price Senior High School, which covers both Tom Price and Paraburdoo and had 244 students enrolled in 2014. In addition Onslow Primary School has 20 senior students enrolled and Pannawonica has four senior students (who undertake distance learning).

In addition to a relatively small target group, other challenges facing the Shire of Ashburton include sourcing chaperones which are required for any travel or overnight accommodation, and any Councillors involved in mentoring in supporting YACs members need Working With Children's Checks.

YACs operate as junior versions of regular Councils, with elected Shire Presidents, Deputy Shire Presidents, and Councillors. They meet on a regular basis, may or may not have a budget to manage, have agendas and minutes and take reports to Ordinary Meetings of Council. They also usually have at least one representative at each Council meeting, and are expected to attend community events in their respective towns.

The formal nature of these Councils is often a deterrent to many people, and consequently many local governments struggle with engaging young people in this particular manner.

The Shire of Ashburton is already heavily engaged with young people in our region through a number of casual, informal strategies. This includes regular consultation with young people in our school and youth centers on issues such as Entry Statements, Skate Parks and Anzac upgrades. There was also significant youth involvement in the Community Strategic Plan 2012 – 2022. Officers also hold regular and/or ex-officio roles on a number of boards and committees including the Tom Price Senior High School Board and the Tom Price Youth Centre Committee.

Moving forward, rather than policies such as this one, many regional local governments are developing comprehensive Youth Engagement Strategies that allow them to tailor a set of engagements practices to their unique situations. These strategies can include formal process such as Youth Advisory Councils/Junior Councils but can also include strategies similar to what the Shire of Ashburton is already utilising. This approach allows for flexibility in how engagement is undertaken while still ensuring that the Council's commitment to that engagement is formally recognised.

Consultation

Executive Manager - Community Development

Statutory Environment

There are no statutory requirements.

Financial Implications

The adoption of a Youth Engagement Strategy to replace Policy REC11 (Youth Advisory Council) would reduce costs and formalise the existing process that has been successful in the past.

Costs, similar to current Council meetings, would not be incurred for travel, catering or accommodation.

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YAC members are traditionally aged between 13 – 17 years therefore, in most instances, requiring chaperones. The costs associated with accompanying chaperones would also not be incurred.

Councillors would need to obtain ‘Working with Children’ clearance to comply with the existing policy which may not be necessary if a Youth Engagement Strategy was developed. A Youth Engagement Strategy would formalise the existing process with reduced financial impact. An annual allocation of approximately \$10,000 may be required for meetings and facilitator expenses if appropriate, this represents a \$10,000 saving on the current (but unbudgeted) policy allocation of \$5,000 for each Town.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 01 – Vibrant and Active Communities

Objective 01 – Connected, Caring and Engaged Communities

Risk Management

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

Policy Implications

REC11 Youth Advisory Council Policy

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr D Wright

That Council:

- 1. Endorse the development of a Youth Engagement Strategy to replace Policy REC11 (Youth Advisory Council) for Council’s future consideration; and**
- 2. Require, the Youth Engagement Strategy to be referred back to Council for its consideration.**

CARRIED 7/0

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

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Declaration of Interest

Prior to consideration of this Agenda Item –
Cr Bloem declared a (financial) interest.
Cr Rumble declared a (impartiality) interest.

See item 6.2 for details of the interest declared.

Cr Bloem left the meeting at 1.25 pm.

12.2 REVIEW OF POLICY REC05 COMMUNITY LEASE AND LICENCE AGREEMENTS OF SHIRE ASSETS (FACILITIES, BUILDINGS AND LAND)

MINUTE: 11890

FILE REFERENCE:	REC05
AUTHOR'S NAME AND POSITION:	Mabel Gough Temporary Project Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	27 November 2014
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 15.4 (Minute No. 11130) – Ordinary Meeting of Council 15 February 2012 Agenda Item 11.06.310 – Ordinary Meeting of Council 15 June 2004 Agenda Item 11.10.267 – Ordinary Meeting of Council 1 November 2002 Agenda Item 14.05.3 - Ordinary Council Meeting of 21 May 2002 Agenda Item 8.10.233 - Ordinary Council Meeting of 15 January 2002 Agenda Item 9.11.675 (Minute No. 12.07.1045) – Ordinary Meeting of Council 14 November 2000

Summary

A review of Policy REC05 Community Lease and Licence Agreements of Shire Assets (Facilities, Buildings and Land) covering the establishment of lease and licences with community groups has been conducted.

The purpose of the review was to provide a simplified lease document and processes for community groups, with consistency of agreements across the entire local government area. Workshops were conducted with Councillors on 15 October and 19 November 2014 (following the October & November Ordinary Meetings of Council) to ensure the community's expectations were suitably considered, but also to ensure accuracy and currency which reflected the Council's commitment to ensuring best practice governance principles.

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A structured, equitable and consistent approach to the management of Council's community lease and licence agreements with local community groups for the use of Shire of Ashburton (SOA) owned and controlled facilities, buildings and land is considered to have been achieved, and the reviewed policy and supporting documents are now presented for Council consideration.

Background

Policy REC05 has been reviewed by key stakeholders, Executive Managers and Councillors. The review included the need to redefine the policy; alter the fees within the policy; change policy content; include policy guidelines; include references to associated documents; title alteration; and formatting to align with the Shire's approved template models. The Policy now provides the firm protocols necessary to ensure universal consistency in the management of Shire controlled facilities, buildings and land across the entire Shire of Ashburton area.

ATTACHMENT 12.2A

To ensure fairness and equity to all parties across the Shire, this policy also includes the new simplified Standard Lease/Licence Agreement which must be used in conjunction with the Instructions and Special Conditions for a Lease or a Licence Agreement to use Community Facilities document.

ATTACHMENT 12.2B ATTACHMENT 12.2C

The Shire of Ashburton already utilises a standard lease and licence agreement template when establishing agreements for community groups, however this template has been noted as complex and difficult to interpret by community groups, Councillors and Shire employees. Civic Legal was engaged to 'simplify' the Lease and Licence template in an effort to streamline procedures and improve understanding of the documents when drawing up and presenting agreements to the community lessees, whilst endeavouring to suitably minimise any legal risk to the Shire.

The revised template was presented in the workshop following the October 2014 and November 2014 Ordinary Meetings of Council. A number of changes were made to these documents based on feedback received at those workshops.

The aim of the Policy, and associated documents review, was to ensure that all local community groups utilising SOA facilities, buildings and land under this policy have a consistent and formal lease or licence agreement to occupy the premise/s. The Policy also ensures that the implementation of administrative procedures and authority for issuance of community lease and licence agreements for Shire controlled facilities, buildings and land, will be executed as per the Local Government Act 1995.

The amendments to the Policy, Lease and Licence template and the creation of the Instructions and Special Conditions document aim to establish a standard, equitable and consistent approach for all user groups in the Shire. The policy will be used to establish agreements that are consistent in regards to the terms, guidelines, conditions and fees. The review highlights Council's focus on strategic governance, providing clarity, ownership, and accountability to the Ashburton community and for the operations staff of the Shire. In light of the firm Policy which sets the fee structure and prices, and its attached endorsed Lease/Licence Agreement, it is considered that the management of the numerous agreements can be suitably accommodated administratively, under delegation.

ATTACHMENT 12.2D

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Comment

The review of Policy REC05 has been carried out in line with ADM01 Policy and Management Directive Register Review and the ADM02 Policy Development and Review Process Management Directives.

Potential policy review outcomes were presented to Councillors in a workshop held on 15 October and 19 November 2014. Several suggested changes to Policy REC05 and its supporting documents; the standard Lease or Licence Agreement of Community Facilities template and the Instructions and Special Conditions for a Lease or a Licence Agreement to use Community Facilities document were made. Policy REC05 and the supporting documents have been amended to reflect these changes. Changes to Policy REC05 were:

- Changing the Policy title from 'Establishment of Sporting Club and Community Group Leases' to 'Community Lease and Licence Agreements of Shire Assets (Facilities, Buildings and Land)'
- Identifying that the policy must be used in conjunction with the standard Lease or Licence Agreement of Community Facilities template and in combination with the newly created Instructions and Special Conditions for a Lease or a Licence Agreement to use Community Facilities document.
- Inclusion of the definition of what a community group is to ensure that only groups that fall within this definition are presented with a community agreement. Groups must comprise of a committee consisting of a President, Vice President, Treasurer and Secretary.
- Clearly defining the types of agreements and when they should be used.
- Removing 'principle information' from the Policy and relocating these guidelines into the Instructions and Special Conditions for a Lease or a Licence Agreement to use Community Facilities document.
- Re-establishing annual fees and the categorisation of different groups or usages of Shire facilities that is applicable for lease and licence agreements. Junior organisations are charged a lesser fee than adult groups, with licenced venues charged more as they have the potential to create additional revenue from the sale of alcohol. Inclusion of a fee for storage has been included to ensure that groups who are fortunate to have Shire storage pay a minimal fee as the Shire is unable to offer storage to all community groups.
- Noting that incremental increases or changes of annual fees will not occur on any lease or licence agreement unless Policy REC05 is reviewed and presented to Council, or is changed by Council at its annual budget meeting.
- Providing authority be delegated to the Chief Executive Officer to establish and renew and vary all community Lease Agreements including User and Licence Agreements for properties that are under the care, control and management of the Shire of Ashburton.
- Reformatting the document to match Shire's approved template model.

These changes reflect Council's consideration of the current issues surrounding establishing community group lease and licence agreements. The Policy also provides an opportunity to recognise the voluntary contributions made to the maintenance of SOA property and to the services provided to the community by the community groups involved. The purpose of the changes is to ensure community organisations have a lease or licence agreement that reflects the usage of the facility and promotes accountability and equitability amongst the user groups. The changes will enable the Shire to formalise arrangements with all community groups that currently occupy SOA property on verbal agreements and/or under various unwritten assumptions. The Policy also ensures that future lease and licence agreements established will be consistent and established in line with this Policy.

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Policy REC05 and associated Lease and Licence templates are necessary for community groups that have sole or shared occupancy of SOA owned facilities. Under the terms of the lease and licence agreement the groups are responsible for certain maintenance of the facilities, which their organisation occupies. The Lease and Licence Agreement templates are legal instruments that convey property to another for a definite period, usually in exchange for rent or other periodical compensation. It stipulates the obligations of both parties and is enforceable by law. Therefore it needs to be created by legal professionals. The Lease and Licence Agreement templates to be utilised in conjunction with this policy have been developed by the legal firm, Civic Legal. Whilst the Lease or License agreement is a more “user friendly document”, than the previous Lease document, it still suitably protects the Council as Licensor and also the community organisation as Licensee. The lease and licence agreement templates will continue to evolve and will be updated from time to time as the need arises.

The benefits of the Lease and Licence Agreement are that both the Shire of Ashburton and the user’s rights and responsibilities are outlined in a written document, which is then signed by both parties. It is intended that by establishing lease and licence agreements using the new updated policy, greater equity will be achieved for lessees and this will also assist Shire employees with the administration of leases and licences.

Commercial lease and licence agreements have not been included in this report. For an organisation to be granted a community lease or licence agreement the organisation must comply with the definition of a ‘community or sporting group’ as defined in Policy REC05. All lease and licence agreements will be administered and prepared by Shire employees and will be presented to the CEO for final consideration and endorsement. Existing lease and licence agreements will not be affected by the proposed policy until they expire. A new lease or licence agreement can be offered to the community group in line with Policy REC05 when their current agreement expires.

Consultation

Chief Executive Officer
Executive Manager – Community Development
Facilities Manager
Economic & Land Development Manager
Governance and Policy Officer
Project Support Officer
Project Officer
Shire President
Councillors

Statutory Environment

Land Administration Act 1997.
Local Government Act 1995 Section 6.16, 6.17 and 6.19.
Local Government Act 1995, Part 5, Division 4, Section 5.46.
Local Government (Functions and General) Regulations 1996.
Local Government Act 1995 Section 3.58 “Disposing of Property”.
Local Government Act 1995 Section 2.7(2) (b) of the Local Government Act 1995 (“the Act”) states that the making of policy is a role of the Council.
DA06-8 Establishment, Renewal and Variation of All Lease Agreements Including User and Licence Agreements.

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Financial Implications

Whilst some annual lease or licence fees for groups have proposed to be decreased, other annual fees have been suggested to be increased. The adoption of Policy REC05 will though, marginally reduce the Shire of Ashburton annual income from community lease and licence agreements. The new fees have no impact on the Shire's contribution on outgoings incurred by the Shire for facility maintenance and improvement.

Suggested annual fees and guidelines for SOA future Lease and Licence Agreements is presented below and is incorporated within Policy REC05:

Guidelines on Fees for All Lease & Licence Agreements		
The fees below are not to be incorporated into a Lease or Licence Agreement for general hire of a facility (e.g. Utilising a venue in the Shire of Ashburton Annual Fees and Charges on a weekly basis for 6 hours per week).		
Fees apply to all club/associations regardless of financial stability.		
Facilities, Buildings or Reserves will be charged at the same rate per annum regardless of size and location.		
Fees apply regardless of new, old or renovated facility, building or land.		
Fees apply regardless of any work carried out by the club or association.		
Only one room, store room, building, facility or reserve to one lease/licence agreement. Groups are entitled to more than one lease/licence agreement should the Shire have facilities, buildings, rooms or reserves available.		
Facility, Building or Land Lease or Licence Agreement	Fee per Annum	Guidelines
<i>Reserve/Land</i>	\$500.00 plus GST	The Shire of Ashburton does not own any assets on a lease or licenced reserve. All buildings and infrastructure is an asset of the club/association and is the club's responsibility.
<i>Associations/Clubs that Hold a Liquor Licence</i>	\$1,000.00 plus GST	This applies to any venue or reserve under a lease/licence agreement that is an approved Licenced Premise by the Department of Racing, Gaming & Liquor for the sale of alcohol.
<i>Entire Facilities or Rooms within a Building.</i>	\$500.00 plus GST	These areas can be small or large however must be able to accommodate a recreational activity or small group meeting.
		These buildings, rooms or facilities must be for a 'sole recreational purpose'. For example club meeting rooms, tennis courts, squash courts, toy libraries.
		Rooms within a facility are in a building in which the Shire of Ashburton hires the remaining areas of the facility to general users as per the Annual Fees and Charges.
<i>Junior Organisation</i>	\$300.00 plus GST	Organisation must be specifically for children 17 years and under. This does not apply to any organisation that invites adults (18 years and over) to participate or supervise in the recreational or sporting activity.
		This applies to junior organisations that are on a reserve or have an entire facility or rooms within a building.

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Storage	\$100.00 plus GST	This is for any group that has storage within or on a Shire facility/building.
		Store rooms generally have no air conditioners or windows.
		Store rooms cannot accommodate space for a meeting room if desired.
		Examples: Tom Price Netball/Basketball Shed, Clem Thompson Memorial Sports Pavilion Store Rooms, Store Rooms in the Community Centre.
		Storage fees will not be charged where groups do not have sole usage of the storage room. For example – the store room is available for groups that hire the venue on an hourly rate as per the annual Fees and Charges or are also utilised by the Shire of Ashburton.

Compliance & Regulatory Costs

An additional financial implication to this Policy review will be a commitment from Council to budget a suggested \$170,000 each year for the next five years to assist groups that lease Shire reserves and to a lesser extent facilities and buildings, to comply with the various building, land, health, waste and environmental regulations retrospectively (meaning facilities or structures already established but have not been approved by the relevant regulatory bodies) such as but not limited to:

- Building and land surveys.
- Rubbish disposal including tyres, car bodies, dongas, scrap metal and other foreign material.
- Structural certifications for buildings and other infrastructure.
- Modifications to kitchen and ablution blocks.
- Planning, building and health applications and the associated works required to submit such applications to the relevant bodies.

It is proposed that following research, a follow-up Council report on all lease and licence agreements is required, outlining where there are compliance issues, what the proposed solutions to any non-compliances might be, a timeline for compliance, and what cost sharing arrangements between the Shire and the Lessee are appropriate to secure a suitable outcome.

All future land and building developments (developments that have not yet been established) on community leased and licensed premises must comply with the relevant Acts and Local Laws and be funded by one or both of the below options:

1. Future developments to be financed and funding sort by the community group.
2. Requests for facility upgrades to be presented to Council in the form of a Capital Expenditure Request for consideration.

Operational & Assistance Costs

An additional \$20,000 each financial year is estimated to be required to:

- Undertake grading or sweeping of roads/tracks into, within and surrounding leased reserves to assist large trucks to access the reserve for rubbish collection and other requirements.

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- Provide groups which have rubbish bins collected as part of the Shire of Ashburton weekly refuse collection disposal services with a 50% discount on commercial/industrial refuse collection fees as per below:

COMMERCIAL / INDUSTRIAL REFUSE COLLECTION		
Commercial / Industrial Waste Receptacle Charge		
Weekly service - 240 litre bin	per receptacle per year	733.00
Weekly service - 600 litre Bulk Bin	per receptacle per year	1,085.00
Weekly service - 1.1m3 Bulk Bin	per receptacle per year	1,545.00
Community Groups as defined in Policy REC05 requiring a weekly bin service will be provided a 50% discount on Commercial/Industrial Refuse Collection Charges.		

The expenses to the Shire of Ashburton outlined above under Compliance & Regulatory Costs and Operational & Assistance Costs would be in the form of in-kind or cash donations to community groups additional and treated separately to Small Assistance Donations and Community Support Grants under Policy REC08 Community Donations, Grants and Funding Policy.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 01 – Vibrant and Active Communities

Objective 02 – Active People, Clubs and Associations

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Medium Risk: Managed by specific monitoring or response procedures". Considerable Shire employee time will be required to ensure that any lease or licence agreement granted to a community group is adhered to and the Shire is conforming with any legal obligations in regards to the lease or licence agreement.

Policy Implications

ADM01 Policy Management Directive Register Review

ADM02 Policy Development and Review Process Management Directives

Voting Requirement

Absolute Majority Required

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Recommendation

That Council:

1. Adopts reviewed Policy REC05, Community Lease and License Agreements of Shire Assets (Facilities, Buildings and Land) to be used in conjunction with the Lease and License Template and the Instructions & Special Conditions Document for Lease and for Licence as per **ATTACHMENT 12.2A, B, and C**;
2. Adopts the proposed 50% discount on Commercial/Industrial Refuse Collection Charges for community groups under Policy REC05 as per below:

COMMERCIAL / INDUSTRIAL REFUSE COLLECTION		
Commercial / Industrial Waste Receptacle Charge		
Weekly service - 240 Litre Bin	per receptacle per year	\$733.00
Weekly service - 600 Litre Bulk Bin	per receptacle per year	\$1,085.00
Weekly service - 1.1m3 Bulk Bin	per receptacle per year	\$1,545.00
Community Groups as defined in Policy REC05 requiring a weekly bin service will be provided a 50% discount on Commercial/Industrial Refuse Collection Charges.		

3. Amends the 2014/2015 Annual Fees & Charges to reflect the changes to the Fees and Charges (i.e. refuse and lease/license fees), and advertises the amended Fees & Charges for a period of 7 days in accordance with Section 6.19 of the Local Government Act 1995.
4. Apply the provisions of amended Council Policy REC05 including the application of the new fees & charges when current individual community lease and licence agreements expire or new agreements are established;
5. Adopts reviewed delegated authority DA06-8 Establishment, Renewal and Variation of All Lease Agreements Including User and Licence Agreements as per **ATTACHMENT 12.2D**;
6. Seeks from Officers, a follow-up Council report all lease and licence agreements where there are compliance issues, and an outline of the proposed solutions, timelines and costs.

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Council Decision

MOVED: Cr D Wright

SECONDED: Cr L Rumble

That Council:

- 1. Adopts reviewed Policy REC05, Community Lease and Licence Agreements of Shire Assets (Facilities, Buildings and Land) to be used in conjunction with the Lease and Licence Template and the Instructions & Special Conditions Document for Lease and for Licence as per ATTACHMENT 12.2A, B, and C, subject to the removal of the Common Seal provision in the lease/licence agreements;**
- 2. Adopts the proposed 50% discount on Commercial/Industrial Refuse Collection Charges for community groups under Policy REC05 as per below:**

COMMERCIAL / INDUSTRIAL REFUSE COLLECTION		
Commercial / Industrial Waste Receptacle Charge		
Weekly service - 240 Litre Bin	per receptacle per year	\$733.00
Weekly service - 600 Litre Bulk Bin	per receptacle per year	\$1,085.00
Weekly service - 1.1m3 Bulk Bin	per receptacle per year	\$1,545.00
Community Groups as defined in Policy REC05 requiring a weekly bin service will be provided a 50% discount on Commercial/Industrial Refuse Collection Charges.		

- 3. Amends the 2014/2015 Annual Fees & Charges to reflect the changes to the Fees and Charges (i.e. refuse and lease/licence fees), and advertises the amended Fees & Charges for a period of 7 days in accordance with Section 6.19 of the Local Government Act 1995.**
- 4. Apply the provisions of amended Council Policy REC05 including the application of the new fees & charges when current individual community lease and licence agreements expire or new agreements are established;**
- 5. Adopts reviewed delegated authority DA06-8 Establishment, Renewal and Variation of All Lease Agreements Including User and Licence Agreements as per ATTACHMENT 12.2D;**
- 6. Seeks from Officers, a follow-up Council report all lease and licence agreements where there are compliance issues, and an outline of the proposed solutions, timelines and costs.**

CARRIED BY ABSOLUTE MAJORITY 6/0
Crs White, Rumble, Dias, Eyre, Wright, and Thomas voted for the motion

Cr Bloem entered the meeting at 1.44 pm.

13. CORPORATE SERVICES REPORTS

Declaration of Financial Interest

In accordance with Section 5.69 (3) (a) of the Local Government Act Cr White, Cr Eyre and Cr Dias declared a financial interest in Agenda Item 13.1. The nature and extent of their interest is outlined in item 6.2.

As there would not be a quorum to vote, approval was sought from the Minister of Local Government to allow disclosing members Cr White, Cr Eyre and Cr Dias, to debate and vote on Agenda Item 13.1. The Minister's written approval for Cr Eyre to fully participate in the discussion and decision making process in relation to this agenda item was obtained prior to the Council Meeting. The approval was granted subject to the following conditions:

1. the approval is only valid for the 10 December 2014 Council Meeting when this matter is considered;
2. the disclosing member declare the nature and extent of their interest at the 10 December 2014 Council meeting when this matter is considered together with the approval provided;
3. the CEO is to provide a copy of the Department's letter advising of the approval to each declaring member; and
4. the CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the 10 December 2014 Council meeting when this matter is discussed.

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

RECORDED ON REGISTER OR.CR.04.00

Declaration of Interest

Prior to consideration of this Agenda Item –
Neil Hartley declared a (financial) interest.
Franco Ludovico declared a (indirect financial) interest.

See item 6.2 for details of the interest declared.

Cr White and Dias, Neil Hartley and Frank Ludovico left the room at 1.45 pm.

Cr Rumble took the chair at 1.45 pm.

MINUTES - ORDINARY MEETING OF COUNCIL 10 DECEMBER 2014

13.1 GRV RATING OF WORKER ACCOMMODATION FACILITIES

MINUTE: 11891

FILE REFERENCE: FI.RA.12.00

AUTHOR'S NAME AND POSITION: Keith Pearson
Special Projects Advisor

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 7 November 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 11.6, (Minute No 11282) – Ordinary Meeting of Council 19 September 2012
Agenda Item 6.1 – Special Meeting of Council, 9 July 2014

Summary

This item was presented to Council OMC in November 2014, and whilst the matter was considered, Council lacked a quorum of 5 members. This matter is resubmitted for Council consideration.

In September 2012 Council resolved to implement a program of GRV rating Workers Accommodation Facilities (WAFs), within the constraints generated by existing "State Agreement" legislation.

At that time Council also adopted Council Policy FIN16 "Gross Rental Valuation Rating of Worker Accommodation Facilities and other Selected Capital Improvements on Mining and Petroleum Leases", in support of its decision. This document, together with policy documents prepared by the Department of Local Government and Communities, has guided the Administration in progressing Council's resolution.

In practice, the Shire's database proved to be in a form that did not readily permit the collection of the information necessary to introduce a program of GRV rating of WAFs. That issue has now been successfully addressed and the first three WAFs, which are the subject of Council's original decision, have now been the subject of individual assessment, to the point that Council is now required to consider each site individually, prior to deciding whether to request the Minister for Local Government to approve the GRV rating of the sites.

Background

This item was presented to Council OMC in November 2014, and whilst the matter was considered, Council lacked a quorum of 5 members. This matter is resubmitted for Council consideration.

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Council, at its September 2012 Council meeting, considered a report relating to the Gross Rental Value (GRV) rating of Worker Accommodation Facilities (WAF) on mining and petroleum leases.

The report explained that, as from 1 July 2012, the Minister for Local Government was permitting a three year trial of GRV rating of WAFs, subject to the camps having anticipated lives of 12 months or more.

The report noted that existing WAFs on freehold land within the Shire townsites (eg Rocklea Palms and Windawarri) are already GRV rated and are therefore not the subject of this change in the rating process. Rather, the comments made related to WAF's, on Mining and Petroleum Leases, which are presently UV rated.

The report went on to state:

“It is estimated that there are almost 20,000 WAF beds within the Shire of Ashburton, although the precise number at any instant in time is difficult to determine. It is emphasised, however, that a large number of these beds are not GRV rateable.

Firstly, many WAFs exist for a short period of time and therefore are not GRV rateable under the Minister's guidelines. This is particularly the case with many construction camps.

Secondly, many camps associated with major resource developments within the Shire of Ashburton are subject to “State Agreement Legislation”, which details the contractual arrangements between the State Government and the developer of a particular resource deposit.

There are presently eleven state agreements operational within the Shire of Ashburton and these agreements contain a wide variety of provisions which regulate local government's ability to GRV rate various elements of infrastructure associated with the resource operation.

In many cases the provisions of the state agreements specifically prohibit the GRV rating of WAFs, and indeed any capital improvements on the land covered by the agreement.

Determining the Shire's ability to GRV rate Worker Accommodation Facilities within each of the eleven individual state agreements applying within the Shire's boundaries, is a complex process. The State Agreements are complex documents and many of the documents have undergone a significant number of amendments, both in terms of their wording and in relation to the land which is covered by the agreement.

The Administration is presently researching, with the assistance of legal advice from the Shire Solicitor, each individual state agreement, with the objective of establishing the potential to GRV rate capital improvements in accordance with each state agreement.

These investigations have, to date, highlighted the fact the earliest agreements (e.g. The Iron Ore (Hamersley Range) Act 1963) specifically prohibit Council from GRV rating improvements, while the most recent agreements (e.g. Barrow Island Act 2003 and FMG Chichester Agreement Act 2006) do permit GRV rating.”

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Finally, the report also noted that the Department of Local Government (DLG) had published "*Guideline Number 2. Changing Methods of Valuation of Land (Revised March 2012)*", in order to assist local governments wishing to change the method of rating a property. More specifically, the Guideline detailed the procedure to be followed by local governments when introducing GRV rating of WAFs on mining tenements and petroleum licences.

After considering the report Council resolved:

"That Council

- 1. Adopt Draft Council Policy "Gross Rental Valuation Rating of Worker Accommodation Facilities and other Selected Capital Improvements on Mining and Petroleum Leases".*
- 2. Implement a program of GRV rating Workers Accommodation Facilities and other GRV rateable improvements on mining tenements and petroleum licenses, within the constraints generated by existing "State Agreement" legislation; and*
- 3. Instruct the Chief Executive Officer to proceed with implementing the policy in 1 above, in accordance with the procedures set out in the Department of Local Government's publication "Guideline Number 2. Changing Methods of Valuation of Land (Revised March 2012)."*

The policy adopted by Council was consistent with the contents of the Department of Local Government Community Service's (DLGCS's) "*Guideline Number 2. Changing Methods of Valuation of Land (Revised March 2012)*". (Council's policy is also consistent with the DLGCS's "*Rating Policy – Valuation of Land - Mining*", which the department issued in April 2014).

A copy of the Council policy is attached.

ATTACHMENT 13.1A

Council's policy requires the following steps to be taken, when assessing a WAF facility for GRV Rating:

- A GRV valuation estimate shall be obtained from Landgate's Valuation and Property Section and an initial assessment made of the rate liability of the facility,*
- The ratepayer shall be advised of the proposed GRV rating of his/her property. A copy of the valuation estimate and the estimate of the rates payable shall be provided to the ratepayer, who will also be provided with an opportunity to make a written submission to Council.*
- A report in relation to each facility to be rated shall be submitted to Council, prior to the application being submitted to the Minister. The report shall address the matters identified in Paragraph 2.5 of the Department of Local Government's Guidelines No 2.*
- A submission in relation to each facility to be rated shall be submitted to the Minister for determination The submission shall address the matters identified in Paragraph 2.5 of the Department of Local Government's Guidelines No 2.*

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Council, at its Special Meeting on the 9th of July 2014, adopted its Differential Rates for the 2014-15 Financial Year. At that time, in anticipation of the introduction of GRV rating of WAFs, it included a GRV Rate for Workers Accommodation Facilities of \$0.047162 in the dollar. This is the same rate as for commercial, tourist and industrial properties.

Comment

As of the date of preparing this report, the details of eight WAFs, containing approximately 2400 beds, have been submitted to Landgate's Property and Valuation Section, and "GRV estimates" received for these camps.

Details of approximately twelve more WAFs, containing in the vicinity of 8000 beds, are presently being finalised by the Administration. It is anticipated that this information will have been submitted to Landgate, for valuation estimates, by the time of the Council meeting. The owners of three WAFs, for which "Landgate GRV estimates" have been received, have been formally advised, in writing, of the Shire's proposal to GRV their WAF sites. The three WAFs are:

- Paulsens Camp (Northern Star Resources Ltd) 187 beds,
- Spinifex Camp (BHP Billiton Ltd), 1500 beds, and
- Bonnie Doone Camp (FMG Ltd), 87 beds.

The Shire correspondence sent to each owner contained the following information;

- The reason for the proposed change in the basis of rating,
- The area of land which it is proposed to GRV rate,
- The financial impact of changing from UV to GRV rating the owner's camp,
- The process to be followed prior to the proposed introduction of GRV rating, and
- An invitation for the owner to make a written submission with respect to the proposal, or for the owner to contact the Shire for more details.

Copies of the correspondence forwarded to each of the WAF owners are attached.

ATTACHMENT 13.1B
ATTACHMENT 13.1C
ATTACHMENT 13.1D

The owners of all three WAFs submitted written objections to the proposed rating changes. Following receipt of these submissions, individual meetings were arranged with each camp owner. Details of the written and verbal submissions from each camp owner are summarised below.

Paulsens Camp (Northern Star Resources Ltd)

Northern Star, in its written submission, objected to GRV rating on the grounds that the structures on its site are "*mobile and/or no permanent equipment/infrastructure*".

A copy of the company's submission is attached.

ATTACHMENT 13.1E

In fact, a site inspection by Shire staff confirmed that the accommodation structures on the site are conventional dongas, similar to those found in most WAFs. Furthermore, Shire records show that the structures were constructed in stages, the latest being in 2009. It is therefore clear that the structures satisfy the Minister's requirement to be GRV rated.

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This issue, together with an explanation regarding the independent nature of the valuing process, was discussed at the meeting between the parties.

Spinifex Camp (BHP Billiton Ltd)

BHP raised a number of matters in its correspondence (see attachment).

ATTACHMENT 13.1F

Most significantly, the company argued that the Iron Ore (Marillana Creek) Agreement Act 1991 prohibited the GRV rating of the camp. BHP went on to state, however:

“BHP Billiton Iron Ore is prepared to consider voluntarily paying additional rates on the Spinifex village accommodation facility on a GRV rating basis, subject to first agreeing to the valuation and the commencement date for the GRV rating.”

The company noted that the GRV valuation estimate provided appeared relatively high in relation to other camps in the region. It was in this context that the company suggested the GRV valuation should be prepared by Landgate.

BHP raised the same matters when a meeting took place between the Shire and company representatives.

At that meeting the Shire representatives tabled a copy of Sub section 26 (1) of Schedule I of Iron Ore (Marillana Creek) Agreement Act 1991, which states, in part:

“Rating

26. (1) The State shall ensure that notwithstanding the provisions of any Act or anything done or purported to be done under any Act the valuation of all lands the subject of this Agreement (except the accommodation area and any other parts of the lands the subject of this Agreement on which accommodation units or housing for the Company’s workforce is erected or which is occupied in connection with such accommodation units or housing and except as to any part upon which there stands any improvements that are used in connection with a commercial undertaking not directly related to the mining activities carried out by the Company pursuant to approved proposals) shall for rating purposes under the Local Government Act 1960, be deemed to be on the unimproved value thereof”

The Shire explained that this section of the legislation provided the Shire with the right to GRV rate the camp, subject to Ministerial approval being obtained.

The BHP representatives did not challenge this statement.

The Shire representatives also explained that the “Estimated GRV” valuation used to provide an estimate of the projected annual rates had, in fact, been prepared by Landgate. Furthermore, Landgate would undertake an independent valuation, with formal rights of appeal, in the event of the camp being GRV rated.

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Bonnie Doone Camp (FMG Ltd)

The correspondence received from FMG Ltd highlighted two matters of concern. Firstly, the company noted that the camp contains less than the suggested 100 beds, and, secondly, the “estimated GRV” valuation appeared high, having regard to the low occupancy rates at the facility (the camp is occupied “seasonally”).

ATTACHMENT 13.1G

These issues were addressed by the Shire representatives at the meeting between the parties.

Firstly, it was explained that an inspection of the site by Shire staff established that while building license records indicated building approval for 100 beds, only 87 beds exist onsite. This anomaly can be readily addressed when a formal GRV valuation is sought from Landgate, in the event of the site being GRV rated.

The Shire representatives then explained that valuations are undertaken independently by Landgate and the Shire has no influence over the outcome. It was also noted that there is a formal objection procedure available to property owners, as a part of the valuation process.

It is significant that in none of the written submissions did the WAF owners question the reasons for changing the rating of the camps from UV to GRV, nor was the topic raised during the individual meetings.

The Shire has consulted with the WAF owners and has provided satisfactory responses to all matters raised by them. Having regard to this fact, it is considered appropriate that Council request Ministerial approval to GRV rate the three WAF sites in accordance with Council Policy FIN16 “*Gross Rental Valuation Rating of Worker Accommodation Facilities and other Selected Capital Improvements on Mining and Petroleum Leases*”.

Consultation

Chief Executive Officer
Executive Manager – Corporate Services
General Manager

Senior Consultant Valuer – Landgate

Statutory Environment

Section 6.28 of the Local Government Act (1995) (LGA) requires the Minister for Local Government to determine the basis upon which a local government may rate properties. This section of the act requires the Minister to have regard to whether an “Unimproved Valuation” (UV), or a “Gross Rental Valuation” (GRV), is the most appropriate basis of valuing properties.

Section 6.29 of the LGA states that the Minister shall UV rate mining tenements issued pursuant to the Mining Act 1978, as well as permits and licences granted under the Petroleum and Geothermal Energy Resources Act 1965, except, where land, which has capital improvements constructed on it, is specifically identified.

The Minister advised, in Department of Local Government Circular 29-2011:

“GRV will apply to relevant interests and resource interests only in respect of particular improvements including accommodation, recreation and administration

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facilities, associated buildings and maintenance workshops. High value operational and processing plant will be excluded from the GRV valuation.”

Other sections of the LGA that apply to the rating of WAFs are:

- Section 6.32 LGA provides Council with the power to apply rates to property;
- Section 6.33 LGA provides Council with the power to apply differential general rates although Ministerial approval is required where a differential rate is more than the lowest differential rate to be imposed;

Financial Implications

It is not possible to accurately determine the additional annual rate income generated by the GRV rating of Mining Workers Accommodation Facilities, however, the rating of these facilities has the potential to significantly increase the Shire's rate base.

In the absence of formal GRV valuations of the three WAFs, which are the subject of this report, it is not possible to accurately predict the possible increase in rate income. It is estimated, however, the increase could be in the vicinity of approximately \$400,000.

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.

In light of the fact that the Minister for Local Government has only permitted a three year trial (concludes 30 June 2015) the risk could move to "High" if there is any indication of a change of position from the State Government, limiting or eliminating this rate source to local governments. As a risk management strategy, it is suggested that all WAF rate funds collected be utilised for activities that will not have any potential impact upon other rate areas or Shire services. An example would be to allocate the funds to the Tom Price Karratha Road project, or to footpath extensions, where if funds varied from year to year as WAF's "come and go", the project itself could simply be adjusted accordingly, with zero impact upon the remainder of the Shire Budget. A rate strategy will be presented to Council in due course, once WAF rating is confirmed.

Policy Implications

Council Policy FIN16. GRV Rating of Improvements on Mining Tenements and Petroleum Licence Sites Policy.

Voting Requirement

Simple Majority Required

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Council Decision

MOVED: Cr D Wright

SECONDED: Cr L Thomas

That Council request the Minister for Local Government make a determination in accordance with the provisions of Sections 6.28 and 6.29 of the Local Government Act 1995, that the method of valuing the following land for the purposes of rating be Gross Rental Value:

- 1. The site of Paulsens Camp (owner, Northern Star Resources Ltd), generally as identified in ATTACHMENT 13.1B to this report;**
- 2. The site of Spinifex (Yandi Mine) Camp (owner, BHP Billiton Ltd), generally as identified in ATTACHMENT 13.1C; and**
- 3. The site of Bonnie Doone Camp (owner, FMG Ltd), generally as identified in ATTACHMENT 13.1D.**

CARRIED 5/0

Crs Rumble, Eyre, Wright, Bloem and Thomas voted for the motion

Cr White and Dias, Neil Hartley and Frank Ludovico entered the room at 1.48 pm.

President Kerry White resumed the chair at 1.48 pm.

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13.2 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF OCTOBER & NOVEMBER 2014

MINUTE: 11888

FILE REFERENCE: FI.RE.00.00

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 25 November 2014

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

Depreciation on Plant & Equipment and Furniture & Equipment have been held back to determine asset useful life and residual value to base depreciation rates. Administration, housing and plant cost allocations/ recovery is currently being setup in the system and will be reported next month.

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

October 2014

- Statements of Financial Activity and associated statements for the Month of October 2014.

ATTACHMENT 13.2A

November 2014

- Schedule of Accounts and Credit Cards paid under delegated authority for the Month of November 2014.

ATTACHMENT 13.2B

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Consultation

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

Statutory Environment

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

Financial Implications

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

Strategic Implications

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

Risk Management

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

Policy Implications

There are no policy implications in this matter.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr A Bloem

SECONDED: Cr A Eyre

That Council:

- 1. Accepts the Financial Reports for October 2014 ATTACHMENT 13.2A; and**
- 2. Notes the Schedule of Accounts and Credit Cards paid in November 2014 as approved by the Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds as per ATTACHMENT 13.2B.**

CARRIED EN BLOC 7/0

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

MINUTES - ORDINARY MEETING OF COUNCIL 10 DECEMBER 2014

13.3 BUDGET AMENDMENT / VARIATION 2014/15

MINUTE: 11892

FILE REFERENCE: FI.BU.14.15

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 26 November 2014

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

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

Background

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

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

Comment

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

1. Community Development: Foreshore Area Onslow				
GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
15093	Cap- Pontoon Tie Down Area Onslow	\$10,000	\$32,130	\$42,130
GI049	Grants Income- Pontoon Tie Down Area	\$0	\$32,130	\$32,130
Reason: To bring into account new grant funding secured with Department of Transport. Recreational Boating Facilities Scheme (RBFS) Round 19 funding of \$32,130. This variation will have no effect on the budget.				
2. Community Development: Parks & Oval				

MINUTES - ORDINARY MEETING OF COUNCIL 10 DECEMBER 2014

GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
15099	Cap- Onslow MPC Install Reception Area	\$36,000	-\$ (15,000)	\$21,000
15045	Cap-Paraburdoo Pool	\$10,000	\$3,750	\$13,750
15157	Cap- Paraburdoo Peter Sutherland Oval	\$10,000	\$3,750	\$13,750
15158	Cap- Paraburdoo Oval	\$10,000	\$3,750	\$13,750
15156	Cap- Meeka Park	\$10,000	\$3,750	\$13,750
Reason: Additional funds required to cover installation costs for new signs purchased for several shire facilities in Paraburdoo. Proposed to further reduce allocation to Onslow MPC Reception Area budget.				
3. Infrastructure Services: Footpaths				
GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
W652	Cap- Pilkena/Yaruga St Subdivision	\$620,000	-\$ (620,000)	\$0
C651	Cap- Footpath Construction New Subdivision	\$0	\$620,000	\$620,000
140104	Transfer from Reserves	\$(620,000)	\$620,000	0
125083	Transfer from Reserves (Footpaths)	0	\$(620,000)	\$(620,000)
Reason: Capital budget for construction of footpaths for new subdivision - Warara, Pilkena and Yaruga currently reported under Tom Price Residential Development function to be reallocated to Footpaths. This variation better reflects the footpaths in the Shire's accounting and will have no effect on budget.				

Consultation

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

Statutory Environment

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

(b) is authorized in advance by resolution*

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

*requires an absolute majority of Council Financial Implications

Financial Implications

The proposed budget amendments will have a nil impact on current budget position deficit of \$875,500. This will be considered in our Annual Budget review.

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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: 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

Council Decision

MOVED: Cr D Wright

SECONDED: Cr A Bloem

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

1. Community Development: Foreshore Area Onslow

GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
15093	Cap- Pontoon Tie Down Area Onslow	\$10,000	\$32,130	\$42,130
GI049	Grants Income- Pontoon Tie Down Area	\$0	\$32,130	\$32,130

Reason: To bring into account new grant funding secured with Department of Transport. Recreational Boating Facilities Scheme (RBFS) Round 19 funding of \$32,130. This variation will have no effect on the budget.

2. Community Development: Parks & Oval

GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
15099	Cap- Onslow MPC Install Reception Area	\$36,000	-\$ (15,000)	\$21,000
15045	Cap-Paraburdoo Pool	\$10,000	\$3,750	\$13,750
15157	Cap- Paraburdoo Peter Sutherland Oval	\$10,000	\$3,750	\$13,750
15158	Cap- Paraburdoo Oval	\$10,000	\$3,750	\$13,750
15156	Cap- Meeka Park	\$10,000	\$3,750	\$13,750

Reason: Additional funds required to cover installation costs for new signs purchased for several shire facilities in Paraburdoo. Proposed to further reduce allocation to Onslow MPC Reception Area budget.

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3. Infrastructure Services: Footpaths				
GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
W652	Cap- Pilkena/Yaruga St Subdivision	\$620,000	-\$ (620,000)	\$0
C651	Cap- Footpath Construction New Subdivision	\$0	\$620,000	\$620,000
140104	Transfer from Reserves	\$(620,000)	\$620,000	0
125083	Transfer from Reserves (Footpaths)	0	\$(620,000)	\$(620,000)
<p>Reason: Capital budget for construction of footpaths for new subdivision - Warara, Pilkena and Yaruga currently reported under Tom Price Residential Development function to be reallocated to Footpaths. This variation better reflects the footpaths in the Shire's accounting and will have no effect on budget.</p>				
<p>CARRIED BY ABSOLUTE MAJORITY 7/0 Crs White, Rumble, Dias, Eyre, Wright, Bloem and Thomas voted for the motion</p>				

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13.4 AUDIT & RISK COMMITTEE NEW TERMS OF REFERENCE

MINUTE: 11888

FILE REFERENCE: FI.AU.00.00

AUTHOR'S NAME AND POSITION: Lisa Hannagan
Administration Manager

NAME OF APPLICANT/
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 18 November 2014

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

Newly Gazetted Local Government (Audit) Regulations 1996 has seen changes to the requirements of Local Governments in relation to Audit responsibilities.

Local Government Operational Guideline 9 – Audit in Local Governments (attached 13.4A) has been revised and, in particular, the Terms of Reference for Audit Committees have been expanded and contain far greater detail on the responsibilities and tasks that are required to be undertaken by the committee.

The Shire is responding to this revision by using Model Terms of Reference (supplied in the Guideline) to develop new, Ashburton specific, Terms of Reference for the Audit & Risk Committee.

The new Terms of Reference for the Audit and Risk Committee are attached (13.4B). The previous Terms of Reference for the Audit Committee have also been provided for Council (13.4C).

ATTACHMENT 13.4A
ATTACHMENT 13.4B
ATTACHMENT 13.4C

Background

The new Terms of Reference provide a comprehensive guide to Council on what activities are required to be undertaken by the Audit & Risk Committee.

The Terms of Reference not only provide expanded detail, but include the option for the Audit & Risk Committee (and subsequently Council) to consider internal audits in the future. While the Shire of Ashburton does not currently undertake internal audits nor does it have budget to appoint such a position in the near future, it is noted that our baseline Regulation 17 (Risk) Audit has recommended this is considered by Council at some point in the future.

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Other Local Governments of a similar size to Ashburton would not necessarily be able to justify the employment a full time internal auditor, but would consider hiring "internal audit" expertise for short periods of time.

Comment

The inclusion of a detailed Terms of Reference for the Audit & Risk Committee will allow Council to better understand the role of the Committee. The AMD Chartered Accountants Regulation 17 Audit report recommended the Council amend the Terms of Reference for the Audit & Risk Committee.

Consultation

Chief Executive Officer
Executive Manager – Corporate Services
Administration Manager
AMD Auditor

Statutory Environment

New Regulation 17 Local Government (Audit) Regulations 1996 prescribed new functions for the Audit Committee and recommended a model Terms of Reference. The purpose of Local Government Operational Guideline Number 9 (Revised September 2013) is to assist local governments to establish and operate an effective audit committee. Clear and comprehensive Terms of Reference, setting out the committee's roles and responsibilities, are essential to that process.

Financial Implications

The increased activity of the Audit Committee will increase governance and meeting costs. Some of this can be mitigated if teleconferences are used, but additional cost will be incurred.

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

There are no policy implications for this matter.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr A Bloem

SECONDED: Cr A Eyre

That Council adopts the new Terms of Reference for the Audit & Risk Committee as per ATTACHMENT 13.4.

CARRIED EN BLOC 7/0

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

14. DEVELOPMENT AND REGULATORY SERVICES REPORTS

Declaration of Interest

Prior to consideration of this Agenda Item –
Cr Eyre declared a (financial) interest.

See item 6.2 for details of the interest declared.

Cr Eyre left the meeting at 1.50 pm.

**14.1 REQUEST TO REMOVE CONDITION FROM PLANNING APPROVAL
20120758 (P) RELATING TO NOTIFICATION ON CERTIFICATE OF
TITLE ADVISING OF POTENTIAL NOISE IMPACTS**

MINUTE: 11893

FILE REFERENCE: ON.BB.1

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

**NAME OF APPLICANT/
RESPONDENT:** D.A Burke Builders

DATE REPORT WRITTEN: 5 November 2014

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

**PREVIOUS MEETING
REFERENCE:** Agenda Item 13.7 (Minute No. 11441) – Ordinary
Meeting of Council 13 February 2013

Summary

The Shire has received a request from the D.A. Burke Builders to remove Condition 5 from Planning Approval 20120758(P). Council approved the original application for the construction of eight multiple dwellings at Lot 1 (No. 3) Back Beach Road, Onslow at its Ordinary Meeting on 13 February 2013.

Condition 5 states:

Prior to occupation of the development the land owner is to establish a memorial on title or other instrument acceptable to the responsible authority stating:

“The land is located within an area identified as a potential noise source, being the Onslow Salt operations.”

The applicant has requested the removal of this condition as it is claimed to be unnecessary to burden the land with such a memorial on the Certificate of Title.

MINUTES - ORDINARY MEETING OF COUNCIL 10 DECEMBER 2014

Background

At its Ordinary Meeting on 13 February 2013, Council considered an application for planning approval for the construction of eight multiple dwellings at Lot 1 (No. 3) Back Beach Road, Onslow.

Condition 5 was imposed in response to the following statement in the Council report:

“The land is located within the operation area of Onslow Salt and in particular, the salt conveyor. Onslow Salt operated under Ministerial Statement 168 (August 1991), 401 (November 1995) and 451 (June 1997) and with respect to noise is required to implement noise control strategies to meet the requirements of Environmental (Noise) Regulations 1997. In addition, noise abatement measure were part of the condition of Onslow Salt’s Part IV approval under the Environmental Protection Act 1986. The generic buffer distance for solar salt manufacturing facilities is 1 kilometer.

It is considered that any potential noise impacts can be appropriately managed at the development approval stage, through noise abatement design feature in dwelling, Development or Detailed Area Plan provision, or notifications on Title.”

The generic buffer distances referred to in the previous Council report are established in the Environmental Protection Authority’s *Guidance Statement No. 3 – Separation distances between Industrial and Sensitive Land Uses* (GS3). This document sets a generic land use buffer of 1000m from Solar Salt Manufacturing premises.

Responsible authorities are encouraged to consider proposals in the context of the generic buffers and provide sufficient justification where any deviation is sought. The Guidelines acknowledge that a technical, site specific analysis is a more accurate method for determining an effective buffer, but that this is not always feasible.

Of more specific relevance to this request is Ministerial Statement 401 that varies the original conditions under which Onslow Salt operates [Note: Ministerial Statement 451 relates to the increase in production and does not vary noise conditions]:

“13-1 The proponent shall implement the proposed noise abatement measures, which include:

- 1. The appropriate placement of earth bunding;*
- 2. The reduction of sound levels on specific noise-making machinery;*
- 3. Daytime shift-only operation of the wash plant;*
- 4. Use of rubber-tyred vehicles rather than bulldozers where possible; and*
- 5. The restriction on the use of those bulldozers to the western side of the salt stockpiles from 9pm to 6am.*

13-2 The proponent shall ensure that noise emissions from the project do not cause or contribute to unreasonable noise as defined by the relevant noise provision under the Environmental Protection Act, 1986.

13-3 The proponent shall provide written advice by the occupier(s) of premises used for residential purposed of any exemption from conditions 13-2.”

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While not directly related, the advice received from the Environmental Protection Authority (EPA) regarding Amendment 21 to TPS7 is relevant to this matter. Amendment 21 relates to the rezoning of various lots in the Onslow Townsite as part of LandCorp's development in the town. In assessing the Amendment, the EPA determined that no formal environmental review was necessary, and identified noise from the Onslow Salt operation and an issue to be considered. In particular, the EPA offered the following advice and recommendation:

"The Draft Onslow Town Site Expansion Development Plan notes the EPA's advice provided for scheme amendment 19 regarding noise. The same advice applies to Scheme Amendment 21, which also proposes land uses that may be impacted by noise emissions from the nearby Onslow Solar Salt operation. EPA Guidance Statement No. 3: Separation Distances between Industrial and Sensitive Land Uses recommends a one kilometre buffer between sensitive land uses and salt manufacturing operations. If the proposed amendment is implemented and sensitive land uses are located closer than one kilometre to the Onslow Solar Salt operation, the EPA recommends the following measures to avoid future possible land use conflict due to noise:

- notification to be placed on the certificate of title of each new subdivided lot wholly or partly within 500 metres of the Onslow Solar Salt operation to alert prospective purchasers to the potential noise impacts; and*
- the facades of buildings fronting or perpendicular to the Onslow Solar Salt operation incorporate architectural treatments to minimise noise impacts."*

It is noted that the subject land is located approximately 580 metres from the conveyor, and 800 metres to the closest point of the salt stockpile and is therefore outside the distance recommended by the EPA for requiring notification on Certificates of Title regarding noise impacts.

When approving the development, Council also imposed another relevant condition:

- "6 Prior to the commencement of development, the following matters shall be submitted to the requirements and approval of the responsible authority and when endorsed by the responsible authority shall become the amended plans:*
- ii. Details to the incorporate architectural treatments to minimise noise impact from Onslow Salt operations."*

With regard to this condition, the developer has advised that:

"This development incorporates Designstone composite walling system providing excellent acoustic properties, in standard form this possesses RW 52DB +/- DB".

Comment

It is generally good planning practice to advise developers and future occupants of land of potential impacts generated off-site that may affect ongoing use and enjoyment of such land. The EPA's GS3 establishes a useful tool for establishing a generic distance within which amenity impacts would be expected and, given that this residential development is located within the 1000m buffer, there would normally be a strong basis for requiring a notification on the Certificate of Title advising of this amenity issue.

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In this case however, the onus for maintaining noise levels that will not significantly adversely affect nearby sensitive land uses is placed on Onslow Salt by way of their Ministerial Statement. Should it become apparent that Onslow Salt were not complying with these conditions, remedy would be available through the Department of Environmental Regulation on the basis that Onslow Salt were not complying with conditions imposed through the Ministerial Statement.

Located in close proximity to a salt mining and export facility, Onslow will experience impacts on amenity as a result of these operations. In recognition of the potential impacts from Onslow Salt, the Minister has imposed conditions on the operation that mitigate amenity impacts on residential development within the townsite.

There is currently no provision in either TPS7 or any Local Planning Policy requiring that residential developments be required to place a notification on the Certificate of Title advising of a noise amenity issue.

It is also considered that the EPA advice received regarding Amendment 21 is relevant to this issue as it provides a clear direction from the Authority as to the likely impacts of noise generated by Onslow Salt on residential development. In this case, the EPA has determined that any sensitive land uses within 500m of the Onslow Salt operation should have a notification placed on the Certificate of Title advising of the potential for noise.

In summary, while salt manufacturing facilities do attract a generic land use buffer of 1 km, the conditions established in the Ministerial Statements that govern the operation of Onslow Salt, allow for the refining of this generic distance. The EPA provide additional guidance with regard to the required buffer distance by advising that lots within 500 metres of the salt operation should have notification placed on the Certificates of Title advising of potential noise impacts.

It is further noted that neither the Scheme, nor any adopted Local Planning Policy requires a notification to be placed on a Certificate of Title. Accordingly, it is recommended that Planning Approval 201207458 (P) be modified to delete Condition 5 from the approval. Given the ongoing development in Onslow, it may be of value to determine whether noise is a significant amenity issue in the town, and whether technical investigations may be required to accurately determine where a land use buffer should be created, and what properties are likely to be affected and so should have notifications placed on the Certificates of Title.

Consultation

D.A. Burke Builders

Statutory Environment

Planning and Development Act 2005

Town Planning Regulations 1967

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

Environmental Protection Act 1986

Environmental Protection (Noise) Regulations 1997

Financial Implications

There are no financial implications for this matter.

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 01 - Vibrant and Active Communities

Goal 02 - Strong Local Partnerships

Goal 04 - Distinctive and Well Serviced Places

Objective 03 - Well Planned Towns

Risk Management

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

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr D Wright

SECONDED: Cr L Thomas

That Council:

- 1. Consents to the modification of Planning Approval 20120758 (P) to delete Condition 5; and**
- 2. Advise the applicant accordingly.**

CARRIED 6/0

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

15. INFRASTRUCTURE SERVICES REPORTS

Declaration of Interest

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

See item 6.2 for details of the interest declared.

Cr Dias left the meeting at 1.51 pm.

15.1 SUPPORT OF PROCLAMATION OF NANUTARRA MUNJINA ROAD REALIGNMENT FORTESCUE METALS GROUP SOLOMON MINE NEAR FORTESCUE RIVER CROSSING ROAD

MINUTE: 11894

FILE REFERENCE:	RO.NAWN
AUTHOR'S NAME AND POSITION:	Sharon Morley Executive Assistant, Infrastructure Services
NAME OF APPLICANT/ RESPONDENT:	Douglas Morgan Main Roads WA
DATE REPORT WRITTEN:	24 November 2014
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

In accordance with Section 13A (2) of the Main Roads Act, the Commissioner of Main Roads intends making recommendation to the Hon Minister for Transport to proclaim the road as shown in drawings 1321-0019-02 and 1421-0052-00 (as **ATTACHMENT 15.1**) as a Main Road.

Before making recommendation to the Minister, the Commissioner requires endorsement by Council of the attached drawings.

Background

Fortescue Metals Group (FMG) has undertaken the construction of a realignment of the Nanutarra Munjina Road for the Solomon Mine near the Fortescue River Crossing Road. This work was to cater for a better access to the mine site and to align the road parallel to the FMG rail line. Main Roads WA is now seeking Council's endorsement for this section of road for proclamation of the new alignment and deproclamation of the old alignment.

MINUTES - ORDINARY MEETING OF COUNCIL 10 DECEMBER 2014

Comment

This is a procedural step in the process for dedicating road reserves. The road alignment is appropriate.

Consultation

Executive Manager – Infrastructure Services

Statutory Environment

Section 13A (2) of the Main Roads Act

Financial Implications

There are no financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 04 – Title Distinctive and Well Serviced Places

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 resource.

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr D Wright

SECONDED: Cr A Bloem

That Council advise Main Roads WA that it supports the proclamation of the Nanutarra Munjina Road as shown in drawings 1321-0019-02 and 1421-0052-00 (ATTACHMENT 15.1) as a Main Road and also supports the deproclamation of the old alignment.

CARRIED 5/0

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

Cr Eyre entered the meeting at 1.53 pm.

Declaration of Interest

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

See item 6.2 for details of the interest declared.

**15.2 SUPPORT OF PROCLAMATION OF NANUTARRA MUNJINA ROAD
WESTERN TURNER SYNCLINE REALIGNMENT BY RIO TINTO
MINING**

MINUTE: 11895

FILE REFERENCE: RO.NAWN

**AUTHOR'S NAME AND
POSITION:** Sharon Morley
Executive Assistant Infrastructure Services

**NAME OF APPLICANT/
RESPONDENT:** Douglas Morgan Main Roads WA

DATE REPORT WRITTEN: 24 November 2014

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

**PREVIOUS MEETING
REFERENCE:** Not Applicable

Summary

In accordance with Section 13A (2) of the Main Roads Act, the Commissioner of Main Roads intends making recommendation to the Hon Minister for Transport to proclaim the road as shown in drawings 1321-0019-01 and 1421-0039-00 (as **ATTACHMENT 15.2**) as a Main Road.

Before making recommendation to the Minister, the Commissioner requires endorsement by Council of the attached drawings.

Background

Rio Tinto has undertaken the construction of a realignment of the Nanutarra Munjina Road for the Western Turner Syncline. This work is to cater for a better access to the mine site by allowing for crossing of a conveyor and haul road. Main Roads WA is now seeking Council's endorsement for this section of road for proclamation of the new alignment and deproclamation of the old alignment.

Comment

This is a procedural step in the process for dedicating road reserves. The road alignment is appropriate.

MINUTES - ORDINARY MEETING OF COUNCIL 10 DECEMBER 2014

Consultation

Executive Manager – Infrastructure Services

Statutory Environment

Section 13A (2) of the Main Roads Act

Financial Implications

There are no financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 04 – Title Distinctive and Well Serviced Places

Objective 02 – Accessible and Safe Towns

Risk Management

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

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr D Wright

SECONDED: Cr A Bloem

That Council advise Main Roads WA that it supports the proclamation of the Nanutarra Munjina Road as shown in drawings 1321-0019-01 and 1421-0039-00 (ATTACHMENT 15.2) as a Main Road and also supports the deproclamation of the old alignment.

CARRIED 6/0

Crs White, Rumble, Eyre, Wright, Bloem and Thomas voted for the motion

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Declaration of Interest

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

See item 6.2 for details of the interest declared.

15.3 REVIEW OF ONSLOW AIRPORT PASSENGER HEAD TAX

MINUTE: 11896

FILE REFERENCE: TR.AT.01.01

AUTHOR'S NAME AND POSITION: Troy Davis
Executive Manager, Infrastructure Services

NAME OF APPLICANT/
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 27 November 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 15.1 Minute No. 11882 – Ordinary Meeting of Council 19 November 2014

Summary

The 2014/15 adopted Fees and Charges includes Passenger Head Taxes of \$34 and \$17 for an adult and child respectively, either arriving or departing Onslow Airport.

Previous to this financial year, the Passenger Head Tax was levied on actual passengers arriving and departing Onslow Airport, however a revised methodology was adopted whereby the Passenger Head Tax was levied on the capacity (or number of available seats) on the aircraft.

Principally the revised methodology was adopted to reduce the financial risk to Council, however it has been questioned by a number of operators and this report recommends adopting the former methodology with an amended fee structure.

Background

The Fees and Charges levied at the Onslow Airport are calculated to cover both operational, maintenance and anticipated/planned future improvements to meet demand, growth and regulatory requirements. Once all costs are calculated, the method of recovery then needs to be determined.

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Generally, recovery is through Landing Fees for Airside Infrastructure and Management, such as:

- Runway, taxiway and apron maintenance
- General airside maintenance such as slashing
- Provision and maintenance of a backup generator system for lighting and associated navigation aids
- Safety and serviceability inspections
- Resurfacing, re-grooving and line-marking of runway, taxiway and aprons as required
- Staff, plant and other resource costs to manage and undertake the above tasks

Landing fees are calculated on the mass of the aircraft. Landing fees for an aircraft are calculated by multiplying the MTOW (maximum take-off weight).

Methodology for Calculation landing Fees:

- At the Onslow Airport landing fees for an aircraft are charged according to the MTOW and class of the aircraft.
- In the SOA fees and charges MTOW charges are calculated based on three representative aircraft types:

Type 1 - Aircraft with a MTOW up to 6000kg \$18.50 per tonne

Aircraft in this category that are frequent to Onslow airport are:

- Beechcraft Bonanza – MTOW 1656kg 1- 4 passengers
- Beechcraft King Air 250 – MTOW 5670 8-10 passengers
- Cessna 206 – MTOW 1156kg 1-3 passengers

Type 2 - Aircraft with a MTOW >6001kg – 8000kg \$27.50 per tonne

Aircraft in this category that are frequent to Onslow airport are:

- Beechcraft B1900 MTOW 7508kg – 1-19 passengers

Type 3 Aircraft with a MTOW 8001kg or greater \$32.50 per tonne

Aircraft in this category that are frequent to Onslow airport are:

- Fokker 100 MTOW – 45,000 – 1-100 passengers

An example charge could be:

Beechcraft Bonanza - 1.656t x \$18.50 = \$30.37 per landing

The Larger the aircraft the greater the impact on the pavement and operational costs.

Passenger Fees are levied for:

- Landside maintenance including traffic areas, car parks and landscaping
- Terminal Building operational costs including utilities and cleaning
- Terminal Building and facility maintenance
- Staff, plant and other resource costs to manage and undertake the above tasks

Simply put, the vast proportion of the above costs are fixed whether one plane with one passenger uses the Airport or one plane with one hundred passengers uses the Airport. Therefore the total cost recovery still needs to be a particular, total amount whether it is levied on one or one hundred passengers.

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In order to calculate an applicable rate for a Passenger Head Tax, there are two options available:

1. Use a 'per available seat' charge (currently applied) which provides a guaranteed cost recovery based on known schedules, or
2. Use a 'per passenger' charge (previously applied) whereby we must make assumptions on load factors (percentage of aircraft filled with passengers) to arrive at a fee.

In adopting Option 1 above, the risk for Council not achieving particular estimated load factors (over which we have no control) is removed. However this is not normal industry practice and advice received to date is that Onslow is the only known airport charging in this way.

It should be noted that whilst most of Council's Fees and Charges increased this financial year, the Passenger Head Tax remained static to recognise the change in methodology.

The other key driver for adopting Option 1 was Onslow Airport is basically a new facility with limited to no historical flight data on which to confidently calculate its Fees and Charges; therefore the lowest risk model was adopted.

After discussions with affected operators, it is recognised that whilst the methodology is understood it is not regarded as 'fair' to be charging for passengers that basically 'don't exist'. The terminology of a 'Passenger Tax', if renamed to a 'Seat Tax' would possibly remove that ambiguity; however it is still not aligned with industry practice.

Therefore in order to bring Onslow Airport back into line with general aviation practices and in consideration of the inherent financial risk to Council in possibly over-estimating load factors, it is proposed to return to a 'per passenger' Passenger Head Tax, effective on flights using the Airport from 1 December, using conservative load factors in order to calculate an appropriate Passenger Head Tax.

In considering a revision to the Passenger Head Tax structure, the associated expenditure has also been reviewed. Anticipated timing for occupation of the terminal and the associated operational costs have not been realised, therefore there have been some savings in this area which can offset a Passenger Head Tax increase.

The recommendation is for Council to revise its Passenger Head Tax to a 'per passenger' charge at the following rates:

Adult-	\$36
Child less than 12 years-	\$18

This equates to an estimated 75% load factors on the major carriers into Onslow and also a 5% increase to last financial year's fees. The limited historical data we have access to shows load factors closer to 80-85%.

Comment

The adoption of a 'capacity' fee for levying Passenger Head Taxes has met with considerable angst and questioning from operators at Onslow Airport. Whilst they understand the methodology for the fee, it is not consistent with industry practice and has been regarded as an unfair charge.

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In order to minimise Council's financial risk with respect to over estimating flight load factors and to bring Council's fee structure back into line with industry standards, it is proposed to revert to a 'per passenger' fee based on conservative load factors and a recognition that associated expenses used to calculate the Passenger Head Taxes have been delayed.

There are a number of taxes and charges associated with operations throughout Australian airports. Airport charges vary across regions depending on local circumstances. Metropolitan and larger airports with high passenger numbers have the opportunity to generate significant higher, commercial related revenue than smaller airports. For these larger airports, it is likely that passenger tax and landing fees will be lower. Lower levels of passenger's means operational costs need to be amortised over a smaller passenger base.

All taxes and charges are paid to airport operators by the airlines and included in your airfare (ticket). These cost include;

- Airport Terminal passenger taxes in
- Airport Terminal Passenger taxes out
- Security screening charges (if applicable)

At the last Council meeting, it was asked about volunteer groups, rescue operators, and whether any "discount" can be offered to local residents or people of some form of social security. As highlighted above, the fees are calculated on estimated costs and amortised over the estimated passenger and aircraft numbers. Ticket prices include all airport fees and are charged through the airline ticketing systems. Whilst a different fee could be charged to specific aircraft, like RFDS, it would be very difficult to develop an address based or means tested charging system in cooperation with the various airlines. It is suggested that the matter of discounting of fees be delayed until more research can be undertaken as to systems and options. Also, that the actual costs of the airport itself stabilise and are more accurately calculable.

Please refer to **ATTACHMENT 15.3** for the Fees and Charges applied at Onslow Airport. These were adopted as part of the 2014/2015 budget.

Consultation

Airline Operators
Onslow Airport Manager
Executive Management Team

Statutory Environment

There are no statutory impediments.

Financial Implications

The proposed alteration to the passenger Head Tax methodology should not realise a financial dis-benefit to Council due to the conservative estimates of load factors and the savings realised from the delayed associated expenses.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 04 - Distinctive and Well Serviced Places
Objective 01 - Quality Public Infrastructure

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Risk Management

This item has been evaluated against the Risk Management Policy, CORP5 Risk Matrix and in light of the annual level of fees received, has been assessed as MEDIUM (and will be managed by specific monitoring or response procedures). Or is it high, if fees are above \$1m.

The original methodology for levying the Passenger Head Tax was designed to minimise the financial risk to Council related to over estimating the load factors on flights. A conservative estimate of load factors has been applied along with a consideration of reduced associated expenditure; therefore the financial risks have been mitigated.

In maintaining a Passenger Head Tax methodology that was not consistent with industry practice, the Council was exposed to reputational risk.

Policy Implications

There are no policy implications.

Voting Requirement

Absolute Majority Required

Council Decision

MOVED: Cr L Thomas

SECONDED: Cr D Wright

That Council revises the Fees and Charges for Onslow Airport Passenger Fees to:

- 1. Passenger Head Tax (applicable on services above 5700kg-on all arrivals and departures)**

Adult	per passenger	\$36
Child less than 12 years	per passenger	\$18

Effective on flights utilising the Onslow Airport from 1 January 2015.

**CARRIED BY ABSOLUTE MAJORITY 6/0
Crs White, Rumble, Eyre, Wright, Bloem and Thomas voted for the motion**

16. STRATEGIC AND ECONOMIC DEVELOPMENT REPORTS

Declaration of Interest

Prior to consideration of this Agenda Item –

Cr Dias declared a (financial) interest.

Cr White declared a (financial) interest.

See item 6.2 for details of the interest declared.

President White left the room at 1.56 pm.

Cr Rumble took the chair at 1.56 pm

16.1 REVIEW OF LOCATION FOR ONSLOW SKATE PARK FACILITY

MINUTE: 11897

FILE REFERENCE:

RE.MG.R.42090

RE.TH.R.30686

RE.MG.R.42090

AUTHOR'S NAME AND POSITION:

Anika Serer

Executive Manager, Strategic and Economic Development

NAME OF APPLICANT/RESPONDENT:

Not Applicable

DATE REPORT WRITTEN:

22 November 2014

DISCLOSURE OF FINANCIAL INTEREST:

The author has no financial interest in the proposal.

PREVIOUS MEETING REFERENCE:

Agenda Item 18.1 (Minute 11870) – Ordinary Meeting of Council 15 October 2014

Agenda Item 16.5 (Minute11798) – Ordinary Meeting of Council 21 May 2014

Agenda Item 18.3 (Minute11709) – Ordinary Meeting of Council 20 November 2013

Agenda Item 12.3 (Minute11348) – Ordinary Meeting of Council 21 November 2012

Agenda Item 14.04.05 – Ordinary Meeting of Council 21 April 2010

Summary

The location for the proposed Onslow Skate Park was endorsed at the Ordinary Meeting of Council on 15 October 2014. The proposed site, identified on Reserve 30686, Lot 555 Cameron Avenue Onslow, is the current location of the basketball courts which will be made redundant when a new complex is constructed near the Multi-Purpose Centre.

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At the Ordinary Meeting of Council on 19 November 2014, a petition with 120 signatures objecting to the endorsed site was presented for Council's attention.

Background

In August 2014 CONVIC was engaged to undertake community consultation in Onslow to inform the design of the proposed skate park facility. This included review of potential sites that would best meet CONVIC's criteria for a successful facility, considering the following:

1. Physical site conditions and technical considerations;
2. Access/Transport;
3. Natural Surveillance, security and safety;
4. Proximity to amenities (water, toilets, shade, food and drink);
5. Impact on existing facilities, adjoining uses and users;
6. Distance from housing and incompatible land use;
7. Event space opportunities;
8. Maintenance;
9. Context and amenity; and
10. Consistency with strategic objectives.

Three sites were assessed for their potential to accommodate the new facility:

- 1 – Reserve 30686, Lot 555 Cameron Avenue – located on the site of the existing basketball courts
- 2 – Reserve 30686 Lot 644 Paterson Place – located adjacent to the oval (north-west side)
- 3 – Reserve 40014 Lot 674 Second Avenue – adjacent to the Business House

Site	Rating by CONVIC
1. Reserve 30686, Lot 555 Cameron Avenue	73%
2. Reserve 30686, Lot 644 Paterson Place	87%
3. Reserve 40014, Lot 674 Second Avenue	76%

ATTACHMENT 16.1A

A second community consultation/workshop was held on 9 October 2014 to review the outcomes of CONVIC's report and to identify/confirm the preferred location of the skate park. Individual meetings were held with key stakeholders, and a public community session was held at the Onslow Sports Club. Individual meetings were held with:

- a) Officer in Charge at Onslow Police;
- b) Chevron (regarding the Air Quality Management System to be located near the oval);
- c) Manager, Onslow Sporting Club;
- d) Cr White, Shire President;
- e) Representatives from Onslow Chamber of Commerce and Industry; and
- f) Representatives from Board of Directors, Thalanyji

Extensive advertising of the public consultation session was undertaken to ensure community awareness, including a PO Box drop, noticeboards, Shire website, social media and also hand delivered flyers to neighbouring properties of the three identified sites. All posters and advertising material had contact details for the Projects Office, for the chance to arrange a one-to-one consultation should they not be able to attend the consultation session – unfortunately nobody took advantage of this offer on this occasion.

The workshop was facilitated by Jenny Thomas of Northern Edge Consultants, and presentations were made by CONVIC representatives Simon Bogalo and Nick Loschiavo. Unfortunately the workshop was not well attended by the community, with 13 attendees

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including 6 Shire Officers, 2 Chevron Staff, 1 Councillor and 4 members of the general community.

A review of the Site Selection process was delivered to community members followed by a presentation of the proposed sites. This included the advantages and disadvantages of each site – which was then opened up to the community members to add their own feedback. The report prepared by Northern Edge Consultants outlines the feedback provided during the session.

ATTACHMENT 16.1B

From the community members feedback, as well as feedback from face to face meetings with local stakeholders, revised ratings were given to the three sites:

Location	Original Score	Revised Score	Reason
Site 1 – Cameron Ave	73%	75%	Further away from licensed premises (Sports Club)
Site 2 – Paterson PI	87%	85%	Chevron's Air Quality management System will be located nearby – may detract from attractiveness of the facility
Site 3 – Second Ave	76%	65%	New ring road will reduce the ability of the facility to be an 'iconic entry'

A report was presented to Council at the Ordinary Meeting of Council held on 15 October 2014, seeking endorsement of a site for the proposed skate park facility. At this time Council endorsed the site identified on Reserve 30686, Lot 555 Cameron Avenue (located on the site of the existing basketball courts) Onslow for the Onslow Skate Park to enable the preparation of a site specific design (which will be made available to the Onslow community for information) and for tenders to be subsequently be called for its construction. Council identified the reason for this selection of site:

“The Site assessment by CONVIC considers the three sites relatively similarly (65%, 75% and 85%) and whilst the Lot 644 Paterson Place at 85% has many advantages, it is considered that the assessment does not give sufficient weight to the future disruption or added costs of for example, the rebuilding of the existing Onslow Sports Club. Also, the points allocated to the promptness of construction component of the overall assessment is not thought to be as critical as the need to make sure the Shire selects the best overall site for this skate park. The skate park once built, will be in place at the selected location for many many years.

Lot 555 Cameron Avenue was assessed as 75%, the second preferred site by CONVIC, but after considering in more detail the local situation it is proposed that Lot 555 Cameron Avenue should be the site upon which this very important community facility should be constructed.”

Comment

A petition with 120 signatures was presented at the Ordinary Meeting of Council held on 19 November 2014, objecting to the endorsed location of the Onslow Skate Park and seeking it to be moved to Reserve 30686, Lot 644 Paterson Place ('Site 2' identified by CONVIC). The reasons given for this request include:

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1. *Safety, supervision and monitoring logistics for children parents and service providers by co-locating recreational activities for young people eg Young children will not need to cross the busy road next to the existing basketball courts to access other recreational activities; parents can be directly supervising children at the proposed new pool whilst maintaining indirect contact with children at the skate facility; school staff can monitor truancy issues due to proximity to the school and activation of one designated recreational area will lead to reduced level of personnel resourcing (especially for the Police). This co-location will lead to reduced levels of truancy and antisocial behaviour – contributing positively to the amenity of the Club*
2. *Immediate availability and associated capacity to meet community needs and young people's expectations/aspirations (the community does not want this Park development delayed)*
3. *Reduced budget imposts associated with shade and site preparation (allowing for more spend on the Park)*
4. *Demonstration to the Community of Onslow – from the Elected Representatives – that what they say does matter.*

ATTACHMENT 16.1C

Correspondence regarding Council's decision to select the site at Lot 555 Cameron Avenue was also received from the Onslow Chamber of Commerce and Industry, BHP Billiton Petroleum and Thalanyji (copies of these letters were forwarded to Councillors at the time of their receipt).

Council is cognisant of the community's desire to have the new skate facility constructed as soon as possible, as evidenced by the resolution at the October OMC including to "*Commence construction of the Onslow Skate Park Facility as soon as possible by investigating and location solutions for basketball to be played at an alternative location(s) to the Cameron Avenue Basketball Courts*".

Officers have been investigating solutions to provide alternative basketball facilities for the community, in order that the skate park can be built without having a negative impact on another popular recreation activity in Onslow. It is identified that the basketball courts are a popular 'non-structured' facility as they can be accessed on a casual basis without the need for formal arrangements or bookings, and are provided at no charge. The Multi-Purpose Centre (MPC) has an indoor basketball court and associated facilities which could be made available to the community on a free-of-charge, casual basis, however this will require additional security to monitor activity whilst it is open. Currently the MPC is available to the public via a formal booking process, and hire fees are charged in accordance with the 2014/15 Fees and Charges.

To provide a 'like for like' substitute for the existing basketball courts, the MPC will need to be opened to the public until at least 8pm, and ideally around 10pm daily (this has been identified by the Officer in Charge of the Onslow Police as the time that the current courts are utilised). Several security firms that provide services to other companies in Onslow have been contacted to get an estimate of cost, and the average rate for a security officer is \$92.50 per hour. The security service for the extended opening hours would therefore cost in the range of \$280 - \$465 per day (\$100,000+ per year). An application to Chevron's 'Onslow Community Spirit Fund' for \$20,000 to subsidise this cost has been submitted however preliminary advice indicates that it may not be successful. Officers are investigating alternatives that may be more affordable, however a solution has not yet been found.

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One issue that will require specific consideration and that has arisen since the last Council decision, is that the Shire had entered into a two year funding agreement (2014 and 2015) with BHP Billiton Petroleum to deliver the Onslow Basketball Carnival, to the value of \$20,000 per annum. At the time previous discussions around the use/need for the existing courts took place it was suggested that the Carnival could be delayed or cancelled until the new complex is complete. In light of this sponsorship information, the funding agreement and relationship with stakeholders in the Carnival should be considered in conjunction with ensuring that appropriate basketball facilities are made available.

The new basketball complex is anticipated to be completed somewhere between October 2015 – March 2016 (subject to typical project variations such as approval processes, inclement weather, contractor management). If an alternative, and affordable, basketball facility cannot be identified for the community's use, an option is to reconsider if that construction of the skate park might commence once the existing courts are made redundant. This is considered a worst-case scenario, and Officers will continue to research alternatives for presentation to Council.

Whilst not to hand at the time of the agenda preparation, the Shire President advised (email 26 November) that the Onslow Sports Club has commenced a petition in support of Council's current decision to locate the skate park at the old basketball courts.

Consultation

Chief Executive Officer
Executive Manager – Community Development
Department of State Development
BHP Billiton Petroleum Pty Limited
CONVIC
Community members of Onslow
Onslow Police
Thalanyji Aboriginal Corporation
Onslow Chamber of Commerce and Industry
Chevron

Statutory Environment

There are no statutory impediments.

Financial Implications

\$1m has been allocated to the skate park facility project by BHP Billiton Petroleum. Once the project is complete, consideration will need to be made for the maintenance costs of the Skate Park and this should be included in future budgets.

In consideration of the use of the MPC as an alternative basketball facility for casual use at no charge, the cost of professional security services for the additional opening hours has been estimated at \$280 - \$465 per day. The cost of overheads (lighting, air-conditioning, cleaning) will also increase depending on hours of provision. A suitable 2015/16 budget allocation will be required to accommodate these costs, and possibly also an allocation as part of the mid-year budget review.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 01 - Vibrant and Active Communities
Objective 01 – Connected, caring and engaged communities
Objective 02 – Active people, clubs and associations

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

In particular, the 'reputational risk' of the endorsed site has been identified for Council's consideration, given the potential for negative social impacts if the existing basketball facility is closed without providing a suitable alternative, or the delay in commencing the construction of the skate park.

Policy Implications

There were no policy implications identified.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr A Bloem

SECONDED: Cr D Wright

That Council:

- 1. Notes the petition signed by 120 people and tabled at the 19 November Ordinary Meeting of Council, and the petition received today signed by 160 people and expresses its appreciation to the signatories and the petitions organiser for the collective efforts taken to contribute to the Onslow Skate Park project considerations;**
- 2. Confirms the location resolved at the 15 October 2014 Ordinary Meeting of Council, being the existing Basketball Courts site at Lot 555 Cameron Avenue, Onslow, as the site for the proposed Onslow Skate Park facility;**
- 3. Notes the commitment made to host the 2015 Basketball Carnival and the generous donation by BHBP to enable the program to be progressed, and that in light of the 2014 experiences, notes also that appropriate security will be incorporated into the event planning for 2015; and**
- 4. Notes that the retention of the existing outdoor basketball courts may be prudent if suitable and reasonably cost options are not available, and that consequently, a delay of the construction timeline for the skate park may be appropriate to accommodate that temporary retention of the existing basketball facilities in Onslow.**

CARRIED 4/1

**Crs Rumble, Wright, Bloem and Thomas voted for the motion
Cr Eyre voted against the motion**

President White entered the room and took the chair at 2.11 pm.

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Declaration of Interest

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

See item 6.2 for details of the interest declared.

16.2 ESTABLISHMENT OF COMMERCIAL LEASES - ONSLOW AIRPORT TERMINAL

MINUTE: 11898

FILE REFERENCE: TR.AT.01.01

AUTHOR'S NAME AND POSITION: Emma Heys
Economic and Land Development Manager

NAME OF APPLICANT/
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 27 November 2014

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

With the Onslow Airport Terminal construction nearing completion, the establishment of Commercial Lease Agreements for Terminal floor space and facilities is required to allow Airline Operators to commence full arrival and departure service.

The Terminal is scheduled to commence operations towards the end of February 2015, a relatively short period to finalise lease agreements and enable facility operators time to set up their services. Council endorsement is therefore sought for delegated authority to be awarded to the Chief Executive Officer to negotiate and execute the required Commercial Lease Agreements.

Background

The Onslow Airport Terminal construction is nearing completion and is scheduled to commence operations in February 2015.

To allow Airline Operators to undertake full arrival and departure services, the establishment of Commercial Lease Agreements for terminal floor space and facilities is required. The terminal floor space at the Onslow Airport offers the Airline Operators the use of check in counters, dispatch offices, communication rooms, and communal areas such as kitchen and toilet facilities.

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To facilitate the establishment of several commercial lease agreements, Griffin Valuation Advisory was engaged in September 2014 to undertake a Market Rental Valuation on specified land and building assets located at the Onslow Airport.

Advice has also been sought from similar regional airports who lease terminal space to Airline Operators and other commercial entities.

Virgin Australia and Exmouth Aviation currently have Licence Agreements with the Shire for temporary terminal facilities. Both operators are seeking to enter into commercial lease agreements with the Shire for the use of terminal floor space and facilities.

As part of the commercial arrangements with Chevron Australia Pty Ltd, an agreement also exists with Skippers Transport.

Comment

Based upon the valuation undertaken by Griffin Valuation Advisory and the advice received from several regional airports, the following schedule of leasing fees is being proposed:

Check In Counters	x 3	\$225.00 per week per counter
Dispatch Office	x 1	\$200.00 per week

Essential terms to be included in each commercial lease agreement include, but are not limited to:

- The use of a check in counter is guaranteed to that Airline Operator during arrival times only. At all other times the check in counter is to remain multi-user. The use of the check in counters is not exclusive to each Airline Operator.
- The dispatch office is to be utilised for dispatch purposes only – the details of which will be determined by the Airport Manager and included in the schedule of the Commercial Lease Agreement.
- The leasing fee set for the dispatch office includes a desk, chair and lockable cupboard.
- The dispatch office is a multi-user room for the Airline Operators only.
- Areas including the communications room, kitchen and toilet facilities are common use areas, the cost of which is included in the proposed leasing fees.

Other conditions usual to a commercial leasing agreement such as insurance, responsibility for damage, cleaning, etc, will also be included to provide security to the Shire. It is estimated that the lease agreements will be for a period of two years initially, with options to extend at the Shire's discretion and will provide an income to the Shire of around \$25,000-30,000 per operator per year.

The establishment of commercial lease agreements for terminal floor space and facilities is required to allow Airline Operators to commence full arrival and departure services in February 2015. Due to the schedule of the January 2015 Ordinary Meeting of Council, Council endorsement to delegate authority to the Chief Executive Officer to negotiate, and enter into commercial lease agreements for the terminal floor space and facilities is now being sought.

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Any proposed lease agreement will be required to be advertised for public comment as per Section 3.58 'Disposing of Property' of the Local Government Act 1995 for a period of no less than 14 days. Council endorsement is sought to allow the Chief Executive Officer to negotiate the terms of a lease agreement, advertise the proposal for public comment, and execute a lease agreement if no comment is received.

Consultation

Executive Manager - Strategic & Economic Development
Airport Manager

Statutory Environment

In accordance with Section 3.58 'Disposing of Property' of the Local Government Act 1995, any lease agreement that exceeds \$20,000 in value must be advertised for public comment for a period of no less than 14 days.

Financial Implications

The financial implications of the proposed lease agreements have been included in the 2014/2015 budget. Any variations to the budget income that results from the establishment of a lease agreement will be allowed for through the budget variation process.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 02 – Enduring Partnerships
Objective 01 – Strong Local Economies
Objective 02 – Enduring Partnerships with Industry and Government

Goal 04 – Distinctive and Well Services 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 "Medium" risk and will be managed by specific monitoring and response procedures.

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Absolute Majority Required

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Council Decision

MOVED: Cr A Bloem

SECONDED: Cr D Wright

That Council:

- 1. Delegate Authority to the Chief Executive Officer to negotiate the terms of commercial lease agreements for airline operators at the Onslow Airport Terminal, generally in accordance with the terms outlined in this report, and advertise the proposal for public comment; and**
- 2. Authorise the execution of the lease agreements should no adverse public comment be received.**

**CARRIED BY ABSOLUTE MAJORITY 6/0
Crs White, Rumble, Eyre, Wright, Bloem and Thomas voted for the motion**

Cr Dias entered the meeting at 2.13 pm.

17. COUNCILLORS AGENDA ITEMS / NOTICES OF MOTIONS

There were no Councillor Agenda Items / Notices of Motions for this agenda.

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

Council Decision

MOVED: Cr A Bloem

SECONDED: Cr D Wright

That Council considers the following New Business of an Urgent Nature:

18.1 ONSLOW EMERGENCY SERVICES BUILDING – OUTSTANDING LOAN

CARRIED 7/0

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

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18.1 ONSLOW EMERGENCY SERVICES BUILDING – OUTSTANDING LOAN

MINUTE: 11899

FILE REFERENCE: CS.ES.04.00

AUTHOR'S NAME AND POSITION: Maurice Ferialdi
General Manager

NAME OF APPLICANT/RESPONDENT: Department of Fire & Emergency Services (DFES)

DATE REPORT WRITTEN: 8 December 2014

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

PREVIOUS MEETING REFERENCE: 13.12.408 - Ordinary Meeting of Council 6 December 2005
13.08.373 - Ordinary Meeting of Council 16 August 2005

Summary

At its Ordinary meeting of 16 August 2005 Council resolved to become a signatory to a Memorandum of Understanding (MoU) with Fire & Emergency Services Authority (FESA), now Department of Fire and Emergency Services (DFES), to establish the Onslow Volunteer Emergency Services being an amalgamation of the Onslow Bush Fire Brigade & State Emergency Services units under the control of FESA.

It was also resolved to agree in principal to the disposal of the Onslow Emergency Services Building. On 6 December 2005 Council, at its Ordinary Meeting, resolved in part to transfer the tenure of the Onslow Emergency Service Building to FESA subject to FESA becoming responsible for the outstanding loan on the facility and any financial outlay required for the transfer thereof.

In the dealings with the Department of Lands instead of the land being transferred across to FESA it was sold to FESA as a green title. FESA paid the money they had allocated for the loan transfer to the Department for Lands believing it was to be returned to the Shire for the loan. This did not occur though, and the loan remained as a Shire responsibility. Various attempts had apparently been made over the years to resolve the situation, but none had met with success. Recent discussions and negotiations have resulted in an offer of \$160,000 from DEFS as a "full and final settlement".

Background

At its Ordinary meeting of 16 August 2005 Council resolved to become a signatory to a Memorandum of Understanding (MoU) with the Fire & Emergency Services Authority (FESA), now Department of Fire and Emergency Services (DFES) to establish the Onslow Volunteer Emergency Services (being an amalgamation of the Onslow Bush Fire Brigade & State Emergency Services units under the control of FESA).

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It was also resolved to agree in principal to the disposal of the Onslow Emergency Services Building.

The land on which the building stands is lot 971, Land Administration Plan 20088, 1.1975 ha. in area, C.T. Vol. 3111, Folio 994.

At the 6 December 2005 Ordinary Meeting, Council considered a report which detailed the procedures and financial implications relating to the transfer of the building. At that meeting Council resolved (in part) the following:

That :-

1. *Council agree to transfer the tenure of the Onslow Emergency Service Building to FESA subject to:-*
 - i) *FESA to become responsible for the outstanding loan on the facility and any financial outlay required for the transfer thereof;*

Comment

During the process of transfer, instead of the land being transferred to FESA, and the payment of the outstanding loan being made to the Shire, the land was sold by the Department of Lands as a green title. FESA paid the money it had allocated for the loan transfer to the Department for Lands, believing it was to be returned to the Shire for the loan. This was not picked up at the time and the loan remained on the Shire's books of account. This effectively transferred the building to FESA without the requirement to compensate the Shire for the building. Over several years discussions were had as to how and why this position eventuated and the confusion resulted in a stalemate where no payment or agreement to compensate the Shire was reached.

The CEO met with FESA in Perth on 10 October to discuss the history of the situation and follow up discussions occurred on 8 December 2014. Those negotiations have reached what is believed to be a suitable compromise and if endorsed by Council, will close this almost decade long matter.

The DEFS position was to offer the Shire fifty percent of the outstanding loan (which was \$238,000). The Shire position proposed that one hundred percent of the loan cost be refunded (as originally resolved) even if that sum was split over a couple of financial years. The eventual "middle ground" position reached was that a "one off" sum of \$160,000 would be taken back to the respective authorities for consideration.

Legal advice is that the Shire has an arguable case, but given that the only other way of potentially recovering any of that loan figure would be to go to the expense of preparing a legal case and take the matter to court to argue that an "agreement having been reached" in 2005, this figure was considered a fair and reasonable compromise to bring back to Council for its consideration.

Consultation

Chief Executive Officer

Executive Manager – Corporate Services

Project Support Officer - Strategic & Economic Development

Statutory Environment

Local Government Act 1995 S6.15 Local government's ability to receive revenue and income and Local Government (Financial Management) Regulations 1996.

The original sale was an exempt Section 3.58 land transaction under Functions and General Regulation 30(2)(c) – sale to a government agency.

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Financial Implications

In light of the uncertainty that has surrounded this issue over an extended period of time, there is no current official provision made for the recovery of the debt. The securing of the \$160,000 will therefore represent an unbudgeted income and be allocated to the various expenses already committed to and to be dealt with as part of the mid-year budget review.

The final loan repayment was made by the Shire on the loan in question, in January 2014.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 02 – Enduring Partnerships

Objective 02 – Enduring Partnerships with Industry and Government

Risk Management

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

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr L Thomas

SECONDED: Cr L Rumble

That Council agree to accept the proposed \$160,000 from the Department of Fire and Emergency Services, being an offer to settle the matter of the Onslow Emergency Services Building sale (lot 971, Land Administration Plan 20088, 1.1975 ha. in area, C.T. Vol. 3111, Folio 994 – ref: 6 December 2005 Ordinary Council Meeting).

CARRIED 7/0

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

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 28 January 2015, at the Clem Thompson Sports Pavilion, Stadium Road, Tom Price, commencing at 1.00 pm.

21. CLOSURE OF MEETING

The Shire President declared the meeting closed at 2.16 pm.