



**SHIRE OF ASHBURTON
ORDINARY MEETING OF COUNCIL**

**MINUTES
(Public Document)**

**Ashburton Hall, Ashburton Avenue,
Paraburdoo
19 November 2014
1.00 pm**

MINUTES - ORDINARY MEETING OF COUNCIL 19 NOVEMBER 2014

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SHIRE OF ASHBURTON ORDINARY MEETING OF COUNCIL

Dear Councillor

Notice is hereby given that an Ordinary Meeting of Council of the Shire of Ashburton will be held on 19 November 2014 at Ashburton Hall, Ashburton Avenue, Paraborndoo 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 1.00 pm.

2. **ANNOUNCEMENT OF VISITORS**

3. **ATTENDANCE**

3.1 **PRESENT**

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

3.2 **APOLOGIES**

Cr Dennis Wright Pannawonica Ward

3.3 **APPROVED LEAVE OF ABSENCE**

Cr Anthony Bloem (Subject to endorsement at item 5).

4. **QUESTION TIME**

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

At the Ordinary Meeting of Council held on 15 October 2014, there were no public questions taken on notice.

4.2 **PUBLIC QUESTION TIME**

At the Ordinary Meeting of Council held 19 November 2014, the following questions were asked.

4.2.1 Reuben Taniora (Paraburdoon):

Q1. What new initiatives is the Shire doing to encourage Recycling, now that the recycling centre is closed and why does the Shire not encourage the recycling of items at the Tip instead of using as landfill.

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Not all waste collected in the e-pods was processed for recycling. Apart from aluminium cans, the majority went to landfill.

During the past three and a half years since its inception the Shire sent approximately 15 tonnes of household recyclables such as glass, plastic, cardboard and aluminium to Perth. However, due to the limitations the Shire has faced with staffing and inadequate infrastructure and equipment, the e-pods were principally acting as a transfer facility for domestic waste.

Notwithstanding, the Shire continues to recycle tyres, steel, batteries, ink cartridges, motor oil, concrete and e-waste. In September of this year the Shire collected 5 tonnes of e-waste which was transported to Perth for recycling. The Shire has also diverted nearly 1,050 tonnes of metal, 35 tonnes of batteries, 119,510 litres of oils and 3,000 tyres through the towns' landfills to recycling facilities.

The option was to close these e-pods the short to medium term until a structured and manageable recycling program can be developed and implemented, rather than maintain them as a transfer facility where at least a part of the waste can be removed for recycling.

We have recently appointed a new Waste Management Coordinator with a strong recycling background and have also commenced work on Waste Management Strategy which, in part, will look at viable opportunities for recycling.

One of the immediate initiatives being looked at by our new Coordinator is a 'Tip Shop' type of facility to remove useful items from the waste stream before it gets to the tip face. There are some governance and infrastructure/staffing issues to resolve but it is being progressed.

4.2.2 Shane Roulstone (Tom Price):

Given that the proposed Sivergrass mine will have around 600 employees when operational and is less than 60klms from Tom Price, what actions the shire intends to take in regard to the Environmental Impact Assessment (EIA):

- Q1. That the assessment includes and considers the mental health impacts on FIFO workers of the proposed workforce.**
- Q2. Considers the social health impact on the Tom Price community of using a FIFO workforce compared to mix of FIFO and residential workers.**
- Q3. Considers the social impact of FIFO work compared to residential work on workers families.**

The Chief Executive Officer advised that whilst it is too late for the Shire to write to the Environmental Planning Authority on these issues, it can pass on the concerns to the Department of Mines and the Department of Planning, which can take the matters raised into consideration when it considers the issue of any mining licence conditions.

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4.2.3 Andrew Smith (Tom Price):

- Q1. Given the abundance of sunlight to power Solar energy in the Pilbara region, do the Shire or Rio Tinto as a major owner of housing and utilities in the Shire have plans to introduce solar power to houses and buildings which it owns?

The Chief Executive Officer advised that there is no current proposal by the Shire to introduce solar power to houses/ buildings it owns.

4.2.4 Steve Hudson (Paraburdoo):

- Q1. Has Council considered that Paraburdoo is bottom heavy with younger children that require some form of parental supervision while making the decision on the location of the skate park so that maximum usage of the facility is attained by this age group while parents attend social activities and sports on the main oval?

The Chief Executive Officer advised that Councillors did take this into consideration in its past decisions.

- Q2. Since Convic has chosen the location by IGA as prime location for the skate park since it will be one of the first things viewed in Paraburdoo will signage be placed as a promotional tool to promote Convic as the designers and how long will any signage be allowed to stand as a billboard for this company.

The Chief Executive Officer advised that there could be construction signage during the building phase of the skate park by the successful tenderer, and possibly a formal name for the skate park in due course.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr D Dias

That Council:

1. Accept the application for leave of absence from Cr Anthony Bloem in an email dated 02 November 2014 for the Ordinary Meeting being held on 19 November 2014; and
2. Accept the application for leave of absence from Cr Cecilia Fernandez for the period 10 December 2014 to 18 February 2015 (inclusive).

CARRIED 7/0

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

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6. DECLARATION BY MEMBERS

That Councillors White, Rumble, Dias, 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.

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

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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**

Onslow chamber of Commerce and Industry tabled a petition signed by 120 names in relation to the Onslow 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 15 OCTOBER 2014

Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Dias

That the Minutes of the Ordinary Meeting of Council held on 15 October 2014, as previously circulated on 22 October 2014, be confirmed as a true and accurate record, subject to the following amendment:

Item 19.2 being amended by deleting "Eyre", from the "for" vote, so as to read:

CARRIED BY ABSOLUTE MAJORITY 5/4

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

Crs Thomas, Dias, Eyre and Foster voted against the motion

Cr White used her casting vote, and voted in favour of the motion.

CARRIED 7/0

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

10. AGENDA ITEMS ADOPTED "EN BLOC"

10.1 MOVE AGENDA ITEMS 'EN BLOC'

MINUTE: 11874

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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Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr P Foster

That Council adopts en bloc the following officer recommendations contained in the Agenda for the Ordinary Meeting of Council 19 November 2013.

Item No.	Agenda Item
11.1	PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS OCTOBER 2014
11.2	ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF OCTOBER 2014
13.4	RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF SEPTEMBER & OCTOBER 2014
14.4	FINAL ADOPTION OF SCHEME AMENDMENT 26 TO REZONE THE SHIRE OF TOWN PLANNING SCHEME NO 7 TO ESTABLISH THE ONSLOW WASTE WATER TREATMENT PLANT ODOUR BUFFER SPECIAL CONTROL AREA
15.2	REQUEST TO EXCISE A PORTION OF RESERVE 19291 TO FACILITATE THE OF THE EXISTING ONSLOW LANDFILL
15.3	REQUEST TO EXCISE A PORTION OF RESERVE 19291 TO CREATE A NEW RESERVE VESTED IN THE SHIRE OF ASHBURTON FOR THE PROPOSED ONSLOW WASTE TRANSFER STATION
16.1	DEED OF VARIATION TO THE LICENCE AGREEMENT FOR THE TOM PRICE COMMUNITY RECREATION CENTRE

CARRIED 7/0

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

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11. CHIEF EXECUTIVE OFFICER REPORTS

11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS OCTOBER 2014

MINUTE: 11874

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: 27 October 2014

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

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

Summary

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

Background

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

Comment

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

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

ATTACHMENT 11.1

Consultation

Chief Executive Officer
Executive Management Team

Statutory Environment

Not Applicable

Financial Implications

Not Applicable

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

Not Applicable

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr P Foster

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

CARRIED EN BLOC 7/0

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

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

MINUTE: 11874

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

AUTHOR'S NAME AND POSITION: Janyce Smith
Executive Officer

Susan Babao
Administration Assistant, Planning

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 27 October 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 October 2014.

This report includes all actions performed under delegated authority for:

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

Background

All actions performed under delegated authority for the following items are included in the attachment.

ATTACHMENT 11.2

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

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Comment

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

This report is prepared for each Council meeting.

Consultation

Seal The Use of the Common

Chief Executive Officer

Development and Regulatory Services

Chief Executive Officer

Executive Manager, Development & Regulatory Services

Approval to Purchase Goods and Services by the Chief Executive Officer

Executive Manager, Corporate Services

Executive Manager, Strategic & Economic Development

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

Not applicable.

Statutory Environment

The Use of the Common Seal

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

Development and Regulatory Services

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

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

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

Approval to Purchase Goods and Services by the Chief Executive Officer

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

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

Financial Implications

The Use of the Common Seal

There are no financial implications related to this matter.

Development and Regulatory Services

There are no financial implications related to this matter.

Approval to Purchase Goods and Services by the Chief Executive Officer

Goods purchased in accordance with 2014/15 Budget.

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

There are no financial implications related to this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

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Risk Management

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

Policy Implications

The Use of the Common Seal

ELM 13 – Affixing the Shire of Ashburton Common Seal.

Development and Regulatory Services

There are no policy implications related to this matter.

Approval to Purchase Goods and Services by the Chief Executive Officer

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

FIN12 – Purchasing and Tendering Policy.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr P Foster

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

CARRIED EN BLOC 7/0

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

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12. COMMUNITY DEVELOPMENT REPORTS

There were no Community Development reports for this agenda.

13. CORPORATE SERVICES REPORTS

13.1 ANNUAL POLICY REVIEW OCTOBER 2014

MINUTE: 11875

FILE REFERENCE: OR.CO

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 21 October 2014

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial interest in this item.

PREVIOUS MEETING REFERENCE: Agenda 11.3 (Minute No. 11312) – Ordinary Meeting of Council 17 October 2012

Summary

Section 2.7(2)(b) of the Local Government Act 1995 ("the Act") states that the making of policy is a role of the Council. Policies provide clarity, ownership, and accountability to the Ashburton community and for the staff of the Shire. A review of all policies has been conducted to ensure accuracy and currency which reflect the Council's commitment to ensuring best practice governance principles.

An annual review of Council policies was workshopped with Councillors on 15 October 2014 (following the October OMC).

This workshop is scheduled to occur every October so staff have a timeline for conducting the regular review of policies.

However, should the need be identified in the period between reviews, a policy may still be added, revoked, amended or deleted.

The policies attached have been reviewed by key stakeholders; all Executive Managers and Councillors. The review included the need to define policy level; currency of the policy content; relevant statutory environments; policy owner and review timeframes; and formatting to align with the Shire's approved template models.

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Background

It was evident as part of the 2012 independent review of all systems, policies, procedures, risk management and integrated planning, that a more formal and documented approach to Council's governance policies and procedures would be of benefit all concerned. One of the suggestions was that Council adopt a process and a maximum four year review timetable for all of its Policies. The establishment of a formal management review system for all policies has now been implemented and aligns with the policy framework adopted by Council at the OMC in October 2012.

The review process now in place highlights Council's focus on strategic governance as it provides clarity, ownership, and accountability to the Ashburton community and for the operations staff of the Shire.

Comment

An annual review of policies has been undertaken using the new policy review management system. Reviews have been undertaken in line with ADM01 Policy and Management Directive Register Review and the ADM02 Policy Development and Review Process Management Directives.

The reviews included the need to define currency of the policy content; relevant statutory environments; policy owner; review timeframes and format.

All Council policies are kept in a Policy Register and uploaded onto the Shire's website and intranet.

Suggested policy review outcomes were presented to Councillors in a workshop held on 15 October 2014. No changes to the officer proposals were suggested by Councillors at that workshop and they are now presented (unchanged from the workshop proposals) for formal Council consideration.

The attached Policy Register spreadsheet highlights the policies which are under review for 2014. This system has been designed to manage the review process of all the Shire's policies through a four year cycle and shows you the summary details of each policy at a glance.

The changes to the policies are detailed below:

Number	Policy	Action	Changes Made
Adopt New Policy			
ELM15	Elected Members Business Wear	Next review 2018	Workshop at OCM 15 October 2015. New Policy to be adopted by Councillors.
Adopt With Minor Changes Suggested			
ADM03	Flying of Flags Council Buildings	Next review 2018	Minor changes suggested

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ELM08	Order of Business-Ordinary Council Meetings	Next review 2018	Track changes suggested with a note regarding Notice of Motions included.
ENG06	Temporary Road Closures	Next review 2018	Reviewed and Suggested track changes attached including name change to better suit policy purpose.
ENG08	Bush Fire Policy	Next review 2015	Only changes to be made are the titles of the organisations e.g., FESA changes to DFES (Department of Fire and Emergency Services); DEC changes to DPAW (Department of Parks and Wildlife)
FIN09	Authorised Signatures for Cheque/Electronic Funds Transfer (EFT) Payments	Next review 2016	Reviewed EMTT 26/9/14 With suggested minor content changes
FIN12	Purchase and Tender Policy	Next review 2016	Amended FIN12 to reflect the fact that in respect to sole/monopoly suppliers that CEO is able to determine via Delegated Authority and that an officer is to complete CEO-062 and record with the Contract.
FIN13	Accounts Receivable Recovery	Next review 2016	Reviewed EMTT 26/9/14 With suggested minor content changes
REC08	Community Donations, Grants and Funding Policy	Next review 2016	Minor changes suggested
REC09	Premier's Australia Day Awards	Next review 2018	Reviewed at EMTT on 26/9/14 with Minor change to changes to the judging procedures to align with new government processes and a name update to better reflect the policy's purpose.
Adopt With Suggested Changes			
ADM06	Use of Shire of Ashburton Logo and Crest	Next review 2015	Reviewed and updated to give better clarity when using the Logo and Crest.
ADM07	Strategic Media Policy	Next review 2015	Reviewed and updated to support current media environment.
ELM03	Recognition of Councillors and Citizens (including Commemorative Naming)	Next review 2018	ELM03 Presentations to Retiring Councillors and Citizens and Commemorative Naming (This is merge of REC03 Recognition of Citizens and ELM03 Presentations to Retiring Councillors)

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ELM09	Elected Member Information Forums	Next review 2018	Change in title to reflect new meeting structure for Councillors. Elected Members Information Forum (EMIF). Content changes made to align with new meeting structure.
EMP24	Corporate Credit Card	Next review 2016	First the DLG Use of Credit Card Guidelines No 11 allows for the CEO to set the limits for individual staff for credit cards so long as the total limit it not what is set by Council in the Annual Budget. Secondly, should there be "unknown" purchases made against a Corporate Card then the SOA Card Owner will be asked to write to the bank for clarification. Thirdly, changes to the owner of the Policy need to be addressed - this policy is better suited under Finance, Corporate Services, and both the OD Manager and Executive Manager, Corporate Services have agreed to this change.
ENG01	Street Lawns and Gardens	Next review 2018	Changes made to align with Local Law Activities on Thoroughfares and Places and Trading Local Law 2013.
REC01	Review of the Consumption of Alcohol	Next review 2018	Reviewed with modification to better assist with the issuing of Alcohol Permits for Shire events.
REC07	Tourism policy for the Shire of Ashburton	Next review 2016	Changes made with track changes in template
Revoke			
ADM05	Video Conferencing Facilities	Revoke policy	REVOKE - Policy needs to be revoked as facilities no longer exist within the Shire.
BLD01	Enclosed of Residential Carports	Revoke policy	REVOKE - Building legislation has superseded this policy
BLD02	Fencing	Revoke policy	REVOKE - The new Fencing Local Law 2014 has superseded this policy
BLD03	Construction of Retaining Walls in Residential Areas	Revoke policy	REVOKE - Building legislation has superseded this policy

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ENG07	Provision of Grids on Public Roads and Stations	Revoke policy	REVOKE - Policy reviewed and combined with ENG02
FIN02	Financial Requests	Revoke policy	Revoke directive FIN02 and include support for the RFDS in REC08 policy.
FIN08	Prize Incentive Scheme for Early Payment of Rates	Revoke policy	REVOKE - Shire rates are in the majority of corporate/resource assessments.
REC03	Recognition of Citizens	Revoke policy	REVOKE - Merged policy with ELM03
Adopt With No Content Changes			
CORP5	Risk Management Policy	Next review 2016	Reviewed - no changes suggested.
ELM10	Financial Sustainability Policy	Next review 2017	Reviewed - no changes suggested.
ELM11	Integrated Planning Policy	Next review 2016	Reviewed - no changes suggested.
ELM12	Workforce Planning and Management Policy	Next review 2015	Changed into new template format only. No content change at this point. Workshop with Councillors Is scheduled for November 2014.
ENG09	Asset Management Policy	Next review 2016	Reviewed - No changes made.
ENG10	Guidelines for Urban Development	Next review 2018	Reviewed - No changes made.
ENG12	Private Works Policy	Next review 2018	Reviewed - no changes made.
FIN04	Buy Local-Regional Price Preference policy	Next review 2018	Reviewed - no changes made.
FIN06	Significant Accounting Policy	Next Review 2016	Reviewed - No suggested content changes made. Formatted to bring policy into alignment with standard template

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FIN10	Wittenoom Townsite, Wittenoom Gorge and Yampire - Gorge Rates and Services	Next review 2016	Reviewed - No suggested content changes made. Formatted to bring policy into alignment with standard template
REC06	Vandalism - Reward for Conviction	Next review 2015	Reviewed - No suggested content changes made. Formatted to bring policy into alignment with standard template

Council policies which have undergone review in 2014 are attached to this Agenda for consideration of approval.

ATTACHMENT 13.1

The current Council level policies are on the Shire's website at:

<http://www.ashburton.wa.gov.au/the-shire/publications/view/council-policies/#publicationlist>

Consultation

Chief Executive Officer
Executive Management Team
Department of Local Government
WALGA

Statutory Environment

The Local Government Act 1995 Section 2.7(2)(b) of the *Local Government Act 1995* ("the Act") states that the making of policy is a role of the Council.

Financial Implications

There are no direct financial implications as a result of the policy review process, but there will be numerous and variable financial implications resultant from individual policy modifications.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 05 – Inspiring Governance
Objective 03 – Council Leadership
Objective 04 – 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

Reviewed policies updated as per Policy Register.

Voting Requirement

Simple Majority Required

MINUTES - ORDINARY MEETING OF COUNCIL 19 NOVEMBER 2014

Recommendation

That Council adopts:

1. The proposed new policy as per **ATTACHMENT 13.1**
ELM15 Elected Members Business Wear

2. The proposed reviewed policies as per **ATTACHMENT 13.1**
ADM03 Flying of Flags Council Buildings
ADM06 Use of Shire of Ashburton Logo and Crest
ADM07 Strategic Media Policy
CORP5 Risk Management Policy
ELM03 Recognition of Councillors and Citizens (including Commemorative Naming)
ELM08 Order of Business- Ordinary Council Meetings
ELM09 Elected Member Information Forums
ELM10 Financial Sustainability Policy
ELM11 Integrated Planning Policy
ELM12 Workforce Planning and Management Policy
EMP24 Corporate Credit Card
ENG01 Street Lawns and Gardens
ENG06 Temporary Road Closures
ENG08 Bush Fire Policy
ENG09 Asset Management Policy
ENG10 Guidelines for Urban Development
ENG12 Private Works Policy
FIN04 Buy Local- Regional Price Preference policy
FIN06 Significant Accounting Policy
FIN09 Authorised Signatures for Cheque/Electronic Funds Transfer (EFT) Payments
FIN10 Wittenoom Townsite, Wittenoom Gorge and Yampire -Gorge Rates and Services
FIN12 Purchase and Tender Policy
FIN13 Accounts Receivable Recovery
REC01 Review of the Consumption of Alcohol
REC06 Vandalism - Reward for Conviction
REC07 Tourism policy for the Shire of Ashburton
REC08 Community Donations, Grants and Funding Policy
REC09 Premier's Australia Day Awards

3. The proposed revoked policies as per **ATTACHMENT 13.1**
ADM05 Video Conferencing Facilities
BLD01 Enclosed of Residential Carports
BLD02 Fencing
BLD03 Construction of Retaining Walls in Residential Areas
ENG07 Provision of Grids on Public Roads and Stations
FIN02 Financial Requests
FIN08 Prize Incentive Scheme for Early Payment of Rates
REC03 Recognition of Citizens

MINUTES - ORDINARY MEETING OF COUNCIL 19 NOVEMBER 2014

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr D Dias

That Council adopts:

1. The proposed new policy as per ATTACHMENT 13.1
ELM15 Elected Members Business Wear

2. The proposed reviewed policies as per ATTACHMENT 13.1(with the following clarifications to policies ADM03, ENG06 and FIN12)
ADM03 Flying of Flags Council Buildings - add compliance to the National Flag Protocols.
ADM06 Use of Shire of Ashburton Logo and Crest
ADM07 Strategic Media Policy
CORP5 Risk Management Policy
ELM03 Recognition of Councillors and Citizens (including Commemorative Naming)
ELM08 Order of Business- Ordinary Council Meetings
ELM09 Elected Member Information Forums
ELM10 Financial Sustainability Policy
ELM11 Integrated Planning Policy
ELM12 Workforce Planning and Management Policy
EMP24 Corporate Credit Card
ENG01 Street Lawns and Gardens
ENG06 Temporary Road Closures – a Councillor workshop be held to enable communications of local flood history
ENG08 Bush Fire Policy
ENG09 Asset Management Policy
ENG10 Guidelines for Urban Development
ENG12 Private Works Policy
FIN04 Buy Local- Regional Price Preference policy
FIN06 Significant Accounting Policy
FIN09 Authorised Signatures for Cheque/Electronic Funds Transfer (EFT) Payments
FIN10 Wittenoom Townsite, Wittenoom Gorge and Yampire - Gorge Rates and Services
FIN12 Purchase and Tender Policy – change the review date to 2015 (annually).
FIN13 Accounts Receivable Recovery
REC01 Review of the Consumption of Alcohol
REC06 Vandalism - Reward for Conviction
REC07 Tourism policy for the Shire of Ashburton
REC08 Community Donations, Grants and Funding Policy
REC09 Premier's Australia Day Awards

3. The proposed revoked policies as per ATTACHMENT 13.1
ADM05 Video Conferencing Facilities
BLD01 Enclosed of Residential Carports
BLD02 Fencing
BLD03 Construction of Retaining Walls in Residential Areas
ENG07 Provision of Grids on Public Roads and Stations
FIN02 Financial Requests

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FIN08	Prize Incentive Scheme for Early Payment of Rates
REC03	Recognition of Citizens

CARRIED 7/0

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

Reason for Change of Recommendation:

Add clarity to flag flying protocols (ADM03 Flying of Flags Council Buildings); enable communications of local flood history (ENG06 Temporary Road Closures); and create a higher level of accountability via an annual review timeline (FIN12 Purchase and Tender Policy).

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13.2 SHIRE OF ASHBURTON FENCING AMENDMENT LOCAL LAW 2014

MINUTE: 11877

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: 4 November 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.1 (Minute Number 11854) Ordinary Meeting of Council 17 September 2014
Agenda Item 18.1 (Minute Number 11849) Ordinary Meeting of Council 20 August 2014

Agenda Item 13.3 (Minute Number 11769) Ordinary Meeting of Council 19 March 2014

Summary

The purpose of this report is to:

1. Consider the submissions received on the proposed Shire of Ashburton Fencing Amendment Local Law 2014;
2. Give notice to the purpose and effect of the Shire of Ashburton Fencing Amendment Local Law 2014;
3. Make the Shire of Ashburton Fencing Amendment Local Law 2014;
4. Authorise the local law's gazettal in the Government Gazette;
5. Give public notice, (after gazettal), of the date of the Shire of Ashburton Fencing Amendment Local Law 2014;
6. Authorise the affixing of the Common Seal to this local law.

Background

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.

Comment

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

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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.

As required by the Local Government Act the community was invited to comment on the review of the Shire's Local Law. Public consultation was undertaken as part of the advertising process required by section 3.12(3), for a minimum period of 42 days. The review was advertised on 20 September 2014 with a closing date of 3 November, 2014. No submissions were received.

Copies of the Local Law were also sent to the Department of Local Government and Communities, Legislation Section and the Minister for Commerce for comment. The Department of Local Government and Communities asked that an additional change be made in relations to the AS and AS/NZS abbreviations to provide clarity to the suggested amendment required by the JSCDL.

All changes as 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 adoption.

ATTACHMENT 13.2

Consultation

Chief Executive Officer
Executive Manager – Corporate Services
Advisory Officer (Legal) – Joint Standing Committee on Delegated Legislation
Legislation Section - Department of Local Government and Communities
Governance Manager – WALGA

Statutory Environment

Dividing Fencing Act 1961
Local Government Act 1995, Section 3.5

Financial Implications

There is the requirement for advertising, both in the Government Gazette and newspaper, estimated to be some \$1,200. There is an ongoing policing expectation of these local laws, but this expense should be similar to already budgeted actuals.

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

There are no policy implications for this matter.

Voting Requirement

Absolute Majority Required

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Council Decision

MOVED: Cr P Foster

SECONDED: Cr A Eyre

That Council:

- 1. Adopt the Shire of Ashburton Fencing Amendment Local Law 2014 as per ATTACHMENT 13.2 in accordance with the provision of the Local Government Act 1995;**
- 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 local law's gazettal in the *Government Gazette*;**
- 4. Authorise the public notice advertisement, (after gazettal), of the date of the Shire of Ashburton Fencing Amendment Local Law 2014; and**
- 5. Authorise the Shire President and the Chief Executive Officer to affix the Shire's Common Seal to the Shire of Ashburton Fencing Amendment Local Law 2014.**

CARRIED BY ABSOLUTE MAJORITY 7/0

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

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13.3 BUDGET AMENDMENT / VARIATION

MINUTE: 11878

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: 5 November 2014

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

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

Background

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

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

Comment

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

1. Community Development: Youth Activities Western Sector				
GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
119745	Ops- Budget Only (Funded activities prior year carry over)	\$109,685	-\$55,000	\$54,685
080062	Ops- General Programs Onslow	\$90,000	\$50,000	\$140,000
EV73	Ops- Welcome to Onslow Events	\$20,000	\$5,000	\$25,000

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Reason: A variation required to move funds from operations budget to appropriate programmed areas to reflect current expenditure forecasts. This variation will have nil effect on the budget.

**2. Corporate Services:
Information systems**

GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
041002	Ops- Consultants/Project cost	\$50,000	-\$16,000	\$34,000
042465	Cap- Communications Equipment	\$0	\$16,000	\$16,000

Reason: Allocation required from Business improvement budget to purchase speaker, microphone & PA system for council meetings. This variation will have nil effect on the overall budget.

**3. Infrastructure:
Roads Constructions**

GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
15204	Cap- Budget Only (Road Re-sheeting)	\$831,850	-\$831,850	\$0
15019	Cap- Roebourne Wittenoom Rd Reconstruct & Seal	\$838,804	-\$338,804	\$500,000
C217	Cap- Roebourne Wittenoom Rd Major Re-sheet	\$0	\$1,170,654	\$1,170,654

Reason: Variation required to bring capital works on Roebourne Wittenoom road major re-sheeting under one account to enable efficiency in project management and reporting. This variation will have nil effect on the budget.

**4. Infrastructure:
Waste Disposal – Management of tyres**

GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
W222	Works Prog Waste Site Tom Price	\$720,000	\$280,000	\$1,000,000
W221	Works Prog Waste Site Paraburdoo	\$348,569	\$87,500	\$436,069

Reason: The shire is required to dispose of approximately 210,000 tyres (160,000 in Tom Price and 50,000 in Paraburdoo) by May 2015. The most economical method of disposal is shredding and burying them. The cost is anticipated to be \$367,500 (tenders yet to be called). This variation will need to be funded through the Budget Review.

MINUTES - ORDINARY MEETING OF COUNCIL 19 NOVEMBER 2014

5. Infrastructure: Onslow and Nameless Valley Camp				
GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
Onslow Airport Camp				
Operating Expenditure				
135120	Transportable Accommodation Rental	\$160,000	\$324,050	\$484,050
135125	Plant Hire Expenses	\$20,000	\$41,930	\$61,930
135130	Camp Management Expenses	\$75,000	\$199,020	\$274,020
135132	Demobilisation costs	\$0	\$500,000	\$500,000
135135	Salaries & Wages	\$33,003	\$(3,653)	\$29,350
135138	Insurance	\$17,811	\$(3,961)	\$13,850
B466	Building Maintenance Airport Camp	\$12,000	\$26,950	\$38,950
O466	Operational cost Airport Camp	\$77,000	\$124,579	\$201,579
135145	Minor Assets	\$0	\$90	\$90
135146	Administration Allocation	\$44,502	\$(18,552)	\$25,950
Total		\$439,316	\$1,190,453	\$1,135,830
Operating Income				
135100	Accommodation/Rental Income	\$(100,000)	\$(389,360)	\$(489,360)
135102	Accommodation Service Fee (Non Cash)	\$(52,000)	\$(8,900)	\$(60,900)
Total		\$(152,000)	\$(398,260)	\$(550,260)
Nameless Valley Camp				
Operating Expenditure				
135220	Transportable Accommodation Rental	\$480,000	\$(271,370)	\$208,630
135225	Demobilisation costs	\$200,000	\$300,000	\$500,000
135230	Cleaning Expenses	\$129,600	\$(126,820)	\$2,780
135235	Salaries & Wages	\$24,000	\$130,286	\$154,286
135238	Insurance	\$0	\$0	\$0
135240	OP-Building Prog NV Camp	\$183,500	\$(183,500)	\$0
B467	Building Maintenance NV Camp	\$108,000	\$(93,570)	\$14,430
O467	Operational cost NV camp	\$141,600	\$(96,150)	\$45,450
135245	Minor Assets	0	\$13,630	\$13,630
135246	Administration Allocation	\$14,049	\$(6,049)	\$8,000
Total		\$1,280,749	\$(333,543)	\$947,206
Operating Income				
135200	Accommodation/Rental Income	\$(360,000)	\$314,500	\$(45,500)

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135202	Accommodation Service Fee (Non cash)	0	\$(48,150)	\$(48,150)
Total		\$(360,000)	\$266,350	\$(93,650)
Private Works				
Operating Expenditure			0	
X009	P/WKS Nameless Valley Camp	\$225,000	\$(225,000)	\$0
Reason: It was decided a mini budget review was the most appropriate way to address the funding of the Demobilisation of these two Camps. The review makes projections until the end of January 2015 and utilises any excess funds to fund a portion of the Demobilisation expenses. The net effect is that \$500,000 (tenders yet to be called) will be required to be funded through the Budget Review.				

Consultation

Executive Management Team
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 have nil impact on current budget position 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

MINUTES - ORDINARY MEETING OF COUNCIL 19 NOVEMBER 2014

Recommendation

1. Community Development: Youth Activities Western Sector				
GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
119745	Ops- Budget Only (Funded activities prior year carry over)	\$109,685	-\$55,000	\$54,685
080062	Ops- General Programs Onslow	\$90,000	\$50,000	\$140,000
EV73	Ops- Welcome to Onslow Events	\$20,000	\$5,000	\$25,000
Reason: A variation required to move funds from operations budget to appropriate programmed areas to reflect current expenditure forecasts. This variation will have nil effect on the budget.				
2. Corporate Services: Information systems				
GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
041002	Ops- Consultants/Project cost	\$50,000	-\$16,000	\$34,000
042465	Cap- Communications Equipment	\$0	\$16,000	\$16,000
Reason: Allocation required from Business improvement budget to purchase speaker, microphone & PA system for council meetings. This variation will have nil effect on the overall budget.				
3. Infrastructure: Roads Constructions				
GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
15204	Cap- Budget Only (Road Re-sheeting)	\$831,850	-\$831,850	\$0
15019	Cap- Roebourne Wittenoom Rd Reconstruct & Seal	\$838,804	-\$338,804	\$500,000
C217	Cap- Roebourne Wittenoom Rd Major Re-sheet	\$0	\$1,170,654	\$1,170,654
Reason: Variation required to bring capital works on Roebourne Wittenoom road major re-sheeting under one account to enable efficiency in project management and reporting. This variation will have nil effect on the budget.				
4. Infrastructure				

MINUTES - ORDINARY MEETING OF COUNCIL 19 NOVEMBER 2014

Waste Disposal – Management of tyres				
GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
W222	Works Prog Waste Site Tom Price	\$720,000	\$280,000	\$1,000,000
W221	Works Prog Waste Site Paraburdoo	\$348,569	\$87,500	\$436,069
Reason: The shire is required to dispose of approximately 210,000 tyres (160,000 in Tom Price and 50,000 in Paraburdoo) by May 2015. The most economical method of disposal is shredding and burying them. The cost is anticipated to be \$367,500 (tenders yet to be called). This variation will need to be funded through the Budget Review.				
5. Infrastructure: Onslow and Nameless Valley Camp				
GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
Onslow Airport Camp				
Operating Expenditure				
135120	Transportable Accommodation Rental	\$160,000	\$324,050	\$484,050
135125	Plant Hire Expenses	\$20,000	\$41,930	\$61,930
135130	Camp Management Expenses	\$75,000	\$199,020	\$274,020
135132	Demolisation costs	\$0	\$500,000	\$500,000
135135	Salaries & Wages	\$33,003	\$(3,653)	\$29,350
135138	Insurance	\$17,811	\$(3,961)	\$13,850
B466	Building Maintenance Airport Camp	\$12,000	\$26,950	\$38,950
O466	Operational cost Airport Camp	\$77,000	\$124,579	\$201,579
135145	Minor Assets	\$0	\$90	\$90
135146	Administration Allocation	\$44,502	\$(18,552)	\$25,950
Total		\$439,316	\$1,190,453	\$1,135,830
Operating Income				
135100	Accommodation/Rental Income	\$(100,000)	\$(389,360)	\$(489,360)
135102	Accommodation Service Fee (Non Cash)	\$(52,000)	\$(8,900)	\$(60,900)
Total		\$(152,000)	\$(398,260)	\$(550,260)
Nameless Valley Camp				
Operating Expenditure				
135220	Transportable Accommodation Rental	\$480,000	\$(271,370)	\$208,630
135225	Demolisation costs	\$200,000	\$300,000	\$500,000

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135230	Cleaning Expenses	\$129,600	\$(126,820)	\$2,780
135235	Salaries & Wages	\$24,000	\$130,286	\$154,286
135238	Insurance	\$0	\$0	\$0
135240	OP-Building Prog NV Camp	\$183,500	\$(183,500)	\$0
B467	Building Maintenance NV Camp	\$108,000	\$(93,570)	\$14,430
O467	Operational cost NV camp	\$141,600	\$(96,150)	\$45,450
135245	Minor Assets	0	\$13,630	\$13,630
135246	Administration Allocation	\$14,049	\$(6,049)	\$8,000
Total		\$1,280,749	\$(333,543)	\$947,206

Operating Income

135200	Accommodation/Rental Income	\$(360,000)	\$314,500	\$(45,500)
135202	Accommodation Service Fee (Non cash)	0	\$(48,150)	\$(48,150)
Total		\$(360,000)	\$266,350	\$(93,650)

Private Works

Operating Expenditure

X009	P/WKS Nameless Valley Camp	\$225,000	\$(225,000)	\$0
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Reason: It was decided a mini budget review was the most appropriate way to address the funding of the demobilisation of these two Camps. The review makes projections until the end of January 2015 and utilises any excess funds to fund a portion of the demobilisation expenses. The net effect is that \$500,000 (tenders yet to be called) will be required to be funded through the Budget Review.

Council Decision

MOVED: Cr P Foster

SECONDED: Cr A Eyre

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

**1. Community Development:
Youth Activities Western Sector**

GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
119745	Ops- Budget Only (Funded activities prior year carry over)	\$109,685	-\$55,000	\$54,685
080062	Ops- General Programs Onslow	\$90,000	\$50,000	\$140,000
EV73	Ops- Welcome to Onslow Events	\$20,000	\$5,000	\$25,000

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Reason: A variation required to move funds from operations budget to appropriate programmed areas to reflect current expenditure forecasts. This variation will have nil effect on the budget.

**2. Corporate Services:
Information systems**

GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
041002	Ops- Consultants/Project cost	\$50,000	-\$16,000	\$34,000
042465	Cap- Communications Equipment	\$0	\$16,000	\$16,000

Reason: Allocation required from Business improvement budget to purchase speaker, microphone & PA system for council meetings. This variation will have nil effect on the overall budget.

**3. Infrastructure:
Roads Constructions**

GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
15204	Cap- Budget Only (Road Re-sheeting)	\$831,850	-\$831,850	\$0
15019	Cap- Roebourne Wittenoom Rd Reconstruct & Seal	\$838,804	-\$338,804	\$500,000
C217	Cap- Roebourne Wittenoom Rd Major Re-sheet	\$0	\$1,170,654	\$1,170,654

Reason: Variation required to bring capital works on Roebourne Wittenoom road major re-sheeting under one account to enable efficiency in project management and reporting. This variation will have nil effect on the budget.

**4. Infrastructure:
Waste Disposal – Management of tyres**

GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
W222	Works Prog Waste Site Tom Price	\$720,000	\$280,000	\$1,000,000
W221	Works Prog Waste Site Paraburdoo	\$348,569	\$87,500	\$436,069

Reason: The shire is required to dispose of approximately 210,000 tyres (160,000 in Tom Price and 50,000 in Paraburdoo) by May 2015. The most economical method of disposal is shredding and burying them. The cost is anticipated to be \$367,500

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(tenders yet to be called). This variation will need to be funded through the Budget Review.				
6. Infrastructure: Onslow and Nameless Valley Camp				
GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
Onslow Airport Camp				
Operating Expenditure				
135120	Transportable Accommodation Rental	\$160,000	\$324,050	\$484,050
135125	Plant Hire Expenses	\$20,000	\$41,930	\$61,930
135130	Camp Management Expenses	\$75,000	\$199,020	\$274,020
135132	Demolisation costs	\$0	\$500,000	\$500,000
135135	Salaries & Wages	\$33,003	\$(3,653)	\$29,350
135138	Insurance	\$17,811	\$(3,961)	\$13,850
B466	Building Maintenance Airport Camp	\$12,000	\$26,950	\$38,950
O466	Operational cost Airport Camp	\$77,000	\$124,579	\$201,579
135145	Minor Assets	\$0	\$90	\$90
135146	Administration Allocation	\$44,502	\$(18,552)	\$25,950
Total		\$439,316	\$1,190,453	\$1,135,830
Operating Income				
135100	Accommodation/Rental Income	\$(100,000)	\$(389,360)	\$(489,360)
135102	Accommodation Service Fee (Non Cash)	\$(52,000)	\$(8,900)	\$(60,900)
Total		\$(152,000)	\$(398,260)	\$(550,260)
Nameless Valley Camp				
Operating Expenditure				
135220	Transportable Accommodation Rental	\$480,000	\$(271,370)	\$208,630
135225	Demolisation costs	\$200,000	\$300,000	\$500,000
135230	Cleaning Expenses	\$129,600	\$(126,820)	\$2,780
135235	Salaries & Wages	\$24,000	\$130,286	\$154,286
135238	Insurance	\$0	\$0	\$0
135240	OP-Building Prog NV Camp	\$183,500	\$(183,500)	\$0
B467	Building Maintenance NV Camp	\$108,000	\$(93,570)	\$14,430
O467	Operational cost NV camp	\$141,600	\$(96,150)	\$45,450
135245	Minor Assets	0	\$13,630	\$13,630
135246	Administration Allocation	\$14,049	\$(6,049)	\$8,000
Total		\$1,280,749	\$(333,543)	\$947,206

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Operating Income				
135200	Accommodation/Rental Income	\$ (360,000)	\$ 314,500	\$ (45,500)
135202	Accommodation Service Fee (Non cash)	0	\$ (48,150)	\$ (48,150)
Total		\$ (360,000)	\$ 266,350	\$ (93,650)
Private Works				
Operating Expenditure			0	
X009	P/WKS Nameless Valley Camp	\$ 225,000	\$ (225,000)	\$ 0
<p>Reason: It was decided a mini budget review was the most appropriate way to address the funding of the demobilisation of these two Camps. The review makes projections until the end of January 2015 and utilises any excess funds to fund a portion of the demobilisation expenses. The net effect is that \$500,000 (tenders yet to be called) will be required to be funded through the Budget Review.</p>				
<p align="center">7. Community Development: Foreshore Areas - Onslow</p>				
GL/Job Number	General Ledger Description	Current Budget	Variation Amount	Revised Budget Figure
B603	Ian Blair Boardwalk	\$ 5,000	\$ 26,000	\$ 32,000
15099	Onslow MPC - Install Reception Area	\$ 68,000	\$ (26,000)	\$ 36,000
<p>Reason: A section of the Ian Blair Memorial Boardwalk is currently closed due major termite damage. As a result, the boardwalk is structurally unsafe and a major hazard to the community and cannot be used to its full potential due to the closure. Funds are required to undertake urgent repair works.</p>				
<p align="right">CARRIED BY ABSOLUTE MAJORITY 5/2 Crs White, Rumble, Eyre, Foster, and Thomas voted for the motion Crs Diaz, and Fernandez voted against the motion</p>				

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13.4 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF SEPTEMBER & OCTOBER 2014

MINUTE: 11874

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: 6 November 2014

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

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

Background

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

Comment

As at the date of writing the agenda, below items have yet to be finalised for 2013/14 financial year end, which have a flow on effect on the financial data for 2014/15 year.

Depreciation on fixed assets have 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 until allocations for 2013/14 year is finalised.

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

September 2014

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

ATTACHMENT 13.4A

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October 2014

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

ATTACHMENT 13.4B

Consultation

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

Statutory Environment

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

Financial Implications

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

Strategic Implications

Shire of Ashburton 10 year Community Strategic Plan
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 C Fernandez

SECONDED: Cr P Foster

That Council:

- 1. Accepts the Financial Reports for September 2014 ATTACHMENT 13.4A; and**
- 2. Notes the Schedule of Accounts and Credit Cards paid in October 2014 as approved by the Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds as per ATTACHMENT 13.4B.**

CARRIED EN BLOC 7/0

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

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Declaration of Interest

Prior to consideration of this Agenda Item Crs White, Dias, Eyre and Neil Hartley declared a financial interest in Agenda Item 13.5 in accordance with relevant section 5.60A of the Local Government Act. Cr White interest being she is a shareholder in BHP of more than \$10,000, Cr Dias interest being he is a shareholder in FMG and BHP to the value in excess of \$10,000, Cr Eyre interest being she is a shareholder of BHP more than \$10,000 and Neil Hartley is a shareholder of FMG.

Crs White, Dias, Eyre and Neil Hartley left the room at 1.43 pm.

Deputy President Cr Linton Rumble took the chair at 1.43 pm.

13.5 GRV RATING OF WORKER ACCOMMODATION FACILITIES

MINUTE: 11879

FILE REFERENCE: FI.RA.12.00

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 7 November 2014

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

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

Summary

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

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

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

Background

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

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

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

The report went on to state;

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

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

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

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

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

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

The Administration is presently researching, with the assistance of legal advice from the Shire Solicitor, each individual state agreement, with the objective of establishing

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the potential to GRV rate capital improvements in accordance with each state agreement.

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

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

After considering the report Council resolved;

"That Council

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

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

A copy of the Council policy is attached.

ATTACHMENT 13.5A

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

- A GRV valuation estimate shall be obtained from Landgate's Valuation and Property Section and an initial assessment made of the rate liability of the facility,*
- The ratepayer shall be advised of the proposed GRV rating of his/her property. A copy of the valuation estimate and the estimate of the rates payable shall be provided to the ratepayer, who will also be provided with an opportunity to make a written submission to Council.*
- A report in relation to each facility to be rated shall be submitted to Council,*

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prior to the application being submitted to the Minister. The report shall address the matters identified in Paragraph 2.5 of the Department of Local Government's Guidelines No 2.

- *A submission in relation to each facility to be rated shall be submitted to the Minister for determination. The submission shall address the matters identified in Paragraph 2.5 of the Department of Local Government's Guidelines No 2.*

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

Comment

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

Details of approximately twelve more WAFs, containing in the vicinity of 8000 beds, are presently being finalised by the Administration. It is anticipated that this information will have been submitted to Landgate, for valuation estimates, by the time of the Council meeting.

The owners of three WAFs, for which "Landgate GRV estimates" have been received, have been formally advised, in writing, of the Shire's proposal to GRV their WAF sites. The three WAFs are;

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

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

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

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

ATTACHMENT 13.5B
ATTACHMENT 13.5C
ATTACHMENT 13.5D

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

Paulsens Camp (Northern Star Resources Ltd)

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

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A copy of the company's submission is attached.

ATTACHMENT 13.5E

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

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

Spinifex Camp (BHP Billiton Ltd)

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

ATTACHMENT 13.5F

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

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

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

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

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

Rating

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

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

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The BHP representatives did not challenge this statement.

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

Bonnie Doone Camp (FMG Ltd)

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

ATTACHMENT 13.5G

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

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

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

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

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

Consultation

Chief Executive Officer
Executive Manager – Corporate Services
General Manager

Senior Consultant Valuer – Landgate

Statutory Environment

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

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

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

“GRV will apply to relevant interests and resource interests only in respect of particular improvements including accommodation, recreation and administration facilities, associated buildings and maintenance workshops. High value operational and processing plant will be excluded from the GRV valuation.”

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

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

Financial Implications

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

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

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 5 - Inspiring Governance

Objective 4 - Exemplary Team and Work Environment

Risk Management

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

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

Policy Implications

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

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Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

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

1. The site of Paulsens Camp (owner, Northern Star Resources Ltd), generally as identified in ATTACHMENT 13.5B to this report;
2. The site of Spinifex (Yandi Mine) Camp (owner, BHP Billiton Ltd), generally as identified in ATTACHMENT 13.5C; and
3. The site of Bonnie Doone Camp (owner, FMG Ltd), generally as identified in ATTACHMENT 13.5D.

CARRIED 4/0

Crs Rumble, Foster, Fernandez and Thomas voted for the motion

Crs White, Dias, Eyre and Neil Hartley entered the room at 1.45 pm.

Shire President Cr Kerry White resumed the chair at 1.45 pm.

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14. DEVELOPMENT AND REGULATORY SERVICES REPORTS

14.1 SEEKING COUNCIL COMMENT ON DRAFT IMPROVEMENT PLAN FOR ASHBURTON NORTH STRATEGIC INDUSTRIAL AREA

MINUTE: 11876

FILE REFERENCE:	OR.IG.2.20
AUTHOR'S NAME AND POSITION:	Lee Reddell A/Executive Manager – Development & Regulatory Services
NAME OF APPLICANT/RESPONDENT:	Western Australian Planning Commission
DATE REPORT WRITTEN:	4 November 2014
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Western Australian Planning Commission wrote to the Shire of Ashburton in October 2014 to request that Council formally consider the draft Improvement Plan that has been prepared for the Ashburton North Strategic Industrial Area near Onslow (at the request of the Department of State Development).

An Improvement Plan is a high level guiding document that has no statutory weight but is required in order to authorise the preparation of a subsequent Improvement Scheme, which is the mechanism used to remove the affected area from the normal planning controls of the Shire's Town Planning Scheme No. 7.

Background

- In August 2013, the Department of State Development (DSD) received funding from Infrastructure Australia to progress planning for key Strategic Industrial Areas (SIA's) in Western Australia;
- In April 2014, DSD formally requested that the Western Australian Planning Commission (WAPC) initiate the preparation of three Improvements Plans (IP's) for 'Maitland' and 'Anketell' in the City of Karratha and 'Ashburton North' (ANSIA) in the Shire of Ashburton;
- In May 2014, officers from DSD gave Shire staff, including the CEO and the Principal Town Planner, a briefing on its plans to initiate an Improvement Plan over ANSIA;
- In May 2014 the WAPC resolved to prepare IP's for Anketell, Maitland and ANSIA and it is understood that the Minister for Planning subsequently provided support for this position in June 2014;
- At the September 2014 Ordinary Meeting of Council, DSD made a presentation to the elected members to clarify why it is seeking to introduce an IP (and subsequently an

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Improvement Scheme) for ANSIA and describe the statutory procedure and expected timeframes for this process;

- On 9 October 2014 the first of a series of Stakeholder Reference Group meetings relating to the proposed ANSIA IP was held in Perth and was attended by the Shire President, the CEO and the Acting Executive Manager of Development and Regulatory Services.

Comment

The WAPC wrote to the Shire on 22 October 2014 to request that Council formally consider and provide comment on the draft IP prepared for the ANSIA. Referral to the Council of the Shire of Ashburton for comment is a statutory requirement under the provisions of the Planning and Development Act 2005.

Section 119 (3B) of the *Planning and Development Act 2005* requires that:

“Before making a recommendation under subsection (1)(b) in relation to an improvement plan that authorizes the making of an improvement scheme to apply to land in the district of a local government, the Commission must consult with the local government.”

ATTACHMENT 14.1

The draft IP (see **ATTACHMENT 14.1**) includes, amongst other things, the proposed objectives which will inform any subsequent Improvement Scheme (IS) and a map which defines the proposed IP area. In this case, the affected area is proposed to comprise the ANSIA itself as well as a 3km buffer to minimise any future conflict between land uses. It is important to note that an IP is a high level guiding document that does not have any statutory weight, but rather acts as a forerunner to any subsequent IS. The proposed IP will not remove control over the use or development of land within ANSIA from the existing provisions of the Shire of Ashburton Town Planning Scheme No. 7 (TPS7). This means that any development undertaken under an approved IP is still subject to the normal requirements of the TPS7 until such time as an IS has been approved and gazetted.

One of the purposes of an IP is to authorise the preparation of an IS for a specified area. In respect to ANSIA, advice from the WAPC is that this process is expected to take a minimum of 18 months, with an IS for ANSIA unlikely to be approved and gazetted until March 2016 at the earliest. The provisions of the IS will prevail over TPS7 once this takes place.

Part 15 of the draft IP considers the objectives which will inform the subsequent preparation of any IS. The draft objectives include:

- a. *“To create a strategic industrial estate comprising major hydrocarbon processing industries and synergistic services and/or facilities with viable port access;*
- b. *Ensure the efficient use of land for the long-term industrial development of a strategic industrial area of regional, state and national significance;*
- c. *To provide an internationally competitive industrial estate that offers a layout designed to facilitate and encourage industry synergies, functional transport links and where possible, the sharing of infrastructure networks and corridors;*
- d. *To minimise and mitigate the impact on the surrounding land, the terrestrial and marine environment, and the Onslow community;*
- e. *To ensure the appropriate separation and layout of land uses through the appropriate internal and external buffers to prevent incompatible or conflicting land uses.”*

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The proposed objectives are considered reasonable in the context of the existing strategic intent for the area and are similar to those prescribed for development in the ANSIA Structure Plan, which was endorsed by Council in October 2011. As such, the proposed objectives are considered a sound base for an IS should one be prepared.

While it is acknowledged that some Councillors expressed initial concern regarding the State's motivations for removing ANSIA from the normal planning controls of the Shire, it is apparent that the area has State level significance and as such it is not of surprise that it be mooted for an IP and IS. It is noted that DSD has also recently sought to initiate IP's for the 'Maitland' and 'Anketell' areas in the City of Karratha and as such, it is clear that this is not an exercise targeted specifically at Ashburton. It is also noted that there are currently 37 approved IP's across the State, with 'Browse' near Broome being the most recently approved.

Should an IS be initiated, the WAPC have indicated that there will be several opportunities for the Shire and Council to comment on the content, prior to it being considered for approval, via on-going participation in the Stakeholder Reference Group and through the formal advertising process, which is required by the Planning and Development Act 2005. It is considered unlikely that there will be any significant opportunity for formal discussion around Council's concerns relating to the provision for permanent/operational accommodation in ANSIA (noting that TWA's are permitted under the current Scheme provisions in the Special Use Zone No. 2 for construction purposes) until the particulars of an IS are drafted and can be reviewed.

DSD noted that at its presentation to Council at the September OMC there was some concern relating to the potential for the proposed 3km buffer around ANSIA to impact on existing uses in the area and has provided the following advice to address this concern:

"Industry buffers are required to provide an adequate separation distance between heavy industries (that produce air, noise, dust, odorous and other emissions) and sensitive land uses. Buffers provide a dual role in protecting industry from the encroachment of sensitive land uses and protecting nearby sensitive land users into the future from potential impacts of industry.

As part of the Ashburton North Strategic Industrial Area (ANSIA) Structure Plan a 3km Strategic Industry Buffer Area was determined for the Hydrocarbon Industry and Future Industry Area, taking into account the cumulative noise, risk and air quality impacts of full development. Following further environmental analysis to inform the Improvement Plan boundary, a 3km buffer has been identified as suitable for the Utilities Area and a 1km buffer for the State 2 Area.

The main purpose of the Strategic Industry Buffer Area is to protect the ANSIA from the establishment of sensitive land uses within a distance that may limit the development or operational requirements of industries within the ANSIA. Sensitive land uses include community, institutional or other uses involving residential accommodation. General, noxious, hazardous and other industrial uses, which would contribute to the cumulative impacts of industries located within the ANSIA, are also not appropriate to locate within the buffer area.

Proposals which are compatible with the Strategic Industry Buffer Area and do not restrict the full development of the ANSIA, such as agricultural, conservation, recreation and some tourism uses, may be considered suitable for this area. Operations carried out by Onslow Salt within the buffer area under its State Agreement Act will not be impacted by the buffer.

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To provide the required long term certainty that industries within the ANSIA will remain adequately buffered from sensitive land uses, the Strategic Industry Buffer Area will be given statutory effect through the Improvement Scheme. To enable the Improvement Scheme to apply to this area, the Strategic Industry Buffer Area has been included in the Improvement Plan area. This is consistent with the approach taken across the State's strategic industrial areas."

From a planning perspective the proposed introduction of an IP and subsequent IS raise no significant concerns provided that any detail relating to WAPC and Shire responsibilities is clear and equitable and that orderly and proper planning can be achieved. It is noted again that until an IS has been introduced the land use and development controls for ANSIA remain as per the current TPS7 provisions and the Shire (or the Development Assessment Panel where appropriate) remains the Responsible Authority for decision making.

In addition, it is noted that given the Shire's limited staffing resources, the introduction of an IP & IS for ANSIA may actually be beneficial in terms of workload given the expected complexity of applications and the volume of work if secondary industries take off in response to perceived synergies with the nearby LNG producer/s.

Acknowledging the significant nature of the ANSIA to Western Australia, the CEO has highlighted concern that the "taking over" of historic local government planning responsibilities when not undertaken on a uniform and state-wide basis, should be of concern to every Western Australian local government. The removal of this planning role has the potential of removing the direct link between the community and its local government's elected representatives, and the actual planning decision. It can therefore also remove the potential of the local community to guide planning within the area in question.

Whilst a conditional response of 'no objection' to the draft IP (subject to any relevant planning considerations such as the suitability of accommodation in an identified industrial area, clear referral requirements and responsibility for compliance being thoroughly considered and addressed prior to the approval of any subsequent IS) is appropriate in the circumstances, the CEO has also recommended that it would also be quite proper for the Council to raise this matter of planning "roles and responsibilities" with the Western Australian Local Government Association, and for it to contemplate the question from a "whole of government" perspective and to engage with other local governments and the State Government, on this very important question.

Consultation

Shire President

Chief Executive Officer

A/Executive Manager – Development and Regulatory Services

Statutory Environment

Planning and Development Act 2005

Financial Implications

There are staff and meeting and attendance costs.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 4 – Distinctive and Well Served Places

Objective 3 – Well Planned Towns

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Risk Management

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

Policy Implications

There are no policy implications.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Provide written advice to the Western Australian Planning Commission that Council has no 'in principle' objections to the continued preparation of an Improvement Plan over the Ashburton North Strategic Industrial Area or the objectives proposed at Part 15 of the draft Improvement Plan which will inform the preparation of any subsequent Improvement Scheme but requires that the following preliminary concerns (and any subsequent concerns raised during the consideration of an Improvement Scheme) be addressed during the preparation of an Improvement Scheme for the area;
 - a) The provision of residential accommodation within ANSIA should be limited to construction workforces only, as per the current Shire of Ashburton Town Planning Scheme No. 7 provisions, and no permanent or operational workforces should be permitted to reside in the strategic industrial estate as it would represent a poor planning outcome and negatively affect the potential for growth of the nearby Onslow town site;
 - b) That there be provision within any Improvement Scheme requiring formal referral for to the Shire of Ashburton for all development applications to ensure that local issues can be raised and considered as part of any assessment process;
 - c) The responsibility for any planning compliance monitoring and subsequent actions should be clearly defined within any Scheme (and the relevant position created and funded) as it is considered highly unlikely that the Department of Planning currently has the resources to actively monitor or pursue issues of non-compliance in this remote location;
 - d) That the background information incorporated within the Ashburton North Strategic Industrial Area Structure Plan, which was endorsed by Council in October 2011, and the relevant statutory provisions are considered and utilised as appropriate in the preparation of any Improvement Scheme.
2. Refer the matter of planning "roles and responsibilities" to the Western Australian Local Government Association, and seek for it to consider the question of Improvement Plans and Improvement Schemes from a "whole of local government perspective", and to engage with the Shire of Ashburton and other relevant local governments (and the State Government) on this very important question.

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Council Decision

MOVED: Cr A Eyre

SECONDED: Cr P Foster

That Council:

1. Provide written advice to the Western Australian Planning Commission that Council has no 'in principle' objections to the continued preparation of an Improvement Plan over the Ashburton North Strategic Industrial Area or the objectives proposed at Part 15 of the draft Improvement Plan which will inform the preparation of any subsequent Improvement Scheme but requires that the following preliminary concerns (and any subsequent concerns raised during the consideration of an Improvement Scheme) be addressed during the preparation of an Improvement Scheme for the area;
 - a) The provision of residential accommodation within ANSIA should be limited to construction workforces only, as per the current Shire of Ashburton Town Planning Scheme No. 7 provisions, and no permanent or operational workforces should be permitted to reside in the strategic industrial estate as it would represent a poor planning outcome and negatively affect the potential for growth of the nearby Onslow town site;
 - b) That there be provision within any Improvement Scheme requiring formal referral for to the Shire of Ashburton for all development applications to ensure that local issues can be raised and considered as part of any assessment process;
 - c) The responsibility for any planning compliance monitoring and subsequent actions should be clearly defined within any Scheme (and the relevant position created and funded) as it is considered highly unlikely that the Department of Planning currently has the resources to actively monitor or pursue issues of non-compliance in this remote location;
 - d) That the background information incorporated within the Ashburton North Strategic Industrial Area Structure Plan, which was endorsed by Council in October 2011, and the relevant statutory provisions are considered and utilised as appropriate in the preparation of any Improvement Scheme.
2. Refer the matter of planning "roles and responsibilities" to the Western Australian Local Government Association, and seek for it to consider the question of Improvement Plans and Improvement Schemes from a "whole of local government perspective", and to engage with the Shire of Ashburton and other relevant local governments (and the State Government) on this very important question; and
3. Seek agreement from Chevron, including for a change to the Workforce Management Plan and Deed to require contractors to take up a reasonable amount of the vacant accommodation in the Onslow townsite.

CARRIED 7/0

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

Reason for Change of Recommendation:

There is an excess of residential accommodation currently available in Onslow.

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14.2 CONSIDERATION OF LOCAL GOVERNMENT CLIMATE CHANGE DECLARATION

MINUTE: 11880

FILE REFERENCE: OR.IG.3.9

AUTHOR'S NAME AND POSITION: Lee Reddell
A/Executive Manager Development & Regulatory Services

NAME OF APPLICANT/RESPONDENT: WALGA

DATE REPORT WRITTEN: 6 November 2014

DISCLOSURE OF FINANCIAL INTEREST: There author has no financial interest in this matter.

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

WALGA wrote to the Shire of Ashburton in September 2014 to request that the Shire of Ashburton become a signatory to the Local Government Climate Change Declaration which it has developed in response to advice from West Australian Local Governments that climate change is a significant area of environmental concern. Becoming a signatory provides WALGA with in principle support for its policy and advocacy work on climate resilience issues.

Background

WALGA wrote to the CEO on 22 September 2014 to request that the Shire become a signatory to the Local Government Climate Change Declaration. See a copy of the letter at **ATTACHMENT 14.2A** and a copy of the draft declaration at **ATTACHMENT 14.2B**.

ATTACHMENT 14.2A
ATTACHMENT 14.2B

WALGA is seeking support for its policy and advocacy work on climate resilience issues by way of offering Local Governments the opportunity to become a signatory to its Climate Change Declaration. WALGA has indicated that to date, 33 Local Governments from across the State have signed the declaration, providing representation for over 1.3 million residents.

WALGA has indicated that the wording of the draft declaration can be altered to suit the individual needs of the Local Government should the Shire wish to strengthen its intent or include locally relevant targets. Given the Shire's responsibility to provide leadership in the community, it is recommended that Council consent to the Shire becoming a signatory to the declaration and allow the relevant staff, as determined by the CEO, to determine appropriate targets and goals with reference to the particular context of the Shire of Ashburton.

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Consultation

Chief Executive Officer
A/Executive Manager – Development and Regulatory Services

Statutory Environment

There are no statutory impediments.

Financial Implications

There are no financial implications for this matter of present, however mitigating climate change will have financial impacts (yet to be defined).

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 3 – Unique Heritage and Environment
Objective 2 – Leading Regional Sustainability

Risk Management

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

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr P Foster

That Council consent to the Shire becoming a signatory to the Local Government Climate Change Declaration.

CARRIED 5/2
Crs Rumble, Dias, Eyre, Foster and Fernandez voted for the motion
Crs White and Thomas voted against the motion.

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14.3 REQUEST TO DEDICATE PROPOSED EXTENSION OF SECOND AVENUE, ONSLOW THROUGH UNALLOCATED CROWN LAND TO PROVIDE ALTERNATIVE ACCESS TO LOT 381 THIRD AVENUE

MINUTE: 11881

FILE REFERENCE: ON.TH.0381.00

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

NAME OF APPLICANT/RESPONDENT: Department of Lands

DATE REPORT WRITTEN: 5 November 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 14.15, Minute 11686 – Ordinary Meeting of Council 20 November 2013
Agenda Item 13.2, Minute 11029 – Ordinary Meeting of Council 21 September 2011

Summary

Council has received a request from the Department of Lands (DoL) for comments and/or objections to the proposed extension of Second Avenue, Onslow to facilitate an alternative road access to Lot 381 Third Avenue.

This request relates to previous requests by the landowner of Lot 381 to provide an alternative access to Lot 381 from Second Avenue in place of the existing legal (unconstructed) access from Third Avenue. The proposed new access generally corresponds to the informal track currently used to access the site and is reflected in the Development Plan adopted by Council as part of Local Planning Policy 29 'Lot 381 Second-Third Avenue, Onslow'.

Background

At its Ordinary Meeting on 20 November 2013, Council adopted for final approval Local Planning Policy 29 'Lot 381 Second-Third Avenue, Onslow' to guide the development of the land for a mixture of residential and commercial uses in accordance with a Development Plan attached to the Policy.

Condition 5 of the Development Plan is relevant to this request and states:

5. *Vehicular access to the site shall be via an extension of Second Avenue*

Council had previously considered the issue of an alternative access to Lot 381 at its Ordinary Meeting on 21 September 2011 where it resolved (in part):

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1. Resolve that for the purposes of discussion with State agencies, Council resolve to support the concept of road connection between Lot 381 and Second/Third Avenue, Onslow, subject to 2 below.
2. Request the Chief Executive Officer to:
 - i) Advise the owner of Lot 381 that in relation to 1 above, the owner will be responsible for all costs related to the process which would include (but not necessarily be limited to):
 - surveying costs;
 - Shire administration costs;
 - Native title assessments;
 - all costs associated with “acquisition” from State Land Services;
 - all costs associated with a “subdivision” application to the Western Australian Planning Commission; and ultimately
 - all construction costs associated with the road connection between Lot 381 and Second Avenue.
 - ii) Seek confirmation in writing from the owner of Lot 381 accept the costs referred to in 2 above.
 - iii) Commence the process of a new road reserve as described in 1 above once the land owner has responded as required in 2(ii) above.
 - iv) Continue discussions with the owner of Lot 381 in relation to determining the most appropriate access arrangements to Lot 381.

In accordance with this resolution, the proponent has been advised that all costs regarding the new road connection are to be at the landowners cost. Through the proponent, the landowner has confirmed that they will bear the cost of the road extension.

Accordingly, at the request of the proponent, Harley Dykstra Planning and Survey Solutions, it is proposed that Council request the Minister for Lands to dedicate as public road that portion of Lot 414 identified as ‘Proposed Extension’ on the *Overall Plan of Subdivision – Lot 381 Third Street Onslow* dated 30 June 2014 (**ATTACHMENT 14.3A**).

Prior to making this request to the Minister for Lands, it is recommended that a suitable mechanism be implemented to ensure that the landowner of Lot 381 construct the road to the Shire’s specification and satisfaction. This will ensure that the road is constructed to the appropriate standard prior to the development and use of Lot 381.

The Shire’s Manager Works and Civil Services has been consulted with regards to this matter and has prepared an estimated cost to the road construction works (**ATTACHMENT 14.3B**) with this estimate for \$170,971.50 proposed with the following qualifications:

- i) There are no detailed design drawings to extract accurate quantities or schedules;
- ii) Prescribed DA conditions are not available for the infrastructure standards applied to this DA;
- iii) The assumption that the IPWEA Subdivisional standards would apply;
- iv) This proposal will be a legacy problem into the future with waste kerbside collection servicing and bin locations;
- v) There is no provision for visitor on street parking or other service vehicle parking and this will have the potential to obstruct the cul-dec-sac for turning movements;

Accordingly, it is proposed that prior to the Minister for Lands being requested to dedicate the unallocated Crown land as public road, that the landowner of Lot 381 be required to provide a bank guarantee or bond for \$175,000 with a sunset clause of 12 months due to the potential for this cost to escalate over a longer period.

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Comment

Council has considered the extension of Second Avenue to provide a new access to Lot 381 on a number of occasions, with the final adoption of Local Planning Policy 29 providing a strong indication that Council would support some form of direct access from Second Avenue to the lot on the alignment of the existing informal track.

As noted in the Manager Works and Civil Services comments, this road extension may create a number of legacy issues for the Shire, although these may be in part mitigated through future conditions of planning approvals for the site, and through ongoing management of the use of the new public road.

This proposal will effectively create a public road for the exclusive use of the landowners and future occupiers of Lot 381 as the extension is unlikely to service any other future development. It is unknown whether the option of having the Landowner purchase the portion of land required for the road extension and amalgamated with Lot 381 was considered as this may have provided a more suitable outcome from the Shire's perspective.

As the Landowner requires the land to be dedicated as a public road prior to being able to commence construction of the road itself, it is appropriate to require the payment of a bank guarantee or bond to ensure the road is constructed to appropriate standards. This bond would be released on final approval by the Shire that the road was a suitable asset to be accepted for ongoing maintenance.

Consultation

Manager Works and Civil Services

Statutory Environment

Land Administration Act 1997

Land Administration Regulations 1998

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

Goal 04 - Distinctive and Well Serviced Places

Objective 03 - Well Planned Towns

Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. So long as the bond/bank guarantee is incorporated into the resolution, the perceived level of risk is considered to be "Low" risk and can be managed by routine procedures, and is unlikely to need specific application of resources.

Policy Implications

Local Planning Policy 29 – Lot 381 Second-Third Avenue Onslow

Voting Requirement

Simple Majority Required

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Council Decision

MOVED: Cr A Eyre

SECONDED: Cr D Dias

That Council:

1. Advise the proponent that, prior to requesting the Minister for Lands to dedicate the extension to Second Avenue, Onslow to access Lot 381:
 - a. The Landowner is to provide the Shire of Ashburton with a bond (or bank guarantee) for \$175,000 to be released by the Shire on satisfactory construction of the extension of Second Avenue Onslow to Lot 381;
 - b. Should the road extension not be completed within 12 months of this resolution, the bond/bank guarantee amount shall be recalculated and the Landowner shall be responsible for any estimated cost increase;
 - c. The Landowner of Lot 381 is to indemnify the Shire against any costs incurred as a result of dedicating the road extension of Second Avenue to Lot 381;
2. On receipt of the bond required under part 1 of this resolution, that Council:
 - a. Request the Minister for Lands to dedicate that portion of land identified as 'Proposed Extension' on the *Overall Plan of Subdivision – Lot 381 Third Street Onslow* dated 30 June 2014 as public road; and
 - b. Indemnify the Minister for Lands against any costs incurred in the dedication of the extension of Second Avenue.

CARRIED 6/1

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

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14.4 FINAL ADOPTION OF SCHEME AMENDMENT 26 TO REZONE THE SHIRE OF ASHBURTON TOWN PLANNING SCHEME NO 7 TO ESTABLISH THE ONSLOW WASTE WATER TREATMENT PLANT ODOUR BUFFER SPECIAL CONTROL AREA

MINUTE: 11874

FILE REFERENCE: RE.ON.R.19291
PS.TP.26

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

NAME OF APPLICANT/RESPONDENT: Water Corporation

DATE REPORT WRITTEN: 26 September 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 14.4 (Minute No. 11617) – Ordinary Meeting of Council 21 August 2013
Agenda Item 14.2 (Minute No. 11630) – Ordinary Meeting of Council 18 September 2013

Summary

At its Ordinary Meeting on 18 September 2013, Council initiated Amendment 26 to the Shire of Ashburton Town Planning Scheme No 7 (TPS7) to insert new text into the Scheme to establish a Waste Water Treatment Plant Odour Buffer Special Control Area. The Onslow wastewater treatment plant (WWTP) is located at Lot 185 on Deposited Plan 219197 and is held as managed reserve 47957 by the Water Corporation. The Crown reserve purpose is 'Buffer strip, water supply, and waterway'.

In particular, Amendment 26 seeks to change the Scheme reserve purpose for Lot 185 to:

- Reflect the site of the Waste Water Treatment Plant (WWTP) on Reserve 47957 under the Scheme from "Conservation, Recreation and Natural Landscapes" reserve to a reserve for "Public Purposes – WD (Water and Drainage) & WDT (Waste Disposal and Treatment)."
- Establish a WWTP odour buffer through the designation of a new 'Special Control Area' under the Scheme called "Onslow Waste Water Treatment Plant Odour Buffer." and
- Insert provisions into the Scheme Text to provide special development controls within the buffer area.

In accordance with the requirements of the Planning and Development Act 2005, Amendment 26 has been referred to the Environmental Protection Authority and subsequently advertised for public comment.

The purpose of this report is for Council to consider the submissions received during the public advertising of Amendment 26 and determine whether to proceed to final adoption of the amendment with or without modification.

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Following Council's resolution of this matter, the Amendment 26 documentation will be forwarded to the Western Australian Planning Commission, along with Council's resolution and any recommended modifications for consideration and final determination by the Minister for Planning.

Background

Lot 185 is currently reserved in the *Shire of Ashburton Town Planning Scheme No.7 (TPS7)* for two discrete purposes – predominantly the lot is reserved for 'Conservation, Recreation and Natural Landscape', with a smaller portion reserved for 'Public Purposes – Water and Drainage'. These Scheme reserves do not accurately reflect either the use of the land, or the Crown reserve purposes.

Amendment 26 therefore seeks to align the TPS7 maps with the ongoing use of the land as a wastewater treatment plant and also introduces provisions for a land use buffer that will ensure that future development of land considers the potent for odour from the WWTP that may affect use and enjoyment of surrounding land.

As discussed in previous Council Meeting reports, Amendment 26 is in accordance with the *Onslow Townsite Strategy* and meets the strategic planning for the Onslow Townsite.

In correspondence dated 13 January 2013, the EPA advised that the amendment needs no formal level of assessment and offered advice with regard to the proposal. This advice is reflected in the submission schedule listed under the Consultation heading of this report.

Following advice from the EPA, Amendment 26 was advertised in the local newspaper and directly to significant stakeholders in accordance with the Town Planning Regulations 1967 with submissions received from:

- Main Roads Western Australia
- The Water Corporation
- The Department of Water
- The Department of Health
- Chevron
- LandCorp

These submissions are summarized below along with a recommended response.

Comment

Amendment 26 is an appropriate response to the ongoing use and development of Lot 185 as a wastewater treatment plant and recognizes the future use of part of this land for the proposed Onslow Ring Road. The creation of a Buffer Special Control Area has further merit in ensuring the Shire has appropriate planning control over surrounding land that may be affected by odour emanating from the WWTP.

The comments received in response to the advertising of this amendment all support or do not object to the Amendment, with the only recommended changes to the Amendment Map being to modify the map to reflect the normal presentation of a scheme amendment, and clarify a number of new Scheme provisions (see **ATTACHMENT 14.4A**)

The only other modification recommended to Amendment 26 is to replace the bullet points in the proposed inserted text under clause 7.10.3 with letters. This will allow greater accuracy in referencing these clauses when referring to the Special Control Area in future applications for planning approval, Council reports, or other correspondence and is preferred formatting for local planning schemes.

- i. Inserting new sub-section 7.10 to read as follows:

7.10 Waste Water Treatment Plant Odour Buffer Special Control Area

7.10.1 The purpose of identifying the Waste Water Treatment Plant Odour Buffer is to avoid incompatible or odour-sensitive land use or development being established within the odour buffer, and to protect the long term operation of the plant which provides an essential service to the community through the treatment, re-use and safe disposal of the town's waste water.

7.10.2 Despite the land use permissibility indicated in the Scheme Zoning Table or any provisions elsewhere in the Scheme, Planning Approval is required for any proposed use or development within the Waste Water Treatment Plant Buffer Special Control Area as depicted on the Scheme Map.

7.10.3 The Waste Water Treatment Plant and its associated infrastructure may create odour and/or noise nuisance to surrounding land uses. Therefore, when determining applications for planning approval for development or land use within the Special Control Area, the Council shall:

- a) Consider the compatibility of the use or development with wastewater treatment plant infrastructure having regard to potential odour and noise emissions from the waste water treatment plant;
- b) Consider whether the use or development would have a detrimental impact on the long term operation of the waste water treatment plant;
- c) Obtain and have regard to the advice and recommendations of the Water Corporation and the Department of Environment Regulation and any relevant policies of the Department of Environment Regulation and the Western Australian Planning Commission, including State Planning Policy 4.1 (State Industrial Buffer Policy);
- d) Impose conditions as appropriate on any planning approval to attenuate odour and noise impacts; and
- e) Not approve any application for land use or development within the buffer that would suffer unacceptable impacts from odour or noise emissions, or which by its nature may adversely impact on the continued operation of the waste water treatment plant."

ii) Inserting new reference of Waste Water Treatment Plant Odour Buffer Special Control Area in the Scheme Map Legend (under 'Other') and defined by a dark blue dotted line

iii) Modify the Scheme Map to insert the Waste Water Treatment Plant Odour Buffer Special Control Area for the Onslow Waste Water Treatment Plant as provided in the Shire Administration Report;

iv) Reserve the Onslow Waste Water Treatment Plant on Reserve 47957 under the Scheme from "Conservation, Recreation and Natural Landscapes" reserve to a reserve for "Public Purposes – WD (Water and Drainage) & WDT (Waste Disposal and Treatment)."

v) Amend the Scheme Map accordingly.

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- 3. Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation and affix the common seal of the Shire of Ashburton on documentation; and**
- 4. Refers Amendment No. 26 to the Western Australian Planning Commission with a request for the approval of the Hon. Minister for Planning.**

CARRIED EN BLOC 7/0

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

15. INFRASTRUCTURE SERVICES REPORTS

Declaration of Interest

Prior to consideration of this Agenda Item Cr Dias declared a financial interest in Agenda Item 15.1 in accordance with relevant section Section 5.60A of the Local Government Act. The interest being he has shareholder in Virgin and Qantas to the value in excess of \$10,000.

Cr Dias left the room at 2.04 pm.

15.1 REVIEW OF ONSLOW AIRPORT PASSENGER HEAD TAX

MINUTE: 11882

FILE REFERENCE: TR.AT.01.01

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

NAME OF APPLICANT/
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 20 October 2014

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

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

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

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

Background

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

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

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

These fees are calculated on the mass of the aircraft.

Passenger Fees are levied for:

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

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

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

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

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

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

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

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

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Therefore in order to bring Onslow Airport back into line with general aviation practices and in consideration of the inherent financial risk to Council in possibly over-estimating load factors, it is proposed to return to a 'per passenger' Passenger Head Tax, effective on flights using the Airport from 1 December 2014, using conservative load factors in order to calculate an appropriate Passenger Head Tax.

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

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

Adult-	\$36
Child 12 years and under-	\$18

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

Comment

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

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

Consultation

Airline Operators
Onslow Airport Manager
Executive Management Team

Statutory Environment

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

Financial Implications

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

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 04 - Distinctive and Well Serviced Places
Objective 1 - Quality Public Infrastructure
Objective 2 - Accessible and Safe Towns

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Risk Management

Adoption of this item has been evaluated against the Risk Management Policy, CORP5 Risk Matrix and has been assessed as LOW.

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

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

Policy Implications

Policy ELM10 (Financial Sustainability) outlines that 'no policy or other decisions will be made without considering the long-term financial impact on those decisions'. The intent of the previous (per available seat) Passenger Tax was designed to safely accommodate the intent of the Policy, however a conservatively calculated (per passenger) Passenger Tax model, as is now proposed, will be almost an equivalent risk.

Voting Requirement

Absolute Majority Required (Local Government Act S6.16)

Council Decision

MOVED: Cr P Foster

SECONDED: Cr A Eyre

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

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

Adult	per passenger	\$36
Child 12 years and under	per passenger	\$18

Effective on flights utilising the Onslow Airport from 1 December, 2014.

LOST NO ABSOLUTE MAJORITY 4/2
Crs White, Eyre, Foster and Thomas voted for the motion.
Cr Rumble and Fernandez voted against the motion.

Cr Dias entered the room at 2.12 pm.

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15.2 REQUEST TO EXCISE A PORTION OF RESERVE 19291 TO FACILITATE THE REHABILITATION OF THE EXISTING ONSLOW LANDFILL

MINUTE: 11874

FILE REFERENCE: RE.OA.R.38336

AUTHOR'S NAME AND POSITION: Michelle Tovey
Project and Technical Support Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 5 November 2014

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The Shire of Ashburton intends to close and rehabilitate the existing Onslow landfill site in 2015. To facilitate the closure in accordance with best practice, it will be necessary to excise a 40 metre corridor along the western boundary from Reserve 19291 and amalgamate it with the Onslow Landfill Reserve 38336.

In accordance with the requirements of the Land Administration Act 1997, following Council endorsement the Shire will formally request the Minister for Lands undertake this process.

Background

The current Onslow Landfill, located on Lot 302 Macedon Road, is reaching the end of its operational life. As the population continues to grow and waste from the LNG industry rises, the facility will not be able to cater for the waste disposal needs of the town.

Furthermore, the surrounding land development and Onslow Ring Road is encroaching on the existing landfill facility, posing land use conflicts. As a result the current Onslow Landfill is scheduled to cease operations in the near future and be rehabilitated to best practice standards.

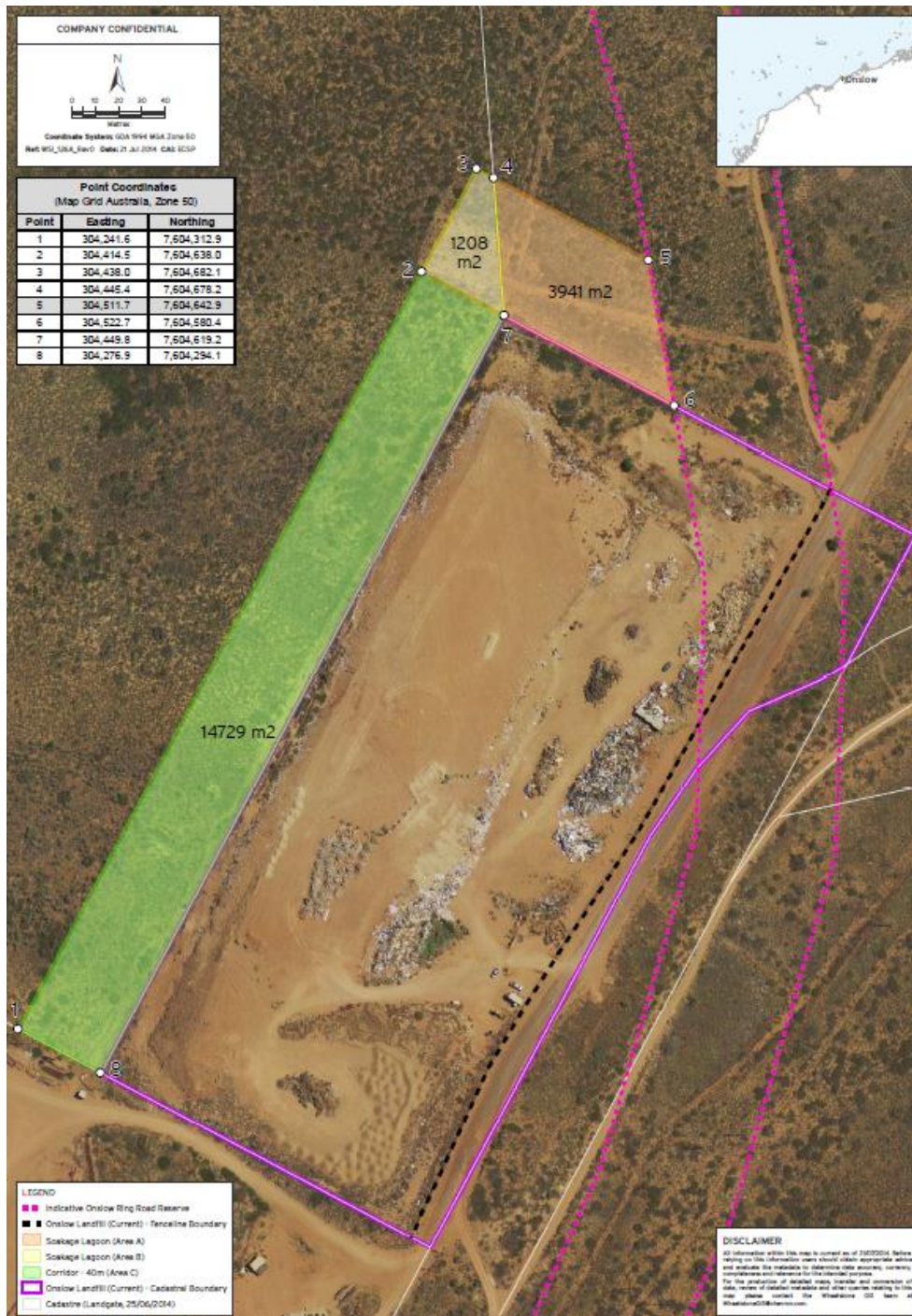
Talis Consultants were commissioned to prepare an Onslow Landfill Rehabilitation and Post-Closure Management Plan. This provides the Shire with a clear direction for the remaining landfilling operations at the Site, the works required to accommodate the Onslow Ring Road Development, and the Landfill Rehabilitation and Post-Closure Management requirements.

This Rehabilitation and Post-Closure Management Plan also includes detailed design drawings and an appropriate closure profile and landfill capping system to ensure that long term environmental impacts associated with the landfilling activities are controlled in accordance with best practice.

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In order to optimise the closure profile and the overall gradient of the site, it will be necessary to expand the footprint of the landfill. As the Ring Road will be constructed over the north east corner of the landfill, it is proposed that the landfill be expanded to the west.

As shown in the Attachment and below, it would be necessary to expand the landfill by approximately 40 meters along the western boundary. Area B (the area bound by points 2, 3, 4 and 7) is approximately 1208m² and Area C (the area bound by points 1, 2, 7 and 8) is approximately 14,729m². This equates to a total area to be excised from R19291 and amalgamated with R38336 of 15,937m².



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Comment

The affected area sits within Reserve 19291, which is currently vested in the Shire with a management order for the purpose of 'Common'.

It will be necessary to excise the area from R19291 and amalgamate it with R38336, which is vested in the Shire with the purpose of "Gravel and Rubbish Disposal". It is proposed a total of 15,937m² be excised, as shown on the above plan.

Consultation

Senior State Land Officer (Pilbara) – Department of Lands
Executive Manager - Infrastructure Services
Economic & Land Development Manager
Principal Planner

Statutory Environment

Land Administration Act 1997

Financial Implications

Nominal administration fees will be required to be paid and Council is required to prepare a survey for the Department of Lands, but these minor expenses will be assigned to the closure of the landfill in the Annual Budget.

Strategic Implications

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

Risk Management

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

Policy Implications

There are no policy implications.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr P Foster

That Council request the Minister for Lands excise from Reserve 19291 that portion of land depicted as 'Area B' and 'Area C' in ATTACHMENT 15.2 and amalgamate with Reserve 38336.

CARRIED EN BLOC 7/0

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

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15.3 REQUEST TO EXCISE A PORTION OF RESERVE 19291 TO CREATE A NEW RESERVE VESTED IN THE SHIRE OF ASHBURTON FOR THE PROPOSED ONSLOW WASTE TRANSFER STATION

MINUTE: 11874

FILE REFERENCE: RE.OA.R.19291

AUTHOR'S NAME AND POSITION: Michelle Tovey
Project and Technical Support Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 4 November 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 15.1 (Minute 11868) – Ordinary Meeting of Council 15 October 2014

Summary

The Shire of Ashburton is developing a new Waste Transfer Station in Onslow. A preferred site has been identified within Reserve 19291, currently vested in the Shire with a Management Order for the purpose of 'common'. To facilitate this project, it is necessary to excise the land from R19291 and create a new reserve, vested in the Shire of Ashburton with the purpose of a "Waste Transfer Station".

In accordance with the requirements of the Land Administration Act 1997, the Shire will formally request the Minister for Lands create this new reserve.

Background

The current Onslow landfill is reaching the end of its operational life, and as the population continues to grow and waste from the LNG industry rises, the current Onslow landfill facility will not be able to cater for the waste disposal needs of the town.

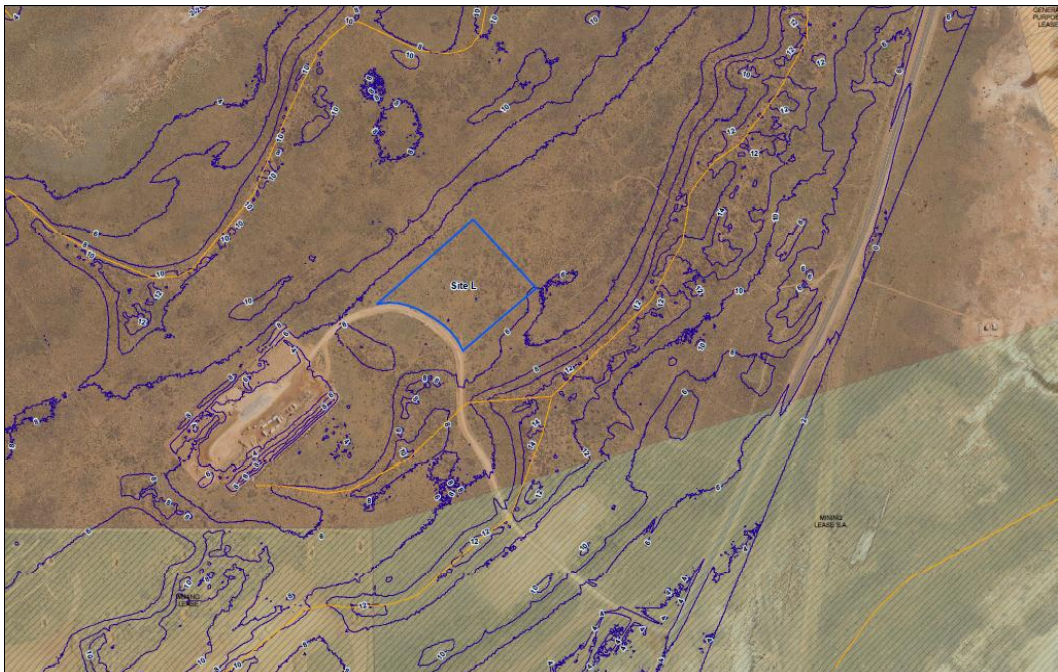
Furthermore, surrounding land development is encroaching on the existing landfill facility, posing land use conflicts. As a result the current Onslow Landfill is scheduled to cease operations in the near future.

The delivery of a new Waste Management Facility will take approximately 3-4 years. Therefore, in the interim, the Shire has proposed the development of a Waste Transfer Station to temporarily accept and consolidate waste materials before haulage to a suitable landfill facility outside of the town of Onslow.

Talis Consultants were commissioned by the Shire to identify a suitable site for the proposed Waste Transfer Station. While this new site will be developed as a temporary Waste Transfer Station, this facility may provide long term community drop-off facilities.

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A preferred site has been identified for the new Waste Transfer Station, as previously reported to Council, and as depicted in the plans below.



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Comment

The preferred site sits within Reserve 19291 which is currently vested in the Shire with a management order for the purpose of 'Common'.

It will be necessary to excise the site from R19291 and create a new reserve vested in the Shire with the purpose of "waste transfer station" to reflect the land use. It is proposed a total of 2.54 hectares be excised, as shown on the attached plan.

Consultation

Senior State Land Officer (Pilbara) – Department of Lands
Executive Manager - Infrastructure Services
Economic & Land Development Manager
Principal Planner

Statutory Environment

Land Administration Act 1997

Financial Implications

Nominal administration fees will be required to be paid and Council is required to prepare a survey for the Department of Lands, but these minor expenses will be assigned to the Onslow Waste Transfer Station in the Annual Budget.

Strategic Implications

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

Risk Management

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

Policy Implications

There are no policy implications.

Voting Requirement

Simple Majority Required

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Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr P Foster

That Council:

- 1. Request the Minister for Lands excise from Reserve 19291 that portion of land depicted as 'Waste Transfer Site' in ATTACHMENT 15.3; and**
- 2. Reserve the excised portion for the purpose of 'Waste Transfer Station' with a Management Order to the Shire of Ashburton.**

CARRIED EN BLOC 7/0

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

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16. STRATEGIC & ECONOMIC DEVELOPMENT REPORTS

16.1 DEED OF VARIATION TO THE LICENCE AGREEMENT FOR THE TOM PRICE COMMUNITY RECREATION CENTRE

MINUTE: 11874

FILE REFERENCE: TP.CX.0883.000

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

NAME OF APPLICANT/RESPONDENT: Department of Education

DATE REPORT WRITTEN: 4 November 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 16.2 (Minute No. 11785) – Ordinary Meeting of Council 16 April 2014
Agenda Item 13.6 (Minute No. 11664) – Ordinary Meeting of Council 16 October 2013

Summary

Currently, a Licence Agreement exists between the Department of Education (Licensor) and the Shire of Ashburton (Licensee) for the Tom Price Community Recreation Centre.

A Deed of Variation to the Licence Agreement expires on 31 December 2014. This agreement excludes the crèche facility allowing the Department of Education to enter into a Licence Agreement with a provider of Day Care services.

Council endorsement of a Deed of Variation for a further 4 years is sought.

Background

An application was made in 2013 to the Department of Education, via Tom Price High School, to operate a Family Day Care Scheme from the crèche facility located within the Tom Price Community Recreation Centre.

This application was approved by the Department of Education and endorsed and supported by Tom Price Senior High School.

In June of 2014, a Deed of Variation was entered into by the Department of Education and the Shire of Ashburton to exclude the crèche facility from the Licence Agreement. The Deed of Variation expires on 31 December 2014.

A new Deed of Variation is required to exclude the crèche facility from the Licence Agreement for a further 4 year period, expiring on the 31 December 2018. This will enable the crèche to continue operating under the current arrangement.

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Comment

As the crèche facility was not utilised by the Shire of Ashburton the facility was excluded from the Licence Agreement for use by a Day Care Provider, providing a valuable service to the Tom Price community.

In order to limit the Shire's liability, it is recommended that Council approve a Deed of Variation to exclude the crèche facility from the current Licence Agreement between the Department of Education and the Shire of Ashburton for the Tom Price Community Recreation Centre for a period of 4 years.

Consultation

Executive Manager – Community Development
Project Support Officer
Facilities Manager
Department of Education

Statutory Environment

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

Financial Implications

The Deed of Variation will ensure that the Shire has no liability for the operation and maintenance of the crèche facility.

Strategic Implications

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

Risk Management

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

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Simple Majority Required

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Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr P Foster

That Council:

- 1. Endorse a Deed of Variation to the Licence Agreement between the Shire of Ashburton and the Department of Education for the Tom Price Community Recreation Centre which excludes the Crèche facility from the agreement; and**
- 2. Authorises the Shire President and the Chief Executive Officer to affix the Common Seal to, and execute the Deed of Variation to exclude the Crèche from the Licence Agreement between the Shire of Ashburton and the Department of Education for the Tom Price Community Recreation Centre, for a period of 4 years.**

CARRIED EN BLOC 7/0

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

Declaration of Financial Interest

In accordance with Section 5.69 (3) (a) of the Local Government Act Cr Foster, Cr Dias and Cr Rumble declared a financial interest in Agenda Item 16.2. The nature of their interest being Cr Foster has a partner employed by Rio Tinto Pty Ltd and received wages from Rio Tinto, Cr Dias is an employee of Hamersley Iron Pty Ltd and as of 4 November 2014 at \$60.35 per ordinary share I have a portfolio of 7297 fully paid ordinary shares in Rio Tinto Limited in joint names with my wife. Additional 328 fully paid ordinary shares in Rio Tinto Limited in my name and my wife has 328 fully paid ordinary shares in Rio Tinto Limited in her name. Cr Rumble is a shareholder greater than \$10,000 and is a sub-contractor through Spotless that provides service air conditioning in town-mine.

As there would not be a quorum to vote, approval was sought from the Minister of Local Government to allow disclosing members Cr Dias, Cr Rumble and Cr Foster to debate and vote on Agenda Item 16.2. The Minister's written approval for Cr Foster to participate in the discussion and vote in relation to this agenda item was obtained prior to the Council Meeting. The approval was granted subject to the following conditions:

1. the approval is only valid for the ordinary meeting of Council to be held on 20 November 2013;
2. the declaring members declare the nature and extent of their interest at the Council meeting when these matters are considered together with the approval provided;
3. the CEO is to provide a copy of the Department's letter advising of the approval to each declaring member; and
4. the CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the meeting when these matters are discussed.

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

RECORDED ON REGISTER OR.CR.04.00

Crs Rumble and Dias left the room at 2.13 pm.

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16.2 REVIEW OF LOCATION FOR PARABURDOO SKATE PARK FACILITY

MINUTE: 11883

FILE REFERENCE: RE.DG.R.42129

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

**NAME OF APPLICANT/
RESPONDENT:** Not Applicable

DATE REPORT WRITTEN: 3 November 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 11.2 (Minute No. 11749) – Ordinary Meeting of Council 19 February 2014
Agenda Item 15.06.3 – Ordinary Meeting of Council 16 June 2010

Summary

The concept plan and location for the proposed Paraburdoo Skate Park was endorsed at the Ordinary Meeting of Council held on 19 February 2014. The proposed site, in parkland on the corner of Ashburton Avenue and Fortescue Road, has received an adverse reaction from some members of the community. At the Ordinary Meeting of Council held on 17 September 2014, a petition with 287 signatures objecting to the site was presented for Council's attention.

Further consultation has been undertaken in response to the petition and other correspondence received from community members. CONVIC, the skate park designers engaged to produce the concept design for the facility, has also assessed an alternative site suggested by community members. Based on the feedback from the community consultation evening, and CONVIC's revised assessment, it is recommended that the location on the corner of Ashburton Avenue and Fortescue Road continue to be endorsed for the skate park, however the facility is moved closer to the carpark on this site.

Background

The existing skate park in Paraburdoo is aged and no longer adequate to cater for the needs of the community. In 2010 the Paraburdoo Town Centre Revitalisation Master Plan was endorsed by Council, which included a new fit-for-purpose skate facility. The location nominated on the Master Plan was the south-eastern corner of Peter Sutherland Oval, which has subsequently been earmarked for the proposed Paraburdoo Community Hub.

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In November 2013, CONVIC was engaged to undertake community consultation in Paraburdoo and produce a concept design for a skate park. A site selection process (that would best meet CONVIC's criteria for a successful facility – see below) was also undertaken to identify a location:

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

Four sites were assessed for their potential to accommodate a new facility:

Site	Rating by CONVIC
1. Corner of Anzac Place & De Grey Road	63%
2. Existing Park Location	56%
3. Lions Park/Peter Sutherland Reserve (immediate north of playground)	61%
4. Corner of Fortescue Road & Ashburton Road	90%

The proposed location (Site 4) was discussed during the consultation process, which included four community workshop sessions over 18-19 November 2013, with a total of 57 participants:

Session 1: Paraburdoo Primary School – 32 participants

Session 2: Paraburdoo Youth Centre – 10 participants

Session 3: Paraburdoo Library (Mothers Reading Group) – 3 participants

Session 4: Lesser Hall (Council Members and general community) – 12 participants

Participants were keen to discuss the details about the proposal for the skate facility, including the proposed location and possible design themes. The location proposed by CONVIC as being the most appropriate (parkland on the corner of Fortescue Road and Ashburton Road) was well received by the attendees.

CONVIC's report was presented to Council at the Ordinary Meeting held on 19 February 2014, at which time 'Site 4' was endorsed as the preferred location for the skate park facility in Paraburdoo.

ATTACHMENT 16.2A

Comment

A petition with 287 signatures was presented at the Ordinary Meeting of Council held on 17 September 2014, objecting to the proposed location of the Paraburdoo Skate Park and seeking it be moved back to the south-east corner of Peter Sutherland oval as identified in the Town Centre Master Plan (original location). The petition included a number of reasons for this request, including:

1. Original location offers synergies by being in close proximity to recreational facilities such as pool, sports complex, oval and youth centre;
2. Original location will deliver reduced noise for the general population;

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3. Better parking in the general area of original location;
4. Newly proposed location on parkland is well used by people to access shopping and as a play area by youth;
5. Newly proposed location will encourage bad behaviour since local youth will have knowledge of police whereabouts.

Several emails were also received from Paraburdoo residents, sharing their concerns about the proposed location.

ATTACHMENT 16.2B ATTACHMENT 16.2C

In response to this feedback, a further community consultation process was arranged in conjunction with CONVIC to ensure the community had the opportunity to consider the advantages and disadvantages of various sites.

A community meeting was held at 6.30pm on Friday 10th October in the Paraburdoo Lesser Hall. Extensive advertising of the meeting was undertaken to ensure community awareness, including letter-box drop to all houses, noticeboards, Shire website, social media and email distribution lists. A Shire officer was also positioned in the mall for the afternoon prior to the consultation session, to direct any interested members to the Projects Office for a one-on-one consultation with CONVIC (along with contact details on the poster advertising the availability of meetings) - unfortunately nobody took advantage of the offer on this occasion.

In excess of 34 people attended the evening workshop including three Councillors, the Chief Executive Officer, Executive Manager Community Development and Executive Manager Strategic and Economic Development. The workshop was facilitated by Jenny Thomas of Northern Edge Consultants, and presentations were made by CONVIC representatives Simon Bogalo and Nick Loschiavo.

A review of the site selection process was delivered to community members followed by a presentation of the proposed sites. This included the advantages and disadvantages of each site – which was then opened up to the community members to add their own feedback. A fifth site (to the east of the playground on Peter Sutherland oval) was presented by participants as a potential alternative, and added to the discussion. The report prepared by Northern Edge Consultants outlines the feedback provided by the session.

ATTACHMENT 16.2D

The current proposed location was discussed in detail, and in particular its proximity to residential areas and roads. CONVIC presented an alternative design for the facility on this site, which would reposition it closer to the carpark/shopping entry and at least 50m away from residential areas. Based on feedback at the workshop, CONVIC revised their scoring for the 'repositioned' skatepark on this site from 90% to 93%.

Skate park alternative position – 50m separation from Fortescue Road & residents to the west:

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It was agreed by participants that Site 4 (incorporating the alternative positioning) and Site 5 (the new site to the east of the playground) were the best sites for consideration, and the others identified in the original CONVIC study were discarded. It was noted that Site 5 had not been assessed by CONVIC, and it was unable to provide a considered opinion of its suitability at the time of the workshop. Based on this, participants were asked to vote on two key questions:

1. "Are you prepared to vote for a preferred site (site 4 or 5) without CONVIC's Assessment of Site 5?"
16 participants voted 'YES' whilst 13 participants voted 'NO'
2. "Which is the preferred site for the skate park facility?"
15 participants voted for Site 4 (original location)
10 participants voted for Site 5 (new site)

The CEO advised at the workshop, that CONVIC would be requested to undertake a formal assessment of Site 5, which would be provided to Council along with the feedback from the workshop. The site assessment has now been completed and has achieved a score of 84%, ranking it 2nd in its suitability for a new skate space. CONVIC advises "overall it would provide a functioning Youth Facility site although there are concerns with lack of daily and ongoing activation and issues with conflicting land use in future planning". An updated report detailing the opportunities and constraints identified for each site is provided for Council's information.

ATTACHMENT 16.2E

If a new site is the desired site for the skate park, a new concept design will be required which is estimated to cost around \$20,000. CONVIC has advised that any minor design alterations required for the concept design to fit 'Improved Location 2' would be at no charge as these are not anticipated to be significant (if it required more significant design changes however, an hourly rate for design fees would also be applicable).

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Based on the outcomes of the Community Workshop held on 10 October 2014, and CONVIC's subsequent report including its assessment of 'Site 5', it is recommended that 'Site 4' continue to be endorsed as the preferred location for the Paraburdoo Skate Park. 'Site 4', located in parkland on the corner of Ashburton Drive and Fortescue Road, should be further defined as the triangular area outlined in CONVIC's Site Selection Report dated October 2014, with a distance of at least 50m from neighbouring houses on Fortescue Road.

Consultation

CONVIC
Northern Edge Consultants
Chief Executive Officer
Executive Manager – Community Development
Town Planner
Rio Tinto (funding stakeholder)
Community members of Paraburdoo

Statutory Environment

Officers are not aware of any statutory impediments.

Financial Implications

The initial consultation and design process cost approximately \$35,000 and was funded by Rio Tinto via the Partnership.

The further consultation and assessment process has cost an additional \$4,000 which was funded through the Shire's operational budget for consultants.

\$750,000 has been allocated to the construction of the skate park in the 2014/15 budget, consisting of the following contributions:

Shire of Ashburton	\$100,000
Rio Tinto	\$350,000 (agreed in principle but funding to be finalised)
Lotterywest	\$300,000 (pending outcome of funding application)

Once the project is complete, consideration will need to be made for the maintenance costs of the skate park and this should be included in future budgets (and if possible, will be provided as part of the construction tender consideration/acceptance process).

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 01 - Vibrant and Active Communities

Objective 01 – Connected, caring and engaged communities

Objective 02 – Active people, clubs and associations

Goal 04 - Distinctive and well serviced places

Objective 01 – Quality public infrastructure

Objective 03 – Well planned towns

Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Medium" risk and will be managed by specific monitoring and response procedures.

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In particular, the 'reputational risk' of endorsing the site has been considered. This is mitigated by the additional community consultation undertaken, and professional advice received from CONVIC with regard to site selection for a skate facility.

Policy Implications

There were no policy implications identified.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr A Eyre

SECONDED: Cr C Fernandez

That Council:

1. Notes the petition signed by 287 people and tabled at the 17 September Ordinary Meeting of Council, and expresses its appreciation to the signatories and the petition organiser for their collective efforts taken to contribute to the Paraburdoo Skate Park project considerations;
2. Receives the Site Selection Report (October 2014) prepared by CONVIC for the proposed Paraburdoo Skate Park facility; and
3. Endorses the site identified on Reserve 39572, corner of Ashburton Avenue and Fortescue Road, Paraburdoo, for the proposed skate park providing the location is in the general area indicated in the CONVIC report and approximately 50 metres from residential housing.

CARRIED 3/2

**Crs White, Eyre and Thomas voted for the motion.
Crs Foster and Fernandez voted against the motion.**

Crs Rumble and Dias entered the room at 2.22 pm.

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16.3 OUTCOME OF RFT 23/14 PURCHASE AND INDUSTRIAL SUBDIVISION OF LOT 9000 (PORTION OF LOT 16, ONSLOW) AND ALTERNATIVES FOR FUTURE DIRECTION

MINUTE: 11884

FILE REFERENCE: ON.OA.16

AUTHOR'S NAME AND POSITION: Emma Heys

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 29 October 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 16.1 (Minute No. 11829) – Ordinary Meeting of Council 16 July 2014
Agenda Item 13.4 (Minute No. 11737) – Ordinary Meeting of Council 22 January 2014
Agenda Item 13.1 (Minute No. 11693) – Ordinary Meeting of Council 20 November 2013

Summary

In accordance with Council resolution from the Ordinary Meeting of Council held on 16 July 2014, a Request for Tender for the Purchase and Industrial Subdivision of Lot 9000 Onslow Road, Onslow (portion of Lot 16) was advertised on 6 September 2014, for a six week period, closing 22 October 2014.

One submission was received and assessed as non-compliant.

Council is now requested to consider four options for the future of Lot 9000 Onslow Road, Onslow (portion of Lot 16):

1. Develop in-house;
2. Enter into a Joint Venture Arrangement with a suitable partner;
3. Market and sell on the open market; or
4. Enter into discussions with LandCorp.

Background

In accordance with Council Resolution (16 July 2014) and Section 3.57 of the Local Government Act 1995, a Request for Tender for Purchase and Industrial Subdivision of Lot 9000 (portion of Lot 16) Onslow Road, Onslow was advertised on 6 September 2014, for a six week period, closing 22 October 2014. One submission was received from:

1. Megara Constructions Pty Ltd for \$0.00

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The submission received from Megara Constructions was deemed non-compliant as it did not address the selection criteria as set out in Part 3 of the RFT document. A copy of the submission is attached under confidential attachment.

ATTACHMENT 16.3A

The requirements of Council's resolution from Ordinary Meeting of Council of 16 July 2014 and Section 3.57 of the Local Government Act 1995 have now been met. The subdivision of Lot 16 into two separate parcels is progressing and Titles for Lots 9000 and Lot 9001 are expected in the coming months.

Comment

Direction from Council is now sought as to the future of Lot 9000 Onslow Road, Onslow. Alternative options identified for the future development/disposal of Lot 9000 to be considered by Council are:

1. Develop Lot 9000 in-house (Shire of Ashburton development) – this will require a feasibility study to establish full construction costs and likely demand for serviced industrial land;
2. Enter into a Joint Venture Arrangement with a suitable partner for the development and release subdivided lots in Lot 9000;
3. Market and sell Lot 9000 on the open market; or
4. Enter into discussions with LandCorp to assist with the development and release of subdivided land at Lot 9000.

Option 1 – Shire of Ashburton Development

This option undertakes for an internal project team from the Shire of Ashburton to facilitate and control the development in its entirety. If the Council was to select this option, it would develop, service, and release the land to the public as per the requirements of the Act and associated Regulations.

In January 2014 a Business Plan tested the feasibility of this option. The cash flow model used for the Shire of Ashburton Development option was subjected to sensitivity analysis, comparing scenarios with varying timeframes for construction, differing rates of sale, and changes in construction costs, changes in sales prices for lots and variations in the costs of borrowing.

In summary, under the assumptions tested, the proposed model exhibited a positive internal rate of return, with estimates likely to yield future profits of \$15 to \$20 million. Returns to the Shire could be optimised with a shorter construction program, achieving the estimates for sales prices, and the minimization of additional works, costs or delays due to latent site conditions or adverse weather conditions.

These figures were current at the time of the business plan being presented to Council in late 2013. A new business plan with updated estimates would be required if this option is chosen by Council.

Option 2 - Enter into a Joint Venture Arrangement with a suitable partner for the development and release subdivided lots in Lot 9000.

Under this option, the Shire would bring the land to the project and would not seek reimbursement until sale of land later in the project. The Shire has already added value by having zoning, WAPC approval, unexploded ordnance clearance and preliminary design work completed. The Shire also has an understanding of geotechnical, drainage, local

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construction context, Aboriginal heritage, and environmental issues and can manage all local consultation. The Joint Venture partner would be expect to bring access to finance and development expertise, project management expertise, sales expertise and risk sharing or mitigation ability.

Option 3 - Market and sell Lot 9000 on the open market.

This option can be considered as the requirements of Section 3.57 of the Local Government Act 1995 have now been satisfied. Under this option, Council can choose to place the subject land on the open market for a specific period of time and consider any offers presented. The services of a real estate agent would not be required as Shire Administration has sufficient resources and expertise in the sale of land necessarily to manage this option.

Option 4 - Enter into discussions with LandCorp to assist with the development and release of subdivided land at Lot 9000.

In June 2014 the Shire received correspondence from the Minister for Regional Development; Lands: Minister Assisting the Minister for State Development, the Hon Terry Redman. This letter outlined the State Government is commitment to assisting the Shire with the successful development and release of Lot 9000 as soon as practical. Pledging LandCorp's engagement, the correspondence demonstrated the State Government's willingness to work towards a successful outcome for the Shire and the Onslow Community.

A copy of this correspondence is included.

ATTACHMENT 16.3 B

It is believed that Option 4 is superior as it will provide Council with the best chance of receiving much needed Onslow Industrial Subdivision, whilst still retaining the opportunity to guide the eventual land development outcome.

Based upon the details of the options, it is the recommendation of Administration that the Council authorise the Chief Executive Officer to enter into discussions with LandCorp and seek its assistance with the development and release of Lot 9000.

Consultation

Chief Executive Officer
Executive Manager - Strategic & Economic Development

Statutory Environment

The Request for Tender process has been completed in accordance with Section 3.57 of the Local Government Act 1995.

Options 1,2 & 4 will require compliance with either Section 3.58 or Section 3.59 of the Local Government Act 1995, dependent upon the financial implications of any proposed development or alternative avenue.

Financial Implications

Expenses relating to the preparation of the Request for Tender for Sale of Land have been allocated in the 2013/14 and 2014/15 Financial Year Budgets.

Details of potential income to the Shire, generated by the development of Lot 9000 Onslow Road, Onslow have also been included in the 2014/15 Financial Year Budget. It should be noted this potential income was "transferred to Reserves" and not calculated as part of 2014/15 income.

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Adjustments to expected expenditure and income will be made during the Budget Review process.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 02 – Enduring Partnerships

Objective 01 – Strong Local Economies

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 unknown financial value of this project and the risk to the Shire's reputation in the event that this project cannot be delivered or progressed to a successful outcome for the Shire and Onslow Community. As a high risk matter, the Executive Manager of Strategic and Economic Development is monitoring progress.

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr A Eyre

SECONDED: Cr L Rumble

That Council not accept any tender and authorise the Chief Executive Officer to enter into discussions with LandCorp and seek its assistance with the development and release of Lot 9000 Onslow Road, Onslow and report back to Council with the view to securing a proposed development model for consideration.

CARRIED 5/2

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

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17. COUNCILLOR AGENDA ITEMS

17.1 CHANGE OF COUNCIL RECOMMENDATION (MINUTE NO. 11873) - RENAMING MT NAMELESS/ JARNDUNMUNHA TO MT JARNDUNMUNHA

MINUTE: 11886

COUNCILLOR'S NAME: Councillor Peter Foster

DATE REPORT WRITTEN: 24 October 2014

DISCLOSURE OF FINANCIAL INTEREST: Agenda Item 17.1 (Minute No. 11873) – Ordinary Meeting of Council 15 October 201

Issue/ Reason

Crs Foster, White, Eyre, Wright and Thomas propose to move a revocation motion for Minutes Item 17.1 - Renaming Mt Nameless/ Jarndunmunha to Mt Jarndunmunha of the Ordinary Meeting of Council on 15 October 2014. It is proposed that the Revocation Motion be considered at the 19 November 2014 Ordinary Meeting of Council.

Standing Orders clause 16(2)(2) requires the Legal and Financial consequences to be outlined before Council deliberates on the rescission. It is our understanding that there are no legal consequences; however there will be some minor costs incurred (funds and staff resources) in consultations/media articles to suitably address any changed Council position.

Crs Foster, White, Eyre, Wright and Thomas therefore request that the following motion, discussed and passed at the Shire of Ashburton Council Meeting held on Wednesday, 15 October 2014 be revoked -

Item 17.1 – Renaming Mt Nameless/ Jarndunmunha to Mt Jarndunmunha

That the Chief Executive Officer research and report back to Council on the process for considering the renaming Mt Nameless/Jarndunmunha, to Mt Jarndunmunha, including the requirement and benefit of undertaking community consultation on this question.

Councillor Recommendation

A motion to revoke or change a Council decision must be supported by at least 1/3 of the Councillors (i.e. three Councillors). A Notice of Motion to revoke or change a decision is to be signed by at least three Councillors.

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RESPONDING OFFICER

FILE REFERENCE: RO.MTNL

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 24 October 2014

PREVIOUS MEETING REFERENCE: Agenda Item 17.1 (Minute No. 11873) – Ordinary Meeting of Council 15 October 2014

Background

Crs Foster, White, Eyre and Thomas supported a notice of motion to revoke Agenda Item 17.1 - Renaming Mt Nameless/ Jarndunmunha to Mt Jarndunmunha at the Ordinary Meeting of Council on 15 October 2014.

Comment

Crs Foster, White, Eyre and Thomas request that the following motion (Council meeting of Wednesday, 15 October 2014) be revoked.

Agenda Item 17.1 – CHANGE OF COUNCIL RECOMMENDATION (MINUTE NO. 11873) - RENAMING MT NAMELESS/ JARNDUNMUNHA TO MT JARNDUNMUNHA

Motion proposed by Counsellor Dias:

That the Chief Executive Officer research and report back to Council on the process for considering the renaming Mt Nameless/Jarndunmunha, to Mt Jarndunmunha, including the requirement and benefit of undertaking community consultation on this question.

Motion was adopted by Council Carried by Absolute Majority 5/4

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

The revoking of decisions (Local Government Act s5.25(1)(e)) must be supported (signed) by at least 1/3 of the members of the Council.

There are no meaningful financial costs or known legal issues that are relevant to the proposed revocation of this decision.

Consultation

Councillors
Chief Executive Officer
Governance and Policy Officer

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Statutory Environment

Local Government Act 1995 s5.25(1)(e))

Local Government (Administration) Regulations 1996 s10

Shire of Ashburton Standing Orders Local Law 2014 – Part 16.3(1)(c)

Financial Implications

No significant administrative costs and no legal costs will be incurred with the revocation of this decision.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 03 – Council Leadership

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

In particular, the 'reputational risk' of changing a recently adopted Council position has been considered. This can be mitigated by a media/information plan (vis. web article, media release, and social media linkages).

Policy Implications

There are no policy implications.

Voting Requirement

Absolute Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That Council revoke its resolution at Item 17.1 - Renaming Mt Nameless/Jarndunmunha to Mt Jarndunmunha - of 15 October 2014, namely (*That the Chief Executive Officer research and report back to Council on the process for considering the renaming Mt Nameless/Jarndunmunha, to Mt Jarndunmunha, including the requirement and benefit of undertaking community consultation on this question*).

**CARRIED BY ABSOLUTE MAJORITY 5/2
Cr White, Rumble, Foster, Eyre and Thomas voted for the motion
Cr Dias and Fernandez voted against the motion**

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

Council Decision

MOVED: Cr A Eyre

SECONDED: Cr P Foster

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

- 18.1 PROPOSED AMENDMENT TO THE SHIRE OF ASHBURTON TOWN PLANNING SCHEME NO. 7 TO RESERVE PORTION OF LOT 500 ON DEPOSITED PLAN 401881 FROM 'RURAL' TO 'PUBLIC PURPOSES – WASTE DISPOSAL AND TREATMENT'**

CARRIED 7/0

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

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18.1 PROPOSED AMENDMENT TO THE SHIRE OF ASHBURTON TOWN PLANNING SCHEME NO. 7 TO RESERVE PORTION OF LOT 500 ON DEPOSITED PLAN 401881 FROM 'RURAL' TO 'PUBLIC PURPOSES - WASTE DISPOSAL AND TREATMENT'

MINUTE: 11885

FILE REFERENCE: PS.TP.7.29

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

NAME OF APPLICANT/RESPONDENT: Shire of Ashburton

DATE REPORT WRITTEN: 18 November 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 14.3 (Minute No. 11876) – Ordinary Meeting of Council 19 November 2014

Summary

The Shire of Ashburton is developing a new Waste Transfer Station (WTS) to service Onslow following the imminent closure of the existing Waste Disposal Site. The WTS will be an interim measure pending the construction of a new landfill site.

In consultation with its appointed consultants, Talis Consultants, the Shire has identified an appropriate site for the WTS located at Lot 500 on Deposited Plan 401881 that is a managed Crown reserve (Reserve 19291) with a Management Order in favour of the Shire of Ashburton for the purpose of 'Common'. The proposed location is identified in **ATTACHMENT 18.1A**.

The excision of the land for the WTS from Reserve 19291 has been considered by Council earlier in this agenda, and further details of the proposal are contained within this earlier report.

While in discussion with Talis Consultants, it was determined that the Shire of Ashburton Town Planning Scheme No. 7 (TPS7) provisions are likely to prevent the development of the WTS in the selected location given that the proposed use 'Industry – Noxious' is not permitted in a Rural zone.

Accordingly, it is proposed that Council initiate an amendment to TPS7 to reserve the land for the WTS for the purpose 'Public Purposes – Waste Disposal and Treatment'. This TPS7 reserve will permit the development of the WTS without the need for further planning approval.

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Background

The existing Onslow landfill site located at Lot 302 on Plan 45791 that is a managed reserve (Reserve 38336) with a Management Order to the Shire of Ashburton for the purpose of 'Gravel and Rubbish Disposal Site'. In addition to this site being at or near maximum capacity, its proximity to residential and other sensitive land uses, particularly the LandCorp residential subdivision, require the construction of a new, more appropriately located landfill site servicing Onslow and the surrounding area.

Given the time required to design, seek relevant approvals, and construct a new landfill site, it has been determined as an interim measure to construct a waste transfer site that will allow for the collection and sorting of local waste material for subsequent transfer and disposal at the Tom Price landfill site.

The site identified as the most appropriate for the WTS has been discussed and determined in an agenda item prepared by the Shire's Project and Technical Support Officer (Item 15.3). This item assumes that Council has resolved to request the Minister for Lands to excise the WTS site from Reserve 19291.

In selecting this site, Talis Consultants have relied on planning advice prepared by an independent planning consultant who has prepared a planning approval assessment of the WTS site and the future new landfill site.

The advice relevant to the ability to approve the construction of the WTS on the selected site is summarized below:

1. The *Public Works Act 1902* includes generic provisions in section 2 that would encompass the proposed WTS. Specifically the following definition:

Public work and work mean and include –

Every work which the Crown, or the Governor, or the Government of Western Australia, or any Minister of the Crown, or any local authority is authorised to undertake under this or any other Act; ...

(y) any building or structure of whatsoever kind which, in the opinion of the Governor is necessary for any public purposes; ...

(zc) any land required for in connection with any work as aforesaid;

(zc) any survey in connection with any proposed public work;

In the context of these clauses from the *Public Works Act 1902*, the planning consultant recommends confirming with the Governor or delegated government agency that the proposed WTS does comprise a public work.

This has not yet occurred.

2. *The Planning and Development Act 2005* (P&DA) and TPS7 include a number of exemptions from requiring planning approval based on whether the site is used for public works and/or the land comprises Crown land as defined in the *Land Administration Act 1997*.

Section 6 of the P&DA is the key exemption:

6. *Public works, Act does not interfere with*

(1) *Subject to section 5(2) and (3) and subsections (2) and (3) of this section, nothing in this Act interferes with the right of the Crown, or the Governor, or the Government of the State, or a local government —*

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- (a) to undertake, construct or provide any public work; and
 - (b) to take land for the purposes of that public work.
 - (2) Rights referred to in subsection (1) are to be exercised having regard to —
 - (a) the purpose and intent of any planning scheme that has effect in the locality where, and at the time when, the right is exercised; and
 - (b) the orderly and proper planning, and the preservation of the amenity, of that locality at that time.
 - (3) The responsible authority is to be consulted at the time when a proposal for any public work, or for the taking of land for a public work, is being formulated to ensure that the undertaking, construction, or provision of, or the taking of land for, the public work will comply with subsection (2).
3. TPS7 contains two provisions relevant to the development of the WTS that exempt certain developments from requiring planning approval. These are:

5.3.1 The planning approval of Local Government is not required for the following use of land:

(a) The carrying out of works undertaken by Local Government, a public authority, or authorised agent of either, for any public utility or works or in connection with the maintenance or improvement of a public street, provided it is not located within an Infrastructure Reservation.

(q) The development of land which, under State or Commonwealth legislation is exempt from the requirement of planning approval.

These provisions are considered to exempt the development of the proposed WTS from requiring the Shire's planning approval on the basis that:

- Pursuant to exemption (a), the WTS is considered a public utility as defined in TPS7; and
- Pursuant to exemption (q), section 6 of the P&DA (see point 2 above) exempts the development from requiring planning approval.

4. Should the Shire disregard these exemptions from planning approval, clause 3.2.2 of TPS7 will apply:
- 3.2.2 Where an application for planning approval is made with respect to land within a reserve, the Local Government shall have regard to the ultimate purpose intended for the reserve and Local Government shall confer with the organisations it considers relevant to that purpose and the proposed use or development.*
5. The Shire could determine that the proposed WTS should not be defined as 'Industry – Noxious', but could be defined as one of the following uses:

storage facility/depot/laydown area: any land, buildings or other structures used for the storage and transfer of goods including salvaged items, the assembling of prefabricated components of products and includes milk, transport and fuel depots, salvage yards and landscape suppliers. *[Note: this is a discretionary land use]*

public purpose, development or use for: development or use of land which is required to be permanently located on publicly owned land as it offers a public

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service, operates in the public interest or requires coordination and supervision by a public authority. Development may be owned and/or operated by either a public or private interest and may be the subject of a lease or other agreements as necessary. Development requiring co-ordination or supervision may or may not offer a service, or be of direct benefit, to the public. [Note: this land use is not included in the zoning table and so permissibility is not determined in TPS7]

'Use not listed': this definition is to be applied where it is determined that no other Scheme definition meets the proposed land use and any application would be determined by Council in consideration of the purpose and intent of the Scheme.

Based on the above advice, Talis's planning consultant has proposed the following options:

1. Lodge an application for planning approval for the WTS based on the one or more of the points above;
2. Lodge a public works proposal with the Shire, seeking an exemption from planning approval;
3. Lodge a request for an amendment to TPS7 to rezone the land appropriately;
4. Subdivide the land and seek new or amended management orders

Of these options, the second is recommended by the planning consultant as the preferred option, given the time constraints for the project. This option would be followed by implementing a scheme amendment as per option 3 to rezone the land appropriately.

In concluding this advice, the planning consultant advised that the preceding information should not be construed as legal advice and that the Shire may wish to seek legal advice with regard to the definition of land uses if it should choose to pursue the development application option.

Comment

The planning advice provided to Talis by their planning consultant is not considered sufficient grounds for the Shire to either approve an application for planning approval or declare the works as exempt from requiring such approval. Each of the points raised above is addressed below:

1. It is agreed that the WTS may constitute a public work under the *Public Work Act 1902*. It would be prudent to have this confirmed by the Governor or his delegated representative;
2. Notwithstanding point 1, section 6 of the P&DA exempts public works from requiring planning approval only where part 2 of this section is satisfied (underline added):
 - (2) *Rights referred to in subsection (1) are to be exercised having regard to —*
 - (a) the purpose and intent of any planning scheme that has effect in the locality where, and at the time when, the right is exercised; and
 - (b) *the orderly and proper planning, and the preservation of the amenity, of that locality at that time.*

Given that TPS7 specifically prohibits the development of an 'Industry – noxious' on land zoned 'Rural', this exemption is not considered to be met as the purpose and intent of the Scheme is clearly and unequivocally to prohibit the development of noxious industries in Rural zoned land. Accordingly, section 6 of the P&DA does not give exemption for this particular public work.

3. TPS7 does provide exemptions from planning approval for certain development and two of these provisions are proposed to give exemption to the WTS:

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- 5.3.1 (a) *The carrying out of works undertaken by Local Government, a public authority, or authorised agent of either, for any public utility or works or in connection with the maintenance or improvement of a public street, provided it is not located within an Infrastructure Reservation.*

This provision is not considered to exempt the WTS from requiring planning approval for the following reasons:

- 'Public Utility' is defined in TPS7 as:
any work or undertaking constructed or maintained by a public authority or the Local Government to provide water, sewerage, gas, drainage, communications or other similar services.

While an argument could be made that a WTS might fit this definition, when determining a land use definition for the purpose of assessing an application for planning approval, the definition that is the best fit is always to prevail. In this case, TPS7 contains a land use that more closely matches the proposed WTS:

'Industry – Noxious' is defined as:

an industry which is subject to licensing as "Prescribed Premises" under the environmental Protection Regulations 1987 (as amended).

Given that a WTS will require licensing under the *Protection Regulations 1987*, this definition supersedes any other land use definition contained in the Scheme. Accordingly, 5.3.1 (a) is not considered to apply in this instance.

- 5.3.1 (g) *The development of land which, under State or Commonwealth legislation is exempt from the requirement of planning approval.*

This provision relates to point 3 above that claims the WTS is exempt from planning approval in accordance with section 6 of the P&DA – this claim is already refuted and so this exemption is not considered to apply in this instance.

- (4) TPS7, clause 3.2.2 guides the Local Government in the assessment of land within a reserve; land reserved under the Scheme is not listed in the zoning table, and so land uses are not determined in this manner.

Rather, the Local Government is to consider the purpose of the reserve of which the Scheme establishes the following:

- (a) Open Space
- i. Parks, Recreation and Drainage
 - ii. Conservation, Recreation and Natural Landscapes
- (b) Roads
- i. Local
 - ii. State/Regional
- (c) Other Public Purposes
- i. Port Facilities
 - ii. Telecommunications
 - iii. Energy
 - iv. Waste Disposal and Treatment
 - v. Water and Drainage
 - vi. Cemetery

In quoting this section, the planning consultant appears to be confusing a Crown reserve that is a form of tenure, i.e. who has control of the land – for example,

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Reserve 19291 is a managed reserve with management order to the Shire for the purpose of 'Common' and contains a number of individual lots with a Scheme reserve that is a land use control mechanism, i.e. guides the Local Government in the assessment and determination of appropriate land uses.

Clause 3.2.2 refers to the Scheme reserve, which relates to land use and has no relation to tenure – for instance, the Scheme may reserve land that is held in freehold title.

Accordingly, 3.2.2 does not allow the assessment of the WTS in respect of its Crown reserve (tenure) purpose where the Scheme does not reserve (land use), but rather zone the land 'Rural'.

- (5) Part 5 of the planning consultant's advice relates to the potential to define the WTS as a use other than 'Industry – Noxious'. However, as discussed above, the proposed use clearly fits this definition and should be used to the exclusion of any other definition.

Accordingly, the definition is determined to remain as 'Industry – Noxious', and therefore constitutes a prohibited use under TPS7.

Given that the advice prepared by Talis's planning consultant is generally refuted for the purpose of permitting either a public works exemption, or a successful application for planning approval, the only option provided remains to rezone the land in order to permit the development of the WTS.

In order to meet the construction timeframes for the WTS, either an approval, or means of exempting the development from planning approval is required by the end of February. It is noted that, while technically possible in a shorter timeframe, a scheme amendment generally requires a minimum of 18 months to complete.

Notwithstanding the normal timeframes, given that it appears that the only means of delivering the WTS in the selected location is to amend TPS7, it is proposed to initiate a scheme amendment and progress this matter with a high level of urgency.

[Note: Talis Consulting are seeking legal advice with regard to the options provided by their consultant planner. Should this confirm any of the alternatives proposed in the Background section to this report, the Shire will most likely take this advice as a more time-efficient alternative to a scheme amendment.]

To this end, it is proposed that Council initiate Amendment 29 to the Shire of Ashburton Town Planning Scheme No. 7 to reserve the WTS site for 'Public Purposes – Waste Disposal and Treatment'. In anticipation of Council's resolution, an amendment plan has been prepared and included as **ATTACHMENT 18.1B**.

While this process would ordinarily take much longer, Shire planning staff believe that, with the cooperation of the Environmental Protection Authority, and the Western Australian Planning Commission, this amendment process may be accelerated to ensure Council is able to consider the amendment for final approval at its January Ordinary Meeting. While this would not achieve the actual rezoning of the land, should Council adopt such an amendment for final approval, it would comprise a 'seriously considered proposition' and provide the basis for the correct application of clause 3.2.2 and 5.3.2 (k) where planning approval would not be required for the development of the subject land for a WTS.

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In the event that the Shire receives legal advice that the assessment summarized in the background section to this report is correct to the extent that the Shire may commence development of the WTS without further reference to planning approval under the Scheme, this proposed amendment would still be required to reserve the WTS site appropriately and so there is no risk in proceeding with the amendment.

Should Council resolve to initiate this amendment, Shire staff will immediately prepare the amendment report for submission to the Environmental Protection Authority (EPA) who are required to review and determine whether the amendment may proceed to public advertising or whether a full environmental review is required prior to the amendment proceeding. It is not anticipated that an environmental review will be required.

Following the EPA determination, the amendment may be advertised for a minimum of 42 days. While there is provision in the P&DA to request a reduced advertising period, this should not be required, provided the EPA is able to make their determination as a priority.

Assuming there are no significant objections to the proposed scheme amendment, there should be sufficient time for the preparation of a report to Council's Ordinary Meeting on 28 January.

Consultation

Chief Executive Officer
A/Executive Manager - Development & Regulatory Services
Executive Manager – Infrastructure Services

Statutory Environment

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

Financial Implications

Preparation of amendment documentation and processing the amendment through the statutory process will require no special allocation of funds and will be actioned through the normal function of the Principal Town Planner and other Shire staff as required.

Strategic Implications

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

Risk Management

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

Policy Implications

Local Planning Policy 20 – Social Impact Assessment requires that a Social Impact Assessment be prepared for all proposals to amend the Scheme. Given the limited scope of this proposed amendment, and its clear benefits and limited adverse impact on the community, it is proposed that no Social Impact Assessment be prepared for this amendment.

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Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

RESOLVED that the Council, in pursuance of Section 75 of the *Planning and Development Act 2005 (as amended)*, initiate Scheme Amendment 29 to the *Shire of Ashburton Town Planning Scheme No. 7* by:

1. Rezoning portion of Lot 500 on Deposited Plan 401881 from 'Rural' to 'Public Purposes – Waste Disposal and Treatment' as shown on the Amendment Map; and
2. Amending the Scheme Map Accordingly.

CARRIED 7/0

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

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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 10 December 2014, at the Onslow Multi-Purpose Centre, Cnr McGrath Road & Hooley Avenue, Onslow commencing at 1.00 pm.

21. CLOSURE OF MEETING

The Shire President declared the meeting closed at 2.54 pm.