



SHIRE OF ASHBURTON

ORDINARY COUNCIL MEETING

**MINUTES
(Public Document)**

Mayu Maya Centre, Pannawonica

17 September 2014

1.00 pm

MINUTES - ORDINARY MEETING OF COUNCIL 17 SEPTEMBER 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 17 September 2014 at Mayu Maya Centre, Pannawonica commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.

Neil Hartley
CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

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1. DECLARATION OF OPENING

The Shire President declared the meeting open at 1.12 pm.

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr C Fernandez

That in accordance with Standing Order 15.1 Council adjourn the meeting for approximately 30 minutes to enable the continuation of the Councillors Workshop presenting from Department of State Development/ Western Australian Planning Commission on the matter of the *Ashburton North Strategic Industrial Area* and the proposed Infrastructure and Services Assessment Framework.

CARRIED 8/0

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

1.41 pm

Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Dias

That Council resume the meeting.

CARRIED 8/0

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

2. ANNOUNCEMENT OF VISITORS

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

3. ATTENDANCE

3.1 PRESENT

Cr K White	Shire President, Onslow Ward
Cr L Rumble	Deputy Shire President, Paraburdoo Ward
Cr D Dias	Paraburdoo Ward
Cr L Thomas	Tableland Ward
Cr P Foster	Tom Price Ward
Cr C Fernandez	Tom Price Ward
Cr A Eyre	Ashburton Ward
Cr D Wright	Pannawonica Ward
Mr N Hartley	Chief Executive Officer
Mr M Ferialdi	General Manager
Ms L Reddell	A/Executive Manager, Development & Regulatory Services
Ms J Smith	Executive Officer CEO
Mrs C Robson	CEO & Councillor Support Officer

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3.2 APOLOGIES

There were no apologies.

3.3 APPROVED LEAVE OF ABSENCE

Cr Anthony Tony Bloem Tom Price Ward

4. QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 20 August 2014, there were no public questions tabled.

4.2 PUBLIC QUESTION TIME

There were no questions from the public.

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. DECLARATION BY MEMBERS

That Councillors White, Rumble, Dias, Wright, Eyre, Thomas, Foster, and Fernandez have given due consideration to all matters contained in the agenda.

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.

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.

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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

There were no announcements without discussion by the presiding person for this meeting.

8. PETITIONS / DEPUTATIONS / PRESENTATIONS

8.1 PETITIONS

Cr Foster tabled a petition signed by 287 names in relation to the Paraburdoo Skate Park location.

Note: as per standing order 6.10 (2) a report will be prepared at the earliest opportunity for presentation to Council.

8.2 DEPUTATIONS

There were no deputations presented to Council.

8.3 PRESENTATIONS

There were no presentations to Council.

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING OF COUNCIL HELD ON 20 AUGUST 2014

Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Wright

That the Minutes of the Ordinary Meeting of Council held on 20 August 2014, as previously circulated on 28 August 2014, be confirmed as a true and accurate record.

CARRIED 8/0

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

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."*

There were no 'en bloc' items selected from the agenda.

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11. CHIEF EXECUTIVE OFFICER REPORTS

11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS AUGUST 2014

MINUTE: 11852

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: 3 September 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 1.1 (Minute: 11147) Ordinary Meeting of Council 10 April 2013

Summary

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

Background

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

Comment

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

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

ATTACHMENT 11.1

Consultation

Chief Executive Officer
Executive Management Team

Statutory Environment

Not Applicable

Financial Implications

Not Applicable

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 05 – Inspiring Governance
Objective 04 – Exemplary Team and Work Environment

Risk Management

This Agenda Item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 and Risk Matrix tools and the result of that evaluation determined this matter to have a Low risk level.

Policy Implications

Not Applicable

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

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

CARRIED 7/1

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

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

MINUTE: 11853

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

AUTHOR'S NAME AND POSITION: Janyce Smith
Executive Officer

Susan Babao
Administration Assistant, Planning & Health Services

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 3 September 2014

DISCLOSURE OF FINANCIAL INTEREST: The authors have no financial interest in the proposal.

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The purpose of this agenda item is to report back to Council actions performed under delegated authority for the month of August 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).
- Tender Approvals by the Delegations of Authorisation used by Chief Executive Officer.

Background

The Use of the Common Seal

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

Planning Delegations

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

Approval to Purchase Goods and Services by the Chief Executive Officer

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

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Tender Approvals by the Delegations of Authorisation used by the Chief Executive Officer
Details of tender approvals by the Delegations of Authorisation used by the Chief Executive Officer are set out below.

Comment

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

This report is prepared for each Council meeting.

The Use of the Common Seal

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

- Seal 579 Lease – Shire of Ashburton & Mountain View Sporting Club Inc
- Seal 580 Lease – Shire of Ashburton & Tom Price Amateur Swimming Club Incorporation
- Seal 581 Lease – Wheatstone Project's Air Quality Monitoring System – Variation Deed to Lease Contract No. C1098725 between SoA & Chevron Australia P/L

Planning Delegations

Planning Delegations undertaken for the month of August 2014.

A	Advertising and Determining Applications for Planning Approval				
	Adv or Det. App.	Date	Applicant	Description	Development location
	Delegated Approval 14-31	4/08/2014	SOA	Installation of Public Ablutions Block	Lot 555 Onslow Road, Onslow (Reserve 20632)
	Delegated Approval 14-47	29/08/2014	Tim Davoren - Minderoo Station	Shed - permanent structure 38.4 x 34.5 x 8.7m	Lot LA3114/661 & CL56/1967 No Street Frontage Minderoo Station
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	Directions regarding unauthorised development - Finalise outstanding building permit applications - Prepare and serve termination notice on caravan park residents for multiple rule breaches - Ensure sand mining activity on the Ashburton river being conducted within tenement according to lease agreement - Notify DOT re- non-compliance with Sunday noise emanating from Beadon Creek works - Assist caravan park administration with compliance issues in relation to long term residents and cyclone requirements - Notify Metalcom of compliance matters with roadside camp on the outskirts of Pannawonica and associated rubbish - Ensure BHP Macedon house landscaping commenced to comply with planning approvals - Investigate non-complaint usage of Beadon Creek land - Investigate home businesses being run in Onslow and assist in helping to comply with planning applications				

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I	Responsible Authority Reports to the Development Assessment Panel			
	Date	Applicant	Description	Development Location
	none			

Approval to Purchase Goods and Services by the Delegations of Authorisation used by 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 August 2014.

Approval Date	File Ref	Title	Decision
11.08.14	AS.WI.002.00	Wittenoom Claims – Legal	Authorising payment for claim – no greater than \$60,000.
14.08.14	FI.DR	Writing Off of Debts	Write Off Debt – dog infringements \$550 – considered uncollectable (Debtor No. 1300).

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

This following table presents a summary of the Tender Approvals by the CEO Under Delegated Authority for the month of August 2014.

Approval Date	File Ref	Title	Tenderer	Total Score (/100)	\$
15.08.14	TP.JA.2001	RFT 21/14 Design & Construction of Tom Price Depot Transportable Office Building	1. Fleetwood 2. Complete site services 3. E.I Group 4. Instant Portables 5. Nordic Homes 6. Murry River North 7. ATCO 8. Byblos 9. Tulloch	1. 78 2. 70.6 3. 63.2 4. 62.8 5. 61.9 6. 56.3 7. 56.2 8. 54.1 9. 46.4	1. 163,201 2. 182,465 3. 220,800 4. 191,182 5. 248,370 6. 258,480 7. 247,524 8. 279,875 9. 424,188
15.08.14	AS.TE.24.14	RFT 24/14 – Waste Consultancy Services	1. Talis 2. Opus 3. Cardno 4. GHD	1. 93.9 2. 80.8 3. 82.2 4. 81.5	1. 164.50 2. 187.50 3. 192.20 4. 164.20 (Weighted Hourly Rate)
20.08.14	AS.TE.20.14	RFT 20/14 – Supply & Install of Airport Fencing and Gates	1. Fencewright 2. DBS Fencing 3. Southern Wire 4. Greentree 5. JBS Fencing 6. Woollams	1. 90.2 2. 79.5 3. 78.8 4. 76.3 5. 68.4 6. 58.7	1. 94,051 2. 108,318 3. 115,225 4. 115,677 5. 151,740 6. 196,072
26.08.14	AT.TE.22.14	RFT22/14 – Architectural & Associated Consultancy for Shire Hall, Office & Library in Onslow	1. Hodge Collard Preston 2. Avoca Design 3. Bollig Design Group 4. Mode Design Corp 5. Wilkes Architects 6. Kent Lyon	1. 154.5 2. 103.4 3. 91.0 4. 87.5 5. 81.6 6. 73.2	1. 58,000 2. 98,215 3. 132,920 4. 132,864 5. 142,500 6. 183,280

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Consultation

The Use of the Common Seal

Chief Executive Officer

Planning Delegations Issued

Chief Executive Officer

Executive Manager, Development & Regulatory Services

Principal Town Planner

Approval to Purchase Goods and Services by the Chief Executive Officer

Chief Executive Officer

Executive Manager Corporate Services

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

Executive Manager Infrastructure

Administration Manager

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

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

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

Financial Implications

The Use of the Common Seal

There are no financial implications related to this matter.

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 2014/15 Budget.

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

Goods purchased in accordance with 2014/15 Budget.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

Risk Management

This Agenda Item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 and Risk Matrix tools and the result of that evaluation determined this matter to have a Low risk level.

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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

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

FIN12 – Purchasing and Tendering Policy.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Wright

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

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

12. COMMUNITY DEVELOPMENT REPORTS

There were no Community Development Reports for this agenda.

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13. CORPORATE SERVICES REPORTS

13.1 SHIRE OF ASHBURTON FENCING AMENDMENT LOCAL LAW 2014

MINUTE: 11854

FILE REFERENCE: LE.LL.15.00

AUTHOR'S NAME AND POSITION: Leanne Lind
Governance and Policy Officer

NAME OF APPLICANT/
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 1 September 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 11.2 (Minute Number 11232) Ordinary Meeting of Council 18 July 2012
Agenda Item 12.2 (Minute Number 11664) Ordinary Meeting of Council 16 October 2013
Agenda Item 13.3 (Minute Number 11769) Ordinary Meeting of Council 19 March 2014
Agenda Item 18.1 (Minute Number 11851) Ordinary Meeting of Council 20 August 2014

Summary

At the Ordinary Meeting of Council (OMC) on 20 August 2014, Council resolved to adopt to undertake several amendments to its Shire of Ashburton Fencing Local Law 2014 required by the Joint Standing Committee on Delegated Legislation (JSCDL). Based on this undertaking, the JSCDL allowed the local law to pass if Council subsequently agreed to make an amendment local law under legislation 3.12 of the Local Government Act 1995 within 12 months. The Local Law has now been suitably amended and a further Council resolution is required to enable public consultation to commence.

Background

The cyclone zoning necessitates the need to enable the Shire of Ashburton to regulate the minimum standards for fencing within the various planning zones whilst encouraging responsible construction, maintain compulsory standards and control of fencing. At its OMC held in October 2013, Council determined to commence the process of adopting a Fencing Local law. After its review of The Shire of Ashburton Fencing Local Law the Joint Standing Committee on Delegated Legislation (JSCDL) required several amendments be undertaken before it would give its approval.

At its OMC on 20 August 2014, Council resolved to amend the said Local Laws in accordance with the requirements of the (JSCDL). Based on this undertaking, the JSCDL allowed the local law to pass if Council subsequently agreed to make an amendment local law under legislation 3.12 of the Local Government Act 1995 within Twelve months.

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Comment

The purpose of this local law is to provide for the regulation, control and management of fences within the district.

The effect of this local law is to:

- (a) regulate, manage and control fences; and
- (b) establish the standard of a sufficient fence according to land use.

The amendment local law is subject to the placement of notices of the amendments to the Shire of Ashburton Fencing Amendment Local Law 2014 at every location that the local law is made publically available, whether in hard copy or electronic form and will have a submission period of not less than 6 weeks (42 days) as per section 3.12 of the Local Government Act 1995. It is likely that the Shire of Ashburton Fencing Amendment Local Law 2014 and any submissions received will be presented to the December 2014 Council meeting for final adoption.

All changes required of the principal local law by the JSCDL have been made and the Shire of Ashburton Fencing Amendment Local Law 2014 is attached for review.

ATTACHMENT 13.1

Consultation

A/Executive Manager – Corporate Services
Advisory Officer (Legal) - JSCDL
Governance Manager - WALGA

Statutory Environment

Local Government Act 1995, Section 3.12
Dividing Fences Act 1961

Financial Implications

Costs of advertising and gazettal are associated with this process.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 4 – Distinctive and Well Services Places
Objective 3 – Well Planned Towns

Risk Management

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

Policy Implications

BLD02 Fencing Management Directive to be reviewed following adoption of the SOA Fencing Amendment Local Law 2014.

Voting Requirement

Absolute Majority Required

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Council Decision

MOVED: Cr D Wright

SECONDED: Cr P Foster

That Council:

- 1. Endorse the Shire of Ashburton Fencing Amendment Local Law 2014 ATTACHMENT 13.1;**
- 2. Endorse the purpose and effect of the local law being;**
 - a. The purpose of this local law is to provide for the regulation, control and management of fences within the district.**
 - b. The effect of this local law is to;**
 - (a) regulate, manage and control fences; and**
 - (b) establish the standard of a sufficient fence according to land use.**
- 3. Authorise the required advertising in a state-wide newspaper, inviting public comment on the amendment local law, being open for a period of not less than 6 weeks (42 days) as per section 3.12 of the Local Government Act 1995.**

CARRIED BY ABSOLUTE MAJORITY 8/0

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

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13.2 DOG AMENDMENT REGULATIONS 2014: DOG OFF-LEASH EXERCISE AREA RESERVE 39572, LOT 37 - PARABURDOO

MINUTE: 11855

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: 1 September 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
Agenda Item 13.2 (Minute No 11827) Ordinary Meeting of Council 16 July 2014

Summary

The purpose of this report is to recommend that Council adopt the dog exercise area Lot 37, Reserve Number 39572 in Paraburdoo. The notice of intention to make this a dog exercise area was advertisement on 30 July 2014 in The West Australian newspaper.

As per Council Recommendation at the Ordinary Meeting of Council 16 July 2014, an additional exercise area in Paraburdoo - Reserve No. 39572, **Lot 37** on Plan 15365 Paraburdoo, was listed for approval.

Council is asked to adopt, by absolute majority in accordance with amendment section 31 of the Dog Act 1976, the dog exercise area Reserve No. 39572, Lot 37 On Plan 15365 - Paraburdoo, 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 shall inform the public of the new restrictions via appropriate signage at relevant public places, on its website and on Council noticeboards.

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Background

The purpose of the Shire of Ashburton Dog Local Law 2012 is:

- To make provisions about the impounding of dogs, to control the number of dogs that can be kept on premises and the manner of keeping those dogs and to prescribe areas in which dogs are prohibited and dog exercise areas.
- The effect of this Local Law is to extend the controls over dogs which exist under the Dog Act 1976.

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 its local law.

Comment

The new Dog Regulations 2014 gives Local Governments control over the determination of Dog Exercise areas and Dog Prohibited areas in the future.

As required under the Dog Regulations 2014 the Shire of Ashburton gave 28 days notice of its intention to specify a dog exercise area. The area of **Lot 37**, Reserve 39752 was specified in the public notice advertisement on 30 July 2014 in The West Australian newspaper.

ATTACHMENT 13.2

There will be new signage; a notice on the Shire Website (permanent) and on the Shire Noticeboards (temporary) once the area is adopted by Council.

Dog off-leash exercise areas for the Shire of Ashburton, with the addition of the proposed area, are shown below:

- 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 and **Lot 37** On Plan 15365 - Paraburdoo

Consultation

Chief Executive Officer
Executive Manager - Corporate Services
Senior Ranger
WALGA

Statutory Environment

Dog Act 1976
Dog Amendment Regulations 2014

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).

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Financial Implications

There are no financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 04 – Distinctive and Well Services Places

Objective 01 – Quality Public Infrastructure

Risk Management

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

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Absolute Majority Required

Council Decision

MOVED: Cr D Wright

SECONDED: Cr C Fernandez

That Council adopt the following area being declared a dog off-leash exercise area in addition to the existing Council approved areas:

- **Dog off-leash exercise area - Reserve No. 39572, Lot 37 On Plan 15365 – Paraburdoo.**

CARRIED BY ABSOLUTE MAJORITY 8/0

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

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13.3 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF JULY & AUGUST 2014

MINUTE: 11856

FILE REFERENCE: FI.RE.00.00

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

NAME OF APPLICANT/RESPONDENT: Shire Of Ashburton

DATE REPORT WRITTEN: 3 September 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

As at the date of writing the agenda, items below have not been finalised for 13/14 financial yearend which have a flow on effect on the financial data for 14/15 year;

Depreciation on fixed assets for the month of July has been reported at zero value as Fair Value Reporting for land and buildings is still progressing and if reported now would reflect incorrect financial data as well as creating more work for staff to reconcile and balance the asset ledger for both financial years.

Administration costs, staff housing costs and plant recovery costs have not been allocated out to reporting programs till allocations for 13/14 year is finalised.

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

July 2014

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

ATTACHMENT 13.3A

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August 2014

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

ATTACHMENT 13.3B

Consultation

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

Statutory Environment

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

Financial Implications

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

Strategic Implications

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

Risk Management

This agenda Item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 & Risk Matrix tools, and there are no risks associated with this matter.

Policy Implications

There are no policy implications in this matter.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr D Wright

SECONDED: Cr L Thomas

That Council:

- 1. Accepts the Financial Reports for July 2014 ATTACHMENT 13.3A; and**
- 2. Notes the Schedule of Accounts and Credit Cards paid in August 2014 as approved by the Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds as per ATTACHMENT 13.3B.**

CARRIED 8/0

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

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13.4 MINOR LOCAL GOVERNMENT BOUNDARY AMENDMENT - MANGAROOON STATION AND MAROONAH STATION

MINUTE: 11857

FILE REFERENCE: ST.MGRN

AUTHOR'S NAME AND POSITION: Janelle Fell
Project Support Officer

Leanne Lind
Governance and Policy Officer

**NAME OF APPLICANT/
RESPONDENT:** Shire of Upper Gascoyne

DATE REPORT WRITTEN: 3 September 2014

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The Shire of Ashburton has received a request from the Shire of Upper Gascoyne requesting support to amend the Local Government boundary between its boundary and the boundary of the Shire of Ashburton to incorporate the whole of Mangaroon Station into the Shire of Upper Gascoyne and the whole of Maroonah Station into the Shire of Ashburton.

Background

In 2010, boundary changes were made by Landgate to amend the boundaries of two adjoining Stations, Mangaroon (Lot 354 on Deposited Plan 64864) and Maroonah (Lot 521 on Deposited Plan 64863) at the request of Bambi Pty Ltd owner Mr Glen Dellar.

ATTACHMENT 13.4A

In August 2010, Mr Glen Dellar of Wyloo Station, owner of both Mangaroon and Maroonah Stations, contacted the Shire of Ashburton requesting an amendment of the Shire of Ashburton and Shire of Upper Gascoyne boundaries to align them with Mangaroon and Maroonah Station boundaries. The matter was not progressed at that time.

ATTACHMENT 13.4B

4,072 hectares of Mangaroon Station encroaches into the Shire of Ashburton with 104,651 hectares located within the Shire of Upper Gascoyne.

4,071 hectares of Maroonah Station encroaches into the Shire of Upper Gascoyne with 201,248 hectares located within the Shire of Ashburton.

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If the proposed amendment takes effect, Mangaroon Station would be located 100% within the Shire of Upper Gascoyne and Maroonah Station will be located 100% within the Shire of Ashburton.

ATTACHMENT 13.4C
ATTACHMENT 13.4D

Comment

The loss of income is minimal to the Shire of Ashburton however, supporting Mr Glen Dellar's request through the Shire of Upper Gascoyne's petition to the Local Government Advisory Board for a minor boundary amendment shows the Shire of Ashburton is complementing its goal of seeking to fulfil its Community Goals (vis. Goal 01 Vibrant and Active Communities, Objective 01 Connected, Caring and Engaged Communities) as listed in the 10 Year Strategic Community Plan.

As there are no identified electoral enrollees at either Station for both Ashburton or Upper Gascoyne, there are no affected electors other than the applicant.

The Shire of Ashburton will need to make an amendment to the *Shire of Ashburton Town Planning Scheme No. 7*, to make the Scheme maps consistent with the revised Shire boundary. This can be included in a future omnibus amendment to address a number of other existing anomalies.

The process, from the Board receiving the proposal, to gazettal, will take at least several months, however, the workload of the external agencies involved (Landgate [technical descriptions] and Parliamentary Counsel's Office [orders]) can mean it takes longer.

Consultation

Economic and Land Development Manager
Project Support Officer - Strategic and Economic Development
Executive Manager - Corporate Services
Finance Coordinator
Rates Officer
Principal Planner
Governance and Policy Officer

CEO - Shire of Upper Gascoyne
Finance Manager - Shire of Upper Gascoyne
WA Electoral Commission
WA Department of Planning

Statutory Environment

Pursuant to section 2.1 (1)(b) of the *Local Government Act 1995* (the Act), the Governor, on the recommendation of the Minister, may make an order changing the boundaries of a district.

Section 2.1 (2) of the Act provide that Schedule 2.1 has effect. Under clause 2 of Schedule 2.1, a local government may propose to the LGAB the making of an order under section 2.1.

The LGAB may, pursuant to clause 3 (3), if it is satisfied that the proposal is one of a minor nature and not one about which public submission need to be invited, recommend by absolute majority that an order be made in accordance with the proposal. Alternately, pursuant to clause 4, the LGAB may formally inquire into the proposal.

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The change will come into effect on the date specified in the Governor's order as published in the Government Gazette.

Financial Implications

Annually, Mangaroon Station receives a minimum rate assessment (\$560 in 2014/15) by the Shire of Ashburton. Maroonah Station has a rates assessment of \$4,872 in 2014/15 and the addition of 4,071 hectares will only increase valuations marginally and only affect its rates assessment minimally. The end result will mean that the Shire of Ashburton will collect less rates, perhaps in the order of \$500 per annum.

Income generated from Federal Assistance Grants will not be affected as no residents are enrolled with the Western Australian Electoral Commission for either Stations and there are no gazetted roads in the subject area.

As the proponent applying to the Local Government Advisory Board, The Shire of Upper Gascoyne will presumably be responsible for costs required to process the application. The costs involved are a fee from Landgate to prepare the technical descriptions and also a fee from the State Law Publisher to have the orders published in the Government Gazette. The fees are approximately \$200-\$400 respectively, depending on the time it takes to prepare the technical descriptions and the length of the notice to be published in the Government Gazette.

The Shire of Ashburton will need to make an amendment to the *Shire of Ashburton Town Planning Scheme No. 7*, to make the Scheme maps consistent with the revised Shire boundary. Whilst this can be included in a future omnibus amendment to maximize cost efficiencies, the total expenses for this particular matter will still be a few thousand dollars in officer time, mapping expenses, consultants charges, and publication fees.

It is normal practice for developers to meet the entire cost of Town Planning Scheme changes. However, in this instance the request is from the Shire of Upper Gascoyne. Therefore, it is requested that the Shire of Upper Gascoyne contribute to the Shire of Ashburton's expenses for the costs associated with the administration of the boundary change involved to the value of \$1000.

Strategic Implications

Shire of Ashburton 10 Year Strategic Community Plan 2012-2022

Goal 01 - Vibrant and Active Communities

Object 01 - Connected, Caring and Engaged Communities

Risk Management

This Agenda Item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix, and all known risks are considered to be adequately controlled.

Policy Implications

Not Applicable

Voting Requirement

Absolute Majority Required

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Council Decision

MOVED: Cr L Thomas

SECONDED: Cr A Eyre

That Council:

1. **Support the Shire of Upper Gascoyne's petition to the Local Government Advisory Board to amend the Shire of Ashburton and Upper Gascoyne Local Government boundaries to align with the Department of Lands boundary identified on the Certificate of Title for Mangaroon and Maroonah Stations;**
2. **Endorses Shire Administration to proceed with formalities to amend the Town Planning Scheme in line with the Certificate of Title survey for the adjoining properties; and**
3. **Request that the Shire of Upper Gascoyne contribute to the Shire of Ashburton's expenses for the costs associated with the administration of the boundary change involved to the value of \$1000.**

CARRIED BY ABSOLUTE MAJORITY 8/0

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

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Declaration of Interest

Prior to consideration of this Agenda Item Cr Dias and Cr Rumble declared a financial interest in Agenda Item 13.5 in accordance with relevant Section 5.60A of the Local Government Act. The interest being Cr Dias has shares in Rio Tinto to the value in excess of \$10,000.00 and Cr Rumble shares in Rio Tinto to the value in excess of \$10,000.00 and is a contractor to Rio Tinto for Spotless.

Cr Rumble and Dias left the room at 2.17pm

13.5 BUDGET AMENDMENT / VARIATION

MINUTE: 11858

FILE REFERENCE: FI.BU.14.15

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 3 September 2014

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

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

Background

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

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

Comment

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

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GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
1. <u>Development & Regulatory Services:-</u>				
<u>Health – Pest Control</u>				
10723520	Mosquitoes & Pest Control	\$0	\$8,000	\$8,000

Reason: Grant of \$28,421 received from the Department of Health in financial year 2013/14 for mosquitoes control program, of which \$8,000 was unspent at years end. The unspent funds were omitted in 2014/15 budget process and therefore needs to be brought into account and fully utilized for acquittal purposes. Whilst the funds were received in 2013/14, this variation will have an effect on the budget and impact upon the end of year position.

GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
2. <u>Community Development:-</u>				
<u>Malls</u>				
GE014	Paraburdoo Town Redevelopment	\$1,033,000	\$-59,830	\$973,170
GE029	Paraburdoo Town Revitalisation-RIO Projects	\$60,000	\$59,830	\$119,830

Reason: Original funding of \$380,000 from Rio Tinto for Paraburdoo Town Redevelopment of which \$260,170 was spent in year 2013/14. Remainder of \$119,830 unspent funds were carried over to 2014/15 year, however this was split in two job codes, when it should have been shown in one code. The overall effect of this variation is nil.

GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
3. <u>Community Development:-</u>				
<u>Office of Executive Manager</u>				
10818770	Sponsorships & Grants Australasian Safari Sept2014 (Pilbara Regional Council)	\$7,500	\$-7,500	\$0
10818770	Sponsorship & Grants Mini-Film Festival November 2014 (Pilbara Regional Council)	\$0	\$7,500	\$7,500

Reason: Account 10818770 has a total budget allocation of \$97,000 and includes funding for the Rio Tinto Picnic Days, Community Support Grants and other similar events. At the Ordinary Meeting of Council 18 June 2014, Council approved an in-kind expenditure from this account for \$7,500, for the proposed Australasian Safari. This event was being

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organised through the Pilbara Regional Council and was scheduled to come to Onslow in September 2014. Since then the Australasian Safari cancelled its visit to Onslow, and the Pilbara Regional Council has arranged an alternative event – a mini-film festival. This new event is scheduled for November 2014 and the Pilbara Regional Council is expecting in-kind support from the Shire for this new event. The overall effect of this request on the budget is nil, simply a change in the name and timing of the proposed event.

Consultation

Executive Manager - Corporate Services
Executive Manager - Community Development
Finance Manager
Budget and Grants Finance Officer

Statutory Environment

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

(b) is authorised in advance by resolution*

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

* requires an absolute majority of Council

Financial Implications

The proposed budget amendments will result to a current budget deficit of \$8,000. This will be considered in our Annual Budget review.

Strategic Implications

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

Risk Management

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

Policy Implications

There are no specific policy implications relative to this issue.

Voting Requirement

Absolute Majority Required

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Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr D Wright

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

GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
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**1. Development & Regulatory Services:-
Health – Pest Control**

10723520	Mosquitoes & Pest Control	\$0	\$8,000	\$8,000
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Reason: Grant of \$28,421 received from the Department of Health in financial year 2013/14 for mosquitoes control program, of which \$8,000 was unspent at years end. The unspent funds were omitted in 2014/15 budget process and therefore needs to be brought into account and fully utilized for acquittal purposes. Whilst the funds were received in 2013/14, this variation will have an effect on the budget and impact upon the end of year position.

GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
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**2. Community Development:-
Malls**

GE014	Paraburdoo Town Redevelopment	\$1,033,000	\$-59,830	\$973,170
GE029	Paraburdoo Town Revitalisation – RIO Projects	\$60,000	\$59,830	\$119,830

Reason: Original funding of \$380,000 from Rio Tinto for Paraburdoo Town Redevelopment of which \$260,170 was spent in year 2013/14. Remainder of \$119,830 unspent funds were carried over to 2014/15 year, however this was split in two job codes, when it should have been shown in one code. The overall effect of this variation is nil.

GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
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**3. Community Development:-
Office of Executive Manager**

10818770	Sponsorships & Grants	\$7,500	\$-7,500	\$0
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	Australasian Safari Sept2014 (Pilbara Regional Council)			
10818770	Sponsorship & Grants Mini-Film Festival November 2014 (Pilbara Regional Council)	\$0	\$7,500	\$7,500
<p>Reason: Account 10818770 has a total budget allocation of \$97,000 and includes funding for the Rio Tinto Picnic Days, Community Support Grants and other similar events. At the Ordinary Meeting of Council 18 June 2014, Council approved an in-kind expenditure from this account for \$7,500, for the proposed Australasian Safari. This event was being organised through the Pilbara Regional Council and was scheduled to come to Onslow in September 2014. Since then the Australasian Safari cancelled its visit to Onslow, and the Pilbara Regional Council has arranged an alternative event – a mini-film festival. This new event is scheduled for November 2014 and the Pilbara Regional Council is expecting in-kind support from the Shire for this new event. The overall effect of this request on the budget is nil, simply a change in the name and timing of the proposed event.</p>				
<p>CARRIED BY ABSOLUTE MAJORITY 6/0 Crs White, Wright, Thomas, Eyre, Foster and Fernandez voted for the motion</p>				

Cr Rumble and Dias re-entered the meeting at 2.17pm

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14. DEVELOPMENT AND REGULATORY SERVICES REPORTS

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

15. INFRASTRUCTURE SERVICES REPORTS

There were no Infrastructure Services Reports for this agenda.

16. STRATEGIC & ECONOMIC DEVELOPMENT REPORTS

16.1 PROPOSED MEMORANDUM OF UNDERSTANDING FOR PILBARA REGIONAL COUNCIL TO UNDERTAKE CONSERVATION WORKS AT OLD ONSLOW

MINUTE: 11859

FILE REFERENCE: RE.OA.R.35118

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

NAME OF APPLICANT/RESPONDENT: Pilbara Regional Council

DATE REPORT WRITTEN: 9 September 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 12.2 (Minute No. 11186) – Ordinary Meeting of Council 16 May 2012

Summary

The 'Old Onslow Townsite Conservation Plan' was endorsed by Council at the Ordinary Meeting held on 16 May 2012. The report contained a number of recommendations, including that the Shire should investigate options to undertake significant works for the conservation, management and interpretation of the Old Onslow Townsite. The Wheatstone Project allocated \$1 million in the State Development Agreement Social Infrastructure Fund toward these works. Pilbara Regional Council (PRC) has proposed to undertake appropriate works within this budget, and in accordance with the endorsed Plan, and seek endorsement of a Memorandum of Understanding (MOU) to enable delivery of the project.

Background

Old Onslow is a unique and special place of historical and heritage significance to the Ashburton Shire, and particularly the Onslow community. Apart from its direct heritage values, it and the nearby Ashburton River both have significant tourist values.

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It can be expected that the current resource sector growth occurring at Onslow, as well as within the Shire and Pilbara region, will lead to a far greater awareness of Old Onslow and increase pressure for its heritage protection and visitor growth.

The original archaeology of the town was based on a preliminary survey carried out in 1991. This survey only partly covered the town and necessitated a more extensive survey of the townsite to identify what needed to be managed and the threats to its continued existence. Archaeology, whilst not included in the standard headings within the Heritage Council of Western Australia's Conservation Plans standard Brief for Consultants, has been carried out and an archaeological management plan has been inserted into the current document.

The extent of all the issues arising from the *Old Onslow Townsite Conservation Plan* is substantial, and requires Council to develop action plans for short, medium and long term implementation of the strategies, policies and operational requirements to meet the demands arising from the report.

The report suggests that the Shire of Ashburton is responsible for implementing the policies in this conservation plan. Policies have been divided into on-going inspection and maintenance programs, short term, medium term and long term issues which cover stabilisation and maintenance of the physical fabric, re-orientating site management to provide long term sustainability, funding and income streams and realising heritage potential through interpretation and research.

The Wheatstone Project allocated \$1 million in the State Development Agreement Social Infrastructure Fund toward delivery of the Old Onslow Townsite Conservation Plan. This contribution will enable priority works relating primarily to the stabilization and protection of ruins and structures that have public safety implications. Appropriate advice from structural engineers and heritage consultants during this process will also produce a priority list and cost estimate for other works required under the Conservation Plan, so that future planning and funding can be developed.

Comment

The Pilbara Regional Council (PRC) has generously offered (for a project management fee yet to be confirmed, but likely to be in the order of \$40,000) to undertake the initial scope of works for conservation of the Old Onslow Townsite, within the parameters of the endorsed Conservation Plan and budget of \$1 million contributed by Chevron through the Social Infrastructure Fund.

A proposed Memorandum of Understanding (MOU) and Proposal is attached, providing an overview of the scope of the works to be undertaken within the \$1 million budget. Other works, such as interpretation works and tourism activation, will also be undertaken by PRC if it can secure additional funding. The priorities of the project under the MOU are:

1. Safety and stabilisation;
2. Temporary signage to protect the site from 'fossicking';
3. Commission a heritage plan, conservation management plan and archaeological plan (building on the recommendations of the Conservation Plan for future direction); and
4. Initial conservation works considering structural engineering and heritage architectural design.

ATTACHMENT 16.1A
ATTACHMENT 16.1B

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The MOU will enable PRC to become the proponent for delivery of the initial conservation works at the Old Onslow Townsite under the terms of the funding provided by Chevron. The extent of works carried out will be subject to budgetary/expenditure constraints (ie the actual cost of carrying out each task), regulatory processes such as planning and building approvals, and the approval process required to access monies from the Social Infrastructure Fund. The Shire of Ashburton is represented on the Working Group which oversees the Social Infrastructure Fund approval process and provides governance on the delivery of the project, and so will have control over the project program and budget through that group.

Consultation

Chief Executive Officer
Chief Executive Officer – Pilbara Regional Council
Project Coordinator- Wheatstone Project

Statutory Environment

Not Applicable

Financial Implications

\$1 million is proposed to be utilised from the Social Infrastructure Fund created under the terms of the State Development Agreement for the Wheatstone Project (Chevron). There is no implication identified for the Shire's budget however some existing staff resources will be allocated to ensure stakeholder representation throughout the delivery of the project. The Shire is also committed to providing the necessary statutory approvals (building/planning etc) at no cost, which will incur costs/forego revenues of several hundred dollars.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 03 – Unique Heritage and Environment
Objective 03 – Celebration of History and Heritage

Risk Management

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

Policy Implications

Not Applicable

Voting Requirement

Simple Majority Required

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Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr L Thomas

That Council:

- 1. Endorse the proposal by the Pilbara Regional Council to undertake conservation works at the Old Onslow Townsite in accordance with its proposal and \$1 million budget provided in the Onslow Social Infrastructure Fund; and**
- 2. Authorise the Chief Executive Officer to execute the Memorandum of Understanding (MOU) and proposal provided by the Pilbara Regional Council, and negotiate any minor variations required to the scope of works.**

CARRIED 8/0

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

17. COUNCILLOR AGENDA ITEMS

There are no Councillor Agenda Items for this agenda.

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

Council Decision

MOVED: Cr D Wright

SECONDED: Cr P Foster

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

18.1 CHEVRON CORPORATION/SHIRE OF ASHBURTON MEMORANDUM OF UNDERSTANDING

CARRIED 8/0

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

Declaration of Interest

Prior to consideration of this Agenda Item Neil Hartley declared an financial interest in Agenda Item 18.1 in accordance with relevant Section 5.60A of the Local Government Act. The interest being he is the author of the report and may enjoy a personal financial benefit if he is to accompany the Shire President to San Ramon, California.

18.1 CHEVRON CORPORATION/ SHIRE OF ASHBURTON MEMORANDUM OF UNDERSTANDING

MINUTE: 11860

FILE REFERENCE: LE.CO.00.00
RD.OG.02.05

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

NAME OF APPLICANT/ RESPONDENT: Shire of Ashburton

DATE REPORT WRITTEN: 15 September 2014

DISCLOSURE OF FINANCIAL INTEREST: The author has declared a financial interest in the proposal as he is the CEO and may accompany the President to San Ramon, California.

PREVIOUS MEETING REFERENCE: Whilst a great many items have been presented to Council over the last couple of years that relate to Chevron, none have promoted a formal *Memorandum of Understanding*.

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Summary

Chevron has commenced construction of the first stage of its Wheatstone project in Onslow and whilst Chevron has made a significant contribution to the infrastructure of the Onslow district, it has also because of the size of the project, caused a great deal of community unrest. At a recent Community Information Session in Onslow, the Onslow community expressed its concerns that Chevron's corporate performance as a "good corporate citizen" did not match the marketing image it portrays of itself.

The Wheatstone Project, and therefore Chevron, has the capacity to (and has) significantly impacted upon Onslow in almost every conceivable respect, both positively and negatively. The relationship between the Shire and Chevron consequently is very important, and time and effort is therefore warranted to make sure that it is productive and positive throughout the duration of the Wheatstone Project, which is projected to be in operation for the several decades.

It is proposed that a Memorandum of Understanding be established between Chevron Corporation (California) and the Shire of Ashburton, to maximise the long term mutual benefits of both Chevron, and Onslow. A potential face-to-face meeting between the respective parties is also suggested as being of value.

Background

Chevron has been involved in the Western Australian resource industry since 1952. The Wheatstone gas field was discovered in the Greater Gorgon Area in 2004, and in 2008 Chevron announced its intention to develop this field as a greenfield onshore LNG and domestic gas project, and identified Ashburton North, near Onslow, as the preferred site.

Many discussions between the Shire, the State, and Chevron followed, which included agreement on amongst other things:

- A \$76m Social Infrastructure Fund (2011) and the subsequent funding arrangements; and
- Shire Town Planning Scheme amendments/conditions including a Structure Plan, Workforce Management Plan and a Workforce Management Deed (2012).

The Wheatstone development is currently under construction and has been for many months. Some in Onslow have benefited considerably from Chevron's development with for example, new and increased business opportunities. Others though, have highlighted to the Shire that they have suffered through those many months with inconveniences such as delivery trucks parking within the town-site, lack of access to traditional fishing areas, plus much more significant issues like the very high housing rents that occurred following commencement of the gas project's construction phase.

The Shire's awareness has been drawn to a range of issues over the last couple of years where the community registered concerns that Chevron was not providing the level of services to Onslow that its representatives had advised it would. These concerns and the Chevron commitments were often verbal, or, were included in communications amongst several issues and where the contemporary relevance to those individual matters is now argued by Chevron as being debatable. Examples included the undergrounding of the new power supply into Onslow, the date that residents could access flights from the Onslow Airport, Chevron's overall contribution to the airport itself, or the number of houses to be built by Chevron in the Onslow Town-site.

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The most urgent present concern though, is that Chevron has secured support from the State Government to “relocate” its FIFO operational village from the the new Onslow *Barrarda Estate* residential subdivision to the ANSIA (noting that on 20/21 August, Hansard records that Chevron had been in discussion with the State Government since February 2014 on the matter of seeking to extract itself from the commitment to build the FIFO Village in Onslow).

The Shire recently coordinated a town meeting in Onslow on 2 September 2014, with the purpose being, to discuss the FIFO Village issue. Invitations were open to all community members and other commercial and government Onslow stakeholders. This Community Information Session was designed to provide stakeholders with the opportunity to learn of the reasons behind the above decision and to discuss and contribute to any mutually agreeable ways forward.

Many local residents attended and expressed their frustration at Chevron’s engagement with the Onslow community and business people. Issues raised by the community included Community Reference Group meeting notes that did not accurately reflect discussions; and businesses registering concerns about lost opportunities for commerce if the FIFO Village was not constructed within the Onslow Townsite. Chevron delegates attended to answer questions, highlighting the positive contributions Chevron had made to Onslow and Ashburton, and explaining that Chevron had done nothing wrong or illegal by its actions of seeking the relocation if the FIFO Village.

Comment

Chevron promotes itself as a responsible business and a proud corporate citizen, wishing to establish a strong relationship with Onslow’s community members and businesses so as to see mutual benefits occur over the next several decades of its operations in Onslow. Chevron in its advertising for example, highlights that *‘We couldn’t succeed without them’* (i.e. local business in Australia).

The Shire of Ashburton too, has similar expectations of itself, with the Corporate Business Plan outlining that... *the theme of the next four years is “community building – now and for the future”. This reflects the challenges and opportunities facing the Shire over the medium term. In the context of both temporary and permanent growth associated particularly with the resources sector, it is critical to build a legacy for the future, while addressing today’s pressing needs.*

Whilst there is always a cordial environment when discussions occur between Chevron and the Shire, it is apparent none-the-less that the relationship between our two organisations is “struggling” at the present time, caused largely by the many issues challenging us both and the competing interests of our respective primary stakeholders (for the Shire, the Onslow community; and for Chevron, its shareholders). It could be reasonably concluded that there is a natural incompatibility between the primary interests of a not-for-profit sphere of government, and a for-profit publicly listed corporation.

In light of the above, it is thought that there may be a disconnect between the key Chevron decision makers in its global headquarters in San Ramon, California, those within Chevron Australia (Perth) and us at the Shire of Ashburton. There would seem therefore, to be benefits in “starting again” and rebuilding the relationship along common understandings and principles, and it is hoped that this disconnect can be bridged through some form of *Memorandum of Understanding* that can clearly outline the environments of Chevron Corporation/Chevron Australia and the Shire of Ashburton, and the expectations we can each rely upon the other for. A face-to-face meeting between the respective parties could be of value in establishing personal relationships and in developing a sense of personal

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ownership to the agreement reached by being able to, for instance, outline the history of Chevron Australia's dealings with the Onslow district and to promote the benefits of a mutually beneficial partnership moving forward.

Consultation

General Manager

Statutory Environment

Local Government Act Section 1.3 (3) - In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

Financial Implications

Airfares for the President and CEO to visit San Ramon, California, would be approximately \$9,500 (business) or \$3,000 (economy) for each delegate; and accommodation, meals, land transport, etc would be approximately \$3,000 each. Whilst the annual budget can accommodate this expenditure within the present allocation for travel and accommodation, this particular meeting was not contemplated. A budget variation will likely be necessary before the conclusion of the financial year and therefore it is proposed that the cost be considered as "unbudgeted expenditure" and the motion dealt with by Absolute Majority.

There may also be the need for some legal/strategic expertise to fine-tune the Shire's draft of the Memorandum of Understanding (\$1,000 - \$2,000). This expense will be accommodated within existing budget allocations for legal services.

Strategic Implications

Shire of Ashburton 2013-2017 Corporate Business Plan. Strategic Priority 5.2 Stakeholder relationships (government and business) and advocacy. Action – Partnership Development – resources sector.

Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "High". The high level of risk is being driven by the overall size of the Wheatstone project and its potential to significantly impact the relatively small Onslow community. As a high risk matter, the CEO is monitoring the situation and actively considering the options available to the Shire.

Policy Implications

Council Policy ELM06 deals with elected member travel and accommodation whilst on Council business within Australia, but it does not address the rare need for international commitments. It is considered that the arrangements for international commitments should be dealt with on an "as needed" basis.

Voting Requirement

Absolute Majority Required

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Recommendation

That Council:

1. Support the development of a Memorandum of Understanding (or similar type document) between Chevron Corporation/Chevron Australia and the Shire of Ashburton; and
2. Authorise the President and CEO to meet with Chevron Corporation representatives at its global headquarters in San Ramon, California, if the President believes it is warranted, including business class air travel.

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr P Foster

That Council:

1. **Support the development of a Memorandum of Understanding (or similar type document) between Chevron Corporation/Chevron Australia and the Shire of Ashburton. The document to include amongst other things:**
 - **Respect**
 - **Honesty**
 - **Transparency**
 - **Commitment**
 - **Mutual understandings**
 - **Mutual benefits**
 - **To be signed by Chevron Corporation's Chairman/Chief Executive Officer, and Chevron Australia's Managing Director**
2. **Authorise the Shire President and CEO to meet with Chevron Corporation representatives at its global headquarters in San Ramon, California, if the Shire President believes it is warranted, including business class air travel; and**
3. **Note that other parties have made contact with the Shire President, including the local business representatives, and the local employee representatives and that the Shire supports the Shire President engaging with supportive parties on the potential of a joint delegation.**

CARRIED BY ABSOLUTE MAJORITY 8/0

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

Reason for Change of Recommendation:

The Chief Executive Officer advised that a revised officer recommendation had been prepared since the distribution to Councillors of the late report, suggesting some clarity around the content of the Memorandum of Understanding, and also, to capture additional information received about third parties having a common interest in the proposal.

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19. CONFIDENTIAL MATTERS

There were no Confidential Matters for this agenda.

20. NEXT MEETING

The next Ordinary Meeting of Council will be held on 15 October 2014 at the Clem Thompson Sports Pavilion, Stadium Road, commencing at 1.00 pm.

21. CLOSURE OF MEETING

The Shire President declared the meeting closed at 2.30 pm.