

SHIRE OF ASHBURTON

ORDINARY COUNCIL MEETING

MINUTES

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

20 August 2014

1.00 pm

MINUTES - ORDINARY MEETING OF COUNCIL 20 AUGUST 2014

SHIRE OF ASHBURTON ORDINARY COUNCIL MEETING

Dear Councillor

Notice is hereby given that an Ordinary Meeting of the Council of the Shire of Ashburton will be held on 20 August 2014 at Onslow Multi-Purpose Centre, Cnr McGrath Rd and Hooley Ave, Onslow commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.

Neil Hartley
CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

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1. DECLARATION OF OPENING

The Shire President declared the meeting open at 1.03 pm.

2. ANNOUNCEMENT OF VISITORS

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

3. ATTENDANCE

3.1 PRESENT

| | |
|----------------|---|
| Cr K White | Shire President, Onslow Ward |
| Cr L Rumble | Deputy Shire President, Paraburdoo Ward |
| Cr D Dias | Paraburdoo Ward |
| Cr L Thomas | Tableland Ward |
| Cr A Bloem | Tom Price Ward |
| Cr P Foster | Tom Price Ward |
| Cr C Fernandez | Tom Price Ward |
| Cr A Eyre | Ashburton Ward |
| Cr D Wright | Pannawonica Ward |
| Mr N Hartley | Chief Executive Officer |
| Ms D Wilkes | Executive Manager, Community Development |
| Ms A Serer | Executive Manager, Strategic & Economic Development |
| Ms J Smith | Executive Officer CEO |
| Mrs C Robson | CEO & Councillor Support Officer |

3.2 APOLOGIES

There were no apologies.

3.3 APPROVED LEAVE OF ABSENCE

There were no approved leave of absences.

4. QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 16 July 2014, the following questions were taken on notice and a written response will be provided.

Q1. *Can Council please advise the status on the development of a new policy for Itinerant Traders? The Manager of Building Services has previously advised on 9 December 2013 that this matter was progressing but as yet this policy has not been published.*

The Tom Price and Paraburdoo association (Pilbara Inland Chamber of Commerce and Industry) suggest two amendments to the current policy.

- 1. Proof of accommodation as a condition of application approval***
- 2. Designated trading areas that are outside of the central Business District.***

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Response

A policy has been drafted (version1) and arrangements have been made, by the Coordinator of Health, to seek comment from the Pilbara Inland Chamber of Commerce and Industry (PICCI) at its next meeting on the 15 August 2014. Issues related to accommodation of vendors and designated trading areas have been incorporated into the draft. A meeting was held with the PICCI chairperson, Ms Sarah Kemp, in mid-July to obtain the PICCI's broad response to the draft and to arrange attendance at a meeting for the purposes of consulting with the group. The draft policy will be considered more fully at the PICCI meeting on the 15 August 2014. Comments from the PICCI and the draft traders policy will be presented to Council for its consideration via an agenda item at a scheduled Ordinary Council meeting following the consultation process with the PICCI.

4.2 PUBLIC QUESTION TIME

There were no questions from the public.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That Council accept the application for leave of absence from Cr Tony Bloem for the Ordinary Meeting of Council being held on 17 September 2014.

CARRIED 9/0
Crs White, Rumble, Dias, Wright, Thomas, Eyre, Foster, Fernandez and Bloem
voted for the motion

6. DECLARATION BY MEMBERS

That Councillors White, Rumble, Foster, Fernandez, Eyre, Dias, Bloem, Wright and Thomas 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;

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- (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 **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

Cr White held a minutes silence for recently deceased Ashburton (ex)residents. Mr Rod Davies (Paraburdoo 1976 - 1979) and Mr Peter Foote (Paraburdoo 1991 – 2007) who both served as Shire Councillors, and Mr Bob Hicks who was the wildlife carer in Tom Price.

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8. PETITIONS / DEPUTATIONS / PRESENTATIONS

8.1 PETITIONS

There were no petitions presented 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 SPECIAL MEETING OF COUNCIL HELD ON 9 JULY 2014

Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Wright

That the Minutes of the Special Meeting of Council held on 09 July 2014, as previously circulated on 11 July 2014, be confirmed as a true and accurate record.

CARRIED 9/0

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

9.2 ORDINARY MEETING OF COUNCIL HELD ON 16 JULY 2014

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr D Dias

That the Minutes of the Ordinary Meeting of Council held on 16 July 2014, as previously circulated on 24 July 2014, be confirmed as a true and accurate record, subject to the following amendment:

Agenda Item 14.5 Consideration of Entry Statement to Onslow Rodeo was allocated to the incorrect file number RE.MC.R.42090 to be changed to the correct file number of RE.OA.R.39070.

CARRIED 9/0

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

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9.3 SPECIAL MEETING OF COUNCIL HELD ON 30 JULY 2014

Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Thomas

That the Minutes of the Special Meeting of Council held on 30 July 2014, as previously circulated on 31 July 2014, be confirmed as a true and accurate record.

CARRIED 9/0
Crs White, Rumble, Dias, Wright, Thomas, Eyre, Foster, Fernandez and Bloem
voted for the motion

10. AGENDA ITEMS ADOPTED "EN BLOC"

10.1 MOVE AGENDA ITEMS 'EN BLOC'

MINUTE: 11837

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 P Foster

SECONDED: Cr L Rumble

That Council adopts en bloc the following officer recommendations contained in the Agenda for the Ordinary Meeting of Council 20 August 2014:

| Item No. | Agenda Item |
|----------|--|
| 11.2 | ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF JULY 2014 |
| 12.1 | NAMING OF PLAYGROUND IN RESERVE 43565 PARABURDOO TO BE OFFICIALLY NAMED 'TRAIN PARK' |
| 15.1 | SITE SELECTION AND FEASIBILITY STUDY FOR THE PROPOSED ONSLOW WASTE MANAGEMENT FACILITY LOT 150 ONSLOW ROAD - AUGUST 2014 |
| 16.1 | DEED OF VARIATION TO CHEVRON AIR QUALITY MONITORING SYSTEM LEASE RESERVE 30686 ONSLOW |

CARRIED EN BLOC 9/0

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

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11. CHIEF EXECUTIVE OFFICER REPORTS

11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS FOR THE MONTH OF JULY 2014

MINUTE: 11838

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: 30 July 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

Policy Implications

Not Applicable

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr D Dias

SECONDED: Cr C Fernandez

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

CARRIED 9/0
Crs White, Rumble, Dias, Wright, Thomas, Eyre, Foster, Fernandez and Bloem voted for the motion

MINUTES - ORDINARY MEETING OF COUNCIL 20 AUGUST 2014

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

MINUTE: 11837

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

AUTHOR'S NAME AND POSITION: Janyce Smith
Executive Officer CEO

Susan Babao
Administration Assistant, Planning & Health Services

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 04 August 2014

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The purpose of this agenda item is to report back to Council actions performed under delegated authority for the month of July 2014.

This report includes all actions performed under delegated authority for:

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

Background

The Use of the Common Seal

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

Planning Delegations

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

Approval to Purchase Goods and Services by the Chief Executive Officer

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

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Comment

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

This report is prepared for each Council meeting.

The Use of the Common Seal

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

Seal 557 Notification under section 70A for Lot 311 on deposited plan 202376 (Onslow)
 Sea 558 Beadon Creek tie downs (2 x copies) Round 19 2014

Planning Delegations

Planning Delegations undertaken for the month of July 2014.

| A | Advertising and Determining Applications for Planning Approval | | | | |
|--------------------------|---|-----------------|--|---|--|
| Adv or Det. App. | Date | Applicant | Description | Development location | |
| Delegated Approval 14-33 | 10/06/2014 | Pure Mechanical | Mechanical Workshop - Change of Use | Lot 903 Doradeen Road, Tom Price | |
| Delegated Approval 14-26 | 15/07/2014 | SOA | Osprey Nest | Four Mile Creek, Onslow | |
| Delegated Approval 14-38 | 29/07/2014 | SOA | Roof Structure for Cricket Pitch | Lot 88 De Grey Road, Paraburdoo (Reserve 42129) | |
| Delegated Approval 14-37 | 30/07/2014 | Pindan | Modification to 20110481 (Carports and Stores) | LOT 667 (No. 7) Anketell Crt, Onslow | |
| Delegated Approval 14-42 | 31/07/2014 | Kerry Willison | Home Occupation - Home Baked Goods | Lot 262 Roebourne Avenue, Paraburdoo | |
| B | Advertising draft Development Plans - none | | | | |
| C | Advertising Extension for Town Planning Scheme Amendments and Development Plans - none | | | | |
| D | Subdivision and Development Design - none | | | | |
| E | Consideration of WAPC Referrals of Applications for Subdivision Approval - WAPC 149939 - Lot 16 Onslow Rd, Onslow - WAPC 150213 - Lot 305 First Ave, Onslow | | | | |
| F | Clearance of Local Government Conditions associated with Subdivision Approval - WAPC 147507 - Lot 490 Burt Close, Onslow - WAPC 146248 - Lot 913 McGrath Ave, Onslow | | | | |
| G | Issue of Certificates (Strata Titles) - none | | | | |
| H | Directions regarding unauthorised development - Investigated home businesses in Paraburdoo resulting in one closing and one complying with requirements. - Investigate tyre dumping at the easement of the Paraburdoo landfill site resulting in DEC taking over file with view to prosecution. - Investigate and resolve Sunday works in Onslow. Warning notices issued to builders creating excessive noise on Sundays. - Finalise CCTV memorandum of understanding with Pilbara district Police. - Assist Onslow Caravan Park management with legal issues. - Clear outstanding building licence applications which are non-compliant. | | | | |

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| | | | | |
|---|--|-----------|-------------|----------------------|
| | <ul style="list-style-type: none"> - Assist Coates Hire Tom Price in relation to compliant use of Lot 5 Boonderoo Rd. - Assist Health Officers in relation to bringing about a satisfactory solution to Onslow Rodeo Grounds asbestos matter. - Finalise submission to Council for unauthorised accommodation in Shire LIA's. | | | |
| I | Responsible Authority Reports to the Development Assessment Panel | | | |
| | Date | Applicant | Description | Development Location |
| | none | | | |

Approval to Purchase Goods and Services by the Delegations of Authorisation used by Chief Executive Officer

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

| Approval Date | File Ref | Title | Decision |
|---------------|--------------|-------------------------------|---|
| 07.07.14 | AS.WI.002.00 | DA04-1 Wittenoom Claims Legal | Authorising payment for claimants \$7,509.47 |
| 15.07.14 | AS.WI.002.00 | DA04-1 Wittenoom Claims Legal | Authorising payment for claimant \$43,047.72 |
| 30.07.14 | AS.WI.002.00 | DA04-1 Wittenoom Claims Legal | Authorising payment for claimant \$4,700.00 (*) |

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

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

| Approval Date | File Ref | Title | Tenderer | Total Score (/100) | \$ |
|---------------|----------|--|----------|--------------------|----|
| | | There are no summary of the Tender Approvals by the CEO for the month of July 2014 | | | |

Consultation

The Use of the Common Seal

Chief Executive Officer

Planning Delegations Issued

Chief Executive Officer

Executive Manager, Development & Regulatory Services

Approval to Purchase Goods and Services by the Chief Executive Officer

Frank Ludovico, Executive Manager Corporate Services

Statutory Environment

The Use of the Common Seal

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

(*) Typographical error corrected - '\$4,7000.00' corrected to read '\$4,700.00'.

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Planning Delegations Issued

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

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

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

Approval to Purchase Goods and Services by the Chief Executive Officer

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

Financial Implications

The Use of the Common Seal

There are no financial implications related to this matter.

Planning Delegations Issued

There are no financial implications related to this matter.

Approval to Purchase Goods and Services by the Chief Executive Officer

Goods purchased in accordance with 2014/15 Budget.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

Policy Implications

The Use of the Common Seal

ELM 13 – Affixing the Shire of Ashburton Common Seal.

Planning Delegations Issued

There are no policy implications related to this matter.

Approval to Purchase Goods and Services by the Chief Executive Officer

FIN12 – Purchasing and Tendering Policy.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Rumble

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

CARRIED EN BLOC 9/0

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

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11.3 OCEAN VIEW CARAVAN PARK COMMITTEE FOR THE MONTH OF AUGUST 2014

MINUTE: 11839

FILE REFERENCE: RE.SE.R.24405
OR.MT.1

AUTHOR'S NAME AND POSITION: Janyce Smith
Executive Officer CEO

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 8 August 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 11.3 (Minute 11824) – Ordinary Meeting of Council 16 July 2014
Agenda Item 11.3 (Minute 11812) – Ordinary Meeting of Council 18 June 2014
Agenda Item 11.3 (Minute 11794) – Ordinary Meeting of Council 21 May 2014
Agenda Item 16.1 (Minute 11784) – Ordinary Meeting of Council 16 April 2014
Agenda Item 16.2 (Minute 11775) – Ordinary Meeting of Council 19 March 2014
Agenda Item 13.5 (Minute 11664) – Ordinary Meeting of Council 16 October 2013
Agenda Item 18.3 (Minute 11297) – Ordinary Meeting of Council 19 September 2012
Agenda Item 17.3 (Minute 11267) – Ordinary Meeting of Council 15 August 2012

Summary

At the Ordinary Meeting of Council held on 19 March 2014 Council resolved:

“That Council form a Committee of Council to oversee and workshop the master plans for the Ocean View Caravan Park Onslow and report back to Council with recommendations including and considering:

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

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

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

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

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

Background

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

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

At the March 2014 Ordinary Meeting of Council a report was presented to Council outlining the information and advice provided by Brighthouse Consultants and Hester Property Solutions (Minute 11775). At this time Council resolved to appoint a Committee of Council to oversee and workshop the master plans for the Ocean View Caravan Park and report back to Council with recommendations.

The recommendations are to include and consider applying for funding from the Royalties for Regions Infrastructure Fund for the upgrades to power, water and sewage and to liaise with Tourism WA to apply for grants for ablution blocks; and allocating the \$200,000 in the 2013/14 budget to the purchase of a manager’s house.

Comment

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

The meeting for August will be held on 20 August 2014 at the Multi-Purpose Centre, Onslow. A copy of the Meeting Agenda is attached for Council’s information.

ATTACHMENT 11.3A

As the Committee meetings are held the day before the Council Meeting, the Minutes of the most recent meeting are not able to be attached to this report. A summary of the Action Items is intended to be distributed to Councillors prior to the commencement of the Council Meeting for its information, and if thought appropriate, its decision. The Minutes from 15 July 2014 are attached.

ATTACHMENT 11.3B

Consultation

Chief Executive Officer

Executive Manager – Strategic & Economic Development

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Statutory Environment

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

S5.20: Decisions of Councils and Committees

S.22: Minutes of Council and Committee meetings

Financial Implications

It is not possible to advise on any financial implications at the time of preparing this Council agenda as the Council agenda preparation precedes the Committee meeting occurring. Any financial implications for Council consideration beyond existing budget allocations therefore, should be highlighted as part of the 20 May Committee recommendations. Noting that these Committee recommendations will be presented to Council prior to this item being considered.

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

Strategic Implications

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

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

Policy Implications

There are no policy implications to this matter.

Voting Requirement

Simple Majority Required

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Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr A Eyre

That Council endorse the following recommendations of the Ocean View Caravan Park Committee Meeting held on 20 August 2014:

7.1 DISCUSS PROPOSED STAGING AND EXTENT OF CARAVAN PARK DEVELOPMENT

That the committee recommend to Council that it:

(a) Note the draft planning timeline (completion dates) for the Caravan Park Redevelopment:

| | |
|---|-----------|
| HQ Management Appointment | 05-Aug-14 |
| Initial Consultations & Project Plans | 11-Sep-14 |
| Stakeholder and Community Consultation | 23-Feb-15 |
| Detailed Electrical, Drainage and Civil Design | 02-Mar-15 |
| Procurement of Managers Residence and Ablutions | 17-Mar-15 |
| Construction Works (2 stages) | 21-Aug-15 |

(b) Endorse the principal of a stakeholder workshop group being established as part of the caravan park revitalisation project.

7.2 REVIEW INFORMATION REGARDING THE CARAVAN PARK AND CAMPING ACTION PLAN PROVIDED BY TOURISM WA

Note that correspondence has been forwarded and await the responses.

CARRIED 9/0

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

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11.4 REVIEW OF POLICY - CONDUCT OF PUBLIC QUESTION TIME / PETITIONS / DEPUTATIONS AND PRESENTATIONS (ELM07)

MINUTE: 11840

FILE REFERENCE: ELM07
LE.LL.10.00

AUTHOR'S NAME AND POSITION: Janyce Smith
Executive Officer CEO

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 4 August 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 10.3 (Minute No: 11537) – Ordinary Meeting of Council 5 June 2013
Agenda Item 12.05.11– Ordinary Meeting of Council 20 May 2008
Agenda Item 11.4.433 – Ordinary Meeting of Council 20 April 1999

Summary

In December 2012, Commissioner Yuryevich requested administration to review the procedure relating to Public Question Time / Deputations, in particular the manner in which Public Questions are submitted during Council Meeting.

Further at the Ordinary Meeting of Council held on 23 January 2013 Council resolved to adopt, in accordance with the provisions of the Local Government Act, the Shire of Ashburton Standing Orders Local Law 2012.

The purpose and effect of the Shire of Ashburton Standing Local Law 2012 is:

- To provide procedures which apply to the conduct of meetings of the Council, its committees and meetings of electors.
- The effect being to control the operation of Council, committee and electors meetings.

As a result of the above a review of the Policy – Procedure for the Conduct of Public Question Time and Deputations (ELM07) has been undertaken. This policy is now presented to Council for its consideration of adoption.

Background

In December 2012, Commissioner Yuryevich requested administration to review the procedure relating to Public Question Time. Further, at the Ordinary Meeting of Council held on 23 January 2013 Council resolved to adopt, in accordance with the provisions of the Local Government Act, the Shire of Ashburton Standing Orders Local Law 2012.

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Public question time is a means by which the public can seek responses from the Shire regarding issues affecting the Shire of Ashburton that are of interest to them. It assists the public to be better informed about the governing of their district and it provides the Shire of Ashburton with a mechanism to identify issues of importance in its community.

This policy is now presented to Council for its consideration of adoption.

Comment

A review of the Policy – Procedure for the Conduct of Public Question Time and Deputations (ELM07) was undertaken to address the issue of preparation for the arrangements of submitting Public Questions.

Public question time during Meetings can often present many challenges for the presiding member in trying to ensure that available time is used efficiently and effectively and members of the public are given a fair and equal opportunity to participate.

The review has proposed the streamlining of the current Public Question Time process.

ATTACHMENT 11.4A
ATTACHMENT 11.4B
ATTACHMENT 11.4C

Consultation

Chief Executive Officer
Executive Management Team
Governance & Policy Officer

Statutory Environment

Local Government Act 1995

The relevant Public Question Time regulations are outlined in the Local Government Act and the [Administration] Regulations 1996) Part 2 – Council and committee meetings, which states:

- “6. *Question time for public, minimum time for (Act s. 5.24(2))*
- (1) *The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.*
 - (2) *Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in subregulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.”*

The Shire’s Standing Orders Local Law clause 6.7 is also relevant:

- “(1) *A member of the public who raises a question during question time, is to state his or her name and address.*
- (2) *A question may be taken on notice by the Council for later response.*
- (3) *When a question is taken on notice the CEO is to ensure that:*
 - (a) *a response is given to the member of the public in writing; and*
 - (b) *a summary of the response is included in the agenda of the next meeting of the Council.*
- (4) *Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to:*
 - (a) *declare that he or she has an interest in the matter; and*

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- (b) allow another person to respond to the question.*
- (5) Each member of the public with a question is entitled to ask up to 2 questions before other Members of the public will be invited to ask their questions.*
- (6) Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.*
- (7) The Presiding Member may decide that a public question shall not be responded to where:
 - (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;*
 - (b) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or*
 - (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.**
- (8) A member of the public shall have two minutes to submit a question.*
- (9) The Council, by resolution, may agree to extend public question time.*
- (10) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.”*

Financial Implications

There are no financial implications for this matter.

Strategic Implications

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

Policy Implications

The policy has been renamed “Conduct of Public Question Time (ELM07)” and does not include Petitions, Deputations and Presentations as these are addressed in the Standing Orders 2012 Local Law.

Voting Requirement

Simple Majority Required

Recommendation

That Council adopt the “Conduct of Public Question Time Policy (ELM07)” as attached.

ATTACHMENT 11.4A

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Council Decision

MOVED: Cr D Dias

SECONDED: Cr P Foster

That Council:

1. Adopt the “Conduct of Public Question Time Policy (ELM07)” as attached (ATTACHMENT 11.4A) with the following paragraph added – ‘Department of Local Government Guidelines relating to Public Question Time outline that elected members should not use question time to ask questions as many other alternatives are available to them. If elected members are provided with questions from members of the public for presentation to Council as part of Question Time, the Councillor should provide a copy of the questions to the CEO as soon as practical after receiving them, and lodge the original document in the Question Time Tray on Council Meeting Day; and
2. Alter the Protocol by deleting “two questions” wherever it occurs, and replacing it with “three questions”.

CARRIED 9/0

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

Reason for Change of Recommendation:

That to add clarity to the Policy and a process in regard to questions provided directly to Councillors from the general public, or question Councillors themselves may have, the relevant portion of the Department of Local Government Guidelines relating to Public Question Time be inserted. Also, to expand the number of questions, to three, that may be asked within the existing allotted two minute time limit.

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11.5 NOMINATION FOR THE ASHBURTON LAND CONSERVATION DISTRICT COMMITTEE (LCDC)

MINUTE: 11850

FILE REFERENCE: EV.ST.03.00

AUTHOR'S NAME AND POSITION: Janyce Smith
Executive Officer CEO

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 6 August 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 10.2 (Minute No. 11043) – Ordinary Meeting of Council 19 October 2011
Agenda Item 12.02.10 – Ordinary Meeting of Council 17 February 2010

Summary

The Office of the Commissioner of Soil and Land Conservation is seeking nominations from the Shire of Ashburton for appointment to the Ashburton Land Conservation District Committee (LCDC).

Council at its Ordinary Meeting of Council, 17 February 2010 resolved to appointment Mrs Leanne Corker (a former Councillor) of Redhill Station to represent the Shire on this committee. Her term expired on 30 June 2014.

Mrs Corker has confirmed that she is prepared to continue as the Shire representative on the Ashburton LCDC.

Background

Land Conservation District Committees (LCDCs) are statutory bodies formed under section 23 of the *Soil and Land Conservation Act 1945* (the Act).

LCDC's operate with respect to defined land conservation districts and are formed by an Order of the Governor in Council on the advice of the Minister for Agriculture, Forestry and Fisheries.

Membership of Land Conservation District Committees (LCDCs) is set out in the *Soil and Land Conservation Act 1945* (the Act) and includes:

- the Commissioner of Soil and Land Conservation or his/her nominee;
- representative(s) of the relevant local government(s) in the district (can be a councillor, employee of the local government or other person);

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- a total of three persons representing the Western Australian Farmers Federation (WAFF) and/or the Pastoralists and Graziers Association (PGA), if agricultural and pastoral activities are a major land use within the district (does not have to be a member of WAFF or PGA, although this will usually be the case); and
- such other number of persons from the local community required to complete the membership, being people or organisations who are actively engaged in land use within the district (generally referred to as the "land user" category).

The actual number of members on a particular LCDC is set by the order establishing the Land Conservation Committee district. This varies between LCDC's.

The Commissioner of Soil and Land Conservation approves all appointments to LCDC's and members serve a maximum term of three years from the time their appointment is gazetted. Mrs Corker's appointment was gazetted on 30 June 2011.

The Shire's previous appointee, Mrs Leanne Corker of Redhill Station has confirmed that she is prepared to continue as the Shire representative on the Ashburton LCDC. The new term will commence 1 July 2014 and expire on 30 June 2017.

Comment

In addition to the administration having contact with the Department of Agriculture, feedback was sought from Councillors in relation to the process of nomination for this committee. After considering the feedback received from Councillors the Shire President suggested that correspondence be sent to Leanne Corker to establish if she was interested in continuing as the Shire's Representative for this committee.

Mrs Leanne Corker from Redhill Station has confirmed that she wishes to continue as the Shire representative on this committee.

Contact was made with the Secretary of the Ashburton LCDC, Wendy Harvey of Mininer Station. Advice received was that the Committee supports the nomination of Mrs Corker. The Committee also advised that they have not meet since 2010 due to pastoralists unavailability with rebuilding their businesses since the drought.

The author has confirmed with the Committee that contact should be made with the Shire to:

- Confirm any future meetings planned.
- Report back to the Shire by forwarding copies of each meeting minutes in order to keep Council informed.

Council approval is being sought in relation to this appointment.

Consultation

Shire President
Councillors
Chief Executive Officer
Department of Agriculture & Food

Statutory Environment

Soil and Land Conservation Act 1945

Financial Implications

There are no financial implications relevant to this matter.

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 02 – Community Ownership

Policy Implications

There are no policy implications relative to this matter.

Voting Requirement

Absolute Majority Required

Recommendation

That Council:

1. Appoint Mrs Leanne Corker of Redhill Station to represent the Shire of Ashburton on the Ashburton Land Conservation District Committee.
2. Request the Secretary of the Ashburton Land Conservation District Committee to report back to Administration by forwarding copies of the minutes for each meeting in order to keep Councillors informed.

Council Decision

MOVED: Cr D Dias

SECONDED: Cr C Fernandez

That Council:

1. **Appoint Cr Douglas Ivan Dias to represent the Shire of Ashburton on the Ashburton Land Conservation District Committee.**
2. **Request the Secretary of the Ashburton Land Conservation District Committee to report back to Administration by forwarding copies of the minutes for each meeting in order to keep Councillors informed.**

CARRIED BY ABSOLUTE MAJORITY 8/1

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

Cr Eyre voted against the motion

Reason for Change to Recommendation:

Cr Dias was of the view that he would better represent the Council and that the Shire should be represented by a person that is as closely aligned with the current views and values of the Council and its strategic direction as is possible.

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12. COMMUNITY DEVELOPMENT REPORTS

12.1 NAMING OF PLAYGROUND IN RESERVE 43565 PARABURDOO TO BE OFFICIALLY NAMED 'TRAIN PARK' (*)

MINUTE: 11837

FILE REFERENCE: RE.FT.R.39572
PA.MC.0625.00
PA.FT.0627

AUTHOR'S NAME AND POSITION: Jennifer Withers
Community Capacity Building Coordinator

NAME OF APPLICANT/RESPONDENT: Councillor Douglas Ivan Dias

DATE REPORT WRITTEN: 23 July 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 11.2 (Minute No:11733) – Ordinary Meeting of Council 22 January 2014
Agenda Item 11.5 (Minute No:11604) – Ordinary Meeting of Council 21 August 2013

Summary

At the Ordinary meeting of Council on 22 January 2014, Council resolved to name 3 venues in Paraburdo:

1. The playground area in Reserve 43565, commonly referred to as 'Meeka Park' to be officially named 'The Paraburdo Train Park'.
2. The playing fields in Reserve 39572, commonly referred to as 'Top Oval' to be officially named 'Judy Woodvine Oval'.
3. The Paraburdo swimming pool to be officially named the 'Quentin Broad Swimming Pool'.

Following this resolution, the names were sent to the Geographic Names Committee (GNC) for approval who responded seeking further information about the names and their relevance to Paraburdo. Such information was obtained and forward to the GNC, who advised that both Quentin Broad and Judy Woodvine would be accepted but that "The Paraburdo Train Park" would not be accepted.

The GNC advised that the word "The " is not acceptable in a name, and advised against using the word "Paraburdo" in case this is required in a future name. They therefore advised that name "Train Park" was an acceptable name, and that this name was not in use anywhere else in Western Australia.

(*) Typographical error corrected - 'Judy Woodvine Oval' corrected to read 'Train Park'.

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Background

Councillor Dias has requested an official naming of the playground area in Reserve 43565, commonly known as 'Meeka Park', the playing fields in Reserve 39572, commonly known as 'Top Oval' and the Paraburdoo swimming pool.

Initial research was undertaken and Landgate and the Geographic Names Committee (GNC) consulted to determine that the proposed names had historical and social relevance to the Paraburdoo community and that GNC policy and standards are adhered to.

As part of this process, the proposed name of 'Train Park' for Reserve 43565, 'Judy Woodvine Oval' for the playing fields in Reserve 39572 and 'Quentin Broad Swimming Pool' were presented to the Paraburdoo community at a community consultation sessions in September 2013 to determine the preferred names.

These names were then forwarded to the GNC who requested further information about the origin of the names 'Judy Woodvine' and 'Quentin Broad' to confirm their relevance to the Paraburdoo community. This information was obtained, and together with letters of support, forwarded on to the GNC, who were then satisfied these names were of significance and could be accepted.

In respect to endorsement of 'The Paraburdoo Train Park', the GNC advised that it would not be accepted. Their policy states that "The" is not suitable for use in naming. They also advised to drop "Paraburdoo" from the name as at some point in time "Paraburdoo" may be required for another park or reserve name and would not be able to be used due to duplication. They suggested the name "Train Park" as this name was supported in community consultation and is how it is referred to by the local community.

On receiving this advice, Councillor Dias inquired as to whether "Para Train Park" would be acceptable to the GNC. Further advice from the GNC indicated that this be unsuitable as abbreviations cannot be accepted. GNC also advised that as the name "Train Park" was the name originally approved during the community consultation process and any change to this (Including "Paraburdoo Train Park") would need to go back for further consultation and community approval.

Comment

The result of the community consultation indicated the proposed names 'Train Park', 'Judy Woodvine Oval' and 'Quentin Broad Swimming Pool' were the preferred names supported by the community.

GNC policies and procedures requires the proposed names be submitted to Landgate and GNC to ensure that the name, origin and position are recorded and available for inclusion on maps. In addition to this the playground area in Reserve 43565 (currently known as Meeka Park) does not have a registered name so this will also need to be formally registered.

Council endorsement of the name "Train Park" is now required to enable the name to be forwarded to the GNC to allow these processes to occur.

Consultation

Chief Executive Officer
Executive Manager – Community Development
Facilities Manager
Councilor Douglas Ivan Dias
Paraburdoo Community
Landgate

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Statutory Environment

Land Administration Act 1997, Part 2 General administration, Division 3 – General: 26.
AS/NZS 4819:2011 Rural and urban addressing standard
Local Government Act 1995, Shire of Ashburton Local Government Property Local Law 2013

Financial Implications

Cost of plaque and any other relevant signage to display names along with an opening ceremony. An allocation has been included in the 14/15 budget.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 1 – Vibrant and Active Communities
Objective 1 – Connected, Caring and Engaged Communities

Goal 3 – Unique Heritage and Environment
Objective 3 – Celebration of History and Heritage

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 meaningful risks associated with this matter.

Policy Implications

Not Applicable

Voting Requirement

Simple Majority Requirement

Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Rumble

That Council:

- 1. Endorse, based on community consultation and discussion with Landgate that the playground area in Reserve 43565, commonly referred to as 'Meeka Park' be officially named 'Train Park'; and**
- 2. That following Council endorsement, this name be submitted to the Geographic Names Committee as per their Policy and Standards.**

CARRIED EN BLOC 9/0

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

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12.2 REVIEW OF DONATIONS POLICY (REC08)

MINUTE: 11841

FILE REFERENCE: OR.CM.01.00

AUTHOR'S NAME AND POSITION: Deb Wilkes
Executive Manager Community Development

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 6 August 2014

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

PREVIOUS MEETING REFERENCE: Council Agenda Item 12.3 (Minute No 11826) – Ordinary Meeting of Council 16 July 2014

Summary

The Shire of Ashburton's donations policy was last reviewed in July 2014, however it has become apparent that some minor modifications are required to clarify the maximum grant allocation for Signature, town wide events.

A reviewed policy with this and one other small modification is attached for acceptance by Council.

Background

The Shire of Ashburton recently reviewed its donations policy, but it has since become apparent that further clarification on the maximum grant allocation for annual, 'Signature' town wide events needs to be considered. It is suggested that there are events that have been scheduled and held generally on an annual basis over numerous years that are of significance to their local community specifically, and the entire district generally. These events are considered as warranting 'Signature event' status, and consequently, also warrant a greater potential allocation to the maximum \$2500 outlined in the current policy. A maximum allocation of \$5000 is suggested, but for accountability, these Signature events still need to progress through the same application and assessment process all other grant applications need to follow.

This clarification has now been included, and in addition, a small modification made to include the reference number of the evaluation form on which approved grants need to be acquitted. The standard use of this form will ensure equity in the acquittal process and that all groups supply the same information.

Comment

The reviewed policy is attached for acceptance by Council.

ATTACHMENT 12.2

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Consultation

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

Statutory Environment

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

Financial Implications

An allocation has been made in the draft 2014-15 budget to cover the anticipated cost of these donations. These modifications do not alter this amount.

Strategic Implications

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

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 meaningful risks associated with this matter.

Policy Implications

REC08 Community Donations, Grants and Funding Policy.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr P Foster

That Council accepts the reviewed Donation Policy, REC08, as per ATTACHMENT 12.1.

CARRIED 9/0
Crs White, Rumble, Dias, Wright, Thomas, Eyre, Foster, Fernandez and Bloem voted for the motion

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12.3 APPLICATION ACCEPTANCE OF ROUND 1 COMMUNITY SUPPORT GRANT ALLOCATIONS - AUGUST 2014

MINUTE: 11842

FILE REFERENCE: OR.CM.01.00

AUTHOR'S NAME AND POSITION: Deb Wilkes
Executive Manager Community Development

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 6 August 2014

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

PREVIOUS MEETING REFERENCE: Council Agenda Item 12.3 (Minute No 11826) – Ordinary Meeting of Council 16 July 2014

Summary

The Shire of Ashburton's donations policy was last reviewed in July 2014, and the reviewed policy allowed for two rounds of Community Support Grants each year. In line with that policy, that first round for grants closed on 1 August 2014 and the recommendations from the reviewing panel are now presented for Council acceptance.

Background

The Shire of Ashburton recently reviewed its donations policy to provide more accessible grants for the local community, along with a robust process for the application and approval of such grants.

In line with the policy, Community Support Grants were advertised across the Shire of Ashburton, with incorporated groups being invited to apply for a grant on a supplied template. Applications closed on 1 August, and by that time 17 conforming applications had been received.

A panel of four members, three Councillors representing three wards (Councillor White, Onslow, Councillor Eyre, Ashburton and Councillor Fernandez, Tom Price) along with the Executive Manager Community Development met on Monday 4 August to consider the applications received. Councillor Foster (Tom Price) was unable to attend but submitted his recommendation to the panel prior to its convening.

As part of the discussion prior to the assessment of the applications, it became apparent that a modification was required to the policy to allow annual, town wide Signature events (including the Onslow Rodeo, Robe River Pannawonica Rodeo, Pannawonica Gala and Paraburdoo Red Dirt Rocks Committee) to apply for a larger amount than the Policy provided for. A review of, and modification to this policy is included in this August Council agenda to accommodate this.

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Comment

17 groups applied for grants in Round 1 of the Community Support Grants.

The groups and the amount of donation recommended by the panel are listed below. While all applications were deemed to have merit, budget constraints and considerations against the guidelines meant several events/projects were recommended at a lesser amount than the application. Groups whose grant is less than the maximum \$2,500 are eligible to apply again in Round 2.

| Name of Organisation | Event/Project | Recommended Grant | Additional Comments |
|--|---------------------------------|-------------------|--|
| Town Site Eagles Football | Presentation night | \$200 | Grant to be given of venue hire for event |
| Tom Price Drive In | Projector upgrade | \$2,285 | |
| Impala Kart Club | North West Finals | \$500 | |
| Tom Price Camp Draft | Annual Camp Draft | \$2,500 | |
| Tom Price Community Arts and Cultural Centre | Tom Price Community Garden | \$500 | |
| Mountain View Sporting Club | Fundraising for Police Legacy | \$500 | |
| Fortescue Cricket Assoc | Toyota Country Cup | \$500 | |
| Tom Price Bowling Club | Kitchen Upgrade | \$2,366 | |
| Tom Price Amateur Basketball Assoc | Junior and Senior Country Week | \$500 | |
| Nintirri Centre | Soft Fall Disposal | \$2,500 | Grant to be given for tip fees to a maximum of \$2,500 |
| Paraburdoo Women's Softball Assoc | Northwest softball championship | \$500 | Uniforms for juniors as first priority |
| Paraburdoo Shooters Assoc | Voice release system | \$500 | |
| Red Dirt Rocks Committee | Paraburdoo Ball | \$5,000 | |
| Paraburdoo Toy Library | Baby equipment hire program | \$500 | |
| Robe River Rodeo | Annual Rodeo | \$5,000 | |
| Panna Gala Assoc | Gala Ball | \$5,000 | |
| Onslow Rodeo Assoc | Annual Rodeo | \$5,000 | |

Consultation

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

Statutory Environment

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

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Financial Implications

An allocation has been made in the draft 2014-15 budget to cover the anticipated cost of these donations. These recommendations account for just over 50% of the allocated funding.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 1 - Active and Vibrant Communities

Objective 2 - Active People, Clubs and Associations

Risk Management

This Agenda Item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 & Risk Matrix tools, and the risks associated with this matter are insignificant.

Policy Implications

REC08 Community Donations, Grants and Funding Policy.

Voting Requirement

Simple Majority Required

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Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr P Foster

That Council accepts the donation recommendations as listed below:

| Name of Organisation | Event/Project | Recommended Grant | Additional Comments |
|--|---------------------------------|--------------------------|--|
| Town Site Eagles Football | Presentation night | \$200 | Grant to be given of venue hire for event |
| Tom Price Drive In | Projector upgrade | \$2,285 | |
| Impala Kart Club | North West Finals | \$500 | |
| Tom Price Camp Draft | Annual Camp Draft | \$2,500 | |
| Tom Price Community Arts and Cultural Centre | Tom Price Community Garden | \$500 | |
| Mountain View Sporting Club | Fundraising for Police Legacy | \$500 | |
| Fortescue Cricket Assoc | Toyota Country Cup | \$500 | |
| Tom Price Bowling Club | Kitchen Upgrade | \$2,366 | |
| Tom Price Amateur Basketball Assoc | Junior and Senior Country Week | \$500 | |
| Nintirri Centre | Soft Fall Disposal | \$2,500 | Grant to be given for tip fees to a maximum of \$2,500 |
| Paraburdoo Women's Softball Assoc | Northwest softball championship | \$500 | Uniforms for juniors as first priority |
| Paraburdoo Shooters Assoc | Voice release system | \$500 | |
| Red Dirt Rocks Committee | Paraburdoo Ball | \$5,000 | |
| Paraburdoo Toy Library | Baby equipment hire program | \$500 | |
| Robe River Rodeo | Annual Rodeo | \$5,000 | |
| Panna Gala Assoc | Gala Ball | \$5,000 | |
| Onslow Rodeo Assoc | Annual Rodeo | \$5,000 | |

CARRIED 9/0

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

13. CORPORATE SERVICES REPORTS

13.1 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF JUNE & JULY 2014

MINUTE: 11843

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 August 2014

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

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

Background

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

Comment

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

June 2014

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

ATTACHMENT 13.1A

July 2014

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

ATTACHMENT 13.1B

Consultation

Executive Manager - Corporate Service
Executive Management Team
Finance Manager
Finance Coordinator

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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

Policy Implications

There are no policy implications in this matter.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Rumble

That Council:

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

CARRIED 9/0
Crs White, Rumble, Dias, Wright, Thomas, Eyre, Foster, Fernandez and Bloem voted for the motion

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14. DEVELOPMENT AND REGULATORY SERVICES REPORTS

14.1 UNAUTHORISED ACCOMMODATION IN INDUSTRIAL AREAS WITHIN THE SHIRE OF ASHBURTON

MINUTE: 11844

FILE REFERENCE: BC.INV.2

AUTHOR'S NAME AND POSITION: Garth Rider
Compliance Officer

NAME OF APPLICANT/
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 23 July 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 16.2, Minute No. 11338 Ordinary Meeting of Council 17 October 2012

Summary

Council, at the meeting of 17 October 2012 resolved, "That Council direct the Chief Executive Officer to investigate unauthorised accommodation in Paraburdoo Light Industrial Area and take appropriate action."

On 20 November 2012 staff from the Building, Health and Planning sections of Technical Services inspected all lots (excluding the Shire depot) in accordance with the resolution. The inspection uncovered 68 unauthorised units/rooms that are or could be used for residential accommodation.

Whilst carrying out the inspection, many operators advised that accommodation in Paraburdoo was difficult to establish and that the only alternative available to them was to provide accommodation on site.

The Shire of Ashburton Town Planning Scheme No. 7 (TPS7) does not permit normal residential accommodation in Industrial Areas, often referred to as Light Industrial Areas (LIA's) but does provide for the consideration of 'Caretakers Dwellings' that do not exceed 80m² and provide only one bedroom.

By not addressing the status of unapproved accommodation within the LIA's the Shire is leaving itself exposed to litigation should someone be injured, or is killed, as a result of residing in these illegal accommodations.

Background

Council, at the meeting of 17 October 2012 resolved as follows:

"That Council direct the Chief Executive Officer to investigate unauthorised accommodation in Paraburdoo Light Industrial Area and take appropriate action."

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The Paraburdoo Light Industrial Area (LIA) comprises 22 lots in Turee Way, Mettawandy Place and Camp Road Paraburdoo. The area is zoned 'Industrial' under the Shire of Ashburton Local Planning Scheme No. 7 (TPS7) which prohibits the use and development of normal residential accommodation, including transient workforce accommodation within the zone. Only an 80 m² single bed 'Caretakers Dwelling' can be considered by the Local Government in the 'Industrial' zone.

In carrying out the Council resolution, the Shire wrote to all land owners in the LIA on 6 November 2012 advising that Shire inspections would be carried out on 20 November 2012, unfortunately many lessees were not informed by the land owner and remained oblivious to the proposed action.

On 20 November 2012 inspections of the 22 LIA lots were carried out, revealing that 11 of the lots had been developed with unauthorised accommodation. The provision of accommodation ranged from 2 to 12 rooms per lot with a total overall of 68 rooms, with various combinations of bed/bunk provisions.

Whilst carrying out the inspection, many operators advised that accommodation in Paraburdoo was difficult to establish and that the only viable alternative was to provide staff accommodation on site.

On 31 October 2013 letters were sent to the non-compliant lot owners which outlined that any buildings developed for accommodation purposes which did not comply with the TPS7 requirements were unlawful and would need to be removed. The letter did not give a time frame for this to occur and stated that the Shire reserves the right to initiate necessary legal enforcement action without further warning.

On 19 February 2014 the Compliance Officer was given the brief to review and further the investigation. On visiting the Paraburdoo LIA it was evident that unauthorised accommodation was still being utilised.

Comment

As detailed above, TPS7 does not permit normal residential accommodation in LIA's but does provide for the consideration of "Caretakers Dwellings" that do not exceed 80 m² and provide only one bedroom. The position that the Shire now needs to address is how to bring the area into compliance.

It is considered that there are two appropriate legal options that the Shire can take in response to this issue. The first would be to change TPS7 to allow for such accommodation to be permitted within the LIA. This would be a long process of up to 18 months without the guarantee of support by the Department of Planning, as it is not considered to be good planning practice to allow for substantial residential accommodation within Industrial areas. As such, this option is not recommended by Council's technical officers because of a conflict with sound planning principles.

The second option is to enforce the current TPS7 and require compliance by removing all unauthorised accommodation from the LIA's. The suggested procedure to achieve this would be as follows.

1. Send letters to all industrial land owners throughout the Shire, as well as hand delivering a similar letter to each lot to ensure Lessee awareness. The letter is to outline the Shire's intentions and give clear advice as to what is acceptable for caretaker's accommodation, including how to apply for Planning and Building

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approvals. The letter will also clearly outline the plan to have an amnesty period and set out a proposed audit plan for every LIA lot in the Shire to be conducted by the regulatory services team.

2. Give an amnesty period of six months to enable owners/occupiers to approach the Shire without fear of prosecution to help them comply with their obligations under the Planning and Development Act 2005.
3. During the amnesty period run a media campaign to ensure stakeholders are aware of the specific dates of the amnesty period and the proposed audits, including where possible, involving other Pilbara local governments to gain maximum exposure to the issue at hand.
4. Approach RTIO to determine if any solution can be found for the shortage of available accommodation, in particular in Paraburdoo.
5. The Development and Regulatory Services team conduct thorough audits of every LIA in the shire, ensuring investigations are carried out in a manner that will enable successful prosecutions, if required.
6. 'Show Cause' letters to be sent out to the owners and lessees of any lots that continue to provide unauthorised accommodation at the close of the amnesty period and if no legitimate legal reason is provided within 14 days of the notification Council officers are to initiate legal action.

A breach of Section 214(7) of the Planning and Development Act 2005 as an individual, carries a penalty of \$250,000 and in the case of a continuing offence, a further fine of \$25,000 for each day on which the offence continues or, in the case of a body corporate, a penalty of \$1,000,000 and a further fine of \$125,000 in respect of each day on which the offence continues. These fines are considerable, and history indicates that the Courts do impose large fines for breaches such as those occurring in Ashburton. The amnesty and the communications program proposed are therefore considered appropriate so as to ensure businesses have every opportunity to address any illegal activities on their land before any court procedures are commenced.

The Planning and Development Act 2005 is the appropriate statute to address this issue, however if the accommodation is in such a state to be deemed dangerous or injurious to health and wellbeing of the occupants, Council's Environmental Health Officers can issue unfit for habitation notices as a means to ensure the safety of the occupants. The Health notices cannot be issued on the basis of planning grounds though.

The primary reason for this action is that if these activities are allowed to continue with the Shire's full knowledge after exhausting all avenues previously mentioned and an occupant is injured or is killed, the Shire could be found negligent in its good community governance responsibilities, and suffer legal repercussions.

By following the process described above the land owners will be given a fair and reasonable timeframe to meet their obligations whilst also providing the Shire with some protection against litigation.

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Consultation

Chief Executive Officer
General Manager
A/Executive Manager - Development and Regulatory Services
Land owners in the Paraburdoo Light Industrial Area
Executive Manager – Strategic & Economic Development
Coordinator of Health
Corporate Communications and Media Advisor

Statutory Environment

Planning and Development Act 2005
Local Government (Miscellaneous Provisions) Act 1960
Health Act 2011
Shire of Ashburton Town Planning Scheme No. 7
LPP06 Caretaker Accommodation

Financial Implications

The cost of the preparation of the letters and subsequent service of same would have minimal costs. The media campaign costs will be apparent once consultation with relevant departments succeeds in a clear plan being devised. Should Council find the need to initiate enforcement action under the above legislation, then legal costs would be incurred by the Shire. Actions of this nature are generally successful, and the Shire would seek costs against the operators however not all costs would necessarily be retrieved.

Strategic Implications

Shire of Ashburton 10 Year Community Plan 2012-2022
Goal 04 – Distinctive and Well Serviced Places
Objective 03 – Well Planned Towns

Risk Management

Given the limited alternative accommodation options available with the Shire, there may be some public backlash at the proposed actions if illegal accommodation is not removed from the industrial areas, however by not addressing the status of unapproved accommodation within the LIA's the Shire is leaving itself exposed to litigation should someone be injured or is killed, as a result of residing in these illegal accommodation units.

It is proposed that the issue of illegal accommodation in industrial areas be addressed on a town by town basis, starting with Paraburdoo, moving on to Tom Price and then finishing with Onslow.

Policy Implications

There are no policy implications relevant to this matter.

Voting Requirement

Simple Majority Required

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Recommendation

That Council:

1. Consent to conduct a review of the illegal accommodation in industrial areas, and in light of the Shire's limited resources, conduct the review on to Tom Price and finishing with Onslow;
2. Send letters to all light industrial land owners throughout the Shire as well as hand delivering a similar letter to each lot to ensure Lessee awareness. The letter is to outline the Shire's intentions and give clear advice as to what is acceptable for caretaker's accommodation, including how to apply for Planning and Building approvals. The letter will also clearly outline the plan to have an amnesty period and set out a proposed audit plan for every LIA lot in the Shire to be conducted by the regulatory services team;
3. Give an amnesty period of six months to enable owners/occupiers to approach the Shire without fear of prosecution to help them comply with their obligations under the Planning Act 2005;
4. During the amnesty period run a media campaign to ensure stakeholders are aware of the specific dates of the amnesty period and the proposed audits, including where possible, involving other Pilbara local governments to gain maximum exposure to the issue at hand;
5. Approach RTIO to determine if any solution can be found for the shortage of available accommodation, in particular in Paraburdoo;
6. Conduct thorough audits of every LIA in the Shire, ensuring investigations are carried out in a manner that will enable successful prosecutions if required; and
7. Send "Show Cause Letters" to the owners and lessees of any lots that continue to provide unauthorised accommodation at the close of the amnesty period and if no legitimate legal reason is provided within 14 days of the "Show Cause" notification, initiate legal action.

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Council Decision

MOVED: Cr L Rumble

SECONDED: Cr D Dias

That Council:

1. **Consent to conduct a review of the illegal accommodation in industrial areas, and in light of the Shire's limited resources, conduct the review on Tom Price and finishing with Onslow;**
2. **Send letters to all light industrial land owners throughout the Shire as well as hand delivering a similar letter to each lot to ensure Lessee awareness. The letter is to outline the Shire's intentions and give clear advice as to what is acceptable for caretaker's accommodation, including how to apply for Planning and Building approvals. The letter will also clearly outline the plan to have an amnesty period and set out a proposed audit plan for every LIA lot in the Shire to be conducted by the regulatory services team;**
3. **Give an amnesty period;**
 - a. **for Tom Price and Onslow, six months from the date of notification to enable owners/occupiers to approach the Shire without fear of prosecution to help them comply with their obligations under the Planning Act 2005;**
 - b. **for Paraburdoo industrial area, 31 March 2015, to enable owners/occupiers to approach the Shire without fear of prosecution to help them comply with their obligations under the Planning Act 2005;**
4. **During the amnesty period run a media campaign to ensure stakeholders are aware of the specific dates of the amnesty period and the proposed audits, including where possible, involving other Pilbara local governments to gain maximum exposure to the issue at hand;**
5. **Approach RTIO to determine if any solution can be found for the shortage of available accommodation and residential land in Paraburdoo and Tom Price;**
6. **Conduct thorough audits of every LIA in the Shire, ensuring investigations are carried out in a manner that will enable successful prosecutions if required; and**
7. **Send "Show Cause Letters" to the owners and lessees of any lots that continue to provide unauthorised accommodation at the close of the amnesty period and if no legitimate legal reason is provided within 14 days of the "Show Cause" notification, initiate legal action.**

CARRIED 9/0

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

Reason for Change of Recommendation:

To set a definitive date for the first stage of the process for Paraburdoo, which has already commenced, and to also highlight that residential land is a part of the accommodation solution.

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14.2 APPROVAL OF POTENTIAL STREET NAMES FOR 'BARRARDA ESTATE' IN ONSLOW

MINUTE: 11845

FILE REFERENCE: ON.BD.0571.00

AUTHOR'S NAME AND POSITION: Lee Reddell
Acting Executive Manager,
Development and Regulatory Services

NAME OF APPLICANT/RESPONDENT: LandCorp

DATE REPORT WRITTEN: 6 August 2014

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

LandCorp has submitted a request that Council approve a list of potential street names for use in the new residential subdivision in Onslow known as Barrarda Estate. LandCorp has advised that its inquiries with the Geographical Names Committee have indicated that the Shire currently has only one approved, unused street name available.

As such, a Council resolution is required endorsing the proposed mix of Thalanyji and European street names. This will allow LandCorp to move forward with seeking formal approval from the Geographic Names Committee for the endorsed street names, prior to the lots within Barrarda Estate being formally created and Titles issued.

Background

'Barrarda Estate' is the name that has been given to the new residential subdivision that is being undertaken by LandCorp in Onslow. 'Barrarda' means "Nest" in the Thalanyji Language. LandCorp is seeking to unite Onslow with a mix of European and Thalanyji names as a sign of respect for Onslow's history to date.

Comment

LandCorp is seeking a Council resolution regarding potential street names for Barrarda Estate in Onslow to enable formal submission to the Geographic Names Committee for consideration. LandCorp is aiming to have a list of names available well before Titles are issued for the lots within Barrarda Estate.

A mix of Thalanyji and European names was sought and sourced through consultation with Thalanyji and the Onslow Community Liaison Group. The proposed Thalanyji names have a variety of meanings, many being related to local flora and fauna – see **ATTACHMENT 14.2** for a list of the Thalanyji names and their meanings. The European names proposed are street names from Old Onslow that have not been used in the new Onslow townsite.

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Consultation

Chief Executive Officer
A/Executive Manager – Development and Regulatory Services
Buurabalayji Thalanyji Aboriginal Corporation
Onslow Community Liaison Group

Statutory Environment

Nil

Financial Implications

There are no financial implications.

Strategic Implications

There are no strategic implications.

Risk Management

There are no risk management considerations applicable.

Policy Implications

There are no policy implications.

Voting Requirement

Simple Majority Required

Recommendation

That Council approve the following street names for use in Barrarda Estate or elsewhere in Onslow should any additional street names be required in future:

- Bugardi
- Bulhari
- Gurrurdu
- Ngajarri
- Warlun
- Wilharri
- Wirlu
- Jurru
- Tharrara
- Bugali
- Gurrjarda
- Mirru
- Thurna
- Thawarda
- Birdan
- Malha
- Mindurru
- Tharnardi
- Baba
- Juru
- Bardara
- Wirlarra
- Bilarna
- Garla
- Guja
- Marna

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- Buwarla
- Wabirri
- Yardi
- Mirri
- Yungu
- Marrabarna
- Balgarra
- Walybarda
- Balharda
- Bilyguru
- Birdibirdi
- Bunggurdi
- Gabarla
- Jirdarra
- Majurn
- Warrari
- Minyimarra
- Wagurra
- Warrirda
- Wimbil
- Gardaju
- Bilurn
- Gardayi

- Clandon
- Campbell
- Dunsboro
- Pooley
- Merrow
- Cranlesy
- Badock
- Madeleine
- Denzil
- Arther
- Montcomery
- Macarther

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr A Eyre

That Council:

1. **Approve the following street names for use in Barrarda Estate or elsewhere in Onslow should any additional street names be required in future;**

- **Bugardi**
- **Bulhari**
- **Gurrurdu**
- **Ngajarri**
- **Warlun**
- **Wilharri**
- **Wirilu**

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- **Jurru**
- **Tharrara**
- **Bugali**
- **Gurrjarda**
- **Mirru**
- **Thurna**
- **Thawarda**
- **Birdan**
- **Malha**
- **Mindurru**
- **Tharnardi**
- **Baba**
- **Juru**
- **Bardara**
- **Wirlarra**
- **Bilarna**
- **Garla**
- **Guja**
- **Marna**
- **Buwarla**
- **Wabirri**
- **Yardi**
- **Mirri**
- **Yungu**
- **Marrabarna**
- **Balgarra**
- **Walybarda**
- **Balharda**
- **Bilyguru**
- **Birdibirdi**
- **Bunggurdi**
- **Gabarla**
- **Jirdarra**
- **Majurn**
- **Warrari**
- **Minyimarra**
- **Wagurra**
- **Warrirda**
- **Wimbil**
- **Gardaju**
- **Bilurn**
- **Gardayi**

- **Clandon**
- **Campbell**
- **Dunsboro**
- **Pooley**
- **Merrow**
- **Cranlesy**
- **Badock**
- **Madeleine**
- **Denzil**
- **Arther**

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- **Montcomery**
- **Macarther**

2. **Subject to any use of these names being referred to Council for final approval, to ensure the most appropriate names are aligned to the relevant locations.**

CARRIED 9/0

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

Reason for Change of Recommendation:

That Council wished to ensure that its local knowledge is used to select the most appropriate names for the locations within the Onslow area.

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15. INFRASTRUCTURE SERVICES REPORTS

15.1 SITE SELECTION AND FEASIBILITY STUDY FOR THE PROPOSED ONSLOW WASTE MANAGEMENT FACILITY LOT 150 ONSLOW ROAD - AUGUST 2014

MINUTE: 11837

FILE REFERENCE: AS.TE.13.13

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 28 July 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 14.10 (Minute No. 11681) – Ordinary Meeting of Council 16 October 2013

Summary

The capacity of the current Onslow landfill facility is nearly exhausted and Talis Consultants were engaged to conduct a Site Selection and Feasibility Study for a new Onslow Waste Management Facility (WMF). This was funded under the Critical Services Infrastructure program for the Chevron Wheatstone project.

The Site Selection Study was completed in late 2013 for a new WMF to cater for the future needs of the Onslow catchment. The Preferred Site is located on Lot 150 Onslow Road, approximately 36km south of the town of Onslow.

Talis then undertook a Feasibility Study for developing a modern WMF at the Preferred Site to ascertain the most appropriate facilities to be included within the Onslow WMF.

In relation to the landfilling requirements the preferred option was determined to be a single landfill built to Class IV standards, accepting both Class III and Class IV waste. There are a number of key reasons for this recommendation, including:

- Long term regional demand for Class IV landfill;
- Chevron's funding proposed for a Class IV landfill;
- The capital costs of developing a Class IV landfill to accept both Class III and Class IV waste volumes over a 20 year period are relatively similar to the cost of developing separate landfills; and
- The operating costs and equipment requirements are the same for a Class III and Class IV facility
-

It is recommended that Council note the Site Selection and Feasibility Study prepared by Talis Consultants and authorise the CEO to proceed with the necessary site investigation, planning, approval, consultation and design works required to develop the Waste Management Facility at the Preferred Site in Onslow to a Class IV standard.

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Background

The Shire currently owns and operates the Onslow Landfill which was established as a self-sufficient, fit for purpose facility located on the edge of town. The current Onslow Landfill is approaching the end of its operational life. Furthermore, surrounding land development is encroaching on the existing landfill facility, posing land use conflicts.

Development of the Ashburton North Strategic Industrial Area (ANSIA) site, and specifically the Wheatstone Project, is anticipated to place strains on the town of Onslow's current infrastructure, with an additional 1,500 residents forecast in Onslow by 2016. This growth will place additional pressure on the waste facility through the generation of greater volumes and more complex waste streams. A new waste management facility is required that meets appropriate siting, design and operational standards.

Under the Ashburton North State Development Agreement (Wheatstone Project), Chevron is required to make a capped contribution of \$2 million to develop a new waste management facility. Importantly, this contribution is contingent upon the facility meeting Chevron's environmental standards of a Class IV facility.

A Class III Landfill is defined as 'a lined landfill, which may include leachate collection, designed to accept putrescible and inert wastes'. A Class IV landfill is defined as 'a double-lined landfill with leachate collection, designed to accept contaminated soils and sludges (including encapsulated wastes)'.

In order to determine an appropriate site and the feasibility of providing a facility to meet Chevron's standards an agreement was reached for up to \$300,000 of the \$2 million to be allocated to a Site Selection and Feasibility Study.

The Shire of Ashburton sought consultancy services to conduct the Site Selection and Feasibility Study for the proposed Onslow Waste Management Facility through a Request For Tender. Talis Consultants was awarded the Contract in October 2013. This report aims to summarise the key findings of the Site Selection and Feasibility Study (**ATTACHMENT 15.1**).

Site Selection Study

The Site Selection Study was completed in late 2013. The initial phase of the site selection process involved defining the criteria based on environmental, social and planning factors that governed the overall siting works. These included aspects such as distance from Onslow and separation distances from social and environmentally sensitive areas.

Following the adoption of site selection criteria, constraints mapping was carried out utilising Geographical Information Systems (GIS) spatial modelling.

A total of twelve sites of interest were identified through the mapping works and then further evaluated through site visits. Following on from the site visits, all sites of interest were then assessed through a Multi Criteria Analysis on a range of aspects including:

- Distance from Onslow;
- Road Access;
- Separation Distances;
- Land Availability;
- Area;
- Environmental;
- Flooding;
- Vegetation Cover;

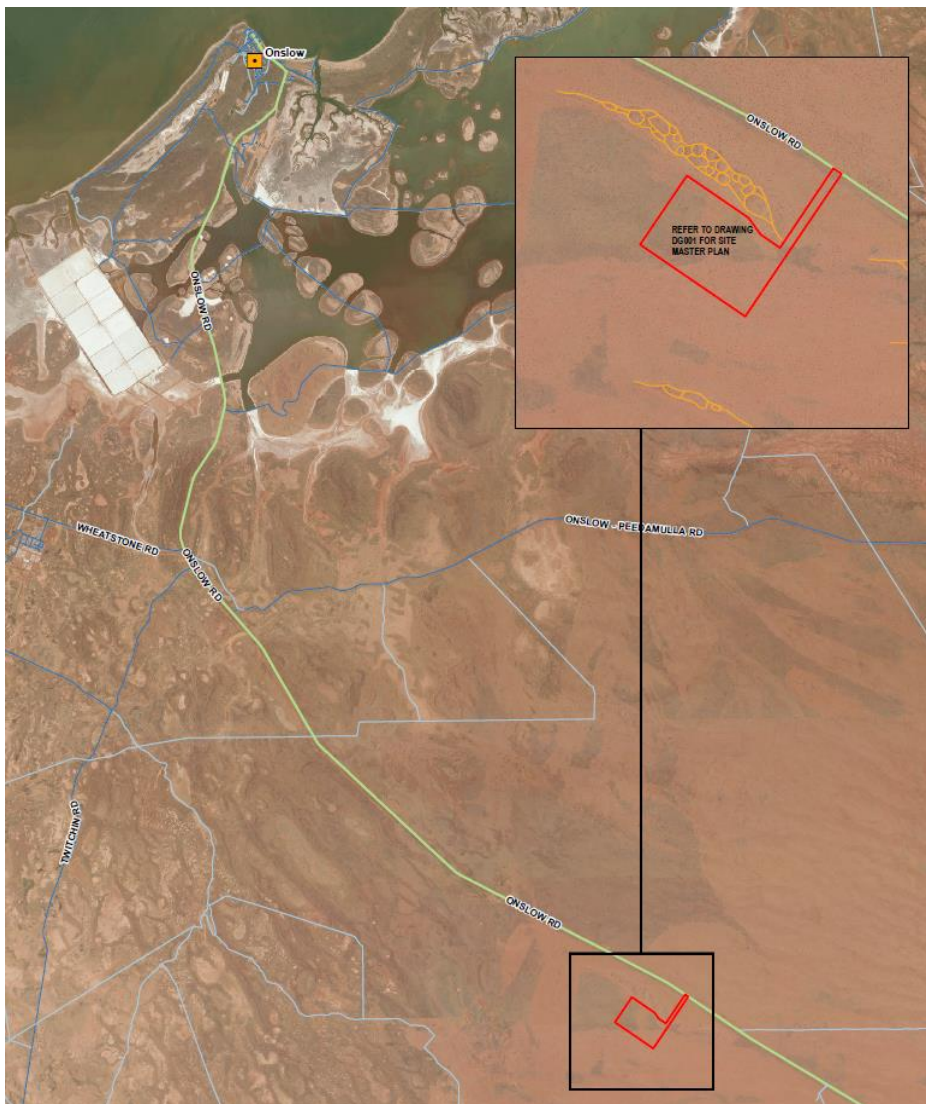
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- Hydrogeology;
- Topography;
- Infrastructure;
- Soil Characteristics;
- Screening; and
- Onsite Capital Costs.

The Multi Criteria Analysis was utilised as a decision making tool to assist stakeholders to better understand the strengths, weaknesses and points of difference between the various sites being evaluated. Based on the analysis undertaken, 'Site 10' was identified as the Preferred Site for the development of a modern WMF and was the subject of the subsequent Feasibility Study.

The land is within a Proposed Conservation Area, which is in the process of being included into the Cane River Conservation Park and is therefore managed by the Department of Parks and Wildlife (DPaW).

To the north of the Preferred Site is a ridgeline approximately 3.1km in length and elevated approximately 20-30m higher than the surrounding flat landscape. The ridgeline creates a natural visual barrier for the construction and operation of the proposed WMF.



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Figure 1: The location of the Preferred Site for the new Onslow Waste Management Facility.

The Preferred Site was determined as a suitable location for the development of a WMF due to a number of factors, including:

- Potential ability to comply with best practice siting and design standards;
- Considerable separation distances to sensitive receptors; and
- Provision for suitable area for current and future uses.

However, prior to proceeding with this site it will still be necessary to undertake a comprehensive site investigation, including flora, fauna, geotechnical and hydrogeological studies, to identify any 'fatal flaws' or potential barriers to the establishment of a landfill at this site.

Feasibility Study

The Feasibility Study initially examined current waste management practices, key waste streams and waste generation projections to ensure the proposed WMF would meet future requirements. Based on the projected waste materials, a range of potential waste management infrastructure components were identified.

Talis identified a range of suitable waste management infrastructure components which would be capable of processing and/or disposing of the waste materials generated throughout the life of the WMF. The components that were assessed included:

- Landfill (Class III/IV);
- Construction and Demolition (C&D) Waste Facility;
- Green Waste Facility;
- Liquid Waste Facility;
- Tyre and Rubber Monocell; and
- Materials Recovery Facility.

A significant portion of the waste generated in the Onslow sub-catchment will be mixed waste, similar to that which is currently disposed of at the existing landfill in Onslow. This will be made up of a number of waste streams including Kerbside Refuse, Public Place Refuse, Mixed Organics and Mixed Refuse from the Commercial and Industrial (C&I) and Construction and Demolition (C&D) Sectors. Given the relatively low annual volumes (10,000 tonnes) the development of a processing facility to segregate these waste streams into recyclables and residual waste would not be viable in Onslow. In addition, the relatively low volumes of mixed organics generated annually would not justify the development of an organic composting facility as part of the WMF. On this basis, these waste streams should be disposed of in a Class III landfill.

A number of hazardous wastes are currently being generated in the Onslow Area, mainly by the Mining and Petroleum and Natural Gas Sectors. It is anticipated that volumes of these materials will increase significantly with the expansion of ANSIA. These materials include Mixed Commercial Hazardous waste, hydrocarbon contaminated materials, treated timber and contaminated soil. Due to the nature of these materials, a Class IV landfill lining system is required to provide a higher level of protection to the environment than a Class III landfill. This is achieved in a similar fashion to a Class III landfill but with additional protection layers in the lining system.

This hazardous waste is currently either stockpiled on site or transported to the Red Hill Landfill Facility in Perth which is currently the only licensed Class IV landfill facility in Western Australia. Due to the lack of competition for Class IV landfills in the area, there is a significant opportunity to attract other Class IV waste across the Pilbara and potentially further afield.

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The Feasibility Study also assessed the cost associated with a Class III or a Class IV landfill. The following landfill cell options were assessed:

| Estimated Capital Costs | | | |
|---|---|--|--|
| Option | Cells Only (over 20 years) | Site & Other Infrastructure | Total Capital Costs (over 20 years) |
| 1. Separate Class III and Class IV Landfills | \$30.3million | \$7.6million | \$37.9million |
| 2. A single Landfill developed to Class IV standard but accepting Class III and Class IV type waste | \$30.5million | \$7.6million | \$38.1million |
| 3. Class IV Landfill embedded as a monocell within Class III Landfill | Not a feasible option given the expected ratios of Class III and Class IV waste | | |
| 4. Class III Landfill only | \$17.8million | \$7.6million | \$25.4million |

The development of a new best practice facility in Onslow provides the opportunity to accommodate Class IV waste across the Pilbara. Class IV landfills are deemed a secure landfill and are designed with a double composite lining system to capture any leaks within the primary leachate collection layer. Furthermore, the plant, resources and materials required to construct a Class III basal lining system are the same as those required for a Class IV lining system. Therefore, it is recommended at this time that the Shire pursue the option of developing a Class IV landfill.

Officers discussed with Talis Consultants the value of Class IV cells over Class III, given the additional capital expense. Although the capital cost of a Class IV landfill is higher than a Class III landfill, it is important to note that the operating costs remain the same for each scenario. This means that the increased revenue derived from the Class IV waste would offset the additional capital expenditure.

Financial modelling was carried out for the WMF with an initial operating life of 20 years commencing in 2016/17. Gate fee modelling was also carried out to determine the break even cost per tonne across the life of the project and compared to other regional and state facilities.

The total cost for all capital works during the 20 years development and operational life of the landfill is approximately \$38 million. The most expensive component of the capital works is the ongoing installation of the basal lining system in each landfill cell.

The initial capital cost of developing the proposed WMF will be in the region of \$23.2 million prior to the commencement of operations in 2016/17 (including initial landfill cells and all other facilities).

These capital costs could be secured by a Contractor who would then recover their investment over the life of the landfill operation through the gate fee.

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In assessing potential Project Delivery Models, the preliminary recommendation is that the Shire retains responsibility for land ownership, approvals, facility design and post-closure management. It is also recommended that capital funding, facility construction and facility operation be delivered by the private sector under a Build-Own-Operate-Transfer (BOOT) or similar type model.

The exact financial delivery model and waste management infrastructure components will be finalised and presented to Council for consideration at a later date. This is due to the need for further site proofing and engagement with key waste generators, both within Onslow as well as Class IV waste generators in the Pilbara, prior to the development of the final design and delivery model.

Comment

The Wheatstone businesses will have the need for the disposal of their Class IV waste. In the first instance at least, the investigation should endeavour to address the needs of these local ratepayers.

Additionally, whilst the joint Class III and IV cells will cost \$12.7million more than a facility for just Class III waste (\$30.5m as opposed to \$17.8m), there is a potential for a Build-Own-Operate-Transfer (BOOT) or similar type arrangement to minimize the financial exposure of the Shire.

As a requirement of the Project Implementation Plan (PIP), the Feasibility Study will be endorsed by the Onslow Critical Services Infrastructure Working Group following Council endorsement.

Consultation

Project Team Leader - Community and Essential Infrastructure - Chevron
Senior Project Officer - Department of State Development
Executive Manager - Infrastructure Services

Statutory Environment

Whilst there are many statutory implications surrounding refuse disposal sites, the purpose of this report is to progress ongoing investigations, therefore the relevant legislation relates to procurement.

Financial Implications

The development of a Waste Management Facility in Onslow is in accordance with the 2014/15 Annual Budget.

It is also important to note that it is not proposed that final design or construction commences until further investigations have been conducted.

Under the Ashburton North State Development Agreement (Wheatstone Project), the development of a Class IV Waste Management Facility will result in a total of \$2 million of external funding from Chevron. The funding of the proposed study (estimated to be approximately \$500,000) will be sourced from this \$2 million allocation.

Strategic Implications

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

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Risk Management

A risk management plan has been developed in accordance with the Project Implementation Plan (PIP). This will be monitored by the Project Control Group throughout the development of the project.

Should Council wish to endorse an alternative to Officers recommendation, risks could include possible major time delays to the project, disruption to waste services in Onslow and subsequent reputational and financial damage.

Policy Implications

There are no policy implications relative to this matter.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Rumble

That Council:

- 1. Note the Onslow Waste Management Facility Site Selection and Feasibility Study report (ATTACHMENT 15.1) prepared by Talis Consultants;**
- 2. Authorise the Chief Executive Officer to proceed with the necessary site investigation, planning, approval, consultation and design works required to develop the Waste Management Facility at the Preferred Site ('Site10') in Onslow to a Class IV standard; and**
- 3. Request that the Chief Executive Officer reports back to Council the results of (2) for further Council consideration on the eventual proposed design and business delivery model of the Waste Management Facility.**

CARRIED EN BLOC 9/0
Crs White, Rumble, Dias, Wright, Thomas, Eyre, Foster, Fernandez and Bloem voted for the motion

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16. STRATEGIC & ECONOMIC DEVELOPMENT REPORTS

16.1 DEED OF VARIATION TO CHEVRON AIR QUALITY MONITORING SYSTEM LEASE RESERVE 30686 ONSLOW

MINUTE: 11837

FILE REFERENCE: AS.AD.00000.000

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

NAME OF APPLICANT/RESPONDENT: Chevron Australia Pty Ltd

DATE REPORT WRITTEN: 22 July 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.6 (Minute 11651) – Ordinary Meeting of Council 18 September 2013

Summary

In order to receive Ministerial Consent, amendments to the duly executed Lease Agreement for the Air Quality Management System, located on Reserve 30686 Onslow, are required by the Department of Lands. Chevron Australia Pty Ltd has addressed these requests via a Deed of Variation.

Council endorsement of the Deed of Variation is sought.

Background

Council approved and executed the Lease Agreement between Chevron Australia Pty Ltd and the Shire of Ashburton for the Air Quality Monitoring System (AQMS), located on Reserve 30686, Onslow at the 18 September 2013 Ordinary Meeting of Council.

ATTACHMENT 16.1A

Upon receipt of the executed Lease Agreement, the Department of Lands have requested:

- the inclusion of wording indemnifying the Minister in Clause 6;
- the inclusion of wording stating the consent of the Minister for Assignment and Subletting in Clause 15; and
- the inclusion of wording indemnifying the Minister in Clause 17.

The Deed of Variation addresses the amendments required for Ministerial approval.

Clause 19.4 is an addition by Chevron Australia Pty Ltd to the Lease Agreement identifying Invoice requirements of the Lessee. These include:

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- Inclusion of Chevron's ABN on the Tax Invoice
- Lease contract title and number reference
- Amount due in Australian dollars
- Any outgoings have supporting documents
- Chevron Tax Invoice address (Perth)

The AQMS is to be constructed upon the approval of the Deed of Variation from the Minister of Lands as directed on the Management Order.

Comment

Peter Kyle of Kyle and Company (the Shire's legal representation) has reviewed the proposed Deed of Variation and has provided his approval of the document.

To adhere to environmental requirements of the Wheatstone LNG project, Council's endorsement of the Deed of Variation is required to ensure prompt delivery of the facility. As the particulars of the advertised proposed Lease Agreement (in accordance with section 3.58 of the Local Government Act 1995) have not been altered, advertising of the Deed of Variation is not required.

ATTACHMENT 16.1B

The Deed of Variation is now presented to Council for endorsement.

Consultation

Economic and Land Development Manager
Project Support Officer - Strategic and Economic Development
Kyle and Company Solicitors
Government Approvals - Wheatstone Project, Chevron Australia
Government Approval Specialist - Wheatstone Project – Technical Services – Chevron Australia

Statutory Environment

Local Government Act 1995
Local Government Regulations
Land Administration Act 1997
Environmental Protection Act (1986) WA
National Ambient Air Quality Standards – National Environment Protection (Ambient Air) Quality Measure (2003) as amended, under National Environment Protection Council Act 1994 (Cth)
State Environmental Policies – Draft State Environmental (Ambient Air) Policy 2009

Financial Implications

The proposed lease fee is expected to net \$15,000 per year for 10 years and will be included in the budgetary process.

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

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Risk Management

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

Policy Implications

Not Applicable

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Rumble

That Council:

- 1. Endorse the execution of the Deed of Variation by affixing of the Common Seal in the presence of the Shire President and Chief Executive Officer; and**
- 2. Endorse Shire Administration to seek formal approval from the Department of Lands for the Disposal of the Property.**

CARRIED EN BLOC 9/0

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

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16.2 ONSLOW SUN CHALETS - RESERVE 35889 - OUTCOME OF MAJOR LAND TRANSACTION PLAN AND AUTHORITY TO DELEGATE TO THE CEO TO ENTER INTO LEASE AGREEMENT - AUGUST 2014

MINUTE: 11846

FILE REFERENCE: RE.SE.R.35889

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 31 July 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 16.4 (Minute No. 11801) – Ordinary Meeting of Council 21 May 2014
Agenda Item 13.4 (Minute No. 11698) – Ordinary Meeting of Council November 2013
Agenda Item 12.6 (Minute No. 11375) – Ordinary Meeting of Council January 2013

Summary

In accordance with the Council resolution from the Ordinary Meeting of Council 21 May 2014 and the requirements of the Local Government Act 1995, a Major Land Transaction Plan was advertised for a proposed Lease Agreement for the Onslow Sun Chalets, on Reserve 35889, Second Avenue, Onslow, between the Shire of Ashburton and Ashburton Investments Pty Ltd.

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

Council endorsement is sought to negotiate and execute a new lease within the scope of the advertised Major Land Transaction Plan.

Background

At the 21 May 2014 Ordinary Meeting of Council, Council resolved to:

- “1. Seeks clarification from the Minister for Lands with respect to the current Holiday Accommodation reservation applicable to Reserve 35889 and the minimum requirement for short term accommodation required as a condition of this reservation;*
- 2. Prepares a Major Land Transaction Plan in respect to the proposal as received by Ashburton Investments Pty Ltd;*
- 3. Requests the Chief Executive Officer to seek a review of the current independent valuation to ensure that the Council is fully aware of the value of the property;*

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4. *Considers any submissions received in respect to the Major Land Transaction Plan.*"

The Department of Lands has provided (in principle) s18 approval under the *Land Administration Act 1997* to a lease between the Shire and Lessee, noting that the "*The Lessee must at all times reserve TWENTY FIVE PERCENT (25%) of all available beds in the holiday accommodation on the Premises for use by transient tourist trade.*"

Accordingly, the Department of Lands confirmed that this minimum requirement of 25% for use by the transient tourist trade over Reserve 35889 by the Shire in the lease documentation is supported by the Department of Lands. The Department of Lands advised a change to the wording of the current Management Order would be supported.

In accordance with s3.59 of the Local Government Act 1995, a Major Land Transaction Plan (the 'Plan') was advertised seeking public submission in respect to this proposal. This was undertaken on the 24th May 2014 for a period of six weeks, concluding on 14th July 2014.

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

In accordance with the provisions of s3.59 of the Local Government Act 1995, the Council now has the option to:

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

The proposed disposal as endorsed by Council on 21 May 2014 and outlined within the Major Land Transaction Plan has not been subject to significant change or any submissions. Therefore it is recommended that the Council proceed with the undertaking as proposed.

A Commercial Valuation Report was prepared by Independent Valuers of Western Australia for the Shire. The Executive Summary stated the Market Rental Value "As Is and Inclusive of Approval of the Proposed Expansion and Refurbishment" of the Onslow Sun Chalets is \$140,000 per annum (exclusive of GST and outgoings).

ATTACHMENT 16.2

Comment

Peter Kyle of Kyle and Company (the Shire's legal representation) is preparing a new Lease Agreement in consultation with Shire and Ashburton Investments Pty Ltd.

Approval to proceed with the disposal of this property is sought by delegating authority to the CEO to negotiate and enter into a Lease Agreement with Ashburton Investments Pty Ltd and the Minister for Lands as required under s3.58 LGA 1995, Disposing of Property and s18 LAA 1997, Ministers Approval and as per the particulars of the Major Land Transaction Plan.

In the interim to the new lease being finalised and to ensure business continuity, the Holding Over Clause of the existing lease is being exercised on a month by month basis providing for an income of \$3830.96 per month (GST inc).

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Consultation

Chief Executive Officer
Executive Manager – Strategic & Economic Development
Economic and Land Development Manager
Project Support Officer

Ashburton Investments Pty Ltd
Peter Kyle & Co (Shire Solicitors)
Manager – Pilbara Region, Department of Lands
Independent Valuers of WA

Statutory Environment

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

As no submissions were received, proceeding with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed is appropriate.

Ashburton Investments Pty Ltd will be required to comply with all relevant building, health and engineering requirements of the Shire, or with any requirements of the Shire of Ashburton Town Planning Scheme No. 7 or with the requirements of any external agency. This literature will be documented in the Lease Agreement.

Financial Implications

Under the proposed conditions of a new Lease Agreement, income of approximately \$140,000, is anticipated and has been provided for in the 2014/2015 budget.

Expenses in relation to the preparation of a new Lease Agreement have been budgeted for in the 2014/2015 budget.

Strategic Implications

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

Risk Management

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

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Absolute Majority Required

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Council Decision

MOVED: Cr A Eyre

SECONDED: Cr C Fernandez

That Council:

1. Apply to the Department of Lands for a change to the current Management Order in accordance with the advice received from the Department of Lands;
2. Delegate authority to the Chief Executive Officer to negotiate and enter into a Lease Agreement for the Onslow Sun Chalets, on Reserve 35889, Second Avenue Onslow, with Ashburton Investments Pty Ltd for a period of 10 years with a further 10 year option and an annual rental amount of \$140,000; and
3. Seek Ministerial approval of the Lease Agreement for the Onslow Sun Chalets, on Reserve 35889, Second Avenue, Onslow, as per the requirements of the Management Order.

CARRIED BY ABSOLUTE MAJORITY 8/1

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

Cr Dias voted against the motion

Janyce Smith left the meeting at 2.10 pm

Janyce Smith entered the meeting at 2.11 pm

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16.3 REQUEST FOR THE EXCISE AND DEDICATION OF A PORTION OF LOT 76 EAGLENEST ROAD (A2730) ONSLOW FOR THE CREATION OF A ROAD - AUGUST 2014

MINUTE: 11847

FILE REFERENCE: RO.ON.RI

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

NAME OF APPLICANT/RESPONDENT: TPG Town Planning, Urban Design and Heritage (TPG) on behalf of LandCorp

DATE REPORT WRITTEN: 24 July 2014

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

As part of LandCorp's Stage 1 residential subdivision development in Onslow, TPG Town Planning on behalf of LandCorp, is seeking to have a small triangular piece of land located in Lot 76 excised and dedicated for the creation of a road.

In accordance with the requirements of s56 of the *Land Administration Act 1997*, Council endorsement is now being sought to excise and dedicate the portion of Lot 76 as a road.

Background

LandCorp is progressing the development of a residential subdivision in Onslow. The subdivision is being provided to enable lots to be put in place so much needed housing can be constructed. The provision of this housing is to accommodate the new workers and families needed as part of the Wheatstone Gas Project, and for the consequential growth of the Onslow community.

TPG Town Planning, Urban Design and Heritage (TPG), on behalf of LandCorp, has prepared a request to Council to initiate the widening of a portion of Eaglenest Road, known as Lot 76, Onslow in accordance with the procedures set out under section 56 of the Land Administration Act 1997.

Eaglenest Road is planned to be constructed as a Boulevard, ranging from 35m adjacent to Onslow Road to 30m as it heads west. A small portion of Lot 76 was excluded from the previous subdivision approval due to land tenure issues. These issues have now been fully resolved and it is requested that this land be ceded as road reserve to allow Eaglenest Road to be fully constructed.

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The projection of the land into the existing road reserve represents a major impediment to the effective development and construction of Eaglenest Road. The request from TPG seeks to excise a portion of Lot 76. It is proposed that a total of 563m² be excised and dedicated as a road as shown on the attached plan.

ATTACHMENT 16.3

The proposed dedication of the portion of Lot 76 as a road will allow for the orderly and proper planning of the area and the effective construction of a well-functioning carriage way. The widening of Eaglenest Road will allow it to be constructed as the main Boulevard associated with LandCorp's Stage 1 Subdivision.

Comment

It is requested that Council resolve, in accordance with section 56 of the *Land Administration Act 1997* to excise the portion of Lot 76 for the purpose of a road.

Further to this, section 56 of the *Land Administration Act 1997* requires that once that Council have resolved to excise the land as a road, a request will be made to the Minister of Lands to dedicate the portion of Lot 76.

Consultation

A/Executive Manager - Development & Regulatory Services
Executive Manager - Infrastructure Services
Project Support Officer

Statutory Environment

Section 56 of the *Land Administration Act 1997*

Financial Implications

There are no financial implications.

Strategic Implications

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

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

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

Policy Implications

Nil

Voting Requirement

Absolute Majority Required

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Council Decision

MOVED: Cr P Foster

SECONDED: Cr A Bloem

That Council:

1. **Resolve, in accordance with section 56 of the Land Administration Act 1997, to excise the portion of Lot 76 as depicted in the attached plan, for the purpose of a road; and**
2. **Request the Minister of Lands dedicate the portion of Lot 76 as a road in accordance with section 56 of the Land Administration Act 1997.**

CARRIED BY ABSOLUTE MAJORITY 9/0
Crs White, Rumble, Dias, Wright, Thomas, Eyre, Foster, Fernandez and Bloem voted for the motion

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16.4 CONSENT TO WIDEN ONSLOW ROAD INTO LOT 555 ONSLOW ROAD (A3436), ONSLOW, RESERVE 20632 - CEMETERY AND LOT 500 (A6649) ONSLOW ROAD, ONSLOW, RESERVE 19291 - COMMON AND LOTS 86 (A750), 87 (A750) & 88 (A750) ONSLOW ROAD, ONSLOW, RESERVE 38264 - EQUESTRIAN PURPOSES - AUGUST 2014

MINUTE: 11848

FILE REFERENCE: RO.ON.RI

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

NAME OF APPLICANT/RESPONDENT: Department of State Development

DATE REPORT WRITTEN: 4 August 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 16.1 (Minute No. 11804) – Ordinary Meeting of Council 21 May 2014

Summary

In accordance with the Council resolution from the Ordinary Meeting of Council 21 May 2014, advice was sought from the Department of State Development (DSD) regarding indemnifying the Shire of Ashburton against any potential costs that may arise from the proposed road widening of Lot 555 Onslow Road, Onslow, Reserve 20632 "Cemetery", Lot 500 Onslow Road, Onslow, Reserve 19291 "Common", and Lots 86, 87 & 88 Onslow Road, Onslow, Reserve 38264 "Equestrian Purposes".

Formal indemnity advice has been received from DSD and Council endorsement to excise the proposed road widening areas in accordance with s56 of the Land Administration Act 1997 over Reserve 20632, 19291 and 38264 as per DSD's request is now sought.

Background

At the 21 May 2014 Ordinary Meeting of Council, Council resolved to:

That Council:

- 1. Seek formal confirmation from the Department of State Development as to which agency will provide the Shire of Ashburton with indemnity against any potential costs that might arise from the proposed widening of Onslow Road;*
- 2. Once formal confirmation of indemnity is received, Council will provide the Department of State Development with the consent to widen Onslow Road into Lot 555 Onslow Road, Reserve 20632 "Cemetery" and Lot 500 Onslow Road, Reserve 19291 "Common" and Lots 86, 87, 88 Onslow Road, Reserve 38264 "Equestrian Purposes" as identified in the proposed design plans;*
- 3. Apply to the Minister of Lands to excise the relevant areas of Lot 555 Onslow Road, Reserve 20632 "Cemetery" and Lot 500 Onslow Road, Reserve 19291*

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- "Common" and Lots 86, 87, 88 Onslow Road, Reserve 38264 "Equestrian Purposes" from the current management orders held by the Shire of Ashburton;*
4. *Consent to the registration of an easement over portions of Lots 87 and 86 Onslow Road, Reserve 38264 for "Equestrian Purposes", Lot 555 Onslow Road, Reserve 20362 "Cemetery" and Lot 500 Onslow Road, Reserve 19291 "Common" for the installation of overhead power transmission lines (refer to latest version of map); and*
 5. *Request Chevron to connect a power supply to Lot 87.*

The Department of Lands has provided formal correspondence stating:

"In requesting the Minister for Lands to dedicate land as a road and on the Minister granting that request, the Shire would normally be liable under s56(4) of the Land Administration Act 1997 to indemnify the Minister against any claim for compensation in respect of that land in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the Shire's request.

In this case, the Minister for Lands will also rely on the indemnity and commitments provided by Chevron Australia Pty Ltd under the Ashburton North State Development Agreement (Wheatstone Project) to recover costs."

Upon dedication of the land as road as per s56 of the *Land Administration Act 1997*, the responsibility for care, control and management of the road will rest with the Commissioner of Main Roads.

ATTACHMENT 16.4A

The request that Chevron connect power to Lot 87 Onslow Road, Onslow was not granted as communicated in correspondence from the Department of State Development dated the 30 May 2014.

ATTACHMENT 16.4B

Comment

Under s56(4) of the *Land Administration Act 1997* the local government is required to indemnify the Minister for Lands for the dedication of land as a road. In this particular case the Department of Lands has provided the attached letter advising that it would rely on the indemnity under the *Ashburton North State Development Agreement (Wheatstone Project)*, it is requested that Council provide DSD with the consent to widen Onslow Road into Reserve 20632, Reserve 19291 and Reserve 38264 as identified in the design plans.

Council endorsement to apply to the Minister of Lands to dedicate the relevant land as a road under s56 of the *Land Administration Act 1997*, as well as a portion of Lot 149 on Deposited Plan 220384 being "Peedamulla Pastoral Lease" and portions of unallocated crown land as specified on the Land Dealings Plan is sought.

ATTACHMENT 16.4C

Consultation

Chief Executive Officer
Executive Management Team
Economic & Land Development Manager
Project Support Officer

Department of State Development
Department of Lands
Chevron Australia Pty Ltd

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Statutory Environment

Land Administration Act 1997 s56 Dedication of Land as Road

Local Government Act s3.54 Reserves Under the Control of Local Government

Financial Implications

Nil

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012 – 2022

Goal 02 - Enduring Partnerships

Objective 01 – Strong Local Economies

Objective 02 – Enduring Partnerships with Industry and Government

Goal 04 - Distinctive and Well Serviced Places

Objective 01 – Quality Public Infrastructure

Objective 02 – Accessible and Safe Towns

Objective 03 – Well Planned Towns

Risk Management

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

Policy Implications

Nil

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Provide the Department of State Development with the consent to widen Onslow Road into Lot 555 Onslow Road, Reserve 20632 "Cemetery" and Lot 500 Onslow Road, Reserve 19291 "Common" and Lots 86, 87, 88 Onslow Road, Reserve 38264 "Equestrian Purposes" as identified in the design plans;
2. Apply to the Minister of Lands to excise the relevant areas of Lot 555 Onslow Road, Reserve 20632 "Cemetery" and Lot 500 Onslow Road, Reserve 19291 "Common" and Lots 86, 87, 88 Onslow Road, Reserve 38264 "Equestrian Purposes" from the current management orders held by the Shire of Ashburton. The Shire also requests the Minister for Lands to dedicate the abovementioned land as a road under s56 of the *Land Administration Act 1997*, as well as a portion of Lot 149 on Deposited Plan 220384 being "Peedamulla Pastoral Lease" and portions of unallocated crown land as specified on the attached Land Dealings Plan; and
3. The Council notes the letter from Department of Lands dated 5 August 2014 and on this basis the Shire of Ashburton indemnifies the Minister for Lands for any claim for compensation and all reasonable costs for the dedication of land as a road under s56(4) of the *Land Administration Act 1997* in relation to the above request and the attached Land Dealings Plan.

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Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Dias

That Council:

1. Provide the Department of State Development with the consent to widen Onslow Road into Lot 555 Onslow Road, Reserve 20632 "Cemetery" and Lot 500 Onslow Road, Reserve 19291 "Common" and Lots 86, 87, 88 Onslow Road, Reserve 38264 "Equestrian Purposes" as identified in the design plans;
2. Apply to the Minister of Lands to excise the relevant areas of Lot 555 Onslow Road, Reserve 20632 "Cemetery" and Lot 500 Onslow Road, Reserve 19291 "Common" and Lots 86, 87, 88 Onslow Road, Reserve 38264 "Equestrian Purposes" from the current management orders held by the Shire of Ashburton. The Shire also requests the Minister for Lands to dedicate the abovementioned land as a road under s56 of the *Land Administration Act 1997*, as well as a portion of Lot 149 on Deposited Plan 220384 being "Peedamulla Pastoral Lease" and portions of unallocated crown land as specified on the attached Land Dealings Plan; and
3. The Council notes the letter from Department of Lands dated 5 August 2014 and on this basis the Shire of Ashburton indemnifies the Minister for Lands for any claim for compensation and all reasonable costs for the dedication of land as a road under s56(4) of the *Land Administration Act 1997* in relation to the above request and the attached Land Dealings Plan.
4. Highlight its disappointment that following the Onslow community being promised an underground power supply into the Onslow townsite, Chevron is now only committed to a less cyclone resilient and less aesthetically pleasing overhead power supply line.

CARRIED 9/0

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

17. COUNCILLOR AGENDA ITEMS

There were no Councillor Agenda Items for this meeting.

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

Council Decision

MOVED: Cr P Foster

SECONDED: Cr A Bloem

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

**18.1 SHIRE OF ASHBURTON FENCING LOCAL LAW 2014 REQUESTED
UNDERTAKING**

**18.2 NAMING OF GEOGRAPHICAL LOCATION IN HONOUR OF FORMER CR PETER
FOOTE**

CARRIED 9/0

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

MINUTES - ORDINARY MEETING OF COUNCIL 20 AUGUST 2014

18.1 SHIRE OF ASHBURTON FENCING LOCAL LAW 2014 - REQUESTED UNDERTAKINGS

MINUTE: 11849

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: 15 August 2014

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

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

Summary

Council is being asked to consider the following undertakings as requested by the Joint Standing Committee on Delegated Legislation (JSCDL) with regards to the Shire of Ashburton Fencing Local Law 2014:

- a) Amend the Local Law to delete 'or substantially in' from clauses 6.3(a) and (b) within 12 months.
- b) Amend the Local Law to refer to the full title of Standards within 12 months.
- c) Not enforce clauses 6.3(a) and (b) in a manner contrary to the undertakings.
- d) Make all consequential amendments arising from the undertakings.
- e) Provide the Committee with a copy of the minutes of the meeting at which the Council resolves to provide the undertaking.
- f) Where the Local Law is made publicly available, whether in hard copy or electronic form that the law be accompanied by a copy of these undertakings.
- g) Provide access to Standards referred to in the Local Law at a Shire office and public libraries, and advise on your website where the Standards can be accessed free of charge.

Background

At the Council meeting on 19 March 2014 Council resolved to adopt the Shire of Ashburton Fencing Local Law 2014.

Comment

The Shire has received advice from the Joint Standing Committee on Delegated Legislation following its consideration of the Shire of Ashburton Fencing Local Law 2014.

MINUTES - ORDINARY MEETING OF COUNCIL 20 AUGUST 2014

ATTACHMENT 18.1A ATTACHMENT 18.1B

The JSCDL has resolved not to recommend to Parliament that this law be disallowed on the basis that the Shire failed to follow section 3.12 of the *Local Government Act 1995*.

However, the following issues were identified with the Local Law and the Committee is seeking undertakings that Council will address the following:

- a) Amend the Local Law to delete 'or substantially in' from clauses 6.3(a) and (b) within 12 months.
- b) Amend the Local Law to refer to the full title of Standards within 12 months.
- c) Not enforce clauses 6.3(a) and (b) in a manner contrary to the undertakings.
- d) Make all consequential amendments arising from the undertakings.
- e) Provide the Committee with a copy of the minutes of the meeting at which the Council resolves to provide the undertaking.
- f) Where the Local Law is made publicly available, whether in hard copy or electronic form that the law be accompanied by a copy of these undertakings.
- g) Provide access to Standards referred to in the Local Law at a Shire office and public libraries, and advise on your website where the Standards can be accessed free of charge.

Should Council adopt the undertakings as requested (and recommended) by the JSCDL, an Amendment Local Law with all of the associated advertising and notices will be required to be adopted.

Consultation

JSCDL Advisory Officer (Legal)
Chief Executive Officer
Administration Manager

Statutory Environment

Local Government Act 1995, Section 3.12

Financial Implications

Nil

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 5 - Inspiring Governance
Objective 3 - Council Leadership

Policy Implications

Nil

Voting Requirement

Simple Majority Required

MINUTES - ORDINARY MEETING OF COUNCIL 20 AUGUST 2014

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr P Foster

That Council provide the following undertakings:

- a) Amend the Local Law to delete '*or substantially in*' from clauses 6.3(a) and (b) within 12 months.
- b) Amend the Local Law to refer to the full title of Standards within 12 months.
- c) Not enforce clauses 6.3(a) and (b) in a manner contrary to the undertakings.
- d) Make all consequential amendments arising from the undertakings.
- e) Provide the Committee with a copy of the minutes of the meeting at which the Council resolves to provide the undertaking.
- f) Where the Local Law is made publicly available, whether in hard copy or electronic form that the law be accompanied by a copy of these undertakings.
- g) Provide access to Standards referred to in the Local Law at a Shire office and public libraries, and advise on your website where the Standards can be accessed free of charge.

CARRIED 9/0

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

