

SHIRE OF ASHBURTON

ORDINARY COUNCIL MEETING

**AGENDA
(Public Document)**

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

16 July 2014

1.00 pm

AGENDA - ORDINARY MEETING OF COUNCIL 16 JULY 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 July 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.

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1. DECLARATION OF OPENING

2. ANNOUNCEMENT OF VISITORS

3. ATTENDANCE

3.1 PRESENT

Cr K White	Shire President, Onslow Ward
Cr L Rumble	Deputy Shire President, Paraburdoo Ward
Cr D Dias	Paraburdoo Ward
Cr L Thomas	Tableland Ward
Cr A Bloem	Tom Price Ward
Cr P Foster	Tom Price Ward
Cr C Fernandez	Tom Price Ward
Cr A Eyre	Ashburton Ward
Cr D Wright	Pannawonica Ward
Mr N Hartley	Chief Executive Officer
Mr M Ferialdi	General Manager
Ms D Wilkes	Executive Manager, Community Development
Mr F Ludovico	Executive Manager, Corporate Services
Mr B Cameron	Executive Manager, Development & Regulatory Services
Mr T Davis	Executive Manager, Infrastructure Services
Ms A Serer	Executive Manager, Strategic & Economic Development
Ms L Moir	A/CEO & Councillor Support Officer
Miss K Cortesi	Safety & Wellbeing Coordinator

3.2 APOLOGIES

Cr D Wright Pannawonica Ward

3.3 APPROVED LEAVE OF ABSENCE

4. QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 18 June 2014 no questions were taken on notice.

4.2 PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. DECLARATION BY MEMBERS

6.1 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.

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NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

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

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

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

8. PETITIONS / DEPUTATIONS / PRESENTATIONS

8.1 PETITIONS

8.2 DEPUTATIONS

8.3 PRESENTATIONS

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9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING OF COUNCIL HELD ON 18 JUNE 2014

Officer's Recommendation

That the Minutes of the Ordinary Meeting of Council held on 18 June 2014, as previously circulated on 23 June 2014, be confirmed as a true and accurate record.

10. AGENDA ITEMS ADOPTED "EN BLOC"

10.1 MOVE AGENDA ITEMS 'EN BLOC'

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

"Part 5 – Business of a meeting

Clause 5.6 Adoption by exception resolution:

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

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11. CHIEF EXECUTIVE OFFICER REPORTS

11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS

FILE REFERENCE: OR.MT.1

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 25 June 2014

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

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

Summary

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

Background

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

Comment

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

ATTACHMENT 11.1

Consultation

Chief Executive Officer
Executive Management Team

Statutory Environment

Not Applicable

Financial Implications

There are no financial implications in 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

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Policy Implications

There are no policy implications in this matter.

Voting Requirement

Simple Majority Required

Recommendation

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

Author: Chelsie Robson	Signature:
Manager: Neil Hartley	Signature:

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11.2 ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH JUNE

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:	25 June 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 June 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

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

Comment

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 June 2014:

Seal 575	Deed of Settlement – Red Dust WA Pty Ltd
Seal 576	Deed of Variation Tom Price Community Recreation Centre – Tom Price Senior High School

Planning Delegations

Planning Delegations undertaken for the month of June 2014.

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A	Advertising and Determining Applications for Planning Approval				
	Adv or Det. App.	Date	Applicant	Description	Development location
	Delegated Approval 14-28	4/06/2014	Belinda Kinnane	Home Occupation - BK Beauty and Nails	Lot 282 Carob St, Tom Price
	Delegated Approval 14-21	11/06/2014	Chevron	Laydown on Land Adjacent to AR2 - AR3 and on Road Shoulders	Lots 540 & 153 AR2 & AR3, Onslow (ANSIA)
	Delegated Approval 14-9	16/06/2014	RFF Pty Ltd	Mixed Use development comprising 8 two bedroom units and 145m2 office	Lot 306 (No. 5) First Ave, Onslow
	Delegated Approval 14-34	21/06/2014	Lara Dawson	Home Occupation - "I Create for You" Invitations/Cards/Gifts/Stationary	Lot 677 Caringal St, Tom Price
	Delegated Approval 14-29	22/06/2014	Kingman Visual	Under Awning Signage Tom Price Shops - Retail	Lot 344 Willow Road Tom Price (Reserve 46292)
	Delegated Approval 14-32	22/06/2014	SOA	Installation of Public Ablutions Block	Truck Laydown Area Onslow Rd, Onslow (adjacent to Lot 500/ Reserve 19291)
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 - none				
F	Clearance of Local Government Conditions associated with Subdivision Approval - none				
G	Issue of Certificates (Strata Titles) - none				
H	<p>Directions regarding unauthorised development (<u>for months of May and June 2014</u>):</p> <ul style="list-style-type: none"> - Meeting with Shires Media team to set out campaign within Shire and which department should carry cost. - Setting dates for campaign, amnesty period and logical audits of all Shire Light Industrial Areas beginning with Tom Price, Paraburdoo, Pannawonica and lastly Onslow. - Setting Regulatory Services team meetings in readiness for a team approach (Planning, Building & Health) to carrying out Audits and handling inquiries during amnesty period. 				
I	Responsible Authority Reports to the Development Assessment Panel				
	Date	Applicant	Description	Development Location	
	25/6/2014	Chevron	Modified Site Layout Plan (retrospective) 14-23 (original application 20110482)	Wheatstone Construction Village Lot 1577 – adjacent to the Macedon / Wheatstone access road (referred to as Lots 152, 153 & 238 Onslow Road, Onslow on the original application)	
	25/6/2014	Chevron	Modified Site Layout Plan (retrospective) 14-24 (original application 20120332)	Wheatstone Construction Village Lot 1577 – adjacent to the Macedon / Wheatstone access road (referred to as Lot 568 on DP 71345 and Lots 1577 on DP 72843 Onslow Road Ashburton North on the original application)	
	25/6/2014	Chevron	Modified Site Layout Plan (retrospective) 14-25 (original application 20120333)	Wheatstone Construction Village Lot 1577 – adjacent to the Macedon / Wheatstone access road (referred to as Lot 1577 on DP 72843, Onslow Road, Ashburton North on the original approval)	

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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 June 2014.

Approval Date	File Ref	Title	Decision
04.06.14	EMP24 & FI.BA	Payments from Municipal Fund and Trust Fund	The CEO authorizes for the Manager, Organisational Development's credit card limit (\$10,000) to be moved under the Executive Manager, Corporate Services (\$5,000) until such a time when the position of Manager, Organisational Development is filled.
04.06.14	PA.DG.615	Award RFT 13/14 Design and Construction of the Paraburdoo Indoor Cricket Facility	Accept the tender of Byblos Construction for the Design and construction of the Paraburdoo Indoor Cricket Facility as described in the scope of works RFT 13/14 for the total financial consideration of \$478,792.60 (inc GST).
13.06.14	RE.SE.R.35889	'Holding Over' as per clause 33 of the Commercial Lease of the Onslow Sun Chalets.	Minute No. 11698 of the OCM 20 November 2013 authorises the CEO to delegate authority over the extension of the commercial lease of Onslow Sun Chalets between the Shire of Ashburton and Ashburton Investments Pty Ltd. As such, the 'Holding Over' of the Onslow Sun Chalets by lessee Ashburton Investments Pty Ltd is supported on a monthly basis until the new Commercial Lease agreement is prepared.
27.06.14	AS.TE.12.14	Award of RFT 12/14 Supply, Installation and Repair of Drainage Infrastructure in Paraburdoo	Accept the tender submission of Leeuwin Civil for the Supply, Installation and Repair of Drainage Infrastructure in Paraburdoo for the sum of \$442,150.40.

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

Executive Manager, Corporate Services

Executive Manager, Community Development

Executive Manager, Strategic & Economic Development

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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.

Approval to Purchase Goods and Services by the Chief Executive Officer

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

Financial Implications

The Use of the Common Seal

There are no financial implications related to this matter.

Planning Delegations Issued

There are no financial implications related to this matter.

Approval to Purchase Goods and Services by the Chief Executive Officer

Goods purchased in accordance with the 2013/14 Budget.

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 June 2014”.

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

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11.3 OCEAN VIEW CARAVAN PARK COMMITTEE

FILE REFERENCE:	RE.SE.R.24405 OR.MT.1
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Officer CEO
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	25 June 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 held on 19 March 2014 Council resolved:

“That Council 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.*

That members for the Ocean View Caravan Park committee be comprised of the following representation:

Cr Thomas – Tableland Ward, Cr Fernandez – Tom Price Ward, Cr Eyre – Ashburton Ward, and Cr White – Shire President – Onslow Ward.”

At the Ordinary Meeting of Council held on 18 June 2014 Cr Fernandez's resignation was accepted and Council resolved that the Committee will comprise of three Councillors (Cr White, Cr Eyre and Cr Thomas).

The Ocean View Caravan Park Committee meets on a monthly basis, a copy of the minutes and recommendations from the meeting are presented to Council for endorsement.

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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.

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.

At the March 2014 Ordinary Meeting of Council 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.

Comment

In accordance with Council's resolution, the Committee will continue with the only change being, it will now only consist of Cr Thomas, Cr White and Cr Eyre.

The meeting for July will be held on 15 July 2014 at the Chief Executive Officer's Office, Shire of Ashburton Administration Building, Tom Price. A copy of the Meeting Agenda is attached for Council's information.

ATTACHMENT 11.3A

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. A meeting was held on Tuesday 20 May 2014 but due to a lack of a quorum this was postponed to Wednesday 21 May 2014. The Minutes from 21 May 2014 are attached.

ATTACHMENT 11.3B

Consultation

Chief Executive Officer
Executive Manager – Strategic & Economic Development

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

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Financial Implications

It is not possible to advise on any financial implications at the time of preparing this Council agenda as the Council agenda preparation precedes the meeting of the Committee. Any financial implications for Council consideration beyond existing budget allocations, should be highlighted as part of the 15 July Committee recommendations. Noting that these Committee recommendations will be presented to Council prior to this item being considered.

The development of proposals by the Committee will be required before Financial Implications can be determined.

Strategic Implications

The Onslow Caravan Park Upgrade Project is in the Corporate Business Plan. As an 'active pursuit' project. 'Active Pursuit' means that there is a firm intention to undertake the project with effort being applied to develop the project and secure funding. It is not yet in the budget as the associated external funding has not yet been secured. As soon as funding is secured, an active pursuit project will be entered into the financial forecasts. Council will then consider any consequential adjustments required to the Corporate Business Plan, Four Year Budget and Long Term Financial Plan.

SE3.3 Caravan Park - To manage the Ocean View Caravan Park to support local tourism, meet the needs of the community and provide a return to Council.

Policy Implications

There are no policy implications to this matter.

Voting Requirement

Simple Majority Required

Recommendation

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

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

12. COMMUNITY DEVELOPMENT REPORTS

12.1 LEASE AGREEMENT BETWEEN SHIRE OF ASHBURTON AND MOUNTAIN VIEW SPORTING CLUB FOR TOM PRICE GOLF COURSE

FILE REFERENCE:	AS.LE.0151X.00
AUTHOR'S NAME AND POSITION:	Mabel Gough Facilities Manager
NAME OF APPLICANT/RESPONDENT:	Mountain View Sporting Club Incorporated
DATE REPORT WRITTEN:	27 June 2014
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

In March 2014 the Shire of Ashburton received a letter of request from the Mountain View Sporting Club Incorporated to renew their lease for the Tom Price golf course on Reserve 40965 (Gregory Location 58). A Lease Agreement has been prepared for Council consideration to enable the Club to continue using the premise.

Background

The Mountain View Sporting Club Incorporated has been operating for over 10 years. The current lease is due to expire on 30 June 2014. The club has requested a 99 year lease over the golf course. Shire policy REC05 Establishment of Sporting Club and Community Group Leases defines that the maximum length of time a lease can be requested is 5 years with a 5 year option to renew. A draft lease agreement has been prepared for 5 years with a 5 year option to renew as per the policy.

ATTACHMENT 12.1A
ATTACHMENT 12.1B

Comment

The Mountain View Golf Club is a non-profit organisation reliant on donations and sponsorships to aid in the continued operation of the golf course. The Mountain View Golf Club maintains the golf course, which is utilised on a daily basis. The Club organises golfing tournaments which brings competitors from other areas of Western Australia to Tom Price to compete.

Over the past 10 years, the Mountain View Golf Club has contributed considerable cash investment back into the golf course purchasing machinery and materials to care and maintain the fairways, tee boxes and sand greens. The Club also utilised a grant from Royalties for Regions to assist with the purchase and construction of two large sheds for a buggy room and machinery shed. The Mountain View Golf Club is a valuable community association. It is recommended the Club's lease be renewed for a further period of time to allow the community to continue benefiting from the Club's dedication to the sport of golf.

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Consultation

Executive Manager Community Development
Facilities Manager
Mountain View Sporting Club Incorporated
Project Support Officer
Economic & Land Development Manager
Minister of Lands

Statutory Environment

Local Government Act 1995 Section 3.58 Disposing of Property.
Local Government (Function and Regulations) 1996 (F & G) Regulation 30 "Dispositions of property to which section 3.58 does not apply".

Under Regulation 30(2)(b) F & G if land is disposed to an organisation that has objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions; then the disposition is exempt.

Lands Act 1996

The Administration believes this organisation is a recreational organisation and the members do not receive a pecuniary profit.

Financial Implications

The proposed Lease will include:

- Licence payments of \$550.00 (gst inclusive) per annum for the golf course/driving range.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 1: Active and Vibrant Communities

Objective 2: Active People, Clubs and Associations

"Prepare plans, programs and scheduling to optimize use of existing community facilities and provide new facilities that accommodate present and future needs."

Goal 2 - Enduring Partnerships

Objective 1 - Strong Local Economies

"Understand the local economic trends and needs of local businesses"

Policy Implications

REC05 Establishment of Sporting Club and Community Group Leases

Voting Requirement

Simple Majority Required

AGENDA - ORDINARY MEETING OF COUNCIL 16 JULY 2014

Recommendation

That Council:

1. Recognises the Mountain View Sporting Club Inc as a organisation whose objects of which are recreational and sporting, and the members of which are not entitled or permitted to receive and pecuniary profit from the body's transactions and are therefore exempt from the provisions of Section 3.58 of the Local Government Act 1995;
2. Accepts the attached Lease Agreement for the Mountain View Sporting Club Incorporate for a period of 5 years with a 5 year option over the Tom Price golf course for a fee of \$550.00 (gst inclusive) per annum.
3. Authorise the Shire President and Chief Executive Officer to affix the common seal of the Shire of Ashburton to the Lease Agreement as per **ATTACHMENT 12.1A** and finalise the necessary lease arrangements.

Author: Mabel Gough	Signature:
Manager: Deb Wilkes	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 16 JULY 2014

12.2 LEASE FOR VIC HAYTON MEMORIAL SWIMMING POOL KIOSK

FILE REFERENCE:	AS.TE.03.14
AUTHOR'S NAME AND POSITION:	Mabel Gough Facilities Manager
NAME OF APPLICANT/RESPONDENT:	Tom Price Amateur Swimming Club Incorporation
DATE REPORT WRITTEN:	27 June 2014
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 11.2 (Minute No. 11665) – Ordinary Meeting of Council 16 October 2013

Summary

The Shire of Ashburton invited tenders for the operation of the Vic Hayton Memorial Swimming Pool Kiosk in February 2014. No tenders received by the close of the tender period. In June 2014 the Tom Price Amateur Swimming Club Incorporate expressed interest in leasing the premise to prepare and sell food from the kiosk during set times during the 2014/15 & 2015/16 pool season. A Licence Agreement has been drawn up for acceptance by Council between the Shire of Ashburton and the Tom Price Amateur Swimming Club Incorporate to enable the club to commence utilising the premise.

Background

The Shire of Ashburton has previously leased the Vic Hayton Memorial Swimming Pool Kiosk on several occasions to various tenants that have prepared and sold a vast array of meals to pool patrons and residents. There have also been periods where the pool kiosk has been run and operated by the Shire of Ashburton. During the times the Shire of Ashburton has operated the kiosk; it operates at minimum capacity and is staffed by the Pool Manager and Pool Assistants selling ice creams, drinks, chips and confectionary.

On 19 September 2013 a letter of interest was received from Elisa Etienne who wished to prepare and sell both cold and hot food and meals from the kiosk for patrons of the pool and the general public. For the premise to be leased a tender was advertised in February 2013 in order to invite interested parties to submit applications.

In February 2014 the Shire of Ashburton invited tenders for the operation of the Vic Hayton Memorial Swimming Pool Kiosk. There were no tenders received by the close of that tender period. In June 2014 the Tom Price Amateur Swimming Club Incorporated expressed interest in preparing and selling food from the kiosk at set times during the pool season.

ATTACHMENT 12.2A

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Comment

Leasing the Vic Hayton Memorial Swimming Pool Kiosk to the Swimming Club will be advantageous to the Shire of Ashburton. The Swimming Club will provide greater menu choice for the pool patrons as they will be looking to run the kiosk as a business unit, selling a selection of cold and hot meals. Leasing the kiosk will eliminate the onus on the Shire of Ashburton pool staff to provide food and meals allowing the pool staff to focus on supervising the swimming pool.

The Licence Agreement will permit the Swimming Club to utilise the kiosk for the purpose of selling food and drinks to patrons of the pool and other members of the public. It is a requirement of the Licence Agreement that the premise is not to be sub-leased or used for any other purpose other than a kiosk.

ATTACHMENT 12.2B

The kiosk will be operational from 1st October to 30th April annually as per the below times:

- Monday to Friday – 2:30pm to 5:00pm
- Saturday & Sunday – two hours minimum at any time during opening hours

The Swimming Club may choose to trade any hours or days additional to those indicated should it be a viable option for the Club. The Licence Agreement has been drawn up in consultation with the Tom Price Amateur Swimming Club Incorporated.

Consultation

Executive Manager Community Development
Facilities Manager
Vic Hayton Memorial Swimming Pool Manager
Tom Price Amateur Swimming Club Incorporated
Project Support Officer
Economic & Land Development Manager

Statutory Environment

Local Government Act 1995 Section 3.58 Disposing of Property.

Local Government (Function and Regulations) 1996 (F&G) Regulation 30 "Dispositions of property to which section 3.58 does not apply".

Under Regulation 30(2)(b) F&G if land is disposed to and organisation that has objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions; then the disposition is exempt.

The Administration believes this organisation is recreational and sporting in nature and the members do not receive a pecuniary profit.

Financial Implications

The proposed Licence Agreement will include:

- Licence payments of \$550.00 (gst inclusive) per annum for the kiosk. The annual fee has been negotiated and agreed with the Tom Price Amateur Swimming Club Incorporated.

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 1: Active and Vibrant Communities

Objective 2: Active People, Clubs and Associations

“Prepare plans, programs and scheduling to optimise use of existing community facilities and provide new facilities that accommodate present and future needs.”

Goal 2 - Enduring Partnerships

Objective 1 - Strong Local Economies

“Understand the local economic trends and needs of local businesses”

Policy Implications

REC05 Establishment of Sporting Club and Community Group Leases

Voting Requirement

Absolute Majority Required

Recommendation

That Council:

1. Recognises the Tom Price Amateur Swimming Club Inc, as a organisation whose objects of which are recreational and sporting, and the members of which are not entitled or permitted to receive any pecuniary profit from the body’s transactions and are therefore exempt from the provisions of Section 3.58 of the Local Government Act 1995;
2. Accepts the attached Licence Agreement for the Tom Price Amateur Swimming Club Incorporate for a period of 2 years with a 2 year option over the Vic Hayton Memorial Swimming Pool Kiosk for a fee of \$550.00 (gst inclusive) per annum.
3. Authorise the Shire President and Chief Executive Officer to affix the common seal of the Shire of Ashburton to the Licence Agreement as per **ATTACHMENT 12.2B**. and finalise any other processes as required.
4. Remove the general fees and charges for the kiosk from the 2014/15 Schedule of Fees & Charges.

Author: Mabel Gough	Signature:
Manager: Deb Wilkes	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 16 JULY 2014

12.3 REVIEW OF DONATIONS POLICY

FILE REFERENCE:	OR.CM.01.00
AUTHOR'S NAME AND POSITION:	Deb Wilkes Executive Manager, Community Development
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	30 June 2014
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Shire of Ashburton's donations policy was last reviewed in 2008. Since that time it has become apparent that some minor modifications are required, especially to sections of the policy that outline how incorporated organisations can apply for grants. The reviewed policy is attached for Council consideration.

Background

The Shire of Ashburton's donations policy was last reviewed in 2008. Since that time it has become apparent that some modifications are required. The previous policy spoke of "Recreation and Cultural Grants" but the policy was unclear in some parts as to the administration of these grants, and the timeframes only allowed for groups to apply once a year.

The suggested changes to the policy re-name these as "Community Support Grants" and there are now two funding rounds offered – one for grants between April and August and between September and April, with a guideline for how grant applications outside these timelines can be managed. Incorporated groups are able to apply for up to \$2,500 annually for projects that have a direct benefit for the residents of the Shire of Ashburton.

The previous policy was also unclear on whether or not schools could apply for grants, while the current wording makes it clear which donations or grants schools are eligible for.

Additionally to this, the reviewed policy states that the Panel to assess Community Support Grants is to include Councillors from at least 2 different wards and sets out a criteria for how applications for Community Support Grants will be assessed.

Comment

The Small Assistance Donations (maximum of \$500) can be easily applied for via a letter of request, and does not require any formal acquittal process. They are designed for small groups, or individuals who are undertaking small projects, and are often used for in-kind donations such as venue hire towards events. More than one application may be made per year providing the total amount requested does not exceed \$500.

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The Community Support Grants are more detailed and require applicants to be incorporated. These grants are for larger amounts, up to \$2,500, and are likely to be required for larger scale events such as Rodeo's and Gala Events. They require an application form to be completed, detailing the type of event and how it will benefit the residents of the Shire of Ashburton. These grants also need a brief acquittal to be provided after the events to show that the funding was spent in accordance with the received request.

It is important to note that under this policy, applicants may apply for one or the other of these funding sources but not both.

Very large scales, iconic events, such as the Nameless Festival are not covered by this policy. These events have their own budget allocation within the Shire of Ashburton Annual Budget. This policy is designed to assist smaller groups and individuals who do not have dedicated financial support from the Shire of Ashburton.

ATTACHMENT 12.3

Consultation

Chief Executive Officer
Executive Management Team
Governance and Policy Officer
Shire of Ashburton Councillors

Statutory Environment

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

Financial Implications

An allocation has been made in the draft 2014-15 budget to cover the anticipated cost of these donations, A sum of \$60,000 has been allocated to G/L Code 081877 (Sponsorships and Grants) for the Community Support Grants and a further \$30,000 in G/L 111222 (Contributions to Clubs) for the Small Assistance Donations

The amount allocated in the budget includes the following

- Donations and Grants under REC05
- In-kind donations to RTIO Picnic Days in Paraburdoo and Tom Price
- Unanticipated requests for in-kind donations for high profile events (such as the Variety Bash in 2013)

Strategic Implications

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

Policy Implications

REC08 Community Donations, Grants and Funding Policy

Voting Requirement

Simple Majority Required

Recommendation

That Council accepts the reviewed Donation Policy, REC08, as per **ATTACHMENT 12.3**.

Author: Deb Wilkes	Signature:
Manager: Deb Wilkes	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 16 JULY 2014

13. CORPORATE SERVICES REPORTS

13.1 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF MAY & JUNE 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 July 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:

May 2014

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

ATTACHMENT 13.1A

June 2014

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

ATTACHMENT 13.1B

Consultation

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

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Statutory Environment

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

Financial Implications

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

Strategic Implications

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

Policy Implications

There are no policy implications in this matter.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Accepts the Financial Reports for May 2014 **ATTACHMENT 13.1A**; and
2. Notes the Schedule of Accounts and Credit Cards paid in June 2014 as approved by the Chief Executive Officer in accordance with delegation DA004 Payment from Municipal and Trust Funds as per **ATTACHMENT 13.1B**.

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

AGENDA - ORDINARY MEETING OF COUNCIL 16 JULY 2014

13.2 DOG AMENDMENT REGULATIONS 2014

FILE REFERENCE:	LE.LL.05.00
AUTHOR'S NAME AND POSITION:	Leanne Lind Governance and Policy Officer Morgwn Jones Senior Ranger
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	2 July 2014
DISCLOSURE OF FINANCIAL INTEREST:	The authors have no financial interest in the proposal
PREVIOUS MEETING REFERENCE:	Agenda Item 12.02.08 Ordinary Meeting of Council 17 February 2010 Agenda Item 11.1 Ordinary Meeting of Council 18 July 2012 Minutes Number 11229 Agenda Item 11.2 Ordinary Meeting of Council 15 August 2012 Minutes Number 11225 Agenda Item 11.2 (Minute No 11399) Ordinary Meeting of Council 23 January 2013

Summary

The purpose of this report is to implement changes made under the Dog Amendment Regulation 2014.

Council are asked to adopt, by absolute majority in accordance with amendment section 31 of the Dog Act 1976, the dog prohibited and dog exercise areas subject to any written law and any law of the Commonwealth about assistance animals as defined in the Disability Discrimination Act 1992 (Commonwealth) section9(2).

Once the Council resolution is passed, the local government needs to inform the public of the new restrictions via appropriate signage at relevant public places, on the website and on Shire noticeboards.

Background

With the introduction of the Dog Amendment Regulations 2014, the Council must make a resolution to specify dog prohibited and dog exercise areas outside of their local law.

From 1 November 2013 the Dog Amendment Act removed the local government's ability to make local laws in respect to establishing dog exercise areas or prohibiting dogs absolutely from areas under the local government's control. In order to relieve local governments from having to remove these provisions from their local laws, by following the local law making process, the Dog Regulations provide a sunset date of 31 July 2014 for the operation of those clauses.

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Local governments were requested by the Department of Local Government to give 28 days' notice of the intention to specify dog prohibited and dog exercise areas. This advertisement was placed on 28 May 2014 in The West Australia newspaper.

Council are asked to adopt, by absolute majority in accordance with amendment section 31 of the Dog Act 1976, the dog prohibited and dog exercise areas subject to any written law and any law of the Commonwealth about assistance animals as defined in the Disability Discrimination Act 1992 (Commonwealth) section 9(2).

Once the Council resolution is passed, the local government needs to inform the public of the new restrictions via the appropriate signage at relevant public places, on the website and on Shire noticeboards.

Comment

Local governments were required to give 28 days' notice of their intention to specify dog prohibited and exercise areas. The areas specified in the public notice advertisement on 28 May 2014 in The West Australian newspaper are the same areas as approved by Council in the Dogs Local Law 2102.

As previously advised, Pannawonica is not included in the areas listed because upon investigation, with Regional Development and Land, it was found the whole town of Pannawonica is actually Lease 3116/4627 held under the Iron Ore (Robe River) Agreement Act 1964. Therefore a proposed prohibited and dog exercise area cannot be designated as the Council does not have any land on which it can allow the activity. The leasee (RTIO) will need to designate prohibited and dog exercise areas. However, please note that the Dog Act (1976) will still be enforceable.

Once the areas are adopted by Council the current Dogs Local Law 2012 will be modified by striking out the same sections of our local law. This will be as instructed by the Minister for Local Government and the local law shall remain valid.

There will be a permanent notice in our Shire Website and on the Shire Noticeboard (temporary) once the areas are adopted by Council. The signage within the Shire does not change as the areas remain the same.

The new Dog Regulations 2014 give Local Governments control over the determination of dog exercise areas and dog prohibited areas in the future. It is now a business of Council.

Maps of the Reserves are attached for reference.

ATTACHMENT 13.2

Dog off-leash exercise areas

- Reserve No. 30686, Lot 644 On Plan 214895 – Onslow
- The foreshore between high and low watermarks west of First Avenue boat ramp to Four Mile Creek - Onslow
- Reserve No. 40194, Lot 293 On Plan 14720 – Tom Price
- Reserve No. 39907, Lot 323 On Plan 14565 - Tom Price
- Reserve No. 39857, Lot 348 On Plan 29716 - Tom Price
- Part of Reserve No. 44839, Lot 332 On Plan 15263 - Tom Price, being that portion adjacent to North Road as sign posted.
- Reserve No. 39572, Lot 36 On Plan 15365 - Paraburdoo

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Places where dogs are prohibited absolutely

- a public building, unless permitted by a sign;
- a theatre or picture gardens;
- all food premises and food transport vehicles;
- a public swimming pool; and
- a public toilet block or changing room;
- a cemetery, unless otherwise provided for in the local governments local law relating to cemeteries.

It is acknowledged there is some discussion about dog exercise areas in Paraburdoo. However as these areas have been advertised it would be appropriate to proceed with the current areas, and a review be undertaken to determine if other areas are needed or areas changed.

Consultation

Chief Executive Officer
Executive Manager Corporate Services
Senior Ranger
Department of Local Government
WALGA

Statutory Environment

Dog Act 1976
Dog Amendment Regulations 2014

Financial Implications

There are no financial implications for this matter.

Strategic Implications

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

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Absolute Majority Required

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Recommendation

That Council:

Adopt the following areas as being declared dog exercise areas/prohibited areas:

1. Dog off-leash exercise areas
 - Reserve No. 30686, Lot 644 On Plan 214895 – Onslow
 - The foreshore between high and low watermarks west of First Avenue boat ramp to Four Mile Creek - Onslow
 - Reserve No. 40194, Lot 293 On Plan 14720 – Tom Price
 - Reserve No. 39907, Lot 323 On Plan 14565 - Tom Price
 - Reserve No. 39857, Lot 348 On Plan 29716 - Tom Price
 - Part of Reserve No. 44839, Lot 332 On Plan 15263 - Tom Price, being that portion adjacent to North Road as sign posted.
 - Reserve No. 39572, Lot 36 On Plan 15365 - Paraburdoo

Places where dogs are prohibited absolutely

- a public building, unless permitted by a sign;
- a theatre or picture gardens;
- all food premises and food transport vehicles;
- a public swimming pool; and
- a public toilet block or changing room;
- a cemetery, unless otherwise provided for in the local governments local law relating to cemeteries.

This resolution is subject to any written law and any law of the Commonwealth about assistance animals as defined in the Disability Discrimination Act 1992 (Commonwealth) section 9(2).

2. Investigates dog exercise areas in Paraburdoo so that Council can consider a future recommendation on this matter.

Author: Leanne Lind	Signature:
Manager: Frank Ludovico	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 16 JULY 2014

13.3 2014 REVIEW OF DELEGATIONS OF AUTHORISATIONS, COUNCIL APPROVAL AUTHORISATIONS

FILE REFERENCE:	OR.DA.00.00
AUTHOR'S NAME AND POSITION:	Leanne Lind Governance and Policy Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	3 July 2014
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal
PREVIOUS MEETING REFERENCE:	Agenda Item 11.4 (Minute Number: 11234) - Ordinary Meeting of Council 18 July 2012 Agenda Item 11.5 (Minute Number: 11453) - Ordinary Meeting of Council 13 March 2013 Agenda Item 13.3 (Minute Number: 11766 – Ordinary Meeting of Council 19 March 2014 Agenda Item 13.2 (Minute Number 11806) – Ordinary meeting of Council 21 May 2014

Summary

The 2014 review of the Delegations of Authorisation and Council Approval Authorisations registers has been undertaken to address:

- the staff restructure adopted at the Ordinary Meeting of Council (OCM) February 2014; and
- New delegations to improve the day to day functioning of the Shire.

Both registers are presented to Council following the workshop held in conjunction with June 2014 Council meeting. With the recommendation that they be adopted by absolute majority.

Background

The last review of the Delegations and Authorisations registers occurred at the OCM in December 2013. Since then a minor restructure has occurred within the Shire and as such the registers were updated pending Council approval.

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At the May 2014 OCM, Council resolved in part that the delegations be "...deferred to June 2014 Council Meeting to enable a more detailed prior workshop discussion." A portion of the June Council Meeting Day Workshop session was dedicated to discussions about delegations. Two issues were raised at this Workshop Session and they have been dealt with as follows –

1. Delegation DA02-1 (Acting CEO appointments) – there was a question about the reporting requirement, which previously stated it needed to only be "on a quarterly basis". It was requested that this be changed to "upon use of the delegation". There is no difficulty with that suggestion as it allows Councillors to be informed in a timely fashion of the need for the Acting position, and whom that person is.

It is also suggested that this be altered to 15 days as the value of the delegation is to accommodate in the main, sick leave and other urgent periods of leave (like a family bereavement or other unforeseen urgent absence) and to consequently accommodate the need for an Acting CEO to be appointed who can undertake the legislative responsibilities of the position for that period of absence.

2. Delegation 06-6 (Tenders) - there was a question about the extent of the tender information that Councillors desired to be provided for their reference. Currently a succinct table is provided to Councillors within the Council Agenda and it was asked if more comprehensive details could be offered as part of the Agenda Attachments.

In recent weeks, this has been provided to Councillors via email, weekly. The details include an officer report on each tender decided and the supporting schedule of tender assessments (these are normal parts of the delegation assessment process and not 'extra' to satisfy the request). Emailing this to Councillors is a timely and efficient communication tool as it reaches Councillors in an opportune fashion, and importantly, does not disrupt the already very busy Council agenda process. It is suggested that the email process continue in lieu of a further attachment to the agenda.

This review of delegations and authorisations from Council forms part of the annual and constant review process of the Shire to ensure that the internal procedures of the organisation reflect efficient practices.

Comment

A restructure of the Delegations Register has been undertaken to incorporate the Functions of the CEO (s5.41) Local Government Act 1995 by identifying the "acting through another person" legislation (s5.45 LGA) which are currently delegations. The identified "acting through" functions are listed in the Delegations Operational Guideline No. 17. These guidelines can be reviewed at:

<http://www.dlg.wa.gov.au/Content/Publications/LGGuidelines.aspx>

By using the "acting through" legislation we have been able to remove the following Delegations of Authorisation from the Register. These delegations will continue functioning in the way with the reporting processes currently in place and managed by the established practices and procedures.

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- DA01-1 Declaring a Vehicle to Be an Abandoned Vehicle Wreck
- DA01-2 Disposing of Confiscated Goods
- DA01-3 Disposing of Uncollected Vehicle
- DA01-4 Disposing of Uncollected Impounded Goods
- DA01-5 Disposal of Sick or Injured Impounded Animals
- DA01-6 Recovery of Impounding Expenses
- DA01-7 Closing Certain Thoroughfares to Vehicles (Not Exceeding 4 Weeks)
- DA01-9 Closing Certain Thoroughfares to Vehicles (Revocation)
- DA01-10 Partial Closure of Thoroughfare for Repairs and Maintenance
- DA02-3 Functions of the CEO
- DA03-3 Amending the Rates Record
- DA03-4 Agreement as To Payment of Rates and Service Charges
- DA03-5 Rates or Service Charges Recoverable In Court
- DA03-6 Require Lessee to Pay Rent in Satisfaction of Rates or Service Charge
- DA03-7 Recover Amount of Rates or Service Charge From Lessee as Debt
- DA03-8 Extension of Time for Objection to the Rate Record
- DA03-11 Investment of Council Funds

The review also highlighted the current delegations for the Local Laws. The legislation states that these are Authorisations. The Local Laws have now been moved to the Council Approved Authorisations Register and the numbering sequence in both documents has been altered accordingly.

- DA09-1 Parking and Parking Facilities Local Law – Authorised Persons
- DA09-2 Local Government Property Local Law – Appointment of Authorised Persons
- DA09-3 Local Government Property Local Law – Agreements, Approvals, Setting Aside and Applications
- DA09-4 Extractive Industries Local Law – Appointment of Authorised Persons
- DA09-5 Activities on Thoroughfares and Public Places and Trading Local Law – Appointment of Authorised Persons

The 2014 reviewed Delegations of Authority and Council Approved Authorisation registers have been track changed to reflect the staff restructure and additional staff authorisations, where applicable. Most changes are minor and most relate to changes of officer titles and adding/deleting officers to reflect new/changed responsibilities.

There are, however, some proposals that might not be so obvious -

1. Delegation DA02-1 Appointment of Acting Chief Executive officer (For Periods of 15 Days or Less)
The reporting requirement, which previously stated it needed to only be “on a quarterly basis” has been changed to “upon use of the delegation”.
2. Delegation DA03-2 Write Off of Monies Owing (Not Rates or Service Charges) Change in the CEO’s delegation to the amount of \$10,000 to enable debtor write-offs. Any debtor write-offs progress through a robust debt recovery procedure, including thorough assessment of the capacity of the debtor to meet the debt in combination with the likelihood of any action being successful. Anything over this level of authority will need to be presented to Council approval;
3. Delegation DA04-1 Wittenoom claims. Changed to \$150,000 maximum to reflect gradual increases in claims settlement sums.

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4. Delegation DA06-8 Establishment, Renewal and Variation of All Lease Agreements Including User and Licence Agreements.

DA06-8 seeks to minimise the complexity of Lease and Licence Agreements over Shire owned or managed properties, by providing the CEO with the mechanism to authorise such agreements with an income limit of \$100,000. Given the large volume of Community Licence Agreements in particular, this DA seeks to reduce the workload of Council by shifting the burden of negotiation, development and execution of Agreements to the CEO. To assist further in this process, legal consultants have been engaged for the task of reviewing and streamlining Lease and Licence Agreements for all Shire owned or managed properties. Simplified agreements will ensure conditions are not complex in detail, thereby moving the execution and management of agreements to a basic administration level.

A review of the associated Policy REC05 Lease and Licence and Community Facilities is currently being undertaken. This policy will be presented to Council for review at the October OCM.

5. Delegation DA06 -7 Property Lease Contracts. Increase to reflect higher rental levels in Onslow (\$150000 per annum).
6. Delegation DA07-21 Appointment of Authorised Persons – Residential Tenancy Act 1997.
This new delegation is required to regulate the relationship of owners and tenants under residential tenancy agreements under the management of the Shire.
7. Delegation DA09-01 Request For Donations – Community Groups (was DA-10-01 before review.)
A review of the REC08 Community Donations, Sponsorships and Funding Policy is now reflected in this delegation.
8. Authorisation CAA01-10 Appointment of Authorised Persons - Cemeteries Act 1986.
This new authorisation is to enable cemetery paperwork to be signed by resident officers, saving delays and transportation of paperwork between Onslow and Tom Price (and return);

ATTACHMENT 13.3A
ATTACHMENT 13.3B

Consultation

Chief Executive Officer
Executive Manager Corporate Services
Administration Manager
Department of Local Government
WA Local Government Association
Civic Legal

Statutory Environment

The following section of the *Local Government Act 1995* applies:

Section 5.42 Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
- (a) this Act other than those referred to in section 5.43; or
 - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

* Absolute majority required.

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Financial Implications

There are no financial implications in this matter.

Strategic Implications

Shire of Ashburton 10 year Community Strategic Plan

Goal 5 - Inspiring Governance

Objective 3 - Council Leadership

Policy Implications

REC08 Community Donations, Sponsorships and Funding Policy to be reviewed.

Voting Requirement

Absolute Majority Required

Recommendation

That Council adopt the Delegations of Authority Register as per **ATTACHMENT 13.3A**, and the Approved Authorisations as per **ATTACHMENT 13.3B**, as part of the 2014 annual review.

Author: Leanne Lind	Signature:
Manager: Frank Ludovico	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 16 JULY 2014

14. DEVELOPMENT AND REGULATORY SERVICES REPORTS

14.1 PANNAWONICA LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS

FILE REFERENCE:	CS.ES.05.03
AUTHOR'S NAME AND POSITION:	Morgwn Jones Supervisor of Emergency Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	2 July 2014
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The purpose of this report is to seek Council's endorsement of the Pannawonica Local Emergency Management Committee (LEMC), Local Emergency Management Arrangements (LEMA) for the Pannawonica Police sub-district.

Background

The Shire of Ashburton is required under legislation to have emergency management plans in place for communities within the Shire.

The Shire of Ashburton is required to evaluate the Local Community Emergency Management Arrangements against the requirements of the *Emergency Management Act 2005* and the *State Emergency Management Policy 2.5 – Emergency Management in Local Government Districts*.

When the *Emergency Management Act 2005* came into effect there and a structured LEMC within the Pannawonica community was not in place and therefore there wasn't any Local Emergency Management Arrangements for the Pannawonica Police sub- district outside of Rio Tinto localised plans.

The proposed Local Emergency Management Arrangements meet the Shires requirements in accordance with the *Emergency Management Act 2005* and *SEMP 2.5*.

ATTACHMENT 14.1

Comment

Community Consultation by way of a community survey was conducted during November – December 2012. The Survey was posted on PERIS (Pannawonica Events & Retail Information System) and distributed at a community 000 information day, three surveys being returned.

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Using this information, anecdotal evidence gathered from Hazard Management Agencies (HMA's) and local knowledge from community members on the LEMC, the Pannawonica LEMC conducted an Emergency Risk Assessment over a number of LEMC meetings highlighting the risk and consequences of Emergencies prescribed in the *Emergency Management Act 2005* for the Pannawonica Police sub-district. As a result of this process the Local Emergency Management Arrangements were produced in draft form and tabled at a Pannawonica Community Advisory Group (CAG) meeting for comment.

The Pannawonica LEMC endorsed the Pannawonica LEMA at its August meeting in 2013. The draft LEMA were tabled with the District Emergency Management Committee at the November meeting in 2013 and endorsed by the District Emergency Management Committee (DEMC) at the June meeting in 2014. The draft was also sent to the State Emergency Management Committee twice, once in January 2014 and again in May 2014.

Consultation

Pannawonica LEMC members
Local Emergency Coordinator Pannawonica Police
Pannawonica Community
Pannawonica Community Action Group
Pilbara District Emergency Management Committee
State Emergency Management Committee

Statutory Environment

Emergency Management Act 2005
SEMC Policy 2.5

Financial Implications

There are no financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 4 Distinctive and Well Serviced Places
Objective 2 – Shire to Facilitate Increased Community Safety

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Simple Majority Required

Recommendation

That Council endorses the Pannawonica Local Emergency Management Committee, Local Emergency Management Arrangements at **ATTACHMENT 14.1** and these Local Emergency Arrangements be submitted to the State Emergency Management Committee (SEMC).

Author: Morgwn Jones	Signature:
Manager: Lee Reddell	Signature:

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14.2 PANNAWONICA LEMC LOCAL RECOVERY PLAN

FILE REFERENCE:	CS.ES.05.03
AUTHOR'S NAME AND POSITION:	Morgwn Jones Supervisor of Emergency Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	2 July 2014
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The purpose of this report is to seek Council's endorsement of the Pannawonica Local Emergency Management Committee, Local Recovery Plan for the Pannawonica Police sub-district.

Background

The Shire of Ashburton is required under legislation to have emergency management plans in place for communities within the Shire.

The Shire of Ashburton is required to evaluate the Local Community Emergency Management Arrangements against the requirements of the *Emergency Management Act 2005* and the *State Emergency Management Policy 2.5 – Emergency Management in Local Government Districts*.

When the Emergency Management Act 2005 came into effect a structured LEMC within the Pannawonica community was not in place and therefore there were no Local Emergency Management Arrangements for the Pannawonica Police sub-district outside of Rio Tinto localised plans.

This Local Recovery Plan meets the Shires requirements in accordance with the *Emergency Management Act 2005* and *SEMP 2.5*.

ATTACHMENT 14.2

Comment

The plan has been reviewed and is endorsed by the Pannawonica Local Emergency Management Committee (LEMC). This plan has been submitted to District Emergency Management Committee (DEMC) and the State Emergency Management Committee for comment and is prepared in accordance with the *Emergency Management Act 2005*.

Consultation

Pannawonica LEMC members
Local Emergency Coordinator Pannawonica Police
Pilbara District Emergency Management Committee
State Emergency Management Committee

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Statutory Environment

Emergency Management Act 2005

SEMP 2.5 Emergency Management in Local Government Districts

Financial Implications

There are no financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 4 Distinctive and Well Serviced Places

Objective 2 – Shire to Facilitate Increased Community Safety

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Simple Majority Required

Recommendation

That Council endorses Pannawonica Local Emergency Management Committee, Local Recovery Plan at **ATTACHMENT 14.2**, as a sub plan of the Pannawonica LEMC Local Emergency Management Arrangements and the sub plan be submitted to the State Emergency Management Committee (SEMC).

Author: Morgwn Jones	Signature:
Manager: Lee Reddell	Signature:

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14.3 PANNAWONICA LEMC LOCAL EVACUATION PLAN

FILE REFERENCE:	CS.ES.05.03
AUTHOR'S NAME AND POSITION:	Morgwn Jones Supervisor of Emergency Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	2 July 2014
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The purpose of this report is to seek Council's endorsement of the Pannawonica Local Emergency Management Committee, Local Evacuation Plan for the Pannawonica Police sub-district.

Background

The Shire of Ashburton is required under legislation to have emergency management plans in place for communities within the Shire.

The Shire of Ashburton is required to evaluate the Local Community Emergency Management Arrangements against the requirements of the *Emergency Management Act 2005* and the *State Emergency Management Policy 2.5 – Emergency Management in Local Government Districts*.

When the *Emergency Management Act 2005* came into effect a structured LEMC within the Pannawonica Community was not in place and therefore there were no Local Emergency Management Arrangements for the Pannawonica Police sub-district outside of Rio Tinto localised plans.

These Local Emergency Management Arrangements meet the Shire's requirements in accordance with the *Emergency Management Act 2005*, *SEMP 4.7* and *SEMP 2.5*.

ATTACHMENT 14.3

Comment

The plan has been reviewed and is endorsed by the Pannawonica Local Emergency Management Committee (LEMC). This plan has been submitted to District Emergency Management Committee (DEMC) and the State Emergency Management Committee for comment and is prepared in accordance with the *Emergency Management Act 2005*.

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Consultation

Pannawonica LEMC members
Local Emergency Coordinator Pannawonica Police
DFES District Superintendent Pilbara
Pannawonica Community
Pannawonica Community Action Group
Pilbara District Emergency Management Committee
State Emergency Management Committee

Statutory Environment

Emergency Management Act 2005
SEMP 4.7 Community Evacuation
SEMP 2.5 Emergency Management in Local Government Districts

Financial Implications

There are no financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 4 Distinctive and Well Serviced Places
Objective 2 – Shire to Facilitate Increased Community Safety

Policy Implications

There are no financial implications for this matter.

Voting Requirement

Simple Majority Required

Recommendation

That Council endorses Pannawonica Local Emergency Management Committee, Local Evacuation Plan **ATTACHMENT 14.3** as a sub plan of the Pannawonica LEMC Local Emergency Management Arrangements and the sub plan be submitted to the State Emergency Management Committee (SEMC).

Author: Morgwn Jones	Signature:
Manager: Lee Reddell	Signature:

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

FILE REFERENCE:	PS.TP.7.15
AUTHOR'S NAME AND POSITION:	Lee Reddell Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Shire of Ashburton
DATE REPORT WRITTEN:	3 July 2014
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the matter.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.03.15 – Ordinary Meeting of Council 16 March 2014 Agenda Item 14.2 (Minute No. 11776) – Ordinary Meeting of Council 16 April 2014

Summary

This report seeks to address a previous recommendation to Council at the 16 April 2014 Ordinary Meeting of Council regarding the final adoption of Amendment 15 to the Shire of Ashburton Town Planning Scheme No. 7 (the 'Scheme').

The previous report recommended that the amendment be adopted for final approval subject to a number of conditions including revisions to the advertised 'Development Plan' to accord with the Western Australian Planning Commission's (WAPC) Structure Plan Preparation Guidelines.

This report seeks to alter that recommendation to delete the requirement for a revised 'Development Plan' and replace it with the requirement for design guidelines prior to development of the lots.

Background

Amendment 15 was considered at the 16 April 2014 Ordinary Meeting of Council for final adoption. Unfortunately the agenda item omitted to address advice from the Principal Town Planner that the requirement for a 'Development Plan' should be deleted and replaced with the requirement for design guidelines. The request for this change was made as there is no statutory mechanism within the Shire of Ashburton Town Planning Scheme No. 7 to require the preparation of a 'Development Plan' for Mixed Business zoned land.

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Comment

There is no suitable mechanism to require the preparation of a 'Development Plan' in accordance with the WAPC's Structure Plan Preparation Guidelines for Mixed Business zoned land. As such, the part of the resolution requiring a 'Development Plan' be prepared cannot be carried out. Pursuant to Part 6.4.1 of the Scheme the Shire can require the preparation of a 'Development Plan' prior to the consideration of an application if the land is located in the Urban Development, Industry and Mixed Business *Development* or the Rural Living zones. This provision is not extended to 'Mixed Business' land.

Given the inability under the provisions of the Scheme to require that a 'Development Plan' (often referred to as structure plan) be prepared for Mixed Business land, it is recommended that the previous Council resolutions requiring a revised 'Development Plan' be put aside.

It is recommended instead that the Shire prepare Industrial and Mixed Business design guidelines, to be adopted as a Local Planning Policy, that will address the Shire's expectations regarding the standard of development on all Industrial and Mixed Business zoned lots throughout the municipality. It is not considered necessary that specific design guidelines be developed for the land to re-zoned by Amendment 15 if a Shire-wide policy is adopted. If a policy is not adopted prior to the sale of the land, there is the opportunity for the Shire to require site specific design guidelines as a contract of sale item.

Consultation

Executive Manager Development and Regulatory Services
Executive Manager Strategic and Economic Development

Statutory Environment

Planning and Development Act 2005
Town Planning Regulations 1967
Shire of Ashburton Local Planning Scheme No.7 ('Scheme')

Financial Implications

There are no financial implications relative to this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 01 - Vibrant and Active Communities
Goal 02 - Strong Local Partnerships
Goal 04 - Distinctive and Well Serviced Places
Objective 03 - Well Planned Towns

Policy Implications

There are no policy implications relative to this matter.

Voting Requirement

Absolute Majority Required

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Recommendation

That Council:

1. Revoke Point 3.2 of the resolution of Agenda Item 14.2 (minute 11776) at the 16 April 2014 Ordinary Meeting of Council which requires preparation of a revised 'Development Plan' based on the Western Australian Planning Commission's 'Structure Plan Preparation Guidelines'.
2. Initiate the preparation of a draft Local Planning Policy addressing Industrial and Mixed Business Development Design Guidelines to investigate and address the Shire's expectations regarding development on Industrial and Mixed Business zoned lots throughout the Municipality.

Author: Lee Reddell	Signature:
Manager: Lee Reddell	Signature:

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14.5 CONSIDERATION OF ENTRY STATEMENT TO ONSLOW RODEO GROUNDS

FILE REFERENCE:	RE.MC.R.42090
AUTHOR'S NAME AND POSITION:	Lee Reddell Principal Town Planner Emma Heys Economic and Land Development Manager
NAME OF APPLICANT/RESPONDENT:	Shire of Ashburton
DATE REPORT WRITTEN:	3 July 2014
DISCLOSURE OF FINANCIAL INTEREST:	The authors have no financial interest in the matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

This report considers the proposed construction of an entry statement at the Onslow Rodeo Grounds. The entry statement requires Planning Approval as it constitutes development within a 'Reserve - Conservation, Recreation and Nature Landscape'.

In addition, as the reserve is managed by the Shire but leased out to a third party, the proposed works also require the approval of Council as Part 3.5 of their lease states that 'the Licensee must not, without the approval of the Licensor, carry out any alteration, improvements or other structural works in respect of the Premises.'

Background

The proposed construction of an entry statement to the Onslow Rodeo Grounds triggers the need for a planning application as per Part 3.2.1 of the Shire of Ashburton Town Planning Scheme No. 7 (the 'Scheme'). While such an application could ordinarily be determined under delegation, the application has been referred to Council because the land is a reserve managed by the Shire but the works are proposed to be undertaken by a third party and the conditions of the lease agreement specifically require Council approval for any works on the land.

Comment

Planning Application

Part 3 of the Scheme ('Reserves') identifies the controls relating to the use and development of reserved land within the Shire of Ashburton. Part 3.2.1 of the Scheme specifies that planning approval is required for the use and development of all reserved land while Part 3.2.2 requires that the Local Government have regard to the ultimate purpose intended for the land.

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Land within reserved areas is expected to be developed in association with a specific purpose, which in the case of the Onslow Rodeo is 'Conservation, Recreation and Nature Landscape'. Given the reserve allows for recreational uses and the proposed works are minor in nature, being a steel entry statement to the Rodeo Grounds which is an existing use, the proposed works can be supported. It is further noted that the entry statement is considered to be an appropriate design for the locale and will not have any adverse impact on any sensitive land use given the site is remote from the residential part of Onslow.

ATTACHMENT 14.5

Consideration under Licence Conditions

Clause 3.5 Use of Premises, of the recently expired Licence Agreement between the Shire of Ashburton and the Onslow Rodeo Club, requires the Licensee "... must not, without the approval of the Licensor, carry out any alterations, improvements or other structural works in respect of the Premises".

Planning approval has been sought for these works and is considered appropriate for approval as detailed above. Given the land in question is a Shire managed reserve and the works are proposed to be undertaken by a third party, approval for the works is required from Council as per the conditions of the licence. Should approval from Council be granted, formal approval would also need to be sought from the Department of Lands as the land is Crown Reserve.

Consultation

Executive Manager Development and Regulatory Services
Manager Economic & Land Development
Strategic & Economic Development Project Support Officer

Statutory Environment

Planning and Development Act 2005
Town Planning Regulations 1967
Shire of Ashburton Local Planning Scheme No.7 ('Scheme')
Local Government Act 1995
Local Government (Functions and General) Regulations 1996
Land Administration Act 1997

Financial Implications

There are no financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 01 - Vibrant and Active Communities
Goal 02 - Strong Local Partnerships

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Simple Majority Required

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Recommendation

That Council:

1. Approve Planning Application 14-30 subject to the following conditions:

Conditions

1. The land use and development shall be undertaken generally in accordance with the material supplied with the application and the approved plans to the satisfaction of the Shire.
2. Further to Condition 1, if the development hereby approved is not substantially commenced within two years from the date of approval, the approval shall lapse and be of no further effect.

Advice Notes

- a. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the Shire, or with any requirements of the Shire of Ashburton Town Planning Scheme No. 7 or with the requirements of any external agency.
2. That Council approve the proposed entry statement in accordance with Clause 3.5 of the licence affecting the lot which requires prior approval for all works.
3. That Strategic and Economic Development seek formal approval from the Department of Lands for the proposed works given the site is a Crown Reserve.

Author: Lee Reddell	Signature:
Manager: Lee Reddell	Signature:

15. INFRASTRUCTURE SERVICES REPORTS

15.1 DEPARTMENT OF PARKS AND WILDLIFE - REQUEST FOR REDUCED PRIVATE WORKS RATES FOR ROAD MAINTENANCE IN KARIJINI AND MILLSTREAM NATIONAL PARKS

FILE REFERENCE:	NP.KJNI
AUTHOR'S NAME AND POSITION:	Michelle Tovey Projects and Technical Support Officer
NAME OF APPLICANT/RESPONDENT:	Department of Parks and Wildlife
DATE REPORT WRITTEN:	1 July 2014
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 10.06.15 – Ordinary Meeting of Council 19 June 2007

Summary

Karijini and Millstream Chichester National Parks are world class tourist destinations. The two National Parks provide recreational venues for local residents and an avenue for economic diversity that has potential for significant growth.

To ensure the quality of the infrastructure within these parks, the Department of Parks and Wildlife (DPaW) have requested that the Shire of Ashburton ('the Shire') consider offering reduced charge out rates for maintenance works undertaken within Karijini and Millstream Chichester National Parks.

Background

Karijini and Millstream Chichester National Parks are both within the boundaries of the Shire of Ashburton. DPaW is the agency responsible for the management of the National Parks; however the Shire and DPaW have previously held informal arrangements for maintenance of roads within these parks.

More recently, a Memorandum of Understanding (MOU) was formed between these parties to formalise the relationship. This MOU addressed the need for continued development of 'project based' activities that conserve biodiversity, facilities access, enhance visitor services and provide infrastructure development and maintenance within the Millstream Chichester and Karijini National Parks. This MOU expired in December 2013.

The original MOU provided for DPaW to pay Council an annual amount of \$100,000 to undertake works in the National Parks. The quantum and value of works were not defined, measured nor tracked accurately, however indications from a review of past financial years shows expenditure in the range of \$200-300,000 per annum.

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Rather than renewing the MOU at this time, Shire staff asked DPaW to consider a 'fee for service' model so individual work activities could be ordered, estimated and billed to ensure accurate cost recovery. DPaW have proposed that the Shire consider offering reduced rates for maintenance works undertaken within Karijini and Millstream Chichester National Parks. This will facilitate safe and enjoyable visitation to these parks by both residents and tourists, and will also help to uphold the important contribution that tourism makes to the local economy.

ATTACHMENT 15.1

Comment

A reduction in rates for maintenance works could be achieved through either a percentage deduction from the private works rates (as advertised in the Schedule of Fees and Charges) or a "cost plus" pricing methodology, whereby a 15% profit and overhead charge is added to the Council expenses. These options would require Council approval as they are deviations from the approved Fees and Charges.

Both of the above options ensure risk to the Shire is minimised. The cost plus pricing methodology is recommended as it is simpler to administer and monitor. The 15% profit and overhead charge is also in accordance with the recommended rate as outlined in Shire of Ashburton Private Works Policy.

Consultation

Alex Bowlay – Department of Parks and Wildlife (Pilbara Region)
Executive Manager – Infrastructure Services
Technical Officer – Infrastructure Services

Statutory Environment

Local Government Act (1995) Section 6.16 Imposition of fees and charges
Local Government Act (1995) Section 6.17 Setting level of fees and charges

Financial Implications

This may result in a loss of income from private works; however it is anticipated that there are indirect financial benefits as a result of the enhancement of tourism in the region.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 02 Enduring Partnerships; Objective 01 Strong Local Economies and Objective 03 Well Managed Tourism
Goal 03 Unique Heritage and Environment; Objective 01 Flourishing Natural Environments
Goal 04 Distinctive and Well Serviced Places; Objective 01 Quality Public Infrastructure

Policy Implications

ENG 12 Shire of Ashburton Private Works Policy

Voting Requirement

Absolute Majority Required

Recommendation

That Council endorse the provision of maintenance works to Department of Parks and Wildlife during the 2014/15 financial year within Karijini and Millstream Chichester National Parks on a cost plus 15% basis.

Author: Michelle Tovey	Signature:
Manager: Troy Davis	Signature:

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16. STRATEGIC & ECONOMIC DEVELOPMENT REPORTS

16.1 PORTION OF LOT 16 ONSLOW ROAD, ONSLOW (LOT 9000) - OUTCOME OF MAJOR LAND TRANSACTION PLAN AND ENDORSEMENT OF REQUEST FOR TENDER FOR SALE OF LAND

FILE REFERENCE:	ON.OA.16
AUTHOR'S NAME AND POSITION:	Emma Heys Economic & Land Development Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	1 July 2014
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.4 (Minute No. 11737) – Ordinary Meeting of Council 22 January 2014.

Summary

In accordance with the Council resolution from the Ordinary Meeting of Council 22 January 2014 and the requirements of the Local Government Act 1995, a Major Land Transaction Plan was advertised for the disposal of a portion of Lot 16 Onslow Road, Onslow.

The Major Land Transaction Plan sought public comments on the Council's proposal to dispose of the subject property, with submissions to be received by the prescribed date. At the closing date for submissions no submissions had been received.

A draft Request for Tender (RFT) for Sale of Land has now been prepared in accordance with Council's recommendations and the program outlined in the Major Land Transaction Plan.

Council endorsement of the draft Request for Tender for Sale of Land is now sought to allow for immediate advertising.

Background

At the 22 January 2014 Ordinary Meeting of Council, Council resolved to:

- "1. Endorse Option 1 - Sell as Is – sell Lot 16 Onslow Road, Onslow in its current condition, with the approved WAPC plan of subdivision as per the requirements of Section 3.59 of the Local Government Act 1995. Also authorise the CEO to set appropriate sale conditions including prompt development of the site and including provisions to provide utilities and other civil services to the Onslow Airport;*

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2. *Authorise the Chief Executive Officer to publically seek submissions from potential purchasers and present a proposed model to Council for endorsement at the earliest opportunity."*

In accordance with Section 3.59 of the Local Government Act 1995 a Major Land Transaction Plan (the 'Plan') was advertising seeking public submissions in respect to this proposal was undertaken on 26 April 2014 for a period of six weeks, concluding on 9 June 2014.

At the conclusion of the submission period no submissions were received.

In accordance with the provisions of Section 3.59 of the Local Government Act 1995, the Council now has the options to:

"to consider any submissions made and may decide to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed."

The proposed disposal as endorsed by Council on 22 January 2014 and outlined within the Major Land Transaction Plan has not been subject to significant change or any submissions. Therefore it is recommended that the Council proceed with the undertaking as proposed.

In order to facilitate the next phase of this disposal process, a Request for Tender for Sale of Land has been developed and approval to proceed with the disposal of the property on this basis is now sought.

ATTACHMENT 16.1A

A subdivision application has been lodged with the Western Australian Planning Commission in to subdivide a portion of Lot 16 Onslow Road, Onslow into an englobo lot (indicated as Portion of Lot 9000 in the Western Australian Planning Commission application for subdivision of the englobo lot.), in preparation for sale of the subject land by tender.

Attached to Councillor's agendas is a copy of the application for subdivision of the englobo lot.

ATTACHMENT 16.1B

A decision on the outcome of the subdivision application is expected to be received from the Western Australian Planning Commission in late July 2014.

It is recommended that the selection criteria for this draft Request for Tender, approved at the January 2014 Ordinary Meeting of Council be amended slightly as follows:

- Price 50% (previously 40%)
- Development Timeframe 30% (previously 40%)
- Demonstrated Capacity 10%
- Relevant Experience 10%

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The proposed change to price and development timeframe weighting takes into consideration the difficulty in enforcing a development timeframe if it is not honoured (without resorting to a lengthy and expensive legal battle), and may be used as a potential loophole by a purchaser to strengthen their tender submission without any intention of adhering to the timeframe.

The draft Request for Tender additionally provides an indicative timeframe for the Request for Tender process, completion of the submission period and consideration of submissions by the Council as follows:

Request For Tender (RFT) Process	Date
Issue of RFT Document	July 2014
Final date for RFT Submissions	August 2014
Council decision on Preferred Proponent	September 2014
Statutory advertising and public submissions	October 2014
Negotiations on Contract of Sale conditions conclude	October 2014
Final determination of the Council	November 2014

The Request for Tender acknowledges the obligations required upon any prospective tenderer both with respect the development and delivery of the tender as well as any element that the Council requires to achieve other outcomes.

In particular, the subdivision application as approved by the Western Australian Planning Commission provides an indicative road network layout. Whilst it is recognised that prospective tenderers may wish to alter the approved subdivision to better meet anticipated market demand issues and development timing for the project, the Request for Tender requires that all prospective tenderers acknowledge the Shire of Ashburton's requirement that portion of the road network that provides direct access to the Onslow Airport is a required condition of this, and any other subdivision proposed to be submitted by the successful proponent.

The Request for Tender provides that the Shire of Ashburton requires that road access to the Onslow Airport is provided by means of the road network developed as part of the Industrial subdivision proposed by this Request for Tender.

As such, proponents are advised that the Shire of Ashburton will require that all proponents obligate their intention to develop the road access to the Onslow Airport as part of any submission as received.

This obligation will be further reinforced by the Shire of Ashburton within the Contract of Sale to be provided to the preferred Proponent at the completion of this Request for Tender.

The assessment criteria in respect to this Request for Tender specifically requires Proponents to indicate their agreement to provide such road access as part of the development of the proposed Industrial area and the timeframe in which such access will be provided.

Through establishing this clear objective and obligation upon any prospective tenderer, the Council can be assured that the critical road access to the Onslow Airport is provided as a consequence of the development of the industrial subdivision.

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The request for Tender has been developed in such a manner that following the consideration and approval of any submission as received a Contract of Sale will be developed and provided to the successful proponent.

This Contract of Sale will be designed so as to incorporate:

- The provisions of the Request for Tender document;
- The requirements of the Shire of Ashburton in respect to the delivery and development of the subject property; and
- Any obligations as outlined with the submission as received from the successful proponent.

It is anticipated that independent legal advice will be sought in order to ensure that the Contract of Sale fully protects the interests of the Shire of Ashburton with respect to the sale and subsequent development of the subject property.

Comment

The draft Request for Tender document as prepared enables the Council to immediately seek submissions from prospective purchasers of the subject property without unnecessarily delaying the process to align with approval of the broader subdivision application

If approved by the Council and advertised for submissions, Council staff will endeavor to resolve issues with respect to the subdivision application during the advertising period for the Request for Tender.

It is recommended that Council delegate authorisation to the Chief Executive Officer to advertise the Request for Tender for a period of no less than six weeks, commencing on the 21 July 2014 and concluding on the 1 September 2014 in accordance with the program as outlined in the Major Land Transaction Plan that was endorsed by Council at its Ordinary Meeting of 22 January 2014.

Following the close of the Request for Tender process, a report will be presented to Council to consider the submissions as received.

Consultation

Chief Executive Officer
Executive Manager Strategic & Economic Development
Project Support Officer
Andrew Smith Director, Hester Property Solutions

Statutory Environment

The development, publication and advertising of the Major Land Transaction Plan has been completed in accordance with Section 3.59 of the Local Government Act 1995.

The Council is now required to consider submissions as received during this advertising period and to determine if it wishes to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.

The subsequent Request for Tender process and any consequential consideration of submissions received in respect to that Tender will require the Council to be cognisant of the requirements of Section 3.58 of the Local Government Act 1995 and the manner in which the Council must advertise its intent to dispose of property.

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Financial Implications

Expenses relating to the preparation of the Request for Tender for Sale of Land have been allocated in the 13/14 and 14/15 Financial Year Budgets.

Details of potential income to the Shire, generated by the development of Lot 16 Onslow Road, Onslow have also been included in the 14/15 Financial Year Budget.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 02 – Enduring Partnerships

Objective 01 – Strong Local Economies

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Absolute Majority Required

Recommendation

That Council:

1. Following close of submissions in respect to the Major Land Transaction for the proposed disposal of Portion of Lot 16 Onslow Road Onslow, noting that no submissions were received, proceeds with the undertaking or transaction as proposed so that it is not significantly different from what was proposed.
2. Delegate authority to the Chief Executive Officer to advertise the Request for Tender for Sale the sale of Lot 16 (Portion lot 9000) Onslow Road, Onslow for a period of no less than six weeks, commencing 21 July 2014 and concluding 1 September 2014, with the following selection criteria:

Price	50%
Development Timeframe	30%
Demonstrated Capacity	10%
Relevant Experience	10%

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

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16.2 IN PRINCIPLE SUPPORT FOR A JOINT DEVELOPMENT BETWEEN THE SHIRE AND THE DEPARTMENT OF HOUSING FOR STAFF HOUSING IN ONSLOW

FILE REFERENCE:	ON.TH.0394.00
AUTHOR'S NAME AND POSITION:	Emma Heys Economic and Land Development Manager
NAME OF APPLICANT/RESPONDENT:	Department of Housing
DATE REPORT WRITTEN:	22 June 2014
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 16.3 (Minute No. 11805) – Ordinary Meeting of Council 21 May 2014 Agenda Item 12.1 (Minute No. 11172) – Ordinary Meeting of Council 18 April 2012

Summary

As part of an overall urban renewal vision for Onslow, the Department of Housing (DoH) have proposed to partner with the Shire of Ashburton to develop vacant reserves on Third Avenue Onslow, for the purposes of building both staff housing and Service Workers accommodation.

In-principle support is needed in order to undertake a feasibility study preliminary concept designs and due diligence. All details concerning the proposed joint development will still be subject to negotiation and approval by Council, including building design and layout.

In-principle support from Council to consider the proposed partnership is now being sought.

This item was considered by Council at its meeting May 2014, and following further consultation is now represented.

Background

In April 2012 Council endorsed the recommendation to change the purpose of Lots 394, 396 and 397 on Reserve 41970 Third Avenue Onslow from Emergency Services to Staff Accommodation. This endorsement was made to facilitate the development of much needed staff housing in Onslow and alleviated the need for Council to purchase land for such development.

The request for change of purpose was made to, and endorsed by, the Department of Regional Development and Land (now the Department of Lands) in August 2012.

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The DoH have approached the Shire to consider a joint development partnership in relation to the development of staff and Service Worker accommodation over Lots 396 and 397 on Reserve 41970, which are managed by the Shire and adjoining Lots 398, 399 and 400 Third Avenue Onslow which are owned by DoH.

The proposal has received the support of the Shire of Ashburton Steering Group Committee which is made up of Senior Management representatives of the Department of Lands, the Pilbara Development Commission, the Department of Housing, LandCorp, as well as the Shire of Ashburton. The proposal has also received the internal support of the General Manager of the Department of Housing.

The development of permanent Service Worker Accommodation will enable the transition of current tenants of the Discovery Parks Service Worker Intervention chalets to a more permanent designed dwelling. The project will also see an increase in the number of units available which will further support small to medium businesses in Onslow.

This proposal was presented to Council at the Ordinary Meeting of Council (OMC) 21 May 2014. Further consultation and clarification between Shire, DoH and the Shire President has occurred since the OMC 21 May meeting and the matter now warrants reconsideration.

Comment

A joint development partnership with DoH will be considered in the overall context of the urban renewal vision for Onslow and for setting a high standard in built form and visually appealing design for future developments in Onslow. If endorsed by Council, DoH have given assurances the Shire's design requirements, particularly the need for family style dwellings, will be adhered to throughout the project.

DoH are also proposing to project manage the joint development. The advantage of this type of arrangement is that it would be able to draw upon the established resources and contracts of DoH and lessen project costs and the overall risk to the Shire.

Is it now recommended that Council delegate authority to the Chief Executive Officer to progress this proposal and negotiate the terms of a joint development partnership. All negotiations will consider financial arrangements, project management arrangements and a full and transparent design consultation.

Shire officers will prepare a report to Council at a later date before committing the Shire to a formal agreement.

Consultation

Chief Executive Officer
Executive Manager Strategic & Economic Development
Manager Organisational Development
Business Development Officer Department of Housing

Statutory Environment

Local Government Act 1995 s3.54 and s3.55 apply to this proposal.

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

Financial Implications

Capital expenditure for this proposal would be drawn from the sale of surplus Shire owned properties, namely Lot 578 Hedditch Street Onslow, which is currently budgeted for in GL 10909080 (\$520,000) and loan funds of \$1.5m held for the purposes of staff housing.

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 02 – Enduring Partnerships

Objective 02 – Enduring partnerships with Industry and Government

Goal 04 – Distinctive and Well Serviced Places

Objective 03 – Well planned towns

Goal 05 – Inspiring Governance

Objective 03 – Exemplary team and work environment

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

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

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

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16.3 REVIEW OF ONSLOW CONSTRUCTION CAMP OPERATIONS

FILE REFERENCE:	ON.OA.16 ON.OA.16
AUTHOR'S NAME AND POSITION:	Anika Serer Executive Manager Strategic & Economic Development
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	6 July 2014
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal
PREVIOUS MEETING REFERENCE:	Agenda Item 18.1 (Minute No. 11629) – Ordinary Meeting of Council 21 August 2013 Agenda Item 18.2 (Minute No. 11756) – Ordinary Meeting of Council 19 February 2014 Agenda Item 13.3 (Minute No. 11030) - Ordinary Meeting of Council 21 September 2011 Agenda Item 16.1 (Minute No. 11102) – Ordinary Meeting of Council 14 November 2011

Summary

The Shire of Ashburton has been aware of the need to review its operation of the Onslow Construction Camp for some time. Council has previously considered this facility and at the Ordinary Council Meeting held on 19 February 2014 resolved (in part) to require *“officers to prepare a Business Plan for Council review (including calling tenders for support financial information as required).”*

Following this resolution, the Shire engaged the services of Hester Property Solutions to review the current operation of the Onslow Construction Camp and provide a report including:

- Review of the current scale of operation of the Onslow Construction Camp with a view to determining the appropriate scale of operation suitable given all prevailing factors and influences;
- Review of current contractual arrangements with respect to the operation of the Camp to determine what opportunities, if any, exist for the Shire of Ashburton in respect to cost minimisation;
- Consider and report on the statutory, policy and political impacts of the operation of the Camp;
- Consider the future demand for the Camp and make conclusions with respect to anticipated profitability of the Camp, including any proposed civil works projects within the district; and
- Identify any other matters that should be considered as a result of findings of this report.

Key elements and information from the report are consolidated within this item to enable consideration of the matter.

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Background

The Onslow Construction Camp was developed to provide temporary accommodation facilities in order to respond to accommodation issues restricting the delivery of critical community projects in Onslow.

Whilst the resources sector had created a high demand for local accommodation and consequent increase in both capital and rental accommodation prices within the local market, major infrastructure projects proposed to be commenced within Onslow created yet further demand and uncertainty about the ability to deliver them.

In response to these issues and the need to ensure that accommodation was available to house workers associated with the proposed infrastructure projects, at the Ordinary Meeting of Council 14 December 2011, Council resolved to establish the Onslow Construction Camp.

Established as a 100 unit facility in 2012 to initially provide immediate accommodation for the development of the Onslow Aerodrome and other major projects within Onslow, the facility quickly became an accommodation option for other visitors to Onslow and Shire staff.

The operation of this camp was also the subject of the Carbone Report (2013) where it was recommended that a Business Plan be prepared for both the Onslow Airport Camp and the Nameless Valley Camp.

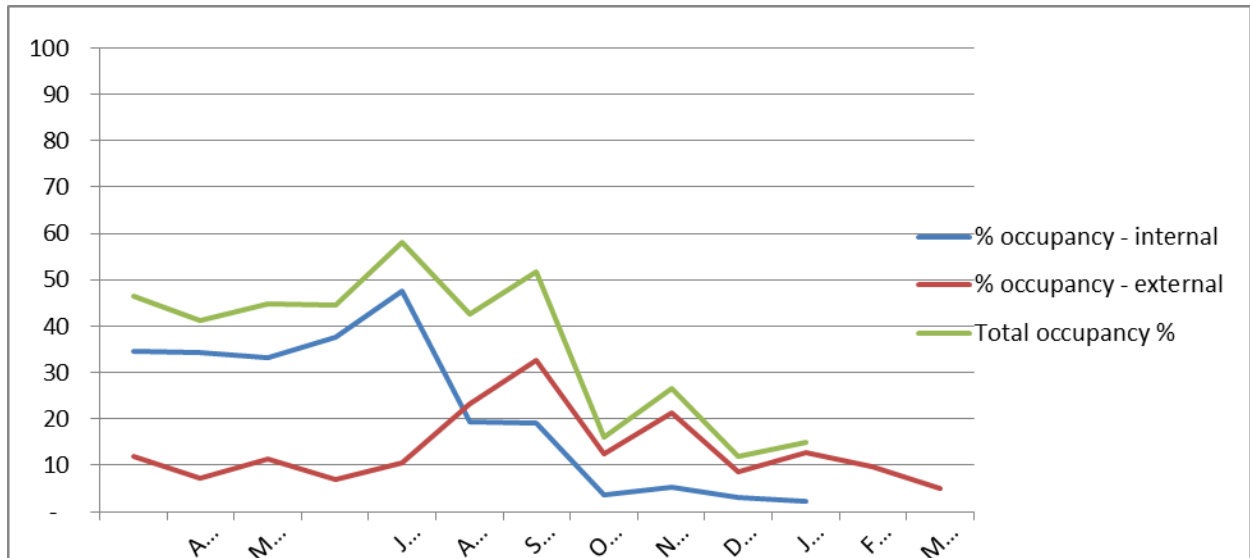
The last 12 months has seen a dramatic reduction in demand for accommodation. Whilst this was not unanticipated due to the completion of construction obligations at the Onslow Aerodrome, with the initial management agreement (with ESS Thalanyji) terminating in October 2014 and the agreement with Royal Wolf (the providers of the building units) already concluded and requiring review, the current situation and high number of vacancies at the Camp provides the obvious opportunity to review current operations. This will ensure that the Camp (if it continues to operate) is at an optimum size that best meets anticipated future demands and financial obligations.

Further, the planning approval granted for the Camp expires on 11 August 2014, which will require an application for extension if its operation should continue. The size, and potential means of operating the Camp, will need to be considered in any application for extension.

Occupancy Rates

In the last 12 months, demand for accommodation at Onslow Construction Camp has fallen steadily. Whilst this was anticipated by the Shire as the construction works associated with the Onslow Aerodrome began to conclude, additional demand associated with other private projects in and around Onslow have also fallen and a number of major community projects, anticipated by the Shire as creating a sustained demand for accommodation, have not commenced as expected.

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Obviously occupancy rates below 10% are not sustainable and the Onslow Construction Camp cannot continue to operate on this basis without becoming a significant financial burden upon the Shire.

The Shire has a distinct advantage over both traditional accommodation facilities and the private sector in that:

- It does not have to generate a profit on its investment, merely seeking to 'break even' will suffice, if the Council determines that the operation of the Camp is in the good governance of the district.
- The current contract arrangements between the Council and both ESS Thalanyji and Royal Wolf provide the means by which the scale of the facility can be significantly reduced to better meet anticipated demand and reduce costs, if this is required.

Conversely however the Council must be cognisant of the following issues:

- The facility, whilst seeking to break even, is also responsible for the recovery of costs associated with the loan established for the facility, whilst this can be funded through Municipal funds, this would place an additional financial burden on the Shire;
- The Council cannot indefinitely fund a loss making enterprise (unless it has no option other than to continue to do so until other obligations are completed) without this having a detrimental impact on service delivery or other projects; and
- The Council is currently seeking to attract users of the facility to maintain sustainability which is in direct competition to other private sector accommodation providers. Whilst this cannot be avoided in the short term, due to the existence of the construction loan, in the longer term the Council must exercise care if it wishes to remain in this sector competing against private sector providers Section 3.18 of the Local Government Act.

Current and Future Accommodation Demands.

Shire Officers have advised that the decline in demand has also been experienced by private accommodation providers in Onslow, with greater competition for what limited demand now exists.

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Whilst internal demand and use of the Onslow Construction Camp by Shire staff is somewhat of a 'non-cash' transaction, in that the Shire is effectively paying itself, the use of the camp by Shire staff does result in additional costs relating to facility hire, management services, equipment and other costs.

In addition, if the Camp was not available, then the internal demand (as estimated) would still exist, however the Shire would have to source such accommodation from other providers, at the prevailing market rate. There are currently four staff based at the camp, however the eventual opening of the Aerodrome, as well as other Shire operations, will require additional staff or external contractors whom may require accommodation if they do not already reside in Onslow.

It is not known how many of the proposed staff can be supported in the 2014/15 budget therefore the assumption has been made that 50% of these roles will be confirmed.

Whilst it may be appropriate to assess the most ideal size of the Camp based on estimated internal and external demand for accommodation, this is a difficult methodology to use to arrive at an accurate conclusion, due to the following issues:

- Current internal demand requires 4 units, however there are an additional 11 staff or contractors proposed under the 2014/15 draft budget, each of which may require an additional unit to be provided. It is unclear what proportion of these staff will be approved under budget therefore 50% have been included in these calculations.
- External demand for accommodation has fallen rapidly in the last six months, and there is no justifiable expectation that this will rise in the foreseeable future.
- Expressions of Interest received by Council staff in recent months for long term bookings or bookings significantly in advance by external agencies and companies have not been confirmed due to the uncertain future of the Camp.

Most recently, the Shire received a draft copy of a study commissioned by the Pilbara Development Commission entitled "*Assessment of Accommodation Need in Tom Price, Onslow and Paraburdoo*".

This report considered a range of statistical information, including anticipated accommodation demand within Onslow, and will be available for distribution upon final review. Given that the financial viability of the Onslow Construction Camp is directly related to the extent of future accommodation demand, the conclusions reached in the draft report are useful for consideration:

Chevron – Wheatstone:

Whilst there are proposals that may create additional demand for accommodation, this will be met by existing accommodation arrangements (as required – which do not impact upon the Onslow Construction Camp) as well as the provision of newly built residences in the LandCorp subdivision within Onslow.

BHP Billiton – Apache North West:

The construction and operation of this facility was adequately provided for in respect to accommodation and current arrangements are assumed to continue to meet ongoing accommodation demands.

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Additional Gas Projects (ANSIA):

If initiated, such projects would not commence until 2020, and would likely use existing accommodation provisions provided by the Wheatstone Camp

Dampier Bunbury Pipeline Development:

Accommodation needs, both current, and anticipated to be required through further construction, will be met through existing accommodation facilities (not including the Onslow Construction Camp) and a new accommodation facility at Minderoo Station.

Other ANSIA Projects:

Whilst there is the potential for additional ANSIA projects and accommodation demand generated by these projects, these are considered to be 'Optimistic' with commencement dates from 2017 onwards.

Accommodation demand generated from these projects may also be catered for through the use of the existing Wheatstone facility or other purpose built facilities.

Dampier Port Facility:

Whilst there are definitive plans to develop port facilities, which will create a demand for accommodation, how much will be required or met through existing Dampier Port Authority arrangements appears to be unknown.

Onslow Salt:

Whilst Onslow Salt directly accommodates their staff within the Onslow town site, any proposed increase in demand (as a result of proposed expansion) is expected to be met through the provision of their own dwellings and other accommodation providers.

The current lease of units at Discovery Park is additionally considered to be a short term requirement until developed accommodation is available.

Landcorp Residential Development:

A number of infrastructure projects are reliant on the land being made available from this development to enable permanent accommodation requirements to be met.

The workforce required to develop the residential subdivision is estimated to peak at 80 in total (or approx. 75 FIFO).

No detail is provided in respect to current accommodation needs however given that the project commenced in April 2014 it may be assumed that most of the workforce generated by this project has already been accommodated. There may be a short term demand for accommodation at the Onslow Construction Camp but it is expected this would be sporadic.

Building Contractors:

Whilst also directly related to the Landcorp Residential Development, the paper concludes that as many as 100 workers may require accommodation from the end of 2014.

The paper also concludes that one of the larger companies, with 60-70 workers, has approached the Shire to take over the management of the Onslow Construction Camp, and as such, the details of this proposal should be considered as part of any EOI process for the long term management of the Camp.

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Shire of Ashburton:

The report has recognised the Shire's intent to seek Tenders for the sale and development of Lot 16 Onslow Road, and has assumed that this process and subsequent development of the industrial area will generate a demand for accommodation.

Whilst this is accurate, tenderers will assume costs relative to accommodation and the need for FIFO workers, and this (if used to secure accommodation at the Onslow Construction Camp) should be used to (at least) offset the Shire's costs in providing such accommodation.

Other Projects:

- Chevron – upgrade to wastewater treatment plant – will generate a demand for 10-15 contractors during construction and 2-3 staff for management thereafter.
- Power Station – anticipated demand for 1-2 staff for normal management and 3-4 staff during upgrade works.

Whilst the majority of major projects that will generate demand for accommodation are well catered for either through existing provision, or the development of accommodation facilities specific to that project/s, there are a number of smaller generators that might create short terms peaks of demand and shortfalls of available accommodation.

The Shire is in the unenviable position of potentially having to pre-empt the demand for accommodation generated by projects, with no advance bookings, no certainty that such bookings will materialise, and significant costs if it chooses to retain the scale of the Onslow Construction Camp at a size greater than that identified as being required.

Conversely the Shire also needs to recognise that there are other private accommodation providers in Onslow, all of whom appear to be competing for what is currently a limited demand for accommodation in the current market.

Prevailing Contractual Obligations

In considering options with respect to the Onslow Construction Camp, consideration must be given to the prevailing contractual obligations existing in respect to the Camp, and what impact (if any) these have on both expenditure and compliance with the provisions of the Local Government Act 1995.

Royal Wolf

The contract between the Shire of Ashburton and Royal Wolf provides a fixed fee per accommodation and ancillary units for those units as required by the Shire at any point in time. Whilst this agreement has formally expired, until the units are returned to Perth, the agreement is being managed on a month by month basis.

The agreement provides that whilst the units are delivered free of charge to site by Royal Wolf, they must be returned to Welshpool by the Shire of Ashburton at the conclusion of the agreement or on determination to reduce the total number of units required.

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Module	Rate (ex GST)			
	Per Day	Qty	\$/ mth	\$/ Year
40' Commercial Kitchen	\$210.00	1	\$6,387.50	\$76,650
40' Lunch room	\$130.00		-	-
40' Server / Diner	\$86.65	1	\$2,635.58	\$31,627
40' Cabin	\$65.00		-	-
40' Laundry	\$63.00	2	\$3,832.50	\$45,990
40' Linen Store	\$63.00	1	\$1,916.25	\$22,995
40' Accommodation	\$52.00		-	-
40' Office Modules	\$45.00	3	\$4,106.25	\$49,275
40' Rec Room	\$43.00	2	\$2,615.83	\$31,390
Fabric Awning	\$35.00	1	\$1,064.58	\$12,775
40' Diner	\$28.50	2	\$1,733.75	\$20,805
40' Gym	\$28.50	2	\$1,733.75	\$20,805
20' Accommodation	\$21.50	100	\$65,395.83	\$784,750
Breezeway / Verandah	\$20.00	2	\$1,216.67	\$14,600
20' Reefer Containers	\$15.00	3	\$1,368.75	\$16,425
10' Highcube Storage	\$1.50		-	-
			\$94,007.25	\$1,128,087

The Master Hire Agreement between the Shire and Royal Wolf provides that;

“Redelivery:

The Owner will accept redelivery of containers into its Royal Wolf Perth depot only. Hirer is responsible for all associated transports costs upon return of containers to Royal Wolf depot.”

This cost exists irrespective of the period over which the agreement operates and throughout the life of the Camp.

As such, these costs should be considered as deferred liabilities to the overall project as they will be incurred by the Shire at some point in time. The only means of avoiding such costs is for the Shire to purchase the units outright, thereby avoiding the need to transport them to the Royal Wolf depot.

Consideration of these relocation costs has revealed that the following costs are estimated to apply:

- Transport costs to Royal Wolf Depot \$300,000
 - Crane Hire \$ 7,800
 - Container lifting forklift \$ 2,000
 - Material for cover containers \$ 5,000
- Total \$314,800**

Additionally there would be a labour-cost to disconnect and prepare each unit for transport (electrical, plumbing, etc).

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As this liability for the relocation of the units has not been cash backed by the Shire during the prior period of the Camp's operation, this has been indicated as a monthly cost against the Camp, for the period over which the Camp is proposed (by each Option) to operate.

As the contract with Royal Wolf has expired, the ongoing provision of transportable accommodation will need to be advertised by public tender to comply with Section 3.57 of the Local Government Act 1995 – 'Tenders for Providing Goods or Services'.

Foxtel

The Shire has an existing agreement with Foxtel for the provision of Pay TV at the camp. This agreement has a current average cost per month of \$6,030. The period of the agreement is for an initial 36 months expiring in September 2015.

The contract provides scope for cancellation upon payment of 50% of the residual contract value. The value of this cancellation fee as at 30 April 2014 is estimated to be \$57,000.

ESS Thalanyji

The management agreement between the Shire and ESS Thalanyji provides for a graduated rate based on the level of units occupied.

The agreement has several key elements that must be considered with respect to this report:

- Commencement date of agreement: 15 October 2012
- Initial Expiry Date: 14 October 2014
- Further Expiry Date: 14 October 2015

Clause 18.3 of the Agreement with ESS Thalanyji states that in the event that the Agreement is terminated prior to the Initial Expiry Date, the costs associated with redundancy and demobilisation will be the responsibility of the Shire.

Whilst the Agreement is silent in respect to how these cost elements are calculated, it can be concluded that the following exists (based on the detail contained within Attachments to the Agreement):

- Redundancy Costs: \$1763.40 per day for maximum of 60 days
- Demobilisation Costs: \$10,897.29

The agreement also requires that notice shall be provided in writing at least 90 days prior to the Initial Expiry date if it is intended to be renewed for the further period.

Coates Hire and OnSite Rental Group

The current agreement between the Shire, Coates Hire and OnSite Rental Group provides for 2 X 500KVa generators, cables and transfer switches, fuel tank generator and fuel tank.

The agreement with Coates Hire is scheduled to expire on the 25th of September 2014, however it has been confirmed that these agreements and the hiring of this equipment can be concluded at any time, without penalties applying.

The agreement (as a condition of the Terms of Hire) places responsibility for de-mobilization costs associated with the equipment with the Shire in the event that the equipment is no longer required (in part or in full).

If the Camp were to be reduced in size, there is the potential for the use of one of the 500Kva generators to be discontinued, however demobilisation costs would still apply.

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The fuel tank currently located at the Camp (and used by the Aerodrome) if surplus to requirements may be able to be relocated to the Council depot for ongoing use by the Shire, however this is still to be confirmed.

Loan Agreement

In developing the Onslow Construction Camp, the Shire of Ashburton established a construction loan with the State Government. This loan as at 17 April 2014 had an outstanding balance of \$2,039,443 with quarterly payments of \$291,349 applicable.

The total portion of the loan repaid during the prior period (from the date of the loan being established until 17 April 2014) is \$1,165,296.

For the purposes of this review, and recognising that the loan will either need to re-paid in full or repaid quarterly until complete, the expenses associated with the loan have been allocated to the financials of the Camp to demonstrate the full extent of the financial liabilities posed by the facility.

These expenses are shown as a monthly liability rather than a quarterly expense.

Review Period

When the various contractual agreements are considered, there are clearly two that place immediate and ongoing liabilities upon the Shire of Ashburton:

- ESS Thalanyji – this agreement expires in October 2014, and
- Loan Contract – the current loan is scheduled to expire in November 2015, unless paid in full prior to this period.

As such, in order to assess the various options available to the Shire in respect to the Camp, the financials for each Option were considered with an expiry date of November 2015, at the natural expiry of the loan agreement.

It is considered that as part of any consequential decision to alter the scale of the Camp, the Council will also need to determine the most appropriate form of ongoing management of the Camp beyond the current agreement with ESS Thalanyji in October 2014.

Comment

In considering the Options available to the Shire with respect to the Camp, consideration was first given to the current financial situation of the Camp, and if expenditure over the immediate prior period was funded through the income received from accommodation bookings.

ATTACHMENT 16.3

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The following table outlines the financial overview of the Camp over the period July 2013 – January 2014:

Item	2013						2014
	July	Aug	Sept	Oct	Nov	Dec	Jan
Income Generated	426,880	170,230	165,880	33,669	46,690	27,840	19,720
	426,880	170,230	165,880	33,669	46,690	27,840	19,720
Recurrent Costs							
Royal Wolf	107,772	108,318	104,824	108,318	142,774	93,138	68,261
ESS Thalanyji	114,206	87,743	123,459	74,999	63,640	53,253	49,052
Coates Hire	13,080	13,080	13,080	13,370	13,080	13,080	13,080
Onsite Rental Group		2,921	4,548	2,450	14,503	4,244	2,302
Alltrack WA			4,600	7,500	5,400		
Mayday Earthmoving			1,000				
Foxtel	5,945	5,945	5,945	6,094	6,094	6,094	6,094
Mntce contractors		5,098	395	785	7,649	7,568	2,721
Shire Mntce Wages	2,235	6,036	26,125	7,201	14,450	9,934	7,094
Shire Plant			874	799	890	321	475
Materials and Parts	232	4,842	702		261	4,614	91
Water Corporation		2,126		1,165		929	
Fuel					45,528	71,635	40,132
Telephone Costs					4,655		2,921
Flights		299			552		429
Staff Accommodation				1,740		5,220	
Gym Equipment				11,362			
Total Recurrent Costs	243,473	236,411	285,555	235,787	319,480	270,033	192,655
Balance	183,406	- 66,181	- 119,675	- 202,118	- 272,790	- 242,193	- 172,935
Loan Payment	97,116	97,116	97,116	97,116	97,116	97,116	97,116
Balance after loan repayment	86,290	- 163,297	- 216,792	- 299,234	- 369,907	- 339,310	- 270,052

The period was chosen as prior to July 2013, the accommodation demand generated by the Airport works created the income required to support the operation of the Camp. Once this demand peaked in July 2013 and began to fall rapidly towards its current levels, this period provided the clearest indication of the current situation and the situation likely to be applicable at the Camp in the foreseeable future.

As can be seen from this financial overview, once all applicable costs associated with the Camp are applied, the Camp was only profitable for July 2013 at which the peak demand for accommodation existed.

This situation is further outlined in the detailed financials for each of the Options proposed when the costs associated with contract termination, relocation of the accommodation and ancillary units and other demobilisation costs are included.

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Options for the Continuation of the Camp

In considering the Options available, the following were identified as those most appropriate to the current financial situation;

Option 1 - Close the Camp with immediate effect

This option considers the complete closure of the Camp and the cancellation of all contracts and service agreements required to facilitate this outcome.

Option 2 - Retention of the Camp in its current form

This option avoids costs associated with de-mobilisation costs, transporting of units to Perth (Royal Wolf) as well as penalty provisions from the ESS Thalanyji and Foxtel agreements.

Option 3 - Reduce the scale of Camp to meet anticipated demand for accommodation.

This option is based on the premise of assuming the minimum number of units required to meet such demands. This option also requires penalty costs associated with existing service agreements and the relocation of Royal Wolf units to Perth.

Option 4 - Reduce the scale of Camp to meet anticipated demand for accommodation plus a provision for additional demand (if required).

This option recognises that additional provision for future demands of accommodation may be required as a result of local infrastructure projects, projects that may be dependent upon accommodation being available for such projects to be initiated.

Each of the 4 Options was reviewed from a financial perspective to ascertain the total cost of operation of the Camp for the period until November 2015 (the conclusion of the loan period).

For each Option, certain assumptions were required to be made with respect to ongoing units required, the equipment that would need to be retained at the Camp, and what proportion of existing equipment could be relocated or demobilised.

These assumptions can be broadly outlined as follows;

Option 1 – includes provision for the following;

- The costs associated with the relocation of units (Royal Wolf),
- The costs associated with the demobilisation of the Coates Hire equipment,
- The costs associated with terminating the current agreement with Foxtel, and
- The costs associated with terminating the current agreement with ESS Thalanyji.

This Option also assumes that the 10 units required to accommodate internal staff can be met through alternate local accommodation supply.

Option 2 – includes provision for the following;

- The costs associated with the relocation of units (Royal Wolf) at the conclusion of the term (applied as a monthly liability);
- The costs associated with the demobilisation of the Coates Hire equipment at the conclusion of the term (applied as a monthly liability); and
- The reduction in costs associated with ESS Thalanyji as result of the reduced occupancy rates.

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Option 3 – includes provision for the following:

- The costs associated with the relocation of units (Royal Wolf) both immediately to reduce the scale of the facility as well as at the conclusion of the term (applied as a monthly liability);
- The costs associated with the demobilisation of the Coates Hire equipment (proportionally) to meet immediate needs with full demobilisation of equipment at the conclusion of the term (applied as a monthly liability);
- The reduction in costs associated with ESS Thalanyji as result of the reduced occupancy rates; and
- The reduction in the Foxtel services to meet current demand requirements and the reduced scale of the facility.

In addition, costs associated with maintenance and operational costs at the Camp have been reduced on a pro rata basis to better reflect the likely costs of operating the smaller facility.

Whilst the size of the Camp as proposed under Option 3 reduces the current 100 accommodation units to 20, the pro rata costs associated with the Camp have only been reduced to 40% of total on the basis that certain facilities (kitchen, rec room etc.) will require additional running and maintenance costs.

The units proposed to be retained under this Option are as follows;

- Kitchen
- Dining Room
- Gym
- Recreation Room
- Laundry
- Verandah/Breezeway
- Reefer Unit
- 20 X accommodation units

Option 4

This Option employs a similar costing methodology to that employed in option 3, however also provides additional accommodation to meet potential additional external demand that thus far cannot be quantified.

In considering the ideal number of additional units that should be provided to meet this as yet unspecified demand, consideration should be given to the conclusions reached in respect to units costs per accommodation unit provided, as indicated by the previous Options.

This Option demonstrates that an additional accommodation unit will only generate an additional cost of \$1564 per month.

Based on a daily rental rate of \$290 per day, this means that an additional unit can be installed (over and above that proposed by Option 3) if that unit can generate $\$1564/290$ or 5.39 days accommodation per month.

The installation of additional accommodation units however must be considered in terms of the additional ancillary units required (laundry, rec room, diner, gym etc.) as each will have a natural capacity, over and above which additional ancillary units will be required.

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Given that the Camp in its current format provides the following ancillary units, it has been assumed that the following thresholds apply:

- Laundry – 50 accommodation units people per unit
- Office modules – 33 accommodation units
- Rec Room – 50 accommodation units
- Diner - 50 accommodation units
- Gym - 50 accommodation units
- Breezeways/Verandah - 50 accommodation units
- Reefer Containers - 33 accommodation units

In developing a financial model for Option 4, it should be recognised that in order to provide an additional 20 units to meet peak external demand, this will incur costs of \$1564 x 20 or \$31,280 per month, which will then require 108 nights per month rental to cover these costs.

As this level of demand cannot be validated this Option has been provided so that the Council can consider providing additional accommodation, purely as means to aid the delivery of major infrastructure projects in being commenced within Onslow.

To account for additional costs associated with the operation of the camp, an additional 10% levy for all costs (over those provided for in Option 3) have been included.

The report prepared by Hester Property Solutions provides the full detail of the financial models for each Option, however the financial summary for these is as follows (for the period until November 2015);

Option	Detail	Totals
Option 1	Closure of the Camp	- 3,911,211
Option 2	Retain Camp in current format	- 5,684,058
Option 3	Reduce Camp to meet anticipated internal and external demands	- 3,731,409
Option 4	Reduce Camp but provide provision for additional units to meet external high demand	- 3,919,841

Whilst from a purely financial perspective, it is difficult to justify the Camp being any larger than the demand that is known (both internal and external as indicated in Option 3), consideration should also be given to the fact that the last 15 months of operation of the Camp has shown that when major infrastructure projects are underway in Onslow, they generate substantial demand for accommodation in large blocks of units.

Option 3 provides sufficient units to meet current external demand (based on occupancy rates experienced in the first quarter of 2014), however if there is a sudden increase in demand stimulated by a major project and the Onslow Construction Camp (and other private operators) are not able to meet this demand, then this may place the projects at risk of delay, an outcome that the Council may wish to avoid.

This report has concluded that until the number of accommodation units exceeds approximately 30, then additional ancillary units (over and above those indicated in Option 3) will not be required.

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Given that if unchanged, the Council will incur an overall liability of \$5.68 million from the operation of the Camp in the next 18 months either Option 3 or Option 4 will improve this outcome by \$1.8-\$2.0 million over this same period.

The minimum cost as outlined in any of the Options proposed is \$3.7million over the next 15 month period, and as such any alternate proposal that provides yet greater opportunity for the offsetting of these costs, whilst securing the accommodation requirements for the Council, should also be considered.

External Management

Whilst not part of the original scope of works commissioned for the review of the Onslow Construction Camp, during the preparation of the report into the Camps operations the Shire received two unsolicited Expressions of Interests from external companies interested in taking over responsibility for the Onslow Construction Camp.

These initial expressions were limited in respect to their detail, however further investigation by Shire officers has revealed that at least one of the proposals may include the following provisions:

1. Assumption of responsibility for all camp facilities including maintenance and operations for a fixed term of at least 2-3 years;
2. Guaranteed provision of a set number of rooms (to be agreed upon) to the Shire of Ashburton for their exclusive use at no charge;
3. Provision of all catering, meals and gym facilities from the proponent's existing accommodation facility;
4. Assignment of all contracts, hire agreements, and commitments to the new management arrangement (from the responsibility of the Shire) with the exception of the ESS Thalanyji agreement which would not be continued;
5. Negotiation of costs associated with demobilisation – for removal of excess facilities (kitchen, gym) at commencement of agreement and full demobilisation at the conclusion of any such agreement.

In considering the external management of the facility (i.e. by a third party) as an alternate Option, the review of the Camp's operation concluded:

In considering the option of external management and operation of the Camp, it is appropriate firstly to consider the initial findings of the Options provided with this report.

The Options clearly indicate that the full closure, or the retention of the Camp in its current form, are the least financially beneficial to the Shire of Ashburton.

Alternatively, the scale of the Camp could be reduced to either meet the known need for accommodation at the Camp (generated from both internal use by Shire staff and anticipated external use based on current usage rates and interest in advanced accommodation bookings) or the extension of the scale of the Camp to meet potential increasing demand by external users, or to cater for the demand generated by major infrastructure projects in and around the Onslow area.

Either of these Options provides a base line of data that can be used to assess any Expressions of Interest received and for the Shire to consider what options exist with respect to any proposed external management and operation of the Camp.

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Key Elements of the Existing Camp

Royal Wolf Contract

Irrespective of any decision with respect to the scale of the camp taken by the Shire, the contract between Royal Wolf and the Shire of Ashburton requires that surplus accommodation and ancillary units are to be transported to the Royal Wolf depot in Perth at the cost of the Shire.

Costs anticipated for this relocation are as follows:

Option 3 and 4

- Royal Wolf unit transport costs \$ 314,800
- Other Shutdown Costs \$ 35,316

Whilst Options 3 and 4 both consider the reduction in the size of the Camp differently, the financial impact of this shutdown remains the same as the liabilities associated with both the relocation of all the accommodation and ancillary units at the Camp and the other shutdown costs remain the same, irrespective of when such costs are incurred and when the accommodation and ancillary units are physically transported to Perth.

Options 2, 3 and 4 all require the ongoing provision of transportable accommodation be advertised by public tender to secure a new contract. This may result in very different costs (including hire rate, demobilisation and potential mobilisation if a different company is awarded the contract) however this is not currently measurable.

ESS Thalanyji

The current contract between the Shire and ESS Thalanyji expires in October 2014 (known as the Initial Expiry Date in the ESS Thalanyji Contract). Any termination of the contract prior to this date will result in significant costs being incurred by the Shire.

The costs associated with such early termination of the agreement include redundancy and demobilisation, both of which will be the sole responsibility of the Shire.

Foxtel

The current agreement between the Shire of Ashburton and Foxtel provides for the completion of the contract in September 2015. The contract provides for cancellation at any time, subject to the payment of 50% of the residual value of the contract.

Current cancellation costs are estimated at \$57,000.

Construction Loan

The loan established by the Shire of Ashburton for the development of the Onslow Construction Camp requires a monthly payment of \$97,116, with the loan expiring in November 2015.

The loan agreement between the Shire and the State Government is not transferrable, and irrespective of any decision to retain the Camp in its current format, close the Camp, reduce the scale of the Camp or offer the management and operation of the Camp to a third party, this loan liability will remain with the Shire of Ashburton.

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Considering the Option of External Management

In considering the option of external management, the Shire must therefore consider the following key issues:

- The Camp is located on a large parcel of land owned freehold by the Shire (also encompassing the airport) and is therefore not able to be sold as an asset of the Council unless it is subdivided. The land is also identified as potential 'Stage 2' for expansion of the industrial subdivision/sale currently being undertaken. As such any external operation of the camp would be limited to its management and operation only in the short term.
- Any proposal to seek Expressions of Interest would require (at least) a formal Expression of Interest process to be undertaken in order to satisfy procurement policies and the provisions of the Local Government Act 1995. It is likely that this may need to be extended to a full tender process, if it is envisaged that the value of the contract between the Shire and the successful external operator would exceed \$100,000.
- The existing contracts between the Shire of Ashburton, ESS Thalanyji and Foxtel both expire at a future date and both incur penalty provisions upon the Shire of Ashburton in the event that these contracts are terminated within the contract periods. If the Camp is therefore to be externally operated, then the Shire should seek to transfer the contracts between itself and these two providers to the new management structure to offset any liability against the Shire of Ashburton. Alternatively the transfer to a new management provider could be considered at the expiry of existing contracts;
- The Options proposed within this report identify the need to retain a minimum number of units to accommodate Shire staff at the Camp. Option 1 considers the costs likely to be incurred by the Shire in the event that the Camp is closed and such accommodation needs are required to be satisfied from other accommodation providers. The Shire should therefore seek to have a specific number of units set aside at the Camp following any external management being established to meet the needs of the Shire of Ashburton.
- The Royal Wolf contract provides that relocation costs of surplus accommodation and ancillary units is borne by the Shire of Ashburton. The Shire should therefore seek to offset these relocation costs as part of any Expression of Interest or Tender process. As the contract has expired, a public tender process should be followed to award a new contract for ongoing provision of mobile units. Alternatively, the contract may be formally terminated by the Shire and a new agreement entered between the operator and Royal Wolf.

When the option of external management and operation is considered, the Shire simply needs to consider if the anticipated income proposed to be received from the Camp in the Options as provided within this report and the costs associated with providing accommodation for Shire staff in the event that the Camp is closed, can be matched or bettered by any proposed management agreement.

Whilst there are significant costs associated with both the continued operation and the proposed closure (or reduction in size) of the Camp, these costs do not vary and unless these are offset by any subsequent external management agreement, these will be borne by the Shire of Ashburton.

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In effect, the Shire needs to be certain that the income received from any external management is not less than the combined value of the income anticipated to be received from external accommodation bookings and the difference in cost between what a private operator would charge the Council for staff accommodation and the provision identified for this purpose in the Options.

If the initial findings in respect to these unsolicited offers are a fair indication of the structure of any external management agreement that might be able to be secured, then it can be reasonably concluded that external management may well be financially beneficial to the Shire and will assist in offsetting costs that the Shire would otherwise be fully responsible for.

As indicated, the Council must ensure that the structure of any such external management agreement provides benefits greater than the income proposed to be generated through external accommodation bookings over the period of management, however given the financial details as provided within the Camp report, it is felt that the Shire is now well placed to both construct and evaluate any Expressions of Interest that would be received.

Consultation

Whilst consultation has not yet been undertaken with respect to this proposal, subsequent decisions of the Council in respect to this report and the future operations of the Onslow Construction Camp may require consultation to be undertaken through the following processes;

- Section 3.58 – Disposal by way of lease of the Onslow Construction Camp

In addition, if the Council chooses not to explore the option of external management of the Onslow Construction Camp, then the Council may wish to consider discussions with other accommodation providers within Onslow (as outlined in this report) to determine a suitable scale of accommodation that should be provided within Onslow in order to maintain sustainability of both the Onslow construction Camp and such other accommodation providers.

Statutory Environment

Section 3.18 of the Local Government Act 1995 provides that:

*“A local government is to satisfy itself that services and facilities that it provides -
(a) integrate and coordinate, as far as practicable, with any provided by the Commonwealth, the State or any public body; and
(b) do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private, and are managed effectively.”*

The responsibility for determining if a facility is competing with private interests and the extent to which this competition exists is at the discretion of the Council.

However whilst the Council may determine that the market is sufficient for several such facilities to operate, including the Onslow Construction Camp, the private sector operators may not consider the matter in the same manner, especially when public funds are used to enable the management of the Onslow Construction Camp.

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The following will need to be considered for procurement of accommodation units or other services for the ongoing operation of the Camp:

S3.57 Local Government Act 1995 - Tendering for Goods & Services
Regulation 11 Local Government (Functions and General) Regulations 1996
FIN12 – Purchasing and Tender Policy
FIN04 – Buy Local – Regional Price Preference Policy

The Planning Approval for the Camp expires on 14 August 2014, and an extension will be required to continue the operation of the Camp.

Financial Implications

The independent report commissioned by the Shire with respect to ongoing operation of the Onslow Construction Camp concludes that the Council will for the period until November 2015 incur a total cost of \$5.68 million if the Camp is operated in its current format, based on current costs and anticipated demand for accommodation.

Consideration of a number of Options has concluded that reduction of the size of the Camp to meet only anticipated internal and external demands, reduces this liability over the same period to \$3.7 million.

In addition, initial consideration of the external management of the Camp following a formal process being initiated, may provide yet additional opportunities to offset such costs and further reduce the cost of the Camp to the Council over this period, whilst securing the required internal accommodation requirements to meet the needs of Council staff.

Strategic Implications

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

Policy Implications

The Shire has a Financial Sustainability Policy (ELM10) that outlines the need for decisions to be based on quality data and that long term financial impacts are taken into account. Also, that selected financial ratios are maintained within certain “good governance” target parameters.

Whilst at the time of the original decision, there was a critical need for worker accommodation in Onslow for both Shire and other infrastructure projects, unless other Shire activities or services are adjusted to compensate, it would seem doubtful that compliance with some parts of the policy’s intent can be maintained into the future if the Onslow Airport Camp is retained in its current format.

Council has the opportunity in light of this policy and its known budget capacities, to review the camp’s configuration against the likely future demands for accommodation at Onslow, and Council’s beliefs of the need for the Shire to maintain a presence in the accommodation marketplace to the positive benefit of Onslow.

Voting Requirement

Absolute Majority Required

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Recommendation

That Council:

1. Acknowledges the independent report commissioned by the Shire of Ashburton in respect to the operation of the Onslow Construction Camp;
2. Provide delegation to the Chief Executive Officer to initiate an appropriate Expression of Interest or Tender process (as applicable) for the external management of the Onslow Construction Camp;
3. That the Expression of Interest or Tender process includes an assessment criteria that allows for direct comparison to be made between any submissions as received and the Options as provided within the independent report into the Onslow Construction Camp, including the Shire's requirement for ongoing accommodation;
4. That the financial benefits and/or dis-benefits of the Options contained within the independent report and any submissions received as result of the Expressions of Interest or Tender process are considered and reported to Council for further deliberation;
5. Provides delegation to the CEO to seek a short-term extension(s) of the ESS Management Contract after its expiry in October 2014, to allow time to review Expressions of Interest and provide the required 90 days notice to terminate if required;
6. Provide delegation to the CEO to initiate a Tender for the supply of accommodation and ancillary units at both the Onslow Construction Camp and Nameless Valley Camp in accordance with the recommendation made in the attached business case;
7. Seeks to gain an immediate extension for the development approval (planning Application Ref. 20110654) for the continued use of the Onslow Construction Camp beyond the current development approval date of 11 August 2014.

Author: Anika Serer	Signature:
Manager: Anika Serer	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 16 JULY 2014

16.4 ONSLOW AQUATIC FACILITY PROJECT

FILE REFERENCE:	ON.MC.0643.00
AUTHOR'S NAME AND POSITION:	Sarah Wilson Project Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	12 June 2014
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 18.3 (Minute No. 42090) – Ordinary Meeting of Council 20 November 2013 Agenda Item 14.04.05 – Ordinary Meeting of Council 21 April 2010

Summary

Council adopted the Onslow Sporting Precinct Master Plan in April 2010, which provides for a number of new recreation facilities including the proposed construction of an aquatic facility on Reserve 42090 (between the Multi-Purpose Centre and existing basketball courts).

In 2011, Chevron (CVX) finalised a State Development Agreement for the Wheatstone Project, which included investment in social infrastructure improvements. \$7m inclusive of all planning and design costs, contingencies, escalation factors and project management costs was allocated to the "Onslow Aquatic and Recreational Centre" as part of this Agreement.

Shire Officers have been working with CVX and Department of State Development (DSD) to progress the Aquatic Centre Project, including an investigation into the appropriateness of the site identified in the Master Plan. Alternative sites within the town have been investigated, and it has been identified that Lot 643 McRae Avenue (Reserve 25799) offers greater benefits to the delivery of the project and Onslow community.

Approval to progress Lot 643 McRae Avenue, Onslow (Reserve 25799) as the proposed site for the project is requested. Endorsement is also sought to undertake the development of a business case, including feasibility, operating model and draft concept plan, to further inform the design and implementation of the project.

Background

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

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

ATTACHMENT 16.4A

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

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

The Onslow Aquatic Facility Steering Committee, consisting of representatives from Shire of Ashburton (Officers), CVX and DSD, has met regularly to progress the Onslow Aquatic Centre as a priority project for the Onslow community. This has included reviewing the initial concept provided in the Master Plan, investigating feasibility/budget and site selection.

Comment

Preliminary investigations into the proposed site for the Onslow Aquatic Facility, as indicated on the Master Plan, have raised questions about its suitability for the project. The Master Plan did not consider site constraints such as availability of services, earthwork requirements, access, etc which may impact the cost of site preparation, and therefore reduce the budget available for construction of the actual facilities.

The Steering Committee has undertaken a preliminary site investigation and comparison of three possible sites, including the current proposed location (near the centre of Reserve 42090), Lot 653 McRae Avenue (vacant site between the school and oval), and Lot 555 Cameron Avenue (existing basketball courts). A number of criteria were considered, including proximity to other facilities, access, earthwork requirements, accessibility and other constraints.

ATTACHMENT 16.4B

Lot 643 McRae Avenue (R25799) has been identified by the study as a more appropriate location for the proposed aquatic facility. The land is currently vested in the Shire of Ashburton for 'Aged Persons Accommodation' but is undeveloped. It is adjacent to the primary school (identified as a main user of the facility) and other sporting facilities, and has minimal design restraints as indicated in the report. It is recommended that Council endorse this site as the proposed location for the Aquatic Facility, and request that Department of Lands change the purpose of the Reserve to 'Recreation' to enable its use.

The Steering Committee has received advice from Department of Sport and Recreation (DSR) consultants, who have recommended that an appropriate recreation consultant with a team of specialists is engaged to produce a business case for the aquatic facility. DSR outlines that historically, public swimming pool facilities are expensive to construct and maintain, and there are often excessive budget over-runs due to lack of planning.

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It is proposed that a suitably qualified consultant is engaged to produce a detailed Business Case to include:

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

The report will enable recommendations to be presented to Council regarding the aquatic facility's final design and implementation, management structure and financial viability. It will also enable business and project implementation plans and the concept design to be presented to the Steering Committee for stakeholder approval, and provide information to the community.

Taking into consideration the timelines for procurement of the consultant (by tender), briefing, investigation and review, it is anticipated that the business case will be presented to Council in five months. The cost of the consultant's work will be presented to the Steering Committee for inclusion as a project expense in the \$7 million budget. Upon approval of the report and concept design by Council and Steering Committee, the design can then be developed by the consultant and associated specialists with sufficient detail to inform a robust 'Design and Construct' tender.

Consultation

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

Statutory Environment

S3.57 Local Government Act 195 - Tendering for Goods & Services
Regulation 11 Local Government (Functions and General) Regulations 1996

Financial Implications

The cost of the consultant work, including concept design and quantity survey will be submitted to the Onslow Aquatic Facility Steering Committee for reimbursement from the \$7 million budget available to this project.

The report produced by the consultant will inform long-term financial planning and operating cost considerations.

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 01 – Vibrant and Active Communities

Objective 02 – Active people, clubs and associations

Goal 02 – Enduring Partnerships

Goal 04 – Distinctive and Well Serviced Places

Objective 01 – Quality Public Infrastructure

Objective 03 – Well Planned Towns:

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Endorses Lot 643 McRae Avenue (Reserve 25799), Onslow as the preferred site for the Onslow Aquatic Facility project;
2. Supports the change of purpose of Reserve 25799 from Aged Care to Recreation (“Public Purposes – Parks, Recreation and Drainage”); and
3. Approves the procurement of a suitable recreation consultant to produce a business case outlining the Onslow Aquatic Facility’s design, project implementation, management structure and financial viability.

Author: Sarah Wilson	Signature:
Manager: Anika Serer	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 16 JULY 2014

17. COUNCILLOR AGENDA ITEMS

No reports were received for this Agenda.

**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 JULY 2014

19.1 CONFIDENTIAL ITEM - REQUEST FOR FEE WAIVER - SKIPPERS AVIATION REGULAR PASSENGER TRANSPORT SERVICES TO ONSLOW

FILE REFERENCE: TR.AT.01.01
OR.MT.2

AUTHOR'S NAME AND POSITION: Megan Walsh
Aerodrome Manager

NAME OF APPLICANT/RESPONDENT: Skippers Aviation

DATE REPORT WRITTEN: 4 July 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 14.12.0 – Ordinary Meeting of Council 15 December 2010

Please refer to Confidential Item Attachment under separate cover.

AGENDA - ORDINARY MEETING OF COUNCIL 16 JULY 2014

20. NEXT MEETING

The next Ordinary Meeting of Council will be held on 20 August 2014, at the Onslow Multi-Purpose Centre, Cnr McGrath Rd & Hooley Avenue, Onslow commencing at 1.00 pm.

21. CLOSURE OF MEETING