



SHIRE OF ASHBURTON

ORDINARY COUNCIL MEETING

**AGENDA
(Public Document)**

**Clem Thompson Sports Pavilion, Stadium
Road, Tom Price**

16 April 2014

1.00 pm

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

SHIRE OF ASHBURTON ORDINARY COUNCIL MEETING

Dear Councillor

Notice is hereby given that an Ordinary Meeting of the Council of the Shire of Ashburton will be held on 16 April 2014 at Clem Thompson Sports Pavilion, Stadium Road, Tom Price commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.

Neil Hartley
CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

1.	DECLARATION OF OPENING.....	5
2.	ANNOUNCEMENT OF VISITORS.....	5
3.	ATTENDANCE	5
3.1	PRESENT.....	5
3.2	APOLOGIES.....	5
3.3	APPROVED LEAVE OF ABSENCE.....	5
4.	QUESTION TIME	5
4.1	PUBLIC QUESTION TIME	5
4.2	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	5
5.	APPLICATIONS FOR LEAVE OF ABSENCE.....	6
6.	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	6
6.1	PETITIONS.....	6
6.2	DEPUTATIONS	6
6.3	PRESENTATIONS	6
7.	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	6
7.1	ORDINARY MEETING OF COUNCIL HELD ON 19 MARCH 2014	6
7.2	AUDIT COMMITTEE MEETING HELD ON 19 MARCH 2014	7
8.	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION	7
9.	DECLARATION BY MEMBERS / MOVE AGENDA ITEMS "EN BLOC"	7
9.1	DECLARATION OF INTEREST	7
10.	AGENDA ITEMS ADOPTED "EN BLOC"	9
10.1	MOVE AGENDA ITEM 'EN BLOC'	9
11.	CHIEF EXECUTIVE OFFICER REPORTS	10
11.1	PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS.....	10
11.2	ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF MARCH.....	12
11.3	ACTING CHIEF EXECUTIVE OFFICER ARRANGEMENTS (3 TO 7 MAY 2014).....	16
11.4	RFT 07/14 PROVISION OF FIRE FIGHTING SERVICES - ONSLOW AIRPORT, ONSLOW.....	18
12.	COMMUNITY DEVELOPMENT REPORTS.....	21
12.1	FORMATION OF COMMITTEE ON AGEING IN THE SHIRE OF ASHBURTON	21
13.	CORPORATE SERVICES REPORTS.....	24
13.1	SHIRE OF ASHBURTON OFFICE/HALL/LIBRARY ONSLOW - CONCEPT PLANS	24
13.2	REVIEW OF WARDS AND REPRESENTATION 2014 - COMMENCEMENT OF CONSULTATION.....	29
13.3	RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF FEBRUARY & MARCH 2014	31
13.4	BUDGET AMENDMENT / VARIATION.....	33
14.	DEVELOPMENT AND REGULATORY SERVICES REPORTS	37
14.1	AUTHORISED OFFICERS (DOG ACT 1974) ONSLOW.....	37
14.2	CONSIDERATION OF ADOPTION OF AMENDMENT 15 TO TOWN PLANNING SCHEME (TPS) 7 - PROPOSED MIXED BUSINESS ZONE	39
15.	INFRASTRUCTURE SERVICES REPORTS	45
15.1	SUPPORT OF PROCLAMATION OF NORTH WEST COASTAL HIGHWAY REALIGNMENT FOR MESA A AND WARRAMBOO MINING GRADE SEPERATION NEAR PANNAWONICA TURN OFF	45
16.	STRATEGIC & ECONOMIC DEVELOPMENT REPORTS	47
16.1	OCEAN VIEW CARAVAN PARK COMMITTEE MEETING	47
16.2	CRECHE FACILITY LICENCE AGREEMENT - TOM PRICE COMMUNITY RECREATION CENTRE	50
16.3	LETTER OF CONSENT TO ONSLOW RODEO ASSOCIATION FOR A CLEARING PERMIT ON RESERVE R39070 ONSLOW.....	53
16.4	LETTER OF CONSENT TO DEPARTMENT OF HOUSING FOR A CLEARING PERMIT ON PART OF RESERVE R19291 LOT 303 ON DEPOSITED PLAN 49430 ONSLOW IN ASSOCIATION WITH THE BINDI BINDI SEWER EXTENSION PROJECT	55
17.	COUNCILLOR AGENDA ITEMS.....	57
18.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	57

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

19.	CONFIDENTIAL MATTERS	57
19.1	CONFIDENTIAL ITEM - PROPOSED AGREEMENT WITH KULYAMBA ABORIGINAL CORPORATION (ON BEHALF OF THUDGARI NATIVE TITLE HOLDERS).....	58
19.2	CONFIDENTIAL ITEM - SHIRE OBJECTION TO EXPLORATION LICENCE APPLICATION E47/2975 MADE ON BEHALF OF FMG PILBARA PTY LTD WITHIN THE PARABURDOO TOWNSITE	59
19.3	CONFIDENTIAL ITEM - APPLYING SHIRE COMMON SEAL TO DEED OF SETTLEMENT AND RELEASE. WITTENOOM LITIGATION	60
19.4	CONFIDENTIAL ITEM - APPLYING SHIRE COMMON SEAL TO DEED OF SETTLEMENT AND RELEASE. WITTENOOM LITIGATION	61
20.	NEXT MEETING	62
21.	CLOSURE OF MEETING	62

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

1. **DECLARATION OF OPENING**
2. **ANNOUNCEMENT OF VISITORS**
3. **ATTENDANCE**
- 3.1 **PRESENT**
- 3.2 **APOLOGIES**
- 3.3 **APPROVED LEAVE OF ABSENCE**
4. **QUESTION TIME**

- 4.1 **PUBLIC QUESTION TIME**

- 4.2 **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Geoffrey Herbert from Onslow tabled the following questions at the Ordinary Meeting of Council held on 19 March 2014.

Q1. Has the Shire President flown into or out of Onslow on planes run by Chevron Australia? If yes why when the residents of Onslow can not?

Response

Regular Passenger Transport services for the community are being steadily advanced by work undertaken by the Shire of Ashburton and Chevron (with other input by the State) and still for example, requires the formal completion of the airport terminal, provision of security screening services and other legislated support required to ensure safe air services to the public. The Onslow Airport Terminal and surrounds is therefore, still under construction, but will be available for a regular passenger transport service later this calendar year. The airport in the interim though, is open to private and charter aircraft use.

The Shire President has flown to/from Onslow Airport in the performance of her official duties on one occasion (22 November 2013) on a special Chevron charter between Perth and Onslow (i.e. not the regular charter operated to support the construction workforce). This flight was undertaken by the Shire President at Chevron's request so that she could represent the Onslow Community at a Chevron sponsored community event held at the Onslow Sports Club on 22 November 2013.

The cost of the flight (\$311) was met by the President from her personal funds on an invoice direct from Chevron. Although she did use the opportunity to engage on the Shire's behalf, with members of the Wheatstone Leadership regarding Passenger Transport services.

Q2. Has the SOA decreased its rates for its Airport camp to be lower than Discovery Caravan Park?

Response

The Shire's Airport Camp fees and charges were dealt with by Council at its meeting of 19 February 2014 (item 18.2). One of the Shire's two existing Airport

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

Camp charges was deleted, such that the daily charge for the Airport Camp is now set at a standard \$290/night for all users (a fee set as part of the adoption of the 2013/14 budget). The matter of fees and charges for the Shire's Airport Camp are subject to review as part of a Business Plan for future Council consideration, including a community consultation period.

Q3. How can the SOA councillors justify decreasing the rates at the caravan park when advised that this will now cost the ratepayers \$120,000 per year. How many locals are actually staying in the park?

Response

The matter of the Ocean View Caravan Park - Review of Permanent Fees, was dealt with by Council at its meeting of 22 January 2014 (item 13.5) where Council decreased the fixed term rent for 40 permanent bays to \$300 a week for people with signed leases. The financial impacts were outlined in the agenda, and the reasons for the decision were outlined in the minutes, namely:

- The Quality of the park - does not warrant a rental of \$400/week.
- Affordability – it will encourage people to use the caravan park rather than parking illegally at residential dwellings.
- Affordability – the cost of living are very high.

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. PETITIONS / DEPUTATIONS / PRESENTATIONS

6.1 PETITIONS

6.2 DEPUTATIONS

6.3 PRESENTATIONS

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 ORDINARY MEETING OF COUNCIL HELD ON 19 MARCH 2014

Officer's Recommendation

That the Minutes of the Ordinary Meeting of Council held on 19 March 2014, as previously circulated on 28 March 2014, be confirmed as a true and accurate record, subject to the following amendment:

- A. Amending the title from Agenda Item 13.10 2011/2012 Annual Report and Annual General Meeting of Electors to 2012/2013 Annual Report and Annual General Meeting of Electors.**
- B. By including "That Council" at the beginning of the Council decision from Agenda Item 13.10 2012/2013 Annual Report and Annual General Meeting of Electors.**
- C. By including the recommendation of the Audit Committee to adopt this after point 1 "accepts" of the Agenda Item 13.10 2012/2013 Annual Report and Annual General Meeting of Electors.**

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

7.2 AUDIT COMMITTEE MEETING HELD ON 19 MARCH 2014

Officer's Recommendation

That the Minutes of the Audit Committee held on 19 March 2014, as previously circulated on 26 March 2014, be confirmed as a true and accurate record.

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

9. DECLARATION BY MEMBERS / MOVE AGENDA ITEMS "EN BLOC"

9.1 DECLARATION OF INTEREST

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

Councillors to Note

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

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

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

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

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

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

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

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

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.

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

10. AGENDA ITEMS ADOPTED "EN BLOC"

10.1 MOVE AGENDA ITEM 'EN BLOC'

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

"Part 5 – Business of a meeting

Clause 5.6 Adoption by exception resolution:

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

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

11. CHIEF EXECUTIVE OFFICER REPORTS

11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS

FILE REFERENCE:	OR.MT.1
AUTHOR'S NAME AND POSITION:	Casey Newby CEO & Councillor Support Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	26 March 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 the agenda item is to report back to Council the progress of implementation of Council decisions.

Background

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

Comment

Wherever possible Council decisions are implemented as soon as practical 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, Technical Services, Strategic & Economic Development, Community Development and Operations departments.

ATTACHMENT 11.1

Consultation

Chief Executive Officer
Executive Management Team

Statutory Environment

Not Applicable

Financial Implications

Not Applicable

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

Policy Implications

Not Applicable

Voting Requirement

Simple Majority Required

Recommendation

That Council receives the “Decision Status Reports” as per **ATTACHMENT 11.1**

Author: Casey Newby	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

11.2 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF MARCH

FILE REFERENCE:	OR.DA.00.00 AS.AS.00000.000 PS.TP.07.00
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Officer CEO Susan Babao Administration Assistant, Planning & Health Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	26 March 2014
DISCLOSURE OF FINANCIAL INTEREST:	The author has 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 March 2014.

This report includes all actions performed under delegated authority for:

- The Use of the Common Seal.
- Development Approvals Issued.
- Approval to Purchase Goods and Services by the Chief Executive Officer (CEO).

Background

The Use of the Common Seal

Details of the use of the Common Seal for the month of March 2014 are set out below.

Planning Delegations

Details of delegations undertaken for the month of March 2014 are set out below.

Approval to Purchase Goods and Services by the Chief Executive Officer

Details of approvals to Purchase Goods and Services by the Chief Executive Officer under delegated authority are set out below.

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

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.

The Use of the Common Seal

The Common Seal has been affixed to the following documents for the month of March 2014:

- Seal 561 Lease – Shire of Ashburton and Onslow Motorcross and Enduro Club Inc
- Seal 562 Financial Assistance Agreement No. C115534 Onslow Aerodrome – GNSS RNAN Non-precision Instrument Approach between Shire of Ashburton & Chevron Australia Pty Ltd.
- Seal 563 Shire of Ashburton Fencing Local Law 2014
- Seal 564 Deed of Renewal – Paraburdoo Toy Library

Planning Delegations

Planning Delegations undertaken for the month of March 2014.

A	Advertising and Determining Applications for Planning Approval				
	Adv or Det. App.	Date	Applicant	Description	Development location
	Delegated Approval 14-8	14/03/2014	Monadelphous KT Pty Ltd	Temporary Construction Camp for Wheatstone Ashburton West Gas Pipeline Project	Minderoo Station Pastoral Lease 3114/661) - Lot 162 on Plan 220265 Twitchen Road, Lyndon
	Delegated Approval 14-12	24/03/2014	Aimee Cullen	Home Occupation - Flaunt It Beauty (Nail and Beauty Salon)	Lot 358 Vitex St, Tom Price
	Delegated Approval 14-16	25/03/2014	TFA Project Group	Upgrade of Aviation Refuelling Facilities Associated with Existing Aerodrome	Paraburdoo Airport
	Delegated Approval 14-5	25/03/2014	Ugly Boats Pty Ltd	Temporary Transient Workers Accommodation	Lot 385 Simpson St, Onslow
	Delegated Approval 14-1	27/03/2014	RFF	Mustering Accommodation and Chapel Additions to Existing Rural Homestead	Minderoo Sataion
	Delegated Approval 14-11	27/03/2014	John Devereux	Temporary TWA	Lot 930 Otway Crt, Onslow
Advertised 14-4	12/3/14 & 19/3/14	Neal Kent	Helicopter Tourism & Charter Business	Nameless Valley Drive	
B	Advertising draft Development Plans - none				
C	Advertising Extension for Town Planning Scheme Amendments and Development Plans - none				
D	Subdivision and Development Design - none				
E	Consideration of WAPC Referrals of Applications for Subdivision Approval - WAPC 149621 - Lot 555 & 556 Beadon Creek Road, Onslow - WAPC149591 - Lots 615,616, 617 Clarke Pl and Lot 706 Hope Court Onslow - WAPC149547 - Lot 476 No. 6 Paterson Place, Onslow - WAPC 149548 - Lot 479 No. 17 Cameron Ave, Onslow				

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

F	Clearance of Local Government Conditions associated with Subdivision Approval - WAPC 1234-13 - Lot 909 McGrath Ave, Onslow			
G	Issue of Certificates (Strata Titles) - none			
H	<p>Directions regarding unauthorised development:</p> <ul style="list-style-type: none"> - The Compliance Officer has met with RTIO and asked about the possibility of them releasing some appropriate land for the fly in fly out workforce currently residing in the LIA. He has also met with the owner of the Hotel/motel who may have some accommodation suitable. - The Compliance Officer will approach all of the owners at the LIA and serve a 'Notice of Entry' along with an explanatory letter in relation to non-compliance with the Planning Act. - The Compliance Officer has advised Niall Pitcher from NRW not to place trailers temporarily on Shire land while removal of them from the Tom Price Tourist Park is in progress. 			
I	Responsible Authority Reports to the Development Assessment Panel			
	Date	Applicant	Description	Development Location
	none			

Approval to Purchase Goods and Services by the Chief Executive Officer

This following table presents a summary of the Approvals to Purchase Goods and Services by the CEO Under Delegated Authority for the month of March 2014.

Approval Date	File Ref	Title	Decision
			There were no approval to purchase goods and services.

Consultation

The Use of the Common Seal

Chief Executive Officer

Planning Delegations Issued

Chief Executive Officer

Executive Manager, Development & Regulatory Services

Approval to Purchase Goods and Services by the Chief Executive Officer

Not Applicable

Statutory Environment

The Use of the Common Seal

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

Planning Delegations Issued

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

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

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

Financial Implications

The Use of the Common Seal

There are no financial implications related to this matter.

Planning Delegations Issued

There are no financial implications related to this matter.

Approval to Purchase Goods and Services by the Chief Executive Officer

There are no financial implications related to this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

Policy Implications

The Use of the Common Seal

ELM 13 – Affixing the Shire of Ashburton Common Seal.

Planning Delegations Issued

There are no policy implications related to this matter.

Approval to Purchase Goods and Services by the Chief Executive Officer

FIN12 – Purchasing and Tendering Policy.

Voting Requirement

Simple Majority Required

Recommendation

That Council accept the report “11.2 Actions Performed Under Delegated Authority for the Month of March 2014”.

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

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

11.3 ACTING CHIEF EXECUTIVE OFFICER ARRANGEMENTS (3 TO 7 MAY 2014)

FILE REFERENCE:	PE.EM.000.00 JA.02
AUTHOR'S NAME AND POSITION:	Neil Hartley Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	4 April 2014
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Chief Executive Officer (CEO) Neil Hartley will absent from the Shire from Saturday 3 to 8 May 2014.

Council should ideally appoint an Acting Chief Executive Officer to be responsible for the day-to-day operations, as well as the statutory requirements of the position during this period.

Background

The CEO will be attending the Pilbara Kimberly Forum, departing Perth on Saturday 3 May 2014 and returning to the Shire on Thursday 8 May 2014.

Whilst the CEO will be representing the Shire over that period, he will be away from the office so he may not always be promptly contactable during that time and there may be documents requiring timely authorisation, it would therefore be prudent to appoint an acting CEO during this absence.

Comment

The new General Manager, Mr Maurice Ferialdi, will have commenced shortly before this period and has had several successful periods of acting CEO experience at his previous local government.

Consultation

Shire President

Statutory Environment

Sections 2.7 and 3.1 of the *Local Government Act 1995*, relating to the general function provisions, and Section 5.36 relating to employees.

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

Financial Implications

There will be the requirement to pay a 'higher duties' allowance during this few day period.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

Policy Implications

There are no known policy implications relevant to this issue.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Note that Mr Neil Hartley will be absent from the Shire of Ashburton Office from Saturday 3 May 2014 to Wednesday 7 May 2014 (inclusive), representing the Shire at the Pilbara Kimberly Forum.
2. Appoint the General Manager, Mr Maurice Ferialdi, as Acting Chief Executive Officer and delegate to him, all powers of the Chief Executive Officer for the period from Saturday 3 May 2014 to Wednesday 7 May 2014 (inclusive).

Author: Neil Hartley	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

11.4 RFT 07/14 PROVISION OF FIRE FIGHTING SERVICES - ONSLOW AIRPORT, ONSLOW

FILE REFERENCE:	TR.AT.01.01
AUTHOR'S NAME AND POSITION:	Richard Repsevicius Special Projects Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	4 April 2014
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 18.1 (Minute No: 11742) – Ordinary Meeting of Council 22 Jan 2014

Summary

Tenders were called for Fire Fighting Services equipment for the Onslow Airport on 15 Mar 2014 however when tenders closed on 31 Mar 2014 no tenders were received. Under the provisions of the Local Government Act and Regulations the Shire is now permitted to seek quotations for the work and that is being proceeded with.

In order to expedite the Onslow Airport's construction, it is proposed that this contract for Fire Fighting Services be determined via Chief Executive Officer delegation.

Background

The Onslow Airport Project has been reported to Council on many occasions dating back to 2011. The most recent report (Item 18.1) to the meeting on 22 Jan 2014 and contained the following detail about the Fire Fighting Services:

"Firefighting Equipment and related water supply

To satisfy the Australian Standard requirement for Fire Fighting, the onsite tanks are required to be refilled to 50% capacity within 4 hours of an event. We do not have the "head pressure" from the existing water service to achieve this. Investigations have been into a 'compromise solution' of having a water tanker truck on permanent standby to deal with this refilling requirement. To progress this option will probably involve tender processes and has not been estimated.

Another less costly solution involves negotiating with Chevron to use two gl tanks surplus to their requirements that are at the Wheatstone site. If the tanks are 'donated' there will still be costs associated with moving them and foundations and pumping equipment at the terminal.

Estimates of \$594,550 for this part of the project have been allowed for".

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

Since reporting on this matter in January 2014 further investigations have taken place and the option of using water tanks surplus to Chevron's requirements has not worked out because of a number of contractual and practical requirements.

The tanks did not comply with planning approvals and the tanks should be sold to Council but their sale price exceeded threshold requiring purchase by Tender.

Technical advice from consultants indicated that we should revert to the original design for fire-fighting services as it will meet all the statutory requirements of Department of Fire and Emergency Services.

A request for tender (RFT 07/14) to supply and deliver and install Fire Tanks and associated infrastructure to the Onslow Airport Terminal site was advertised on the 15 March 2014 and closed on Monday the 31 March 2014. The Tender was administered through Tenderlink and in accordance with the Shire's policy and procedures.

No Tenders were received

Comment

As a result of not receiving any tender submissions we are now proceeding to obtain quotations for the work. This action is permitted under Section 11(2)(c)(i) of the Local Government Functions and General Regulations.

The determination of the quotation process will be done in accord with Council policy.

The CEO has delegated authority to approve the preferred supplier for this equipment. However in view of the amount involved (up to \$600,000), the situation involving the tendering process and the action proposed it is recommended that this be noted by Council. Also this will enable the work to be expedited otherwise the project could not move forward until after the May Ordinary Council Meeting.

Consultation

Chief Executive Officer
Executive Manager, Corporate Services
Economic & Land Development Manager
Administration Manager, Corporate Services
CEO's Representative – Onslow
Department of Local Government

Statutory Environment

Local Government Act 1995 S. 3.57
Local Government Functions and General Regulations S.11(2)(c)(i)

Financial Implications

The finances for the airport project are protracted and complicated. The Firefighting works are a part of Project Implementation Plan (PIP) 4 – Emergency Services. The funds for this PIP are separate from and in addition to the initial allocation of \$30m for the overall project. A nominal amount of \$1m for these Emergency Services has been allocated and of that amount \$600,000 for the Fire Services equipment and \$400,000 for Communications (phone and data).

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 04 – Distinctive and Well Serviced Places

Objective 01 – Quality Public Infrastructure

Policy Implications

FIN12 Purchasing and Tender Policy and FIN14 Shire of Ashburton Tender

Assessment Criteria Policy

Delegation DA 06.6 - Tenders

Voting Requirement

Simple Majority Required

Recommendation

That Council notes the RFT 07/14 Provision of Fire Fighting Services - Onslow Airport, Onslow report and notes that in order to expedite the construction of the Terminal at Onslow Airport's construction that this the contract for Fire Fighting Services will be determined by via the Chief Executive Officer under Delegation (DA 06-6) - Tender.

Author: Richard Repsevicius	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

12. COMMUNITY DEVELOPMENT REPORTS

12.1 FORMATION OF COMMITTEE ON AGEING IN THE SHIRE OF ASHBURTON

FILE REFERENCE:	CS.SP.03.00
AUTHOR'S NAME AND POSITION:	Deb Wilkes Executive Manager Community Development
NAME OF APPLICANT/ RESPONDENT:	Councillor Lorraine Thomas
DATE REPORT WRITTEN:	2 April 2014
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

At the Workshop following the Ordinary Meeting of Council on 19 March 2014, Councillor Thomas requested a Committee be established to look at issues associated with ageing in and across the Shire of Ashburton.

This report seeks Council endorsement to establish this Committee, and to decide on the membership of the Committee.

Background

At the Workshop following the Ordinary Meeting of Council on 19 March 2014, Councillor Thomas outlined the needs of the local aging community members, highlighted that these needs were not always being met, and that there were local initiatives possible (like the potential of a 'local seniors card' to provide discounts for specified services) and requested a Committee be established to look at issues associated with ageing in and across the Shire of Ashburton.

Comment

When compared to both the rest of Regional WA, and WA as a whole, the Shire of Ashburton has a relative low number of residents aged 60 or more. Data from "profile.id" (populated with figures from the Australian Bureau of Statistics) shows that while both Regional WA and the whole of State have approximately 18% of its population in this age bracket, Ashburton has less than a quarter of this number, with 4% of its population (400 people) being 60+ years of age.

While almost half of these people are located in Onslow, a further 100 are in Tom Price, with 35 in Paraburdoo. The remaining 65 are statistically located in "East Ashburton" which includes Pannawonica, the former township of Wittenoom and a number of stations and remote Indigenous communities.

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

The Federal Government Regional Development Council (RDCo), on behalf of all WA Regional Commissions has recently engaged a consultant company to look at identifying aged care models appropriate for implementation in regional WA. As part of that process, Local Governments are being asked to consider whether they have plans in place to create “age friendly communities”; a World Health Organisation initiative that aims to address environmental and social factors that contribute to active and healthy ageing.

The formation of a Committee on Ageing in Ashburton would be timely and useful towards not only the RDCo consultation process, but also for preparing our communities for the issues that will eventually face us as our aged population increases.

The Shire’s Corporate Business Plan, when developed, did not propose a significant contribution in this ‘space’. Not establishing the Committee on the back of the content of the existing Plan is one option, or alternatively, Council might like to ask the Committee to revisit that question and propose Corporate Business Plan actions for the consideration of Council. Those recommendations can then be considered as part of the 2014/15 and ongoing Shire budgets, if funding is required.

Consultation

Chief Executive Officer

Statutory Environment

The Local Government Act (1995) allows for the formation, and membership of a Committee as follows: -

5.8. A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

** Absolute majority required.*

5.9. Committees, types of

(1) In this section —

other person means a person who is not a council member or an employee.

(2) A committee is to comprise —

- (a) council members only; or*
- (b) council members and employees; or*
- (c) council members, employees and other persons; or*
- (d) council members and other persons; or*
- (e) employees and other persons; or*
- (f) other persons only.*

5.10. Committee members, appointment of

(1) A committee is to have as its members —

- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
- (b) persons who are appointed to be members of the committee under subsection (4) or (5).*

(4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

- (5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —*
- (a) *to be a member of the committee; or*
 - (b) *that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.*

Financial Implications

There are no financial implications to the formation of the Committee, however decisions and recommendations made by this Committee may impact future budgets.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 01 – Vibrant and Active Communities

Objective 03 – Quality Education, Healthcare, Childcare, Aged Care and Youth Services

Shire of Ashburton Corporate Business Plan 2013 – 2017 lists “Ageing in Place Housing” as an opportunistic capital project. There is no funding allocated to it, and it is listed as an “increase” in current service levels in Onslow, but with no defined timeline.

Policy Implications

Nil

Voting Requirement

Absolute Majority Required

Recommendation

That Council:

1. Forms a Committee on Ageing which will have the role to recommend to Council actions regarding the provision of services for the Aged that can be considered for inclusion in the Shire's future Corporate Business Plan; and
2. That members for the Committee on Ageing comprise of the following representation.

Author: Deb Wilkes	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

13. CORPORATE SERVICES REPORTS

13.1 SHIRE OF ASHBURTON OFFICE/HALL/LIBRARY ONSLOW - CONCEPT PLANS

FILE REFERENCE:	RE.SE.R.29808
AUTHOR'S NAME AND POSITION:	Lisa Hannagan Administration Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	24 March 2014
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 17.1 (Minute 11754) – Ordinary Meeting of Council, 19 February 2014 Agenda Item 12.7 (Minute 11643) - Ordinary Meeting of Council, 18 September 2013

Summary

The Shire of Ashburton Office/Hall/Library complex in Onslow was destroyed by fire in January 2013.

The Shire was comprehensively insured with Local Government Insurance Services (LGIS) and has recently settled this insurance claim (\$4.7m).

The Council resolved, on 18 September 2013, Resolution 2. "That Council call for Request for Proposal for an architect to develop concept designs for the new Onslow Administration Centre/Library including scoping of costs".

A Request for Proposal and detailed scope was duly prepared and sent to five architectural firms early in November 2013.

Council is now being asked to consider the concept plan, the funding provision, and the method of construction.

Background

The Shire sent a "Request for Proposal" to develop Concept Plans for the replacement Office/Hall/Library in Onslow to five architects.

Four excellent submissions were received and reviewed by officers. Gresley Abas were appointed due to their well-established experience in working with Local Government and in the Pilbara Region.

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

Apart from the building requirements, the scope further set out that community consultation take place in Onslow in relation to two components of the complex, being the Hall and the Library. Consultation with the community was invited for the Hall and Library areas and we sought community input on what the community would like to see included in these two areas of the building that may or may not have been present in the previous building.

An internal Project Group was formed. Membership included the Shire President and Councillor Ann Eyre and Shire officers relevant to the project and the group met with the Architects in Onslow on 30 January 2014. At this meeting, the brief to Gresley Abas Architects was finalised.

Community Consultation also took place on the same day.

The below table provides a summary of community consultation conducted in Onslow on 30 January 2014 and the success or otherwise of the brief to respond to the input.

Community input		Officer Response
The old hall was perfect – we just want everything the same.	✓	The concept has responded to this input. Although everything can't just stay "the same", the new hall will be better and internally is a similar size to the previous hall, but it will also provide additional usable outdoor spaces that were not previously available.
Make the hall as big as possible – up to 400 people	✓	<p>The concept has responded to this input. While internally there is little difference in size between the previous hall, additional space has been created by clever use of external areas. There is some 175m² of external covered areas eg. undercroft areas which almost doubles the area of the hall.</p> <p>While it was not possible to justify making the hall exponentially larger internally as the MPC is available to cater for larger functions and it would be financially irresponsible to duplicate similar space already available at a close by location in Onslow. Budget constraints were noted.</p>
Can playgroup have a specific dedicated space (including storage).	✗	The Shire endeavours to support all community groups in Onslow and whilst the Playgroup would be most welcome to hire the Hall on an 'as required' basis, it is not always possible to provide dedicated accommodation and storage areas to single use groups. The Shire President outlined at the community consultation meeting that one option could be for Playgroup could negotiate with the Child Care provider based at the MPC to share space, facilities and equipment, and it is not proposed therefore, that a specific dedicated space be provide to the Playgroup.
MPC hall is not a satisfactory alternative to intended uses for shire hall	✓	The MPC has for example, a kitchen, bar, foyer area, etc, and was designed with public functions in mind. It is used extensively and successfully for large functions such as Business Expos, even operating as a Supermarket for several months in 2013. As a multipurpose centre, it is by nature a large venue that can be used for a variety of purposes - sport, social, community activities, and meetings/conferences and of course, as an emergency evacuation centre. It is believed that the Onslow MPC hall is a complimentary and satisfactory alternative to intended uses for the shire hall.
Need to have a good sized catering kitchen	✓	The concept plan has responded to this input. A large, well-appointed kitchen to service both the hall and ground floor meeting rooms, has been included in the concept plan.
Will the new facility provide rentable meeting & function space for external groups?	✓	The concept plan has responded to this input. The concept plans provide the hall, which can be partitioned off into smaller function areas, the Council Chambers/Garden and the small meeting room adjacent to the Library to cater for a variety of meetings/functions and will be available for hire to external groups.

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

Comment

While the general feeling at the community consultation session held 30 January 2014, (attended by seven members of the public) was that the community just wanted “*what they had lost*” back, it was very important that the Shire consider future needs and take the opportunity to improve design and sustainability parameters of the new building.

As part of any planning process, community consultation is a vital input and it is pleasing that Gresley Abas were able to incorporate most of the community input into the Concept Plans.

Gresley Abas Architects provided Concept Plans which fully addressed the brief they had been provided by the Project Group and substantially met the input suggested by community consultation.

The scale of the building is intended to be imbue civic pride, and yet to also be welcoming at the same time. The proposed layout aims to deliver a building that will bring a welcoming Civic presence to the main street (Second Ave) of Onslow.

The architect’s brief took into account the current and future requirements in relation to space. The Shire were also able to suggest size requirements of other areas such as the Library, based on what existed before the fire, and address what we believed we needed to ensure the new building was “future proofed” so that it would meet the needs of Onslow into the future, as much as possible.

The suggested cost (via Quality Survey) of the building is \$8.1m. While the QS estimate is comprehensive, it does not include escalation – cost escalation is defined as changes in the cost all price of specific goods or services in a given economy over a period. To ensure a realistic budget is allocated to the project, escalation of approximately 20% has been added to the suggested cost. The estimated cost of the new building is \$9.5 million.

The Shire has written to the Department of State Development and Chevron to enquire if, in light of the change in our circumstances and requirements since the original negotiation of the Wheatstone Project – Social Infrastructure funding details were agreed, that an originally stated contribution of \$2 million could be used in its entirety, to help fund the replacement Shire Administration/Hall/Library Complex in Onslow.

At the time of writing this report, the Shire had not received a formal response to this enquiry, but both organisations have expressed verbally, their positive sentiments to the suggestion (subject to the Shire confirming it can raise the remainder of the project costs).

The Concept Plans were sent to Councillors for comment in mid-March 2014.

The Concept Plans have also been widely disseminated within the organisation and feedback sought.

Minor changes were made to the original concept late in March to provide additional space to the Library area.

Feedback from all sources has been very positive and while the proposed building will become a landmark for the Shire and Onslow community, the architect’s design has taken into account the ‘architectural feel’ of Onslow, and considered the most prudent use of Shire funds not just for construction but also for ongoing costs associated with running and maintaining a building such as this.

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

A copy of the Concept Plans and Cost Report are included in the attachments to this Agenda.

ATTACHMENT 13.1A
ATTACHMENT 13.1B

Consultation

Ashburton Councillors
Onslow Community
Chief Executive Officer
Administration Manager
Executive Team
Shire of Ashburton Library Manager
Gresley Abas Architects
Donald Watts Cant Corke – Quantity Surveyors
Chevron
Department of State Development

Statutory Environment

N/A

Financial Implications

The Shire has recently settled the insurance claim for this event.

From a total settlement of \$4.7million, approximately \$500,000 was required to be returned to the Shire's general accounts to repay insurance related expenditure incurred since the fire.

The remaining funds (\$4.2m) are set aside in a Reserve for construction of Onslow Office/Hall and Library complex.

Included in the Gresley Abas brief, was a Quality Survey report that suggested cost of the new building \$8.1. While the QS estimate is comprehensive, it does not include escalation – cost escalation is defined as changes in the cost or price of specific goods or services in a given economy over a period. To ensure a realistic budget is allocated to the project, escalation of approximately 20% has been added to the suggested cost.

With the estimated cost of the replacement building being \$9.5m, there is a funding shortfall of \$5.3m.

The Shire has written to the Department of State Development (DSD) and Chevron to formally enquire if a redirecting of funds (\$2m) currently allocated to similar projects in the Social Infrastructure Funding agreement would be acceptable. At the time of writing this report no formal response to this enquiry has been received, but both organisations have expressed verbally, their positive sentiments to the suggestion (subject to the Shire confirming it can raise the remainder of the currently estimated \$9.5m project costs).

On the basis of Social Infrastructure funding (\$2m) being available for the project, the Shire will need to borrow \$3.3m to fully fund this project.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan
Goal 5 – Inspiring Governance
Objective 3 – Exemplary team and work environment

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

Policy Implications

There is no Council Policy relative to this issue.

Voting Requirement

Absolute Majority Required

Recommendation

That Council:

1. Note the community consultation received and commit to informing the community of the Council's position on that contribution;
2. Endorse the suggested officer responses to the various community contribution issues raised for consideration;
3. Endorse the Gresley Abas Concept Plan for the replacement Office/Hall & Library in Onslow;
4. Allocate funding of \$9.5 million in the 2014/15 budget (including a loan of up to \$4m);
5. Formally apply for the full \$2m from the Community Development Fund (allocated to 'Customer Service Centre') for the project; and
6. Authorise proceeding to a Design & Construct Tender for the Construction of Shire of Ashburton Office/Hall/Library complex in Onslow.

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

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

13.2 REVIEW OF WARDS AND REPRESENTATION 2014 - COMMENCEMENT OF CONSULTATION

FILE REFERENCE:	OR.BO.02.00
AUTHOR'S NAME AND POSITION:	Lisa Hannagan Administration Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	31 March 2014
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 12.07.045, Ordinary Meeting of Council 18 June 2006

Summary

Local Governments are required to review their ward boundaries and representation at least every eight years. The last review was completed 18 July 2006 and therefore this review must take place within eight years of that date. In order to achieve this timeframe the review process must commence and this report outlines a proposal for that to occur..

Background

Local Governments are required to review their ward boundaries and representation at least every eight years. The last review was completed 18 July 2006 and therefore this review must take place within eight years of that date. Where Local Governments do not review these matters, the Local Government Advisory Board may recommend the making of an order in relation to changes. The Board may recover costs of any inquiries conducted for this purpose from the Local Government.

Comment

According to the Government of Western Australia, Local Government Advisory Board, "Guide for Local Governments" (December 2013) the steps involved in undertaking a review are detailed below:

1. Council resolves to undertake the review;
2. Council gives "local public notice" that a review is to be carried out and provides a discussion paper for public comment;
3. Council must consider all public submissions received and these should be recorded in the minutes;
4. All options must be assessed against the required factors;
5. Council submits a report to the Local Government Advisory Board for its consideration.

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

Factors to be considered

When considering changes to wards and representation, Schedule 2.2 of the Local Government Act specifies factors that must be taken into account by a local government as part of the review process:

1. Community of interest;
2. Physical and topographic features;
3. Demographic trends;
4. Economic factors; and
5. Ratio of Councillors to Electors in the various wards.

A proposed Discussion Paper is attached. The paper is based on the papers distributed for previous reviews. At this stage Councillors are not required to make any decisions regarding the outcome of the review.

ATTACHMENT 13.2A

A draft advertisement is also attached for information. The advertisement advises that submissions may be made to the local government six weeks from the date of the first notice (not including the day of notice). The closing date for submissions cannot be a weekend or public holiday.

ATTACHMENT 13.2B

Consultation

Chief Executive Officer
Councillors

Statutory Environment

Sections 2.2, 2.3(3), 2.18 and Schedule 2.2 Provisions about names, wards and representation of the Local Government Act 1995.

Financial Implications

There are minimal financial implications with regard to this matter mainly advertising and officer's time in preparing the report.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan
Goal 5 – Inspiring Governance
Objective 3 – Council Leadership

Policy Implications

There is no Council Policy relative to this issue.

Voting Requirement

Simple Majority Required

Recommendation

That Council endorses the attached "Review of Wards and Representation Discussion Paper" as per **ATTACHMENT 13.2A** and proceed to advertise the Review.

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

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

13.3 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF FEBRUARY & MARCH 2014

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:	4 April 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

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

February 2014

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

ATTACHMENT 13.3A

March 2014

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

ATTACHMENT 13.3B

Consultation

Executive Manager Corporate Service
Other Executive Managers
Finance Manager
Finance Coordinator
Finance Officers
Consultant Accountant

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

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
Goal 5 Inspiring Governance
Objective 4 Exemplary Team and Work Environment.

Policy Implications

There are no policy implications in this matter.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Accepts the Financial Reports for February 2014 **ATTACHMENT 13.3A**; and
2. Notes the Schedule of Accounts and Credit Cards paid in March 2014 as approved by the Chief Executive Officer in accordance with delegation DA004 Payment from Municipal and Trust Funds as per **ATTACHMENT 13.3B**.
- 3.

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

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

13.4 BUDGET AMENDMENT / VARIATION

FILE REFERENCE:	FI.BU.13.14
AUTHOR'S NAME AND POSITION:	Natalie Briney Budget & Grants Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	4 April 2014
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The 2013/2014 budget was officially adopted by Council on 18 September 2013 and throughout the year variations occur. It is the purpose of this report to bring these to the attention of Council.

Background

The 2013/2014 budget was officially adopted by Council on 18 September 2013 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 2013/2014 budget to reflect various adjustments to the General Ledger with nil effect to the overall budget as detailed below. Due to the nature of these variations, they fall outside the annual budget review.

Comment

It is recommended the required budget variations to the Adopted Budget for 2013/2014 as outlined below are approved.

GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
1. <u>Ranger Services:-</u>				
<u>Wild Animal Control</u>				
10547010	Wild Animal Control	\$3,252	\$11,748	\$18,612

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

Reason: The Wild Animal Control Budget was reduced from \$20,000 in 12/13 to \$3,252 in 13/14, mainly due to a reduction in Wild Dog problems within our communities. However over recent months the number of Wild Dogs seen within the Tom Price town site has increased significantly and interaction with members of the public becoming more and more frequent. This report is seeking a variation to the budget for the purposes of engaging a contractor to conduct a trapping program in Tom Price, to be funded from the budget surplus.

2. Admin General – Tom Price & Para Admin Building TP

B010	Administration Building TP	\$20,000	\$10,000	\$30,000
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Reason: Urgent electrical works required to the Administration Building Tom Price, not previously budgeted for. To be funded from the budget surplus.

3. Road Plant Purchases - Asset New Plant

11249560	Asset New Plant	\$175,000	\$8,000	\$183,000
BC415	Tom Price Depot	\$0	\$12,000	\$12,000

Reason: The Tom Price motor vehicle hoist which is 30 plus years old, has failed and while is still compliant, it is very difficult to obtain parts. A hoist is required on a daily basis to service the Shire of Ashburton LV fleet. This hoist is to be funded from the budget surplus.

4. Admin General – Tom Price & Para Consultant/Project Costs

10410930	Consultant/Project Costs	\$27,750	\$20,000	\$47,750
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Reason: Consultants required to update the Long Term Financial Plan as soon as possible. To be funded from the budget surplus.

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

Consultation

Executive Manager Corporate Services
Executive Manager – Development & Regulatory 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 authorised 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

There are no financial implications as nil effect to the overall budget as detailed above.

Strategic Implications

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

Policy Implications

There are no specific policy implications relative to this issue.

Voting Requirement

Absolute Majority Required

Recommendation

That Council approved the required budget variations to the Adopted Budget for 2013/2014 as outlined below:-

GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
1. <u>Ranger Services:-</u>				
<u>Wild Animal Control</u>				
10547010	Wild Animal Control	\$3,252	\$11,748	\$18,612

Reason: The Wild Animal Control Budget was reduced from \$20,000 in 12/13 to \$3,252 in 13/14, mainly due to a reduction in Wild Dog problems within our communities. However over recent months the number of Wild Dogs seen within the Tom Price town site has increased significantly and interaction with members of the public becoming more and more frequent. This report is seeking a variation to the budget for the purposes of engaging a contractor to conduct a trapping program in Tom Price, to

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

be funded from the budget surplus.

2. Admin General – Tom Price & Para Admin Building TP

B010	Administration Building TP	\$20,000	\$10,000	\$30,000
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Reason: Urgent electrical works required to the Administration Building Tom Price, not previously budgeted for. To be funded from the budget surplus.

3. Road Plant Purchases - Asset New Plant

11249560	Asset New Plant	\$175,000	\$8,000	\$183,000
BC415	Tom Price Depot	\$0	\$12,000	\$12,000

Reason: The Tom Price motor vehicle hoist which is 30 plus years old, has failed and while is still compliant, it is very difficult to obtain parts. A hoist is required on a daily basis to service the Shire of Ashburton LV fleet. This hoist is to be funded from the budget surplus.

4. Admin General – Tom Price & Para Consultant/Project Costs

10410930	Consultant/Project Costs	\$27,750	\$20,000	\$47,750
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Reason: Consultants required to update the Long Term Financial Plan as soon as possible. To be funded from the budget surplus.

Author: Natalie Briney	Signature:
Manager: Frank Ludovico	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

14. DEVELOPMENT AND REGULATORY SERVICES REPORTS

14.1 AUTHORISED OFFICERS (DOG ACT 1974) ONSLOW

FILE REFERENCE:	RS.BC.01.00
AUTHOR'S NAME AND POSITION:	Morgwn Jones Supervisor Emergency Services & Senior Ranger
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	3 April 2014
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

This report is to revoke all authorisations issued to the previous Shire of Ashburton Ranger in Onslow, Ashley Robbins and to authorise Mr Steven Hardy as an authorised officer of the Dog Act 1976, Cat Act 2011 and other relevant local laws.

Background

This report is to ensure that all staff dealing with legal issues under the various Acts and Local Laws pertaining to the Shire of Ashburton are authorised to do so in accordance with the relevant Act or Local Law.

Comment

Mr Ashley Robbins, the former Shire of Ashburton Ranger based in Onslow ceased employment with the Shire in January 2013. Since then Ranger Services have been delivering services from Tom Price, with Rangers visiting Onslow and Pannawonica on an as need basis.

A new permanent Ranger is yet to be appointed to Onslow and while Rangers are frequenting Onslow there is a need to appoint an Authorised Officer to fill this void in the meantime. This appointment will provide for a continuity of Animal Control services in Onslow in the absence of a full time Ranger and enable the Shire to have an Authorised Officer on hand to seize and detain animals when required.

Steven Hardy has experience in this role through his current position where he is required to work closely with Ranger Services in Onslow. Steven also has previous experience in this field in his last position in Local Government.

Rangers from within Ranger Services will continue to visit Onslow and Pannawonica frequently ensuring there is continuity in service.

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

In order for Mr Steven Hardy to assist in fulfilling these duties, Council is required to authorise Mr Steven Hardy as an Authorised Officer of:

- *Dog Act 1976*
- *Dog Regulations 1976*
- *Cat Act 2011*
- *Cat Regulations 2012*
- *Local Government Miscellaneous Provisions Act 1960*
- *Local Government Act 1995*
- *Local Law Dogs*
- *Local Law Cats*

Consultation

Executive Manager – Development & Regulatory Services

Statutory Environment

Dog Act 1976

Cat Act 2011

Local Government Miscellaneous Provisions Act 1960

Local Government Act 1995

Shire of Ashburton Local Laws

Local Law Dogs

Local Law Cats

Financial Implications

Issuing of Authorisation Certificate

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 03 – Exemplary Team and Work Environment

Policy Implications

Nil

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Revokes the authorisation of Ashley Robbins as an Authorised Officer of the Shire of Ashburton.
2. Approves the authorisation of Steven Hardy as an Authorised Officer for the relevant Act, Regulations and Local Laws.

Author: Morgwn Jones	Signature:
Manager: Brian Cameron	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

14.2 CONSIDERATION OF ADOPTION OF AMENDMENT 15 TO TOWN PLANNING SCHEME (TPS) 7 - PROPOSED MIXED BUSINESS ZONE

FILE REFERENCE:	PS.TP.7.15
AUTHOR'S NAME AND POSITION:	Anthony Dowling Contract Town Planner Caroline Luxford Town Planner
NAME OF APPLICANT/RESPONDENT:	Shire of Ashburton
DATE REPORT WRITTEN:	1 April 2014
DISCLOSURE OF FINANCIAL INTEREST:	The author/s have no financial interest in the matter.
PREVIOUS MEETING REFERENCE:	Agenda item 13.03.15 – Ordinary Meeting of Council 16 March 2011

Summary

This report recommends Council adopt for final approval Amendment 15 to Town Planning Scheme, subject to a number of modifications.

The principal modification required is for the proposed airside lots to be excluded from the proposed 'Mixed Business' zoning and remain reserved as 'Public Purpose—Airport'. This is to maintain the current degree of certainty provided under the current reservation allowing future aviation uses and development to be established on these lots.

The report also recommends that the approved plan of subdivision to subdivide the Scheme Amendment 15 area (Whelans Plan No 16409-7 Rev 3) be substituted for the Onslow Airport Industrial Stage 1 – Development Plan (OAI1-DP) as the 'development plan' Council previously resolved to prepare, and the Terminal Precinct Plan contained in the Onslow Airport Master Plan (OAMP).

Background

At its Ordinary Meeting held on 16 March 2011, Council resolved to initiate 2 amendments (Amendments 15 and 16) to TPS 7 to effect the implementation of the *Onslow Airport Master Plan (OAMP)*.

Amendment 15 sought to:

1. Re-classify a portion of lot 16 from 'Public Purposes—Airport' to 'Mixed Business' (see amending map reproduced at **ATTACHMENT 14.2A**); and
2. Modify the Zoning Table in TPS 7 to change the permissibility of an 'aerodrome' from a 'P' (permitted) use to a 'D' (discretionary) use.

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

The purpose of this amendment is to allow a range of commercial and light/service industries that require synergies with an airport or airport operations and logistics etc to establish within the OAMP's Precinct 1 (the Terminal Precinct). A copy of the plan for this precinct (Terminal Precinct Plan) upon which the proposed 'Mixed Business' zoning was originally predicated upon, is reproduced at **ATTACHMENT 14.2B**.

At the same meeting, and in association with initiating Amendment 15, Council further resolved to:

- Prepare a 'Development Plan' based on the OAMP, in support of the amendment and its progress through the amendment approval process; and
- Prepare and lodge an application to subdivide a portion of Precinct 1 denoted in the OAMP.

Subsequently, the Onslow Airport Industrial Stage 1 – Development Plan (OAIS1-DP) was formulated (a copy is reproduced at **ATTACHMENT 14.2C**) and forwarded in October 2012 to the Environmental Protection Authority (EPA) together with Amendment 15 for determination as to whether environmental approval pursuant to the *Environmental Protection Act 1986* was required. The EPA determined environmental approval wasn't required but it issued advice and a series of recommendations that the landowner (currently the Shire) and/or any future developer/s ought to heed in developing the precinct. A copy of this advice is provided at **ATTACHMENT 14.2D**.

In summary, the EPA recommended:

- (i) *"The Shire's flora and fauna consultant (ENV Australia P/L) confirm with the WA Herbarium the potential existence of Maireana lobiflora—a plant species of local significance—within the site, given that its known maximum distribution is about 240 kilometres to the south east of the airport site;*
- (ii) *Appropriate planning and management of surface waters within the vicinity (part of the Beadon Creek hydrology regime) of the site be carried out during site development planning and subdivision stages;*
- (iii) *The possible presence of acid sulphate soils (ASS) in the far eastern corner of the site be further investigated, in accordance with prescribed requirements;*
- (iv) *That due regard be given to ensuring adequate buffer distances between any potential conflicting land uses when proposing allowable commercial/industrial uses or assessing applications for their approval (cf EPA Guidance Statement No.3 Separation Distances between Industrial and Sensitive Land Uses)."*

Following the receipt of the aforementioned EPA advice, an application to subdivide the area generally comprising Precinct 1 depicted in the OAMP into 11 lots as per Whelans Plan No 16409-7 Rev 3 was prepared and lodged with the Western Australian Planning Commission (WAPC) in August 2013 for preliminary subdivision approval. A copy of the subdivision plan is reproduced at **ATTACHMENT 14.2E**. The WAPC granted conditional subdivisional approval on 15 November 2013. In respect to the advice provided by the EPA and its recommended actions, they are currently being undertaken and considered by the Shire, as

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

well as, being addressed as part of subdivisional approval on the area. Furthermore, they are primarily enacted through detailed site planning and design processes and independently of the scheme amendment process.

Subsequent to the above, Amendment 15 was advertised, as required under Part 5 provisions of the Town Planning and Development Act 2005 (TPD Act). Advertising concluded on 29 January 2014. At the completion of the advertising period seven submissions had been received. These are summarised and commented upon at **ATTACHMENT 14.2F**. Copies of the submissions are provided at **ATTACHMENT 14.2G**. Pursuant to the TPD Act, Council is now required to consider and determine whether it wishes to adopt the amendment, with or without modification.

Comment

Of the seven submissions received, six were received from government agencies with the other from Chevron Australia P/L. No submissions were received from nearby owners and occupiers of land. No submission was explicitly against the amendment proposal.

The Department of Water (DoW), however, is concerned that insufficient hydrological investigations have been undertaken, specifically, the impact of coastal inundation on future development. This concern is alleviated through the conditions of subdivisional approval granted on 15 November 2013 to provide an Urban Water Management Plan (UWMP), of which the Shire has already undertaken.

Of the seven submissions, The Chevron Australia P/L submission notes the following:

1. Some inconsistencies with the proposed rezoning map, the Terminal Precinct Plan contained in the OAMP and the OAS1-DP;
2. The status of the OAS1-DP itself; and
3. Implications for including the proposed airside lots under the proposed 'Mixed business' zoning.

In respect to point 1 above, the depiction any proposed subdivision layout of the land being rezoned will be removed, so as to simply illustrate proposed land use changes, within the scheme amendment map. This is further addressed within the resolution to provide a revised Scheme Amendment map, so that it is consistent with the current mapping standards, which were not available to the Shire at the time of the writing this report.

In respect to point 2 above, to the status of the OAS1-DP, it is noted within the OMAP that the requirement for design guidelines be considered as part of the development within Precinct 1 of the Airport. The OMAP was adopted by Council on 17 November 2010. The requirement for design guidelines under the OMAP was undertaken in the form of a 'Development Plan' as required under the provisions of the TPS 7, pursuant to clause 6.4 of TPS 7.

As the provisions of clause 6.4 of TPS 7 provides for development control in the form of a 'Development Plan', it is proposed that a revised 'Development Plan' over the area be undertaken using the principles of a 'design guideline' approach so as to allow for more stringent design and development control. This should address built form, streetscapes, landscaping and any potential amenity impacts resulting from the proposed use of the land (a concern raised by the Department of Health in its submission). In respect to the revised Development Plan, it should be noted that the revised plan refers to and take into consideration the context of the OAS1-DP. Additionally, the revised Development Plan will need to address the requirements of WAPC's *Structure Plan Preparation Guidelines* and its *Structure Plan Digital Data and Mapping Standards* which were adopted in August 2012.

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

In respect to point 3 above, it is Chevron's view that inclusion of the proposed airside lots under the 'Mixed Business' zone, rendering the establishment of future aviation uses and facilities at the discretion of Council, will result in an unacceptable lower level of certainty in respect to allowing future aviation uses and facilities to be established on these lots. This view is accepted. Therefore, it is suggested that the proposed airside lots, as depicted on OAS1-DP be excluded from the proposed 'Mixed Business' zoning and be left in the 'Public Purpose—Airport' reservation currently applying to the land.

The proposed rezoning map will require modification accordingly as per the map provided at **ATTACHMENT 14.2H**. The proposed Zoning Table modification will thus become redundant and can be deleted from the amendment.

It is recommended that the amendment be adopted for final approval with modifications as outlined in this section.

Consultation

Scheme Amendment No. 15 was advertised for a period of 42 days in accordance with Regulation 25 of the Town Planning Regulations 1967. Advertising concluded on 29 January 2014. At the completion of the advertising period seven submissions had been received, refer to Attachment F. Pursuant to the TPD Act, Council is now required to consider and determine whether it wishes to adopt the amendment, with or without modification.

Consultation was undertaken by way of the following: one advert in local paper; notice on the Shire's website; copies displayed at Shire of Ashburton Administration Offices; letters to the affected owners and occupiers, the Western Australian Planning Commission, and other appropriate government and non-government agencies.

Statutory Environment

Planning and Development Act 2005
Town Planning Regulations 1967
Town Planning Scheme No. 7

Financial Implications

The Shire will incur a minor expense in publicising notice of adoption of the amendment in the *WA Government Gazette* and a local newspaper, should the amendment be approved by the Minister for Planning (or his delegate).

The Shire will incur additional costs to appoint a consultant to revise the map to appropriate standards.

Strategic Implications

The proposed amendment will assist in achieving the following goals and objectives cited in the *Shire of Ashburton 10 Year Community Strategic Plan 2012-2022*:

- *Goal 01—Vibrant and Active Communities*
Objective 01—Connected, Caring and Engaged Communities.
 - Provide opportunities to connect people and communities addressing isolation and dislocation. To be applied within communities and between communities, between pastoralists and Aboriginal communities, and between the towns of the Shire.
- *Goal 02—Enduring partnerships*
Objective 01—Strong Local Economies.
 - Facilitate timely release of land to support the local economy.

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

- *Goal 04—Distinctive and Well Serviced Places*
 - Objective 02—Accessible and Safe Towns.
 - Work with key stakeholders to improve capacity and quality of airports, public transport and roads between major towns.
 - Objective 03—Well Planned Towns.
 - Ensure new developments are sensitive to the natural and built environments.

As previously reported to Council on 16 March 2011, adoption of the amendment will also assist in fulfilling a key development principle in the *Onslow Townsite Strategy* of providing larger lots for larger transport related industries and support businesses for the Ashburton North Strategic Industrial Area (ANSIA) that will not adversely impact on existing and future airport development.

Policy Implications

Nil

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Resolves pursuant to Town Planning Regulations 17, 18 and 25:
 - 1.1. to receive the 97 submissions in relation to Amendment No.15 to the Shire of Ashburton Town planning Scheme No. 7, as summarised at ATTACHMENT 14.2F; and
 - 1.2. that Amendment No 15 to the Shire of Ashburton Town Planning Scheme No.7, be adopted for final approval with the following modifications:
 - i. Deletion of the lot and road layout depicted on the proposed rezoning scheme map, at ATTACHMENT 14.2H;
 - ii. Deletion of part 2 of the amendment initiation resolution which seeks to modify the Zoning Table in TPS 7 by designating an 'aerodrome' as a 'D' use class in the 'Mixed Business' zone;
2. Authorises the Shire President and the Chief Executive Officer to execute and affix the Shire of Ashburton common seal to Amendment No. 15 to the Shire of Ashburton Town Planning Scheme No.7 Amendment documents reflecting the Council's endorsement of final approval;
3. Authorises the Chief Executive Officer and/ or the Shire's Officer's to prepare and amend;
 - 3.1 the proposed rezoning scheme map of Amendment No 15 to the Shire of Ashburton Town Planning Scheme No.7 as at ATTACHMENT 14.2H to be consistent with current mapping standards of the Shire and Western Australian Planning Commission, including the deletion of the lot and road layout depicted on the proposed rezoning map;
 - 3.2 revise the Development Plan as at ATTACHMENT 14.2C to be consistent with the requirements of the Western Australian Planning Commission's Structure Plan Preparation Guidelines and report back to Council accordingly for further consideration;

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

4. Forwards the relevant executed documents to the Western Australian Planning Commission and Requests the Honourable Minister for Planning and the Western Australian Planning Commission to adopt for final approval and gazettal, Amendment No.15 to the Shire of Ashburton Town Planning Scheme No.7; and
5. Advises those who made submissions of the Council decision.

Author: Anthony Dowling Caroline Luxford	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

15. INFRASTRUCTURE SERVICES REPORTS

15.1 SUPPORT OF PROCLAMATION OF NORTH WEST COASTAL HIGHWAY REALIGNMENT FOR MESA A AND WARRAMBOO MINING GRADE SEPERATION NEAR PANNAWONICA TURN OFF

FILE REFERENCE:	ES.MR.00.00
AUTHOR'S NAME AND POSITION:	Sharon Morley Executive Assistant Infrastructure Services
NAME OF APPLICANT/RESPONDENT:	Douglas Morgan Main Roads WA
DATE REPORT WRITTEN:	18 March 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 attached as a Main Road. Footpaths will be excluded from the proclamation.

ATTACHMENT 15.1

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

Rio Tinto has undertaken the construction of a grade separated intersection on the North West Coastal Highway from 949.00SLK to 950.54SLK. This work has resulted in a realignment of North West Coastal Highway at this location. Main Roads WA is seeking Council's endorsement for this section of road for proclamation of the new alignment and deproclamation of the old alignment.

Comment

It is recommended that Council support the realignment suggested by Main Roads WA, on the basis the North West Coastal is a road under the control of Main Roads WA, it is not located near any townsite and the alignment has already been constructed.

Consultation

Executive Manager - Infrastructure Services

Statutory Environment

Section 13A (2) of the Main Roads Act

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

Financial Implications

Nil

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

Policy Implications

Nil

Voting Requirement

Simple Majority Required

Recommendation

That Council supports the proclamation of the new alignment of the North West Coastal Highway resulting from works to construct a grade separated intersection on the North West Coastal Highway from 949.00SLK to 950.54SLK and deproclamation of the old alignment.

Author: Sharon Morley	Signature:
Manager: Troy Davis	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

16. STRATEGIC & ECONOMIC DEVELOPMENT REPORTS

16.1 OCEAN VIEW CARAVAN PARK COMMITTEE MEETING

FILE REFERENCE:	RE.SE.R.24405
AUTHOR'S NAME AND POSITION:	Anika Serer Executive Manager Strategic & Economic Development
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	31 March 2014
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 16.2 (Minute 11775) – Ordinary Meeting of Council 19 March 2014 Agenda Item 13.5 (Minute 11664) – Ordinary Meeting of Council 16 October 2013 Agenda Item 18.3 (Minute 11297) – Ordinary Meeting of Council 19 September 2012 Agenda Item 17.3 (Minute 11267) – Ordinary Meeting of Council 15 August 2012

Summary

At the Ordinary Meeting of Council (OCM) held on 19 March 2014 it was resolved to form a 'Committee of Council to oversee and workshop the master plans for the Ocean View Caravan Park Onslow and report back to Council with recommendations including and considering:

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

The Committee of Council met on 15 April 2014 to commence discussions for the Ocean View Caravan Park; a copy of the agenda and action items from the meeting are presented for Council's information.

Background

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

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

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

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

Brighthouse Consultants are caravan park specialists and provide advice and development guidance to caravan park owners and operators in order to maximize opportunities from these types of facilities.

The initial Master Plan responded to the following key issues:

1. Upgrading of the aging and inadequate infrastructure services at the caravan park;
2. Non-compliance with the Caravan and Camping Regulations 1997;
3. The suitability of the caravan park site layout for the current market (and to comply with the above Regulations);
4. Market demand for onsite accommodation;
5. Impact of the accommodation demand generated by the major resource projects;
6. The low market rating of the current facility (RAC Star Rating); and
7. Projected market trends.

Brighthouse was further requested to prepare a Business Case to support this Master Plan. The Business Case considered:

1. Analysis of the current tourism profile and the key drivers of the locality;
2. Supply and demand assessment for the caravan park;
3. High-level feasibility analysis of the various development options;
4. Risks and issues associated with the redevelopment; and
5. An input-output based economic impact assessment of the proposed \$9.5 million staged redevelopment investment, which is described in the Master Plan and covers built form improvements and infrastructure.

The Business Case and Master Plan were distributed to Council in February 2014 for initial review and feedback. At the February 2014 OCM Brighthouse Consultants and Hester Property Solutions provided a presentation to Council with respect to the elements of these reports, the options for redevelopment of the caravan park and management options available to Council.

At the March 2014 OCM a report was presented to Council outlining the information and advice provided by Brighthouse Consultants and Hester Property Solutions (Minute 11775). At this time Council resolved to appoint a Committee of Council to oversee and workshop the master plans for the Ocean View Caravan Park and report back to Council with recommendations. The recommendations are to include and consider applying for funding from the Royalties for Regions Infrastructure Fund for the upgrades to power, water and sewage and to liaise with Tourism WA to apply for grants for ablution blocks; and allocating the \$200,000 in the 2013/14 budget to the purchase of a manager's house.

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

Comment

In accordance with Council's resolution, a Committee consisting of Cr Thomas, Cr Fernandez, Cr White and Cr Eyre has been formed to undertake the review of the Ocean View Caravan Park Master Plan and associated matters.

The first meeting was held on 15 April 2014 at the Tom Price Council Chambers. A copy of the Meeting Agenda is attached for Council's information.

ATTACHMENT 16.1

As the Committee meetings are held the day before the Council Meeting, the Minutes of the most recent meeting are not able to be attached to this report. A summary of the Action Items is intended to be distributed to Councillors prior to the commencement of the Council Meeting for its information, and if thought appropriate, its decision, and the Minutes and Committee Recommendations will be formally presented the following month.

Consultation

Chief Executive Officer

Statutory Environment

Local Government Act 1995 – Subdivision 2 – Committees and their meetings

S5.20: Decisions of councils and committees

S.22: Minutes of council and committee meetings

Financial Implications

\$200,000 is nominated in the 2013/14 Budget for capital improvements at the Ocean View Caravan Park; the Committee has been requested to make recommendations for these monies to be applied to the purchase of a manager's residence.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 02 – Enduring Partnerships

Objective 03 – Well-Managed Tourism

Policy Implications

None Identified

Voting Requirement

Simple Majority Required

Recommendation

(Oceans View Caravan Park Committee recommendations to be provided at the Council Meeting)

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

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

16.2 CRECHE FACILITY LICENCE AGREEMENT - TOM PRICE COMMUNITY RECREATION CENTRE

FILE REFERENCE:	TP.CX.0883.000
AUTHOR'S NAME AND POSITION:	Chelsie Robson Project Support Officer
NAME OF APPLICANT/ RESPONDENT:	Tom Price Senior High School
DATE REPORT WRITTEN:	3 April 2014
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.6 (Minute No. 11664) – Ordinary Meeting of Council 16 October 2013

Summary

Council approved at the 16 October 2013 Ordinary Meeting to enter into a Deed of Variation to exclude the crèche facility from the current Licence Agreement between the Department of Education (Licensor) and the Shire of Ashburton (Licensee) for the Tom Price Community Recreation Centre for the provision of an independently run Family Day Care Service. This would enable the Education Ministry/SHS to go through the process of establishing a family day care service.

The Deed of Variation was sent to the Department of Education mid-December 2013 and is still being progressed. No timeframe has been provided as to how long this process may take.

Tom Price Senior High School Principal, has requested the Shire enter into a short term Licence Agreement with the Family Day Care Service operator, to allow the service to begin by Tuesday 29 April 2014.

Council endorsement is now sought to enter into a short term Licence Agreement with the Family Day Care Service operator. This will enable the service to commence operation until the Deed of Variation is approved by the Minister of Education.

Background

In May 2005, the Shire of Ashburton (Licensee) and the Department of Education (Licensor), representing Tom Price Senior High School, entered into a Licence Agreement for the use and management of the Tom Price Community Recreation Centre, located on Reserve 469366 for a period of twenty one (21) years.

The Licence Agreement covers the use and management of the Tom Price Community Recreation Centre in its entirety, including the crèche facility.

An application was put forward to the Department of Education, via Tom Price High School, to operate a Family Day Care Service from the crèche facility located within the Tom Price

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

Community Recreation Centre. This application has been endorsed and supported by the Tom Price Senior High School. .

At the OCM on 16 October 2013, Council approved a Deed of Variation to exclude the crèche facility from the Recreation Centre, as this was the best way to limit risk to Council. The operation of a child care service can be seen as a high risk activity, and further, is not core business for the Shire of Ashburton.

The Deed of Variation was sent to the Department of Education mid-December via the Tom Price High School, and while the Department have indicated their support for this Deed of Variation, they not provided a timeframe as to how long the approval process may take.

Tom Price Senior High School Principal has requested the Shire enter into a Licence Agreement with the Family Day Care Service operator as a short term solution.

It is important that Councillors are aware that a Licence agreement may leave the Shire liable during the proposed operating times and that a short term Licence Agreement will not put measures in place to protect the Shire.

Comment

It is recommended that Council approve a License Agreement for a term of one month for the hours of 6.30am to 8.30am and 2.30pm to 6.30pm for a fee of \$0.

Consultation

Executive Manager – Strategic & Economic Development
Executive Manager – Community Development
Economic and Land Development Manager
Facilities Manager
Principal, Tom Price Senior High School

Statutory Environment

Local Government Act 1995 S3.58 'Disposing of Property'

Financial Implications

Operation and maintenance costs associated with the operation of the crèche facilities have not been accounted for in any previous budgetary processes. As the crèche facility will be offered at no cost to the Day Care Service provider these costs will need to be paid for by the Shire as per the cost breakdown in the original License Agreement.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 01 – Vibrant and Active Communities
Objective 03 – Quality Education, Healthcare, Child Care, Aged Care and Youth Services

Policy Implications

Nil

Voting Requirement

Absolute Majority Required

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

Recommendation

That Council:

1. Approve a Licence Agreement with Family Day Care Service Operator Karley Ball for the use of the crèche facility at the Tom Price Community Recreation Centre, with the following terms; and
 - a) For a term of one month commencing on 29 April 2014;
 - b) For the rental amount of \$0; and
 - c) For the operational hours of 6.30am to 8.30am and 2.30pm to 6.30pm
2. Delegate authority to the Chief Executive Officer to enter into a Licence Agreement with Family Day Care Service Operator Karley Ball for the terms as set out above; and
3. Authorise the Shire President and Chief Executive Officer to affix the Common Seal of the Shire of Ashburton to the Licence Agreement.
4. Endorses administration writing a letter to the Department of Education expressing concern and disappointment at the length of time this process is taking, and requesting this matter be expedited as quickly as possible to allow this vital service to be offered to the community.

Author: Chelsie Robson	Signature:
Manager: Anika Serer	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

16.3 LETTER OF CONSENT TO ONSLOW RODEO ASSOCIATION FOR A CLEARING PERMIT ON RESERVE R39070 ONSLOW

FILE REFERENCE:	RE.OA.R.38264
AUTHOR'S NAME AND POSITION:	Emma Heys Economic and Land Development Manager
NAME OF APPLICANT/RESPONDENT:	The author has no financial interest in the proposal.
DATE REPORT WRITTEN:	31 March 2014
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Onslow Rodeo Association is intending to undertake extension works at the Onslow Rodeo, Reserve 39070. In order to progress these works, Onslow Rodeo Association has applied to the Department of Environment and Regulation for a clearing permit.

The Shire currently holds a Management Order over Reserve 39070 for the purposes of Recreation.

Onslow Rodeo Association is now seeking a letter of consent from the Shire in relation to the clearing permit application.

Background

The Onslow Rodeo Association is intending to undertake extension works on at the Onslow Rodeo, Reserve 39070, Onslow. These works include an extension of the Rodeo Arena, a proposed camping area and a new internal road.

In order to undertake these works, the Onslow Rodeo Association must clear an extensive section of Reserve 39070. The Association has prepared an application to the Department of Environment and Regulation and now require a letter of consent from the Shire. Please see attached application.

ATTACHMENT 16.3A

Reserve 39070 Onslow is currently vested in the Shire of Ashburton for the purposes of Recreation. Please see attached Management Order.

ATTACHMENT 16.3B

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

Comment

The Administration support the provision of a letter of consent for the Onslow Rodeo Association to the Department of Environment and Regulation for a clearing permit on Reserve 39070.

Consultation

Executive Manager – Strategic & Economic Development
Executive Manager – Community Development
Executive Manager - Development and Regulatory Services
Compliance Officer – Development and Regulatory Services

Statutory Environment

As the land 'owner' the Shire needs to provide its consent. The clearing application will be progressed by the Department of Environment in accordance with its legislation.

There is also a Memorial to address as per **ATTACHMENT 16.3C**.

Financial Implications

There are no financial implications.

Strategic Implications

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

Policy Implications

There are no policy implications.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Notes the Memorial at **ATTACHMENT 16.3C** and subject to the Onslow Rodeo Association accommodating the requirements of the Memorial; and
2. Provides a letter of consent to the Onslow Rodeo Association for a clearing permit with the Department of Environment and Regulation for works to be undertaken on Reserve 39070 Onslow in association with extension works.

Author: Emma Heys	Signature:
Manager: Anika Serer	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

16.4 LETTER OF CONSENT TO DEPARTMENT OF HOUSING FOR A CLEARING PERMIT ON PART OF RESERVE R19291 LOT 303 ON DEPOSITED PLAN 49430 ONSLOW IN ASSOCIATION WITH THE BINDI BINDI SEWER EXTENSION PROJECT

FILE REFERENCE:	RE.OA.R.19291
AUTHOR'S NAME AND POSITION:	Emma Heys Economic and Land Development Manager
NAME OF APPLICANT/ RESPONDENT:	Department of Housing
DATE REPORT WRITTEN:	31 March 2014
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Department of Housing are assisting with the decommissioning and decontamination of the Bindi Bindi Waste Water Treatment Plant. In order to progress these works, the Department of Housing have applied to the Department of Environment and Conservation for a clearing permit.

The Bindi Bindi Waste Water Treatment Plant decommissioning project includes works undertaken on Reserve 19291 Lot 303 on Deposited Plan 49430 Onslow, a Reserve currently vested in the Shire of Ashburton for the purposes of 'Common'.

The Department of Housing are seeking a letter of consent from the Shire in relation to the clearing permit application.

Background

The Wheatstone LNG project and other commercial development located around Onslow/Shire of Ashburton is driving the requirement for residential land development.

Areas south of the Onslow township have been identified for residential land development. An area identified falls within the Bindi Bindi Aboriginal Community privately operated wastewater treatment ponds and the buffer zone of these ponds encroaches on these areas. As a result, the State government plan to connect the Bindi Bindi Aboriginal Community to the Onslow town waste water scheme and remove the privately operated wastewater treatment ponds which are situated south of Bindi Bindi community.

The Department of Housing is assisting with the decommission and decontamination of the Bindi Bindi waste water treatment plant site.

A request has been made by the Department of Housing for a letter of consent for a clearing permit with the Department of Environment and Conservation. The application for a clearing permit is for the works to be undertaken on Reserve 19291 Lot 3030 on Deposited Plan 49430 Onslow.

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

ATTACHMENT 16.4

Reserve 19291 Onslow is currently vested in the Shire of Ashburton for the purposes of 'Common'.

Comment

The Administration support the provision of a letter of consent for the Department of Housing to the Department of Environment and Conservation for a clearing permit for works undertaken on Reserve 19291 Lot 303 on Deposited Plan 49430 Onslow in association with the Bindi Bindi Sewer Extension Project.

Consultation

Executive Manager – Strategic & Economic Development

Statutory Environment

As the land "Owner" the Shire needs to provide consent.

Financial Implications

There are no financial implications.

Strategic Implications

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

Policy Implications

There are no policy implications.

Voting Requirement

Simple Majority Required

Recommendation

That Council provide a letter of consent to the Department of Housing for a clearing permit with the Department of Environment and Conservation for works to be undertaken on Reserve 19291 Lot 303 on Deposited Plan 49430 Onslow in association with the Bindi Bindi Sewer Extension Project.

Author: Emma Heys	Signature:
Manager: Anika Serer	Signature:

- 17. COUNCILLOR AGENDA ITEMS
- 18. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING
- 19. CONFIDENTIAL MATTERS

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

- (2) *If a meeting is being held by a Council or by a committee referred to in subsection (1)(b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:*
 - (a) *a matter affecting an employee or employees;*
 - (b) *the personal affairs of any person;*
 - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
 - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
 - (e) *a matter that if disclosed, would reveal:*
 - (I) *a trade secret;*
 - (II) *information that has a commercial value to a person; or*
 - (III) *information about the business, professional, commercial or financial affairs of a person,*

Where the trade secret or information is held by, or is about, a person other than the local government.
 - (f) *a matter that if disclosed, could be reasonably expected to:*
 - (I) *Impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
 - (II) *Endanger the security of the local government's property; or*
 - (III) *Prejudice the maintenance or enforcement of any lawful measure for protecting public safety;*
 - (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1981; and*
 - (h) *such other matters as may be prescribed.*

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

19.1 CONFIDENTIAL ITEM - PROPOSED AGREEMENT WITH KULYAMBA ABORIGINAL CORPORATION (ON BEHALF OF THUDGARI NATIVE TITLE HOLDERS)

FILE REFERENCE: LE.CA.03.06

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

NAME OF APPLICANT/RESPONDENT: Kulyamba Aboriginal Corporation, on behalf of the Thudgari People

DATE REPORT WRITTEN: 6 April 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 12.02.03. Ordinary Meeting of Council, 16 February, 2011

Please refer to Confidential Item Attachment under separate cover.

Author: Keith Pearson	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

19.2 CONFIDENTIAL ITEM - SHIRE OBJECTION TO EXPLORATION LICENCE APPLICATION E47/2975 MADE ON BEHALF OF FMG PILBARA PTY LTD WITHIN THE PARABURDOO TOWNSITE

FILE REFERENCE: RD.MI.00.00

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

NAME OF APPLICANT/RESPONDENT: FMG Pilbara Pty Ltd

DATE REPORT WRITTEN: 3 April 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 14.6 (Minute 11697) - Ordinary Meeting of Council 20 November 2013

Please refer to Confidential Item Attachment under separate cover.

Author: Keith Pearson	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

19.3 CONFIDENTIAL ITEM - APPLYING SHIRE COMMON SEAL TO DEED OF SETTLEMENT AND RELEASE. WITTENOOM LITIGATION

FILE REFERENCE: AS.WI.002.00

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

NAME OF APPLICANT/RESPONDENT: Mrs Vivian Cooke

DATE REPORT WRITTEN: 26 March 2014

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

PREVIOUS MEETING REFERENCE: Not Applicable

Please refer to Confidential Item Attachment under separate cover.

Author: Keith Pearson	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

19.4 CONFIDENTIAL ITEM - APPLYING SHIRE COMMON SEAL TO DEED OF SETTLEMENT AND RELEASE. WITTENOOM LITIGATION

FILE REFERENCE: AS.WI.002.00

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

NAME OF APPLICANT/RESPONDENT: Mr Warren Dewson

DATE REPORT WRITTEN: 10 April 2014

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

PREVIOUS MEETING REFERENCE: Not Applicable

Please refer to Confidential Item Attachment under separate cover.

Author: Keith Pearson	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 16 APRIL 2014

20. NEXT MEETING

The next Ordinary Meeting of Council will be held on 21 May 2014, at the Onslow Multi-purpose Centre, Crn McGrath Road and Hooley Avenue, Onslow commencing at 1.00 pm.

21. CLOSURE OF MEETING