



SHIRE OF ASHBURTON

ORDINARY COUNCIL MEETING

MINUTES

(Public Document)

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

21 May 2014

1.00 pm

MINUTES - ORDINARY MEETING OF COUNCIL 21 MAY 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 21 May 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 1.07 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
Mr N Hartley	Chief Executive Officer
Mr M Ferialdi	General Manager
Ms D Wilkes	Executive Manager, Community Development
Mr F Ludovico	Executive Manager, Corporate Services
Mr B Cameron	Executive Manager, Development & Regulatory Services
Mr T Davis	Executive Manager, Infrastructure Services
Ms J Smith	Executive Officer CEO
Mrs C Robson	CEO & Councillor Support Officer

3.2 **APOLOGIES**

Cr D Wright Pannawonica Ward

3.3 **APPROVED LEAVE OF ABSENCE**

There were no approved leave of absences.

4. **PUBLIC QUESTION TIME**

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

At the Ordinary Meeting of Council held on 16 April 2014, there were no public questions tabled.

4.2 **PUBLIC QUESTION TIME**

There were no questions from the public.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Council Decision

MOVED: Cr Fernandez

SECONDED: Cr Thomas

That Council accept the application for leave of absence from Cr Kerry White for the Ordinary Meeting of Council being held on 18 June 2014.

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

6. DECLARATION BY MEMBERS

That Councillors White, Rumble, Bloem, Foster, Fernandez, Eyre, Dias and Thomas have given due consideration to all matters contained in the Agenda presently before the meeting.

6.1 DECLARATION OF INTEREST

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

Councillors to Note

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

(a) In a written notice given to the Chief Executive Officer before the Meeting
or;

(b) At the Meeting, immediately before the matter is discussed.

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

(c) Preside at the part of the Meeting, relating to the matter or;

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

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

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

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

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the Local Government Act 1995

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but they should not be relied on without advice, unless the situation is very clear.

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

7. **ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

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

8. **PETITIONS / DEPUTATIONS / PRESENTATIONS**

8.1 **PETITIONS**

There were no petitions presented to Council.

8.2 **DEPUTATIONS**

There were no deputations presented to Council.

8.3 **PRESENTATIONS**

Michael Klvac, General Manager, Corporate Affairs and Mikayla Banks, Heritage Manager from Iron Ore Holdings Ltd gave a presentation on the Buckland Project and provided an overview of key impacts to the Shire.

Deb Wilkes entered the meeting at 1.30pm

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9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Brian Cameron left the meeting at 1.30pm
Brian Cameron entered the meeting at 1.31pm

9.1 ORDINARY MEETING OF COUNCIL HELD ON 16 APRIL 2014

Council Decision

MOVED: Cr Foster

SECONDED: Cr Thomas

That the Minutes of the Ordinary Meeting of Council held on 16 April 2014, as previously circulated on 24 April 2014, be confirmed as a true and accurate record.

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

10. AGENDA ITEMS ADOPTED "EN BLOC"

10.1 MOVE AGENDA ITEMS 'EN BLOC'

MINUTE: 11801

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

"Part 5 – Business of a meeting

Clause 5.6 Adoption by exception resolution:

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

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Council Decision

MOVED: Cr D Dias

SECONDED: Cr L Thomas

That Council adopts en bloc the following Officer recommendations contained in the Agenda for the Ordinary Meeting of Council 21 May 2014.

Item No.	Agenda Title
13.1	2012/2013 Annual Electors Meeting
16.4	Proposal from Ashburton Investments Pty Ltd to Lease the Onslow Sun Chalets

CARRIED 8/0
Crs White, Rumble, Dias, 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

MINUTE: 11792

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 April 2014

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

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

Summary

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

Background

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

Comment

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

This report presents a summary of the "Decision Status Reports" for Office of the CEO, Corporate Services, 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

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Financial Implications

Not Applicable

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 P Foster

SECONDED: Cr L Thomas

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

CARRIED 7/1

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

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

MINUTE: 11793

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: 30 April 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 April 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 April 2014 are set out below.

Planning Delegations

Details of delegations undertaken for the month of April 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 April 2014:

- Seal 565 Formal Instrument of Agreement – RFT 19/13 – Professional Services for the Design and Validation of an Area Navigation (RNAV) Global Navigation Satellite System (GNSS) Instrument Flight Procedure
- Seal 566 Notification under Section 70A – Lot 309 on Deposited Plan 202376 – Elberton Development P/L
- Seal 567 Notification under Section 70A – Lot 308 on Deposited Plan 202376 – Cheron Investments P/L
- Seal 568 Deed of Release & Discharge – Dewson
- Seal 569 Deed of Release & Discharge - Cooke

Planning Delegations

Planning Delegations undertaken for the month of April 2014.

A	Advertising and Determining Applications for Planning Approval				
Adv or Det. App.	Date	Applicant	Description	Development location	
Advertised Amendment 26	16/4/14 & 23/4/14	Water Corporation	Rezone site of Onslow WWTP on Reserve 47957. Establish buffer and insert provisions into the scheme.	WWTP Onslow Reserve 47957	
Delegated Approval 14-19	30/04/2014	Karla McKeone	Home Occupation - Hairdressing	Lot 586 Narraburla St, Tom Price	
Delegated Approval 14-15	30/04/2014	DA Burke Builders (Jon Nannen)	2 Grouped Dwellings	Lot 638 (No. 19) Simpson St, Onslow	
B	Advertising draft Development Plans - none				
C	Advertising Extension for Town Planning Scheme Amendments and Development Plans - none				
D	Subdivision and Development Design - none				
E	Consideration of WAPC Referrals of Applications for Subdivision Approval - none				
F	Clearance of Local Government Conditions associated with Subdivision Approval - none				
G	Issue of Certificates (Strata Titles) - none				
H	Directions regarding unauthorised development - Investigation at Lot 3 Boonderoo Road, Tom Price. Found thirteen (13) unauthorised accommodation units for transient workforce use. Three of these are considered extremely dangerous being on a mezzanine level inside the actual factory, the main block fourteen (14) months old and two bedrooms were added to approved caretakers accommodation of one bedroom. - On the 15/04/14 the Compliance Officer served a Section 214(3)(a) Planning and Development Act 2005 notice to remove, pull down, take up or alter development on Bwanolar Pty Ltd T/as GFR Group for unauthorised dwellings on Lot 3 Boonderoo Road, Tom Price. The notice gives the owners 60 days to remedy the site which included the removal of the three dangerous accommodation units and remedying the two extra caretaker dwelling units back to the approved plan. - Compliance Officer is currently working with RTIO closely in relation to the Tom Price LIA involving				

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	<p>compliance issues with tenants and unauthorised buildings at that site. I foresee that almost all structures at the Tom Price LIA will be compliant by years end as the majority of tenant's are making a real effort to comply and the assistance from RTIO has been very good.</p> <ul style="list-style-type: none"> - Compliance Officer is currently working with Emma Heys in relation to the pending issue of the Paraburdoo LIA unauthorized accommodation to conduct joint consultations with RTIO to see if any alternative solution to accommodation issues can be found for the service providers involved. - Compliance Offices intends to liaise with Shire media team to do a media release for all Onslow LIA owners in relation to unauthorised accommodation. - Compliance Officer is currently investigating a case of tyre dumping on property owned by RTIO at the front of the Paraburdoo waste facility by a company engaged by the Shire to transport the said tyres to a facility in Meekatharra from both the Paraburdoo and Onslow facilities. - Compliance Officer will be investigating the issue of reported tyre dumping at the Onslow Rodeo grounds when in Onslow this month. 			
I	Responsible Authority Reports to the Development Assessment Panel			
	Date	Applicant	Description	Development Location
	1/04/2014	Chevron Australia Pty Ltd	14-7 Additional Construction Laydown and Operations Support vArea	Reserve 11648, Barrow Island

Approval to Purchase Goods and Services by the Chief Executive Officer

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

Approval Date	File Ref	Title	Decision
29/4/14	TR.AT.01.01	RFT 07/14 Provision of Fire Fighting Services – Onslow Airport	Approve the appointment of Woollams Construction to undertake the provision of fire fighting services – Onslow Airport for the value of \$600,771.50.
11/3/14	AS.TE.01.14	RFT 01/14 Bituminous Surfaces Tender	Approve the appointment of Boral Asphalt to undertake the provision of Bitumen Reseal Program Works as provided for in the 13/14 budget of \$400,000.
25/3/14	AS.TE.02.14	RFT 02/14 Installation of Shire and Town Entry Signs Under Delegated Authority	Approve the appointment of Gumala Enterprises Pty Ltd for the Installation of Shire and Town Entry Signs as provided for in the 13/14 budget of \$120,000
28/4/14	AS.TE.04.14	RFT 04/14 Supply of Dog Trailer with Living Quarters	Approve the appointment of D-Trans for the Supply of Dog Trailer with Living Quarters for the value of \$173,456.50.
17/4/14	AS.TE.05.14	RFT 05/14 Sale of Plant and Vehicles	Approve the appointment of Steann Pty Ltd Groote Family Trust for the disposal of Vehicles for the value of \$82,500

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17/4/14	AS.TE.08.14	RFT 08/14 Civil Works Construction of IGA Car Park, Paraburdoo	Approve the appointment of Manning Pavement Services for the Civil Works, IGA Car Park Paraburdoo as provided for in the 13/14 budget of \$1,209,325.
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Consultation

The Use of the Common Seal

Chief Executive Officer

Planning Delegations Issued

Chief Executive Officer

Executive Manager, Development & Regulatory Services

Approval to Purchase Goods and Services by the Chief Executive Officer

Frank Ludovico

Statutory Environment

The Use of the Common Seal

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

Planning Delegations Issued

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

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

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

Approval to Purchase Goods and Services by the Chief Executive Officer

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

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

See Council Agenda Item 11.4 – RFT 07/14 Provision of Fire Fighting Services – Onslow Airport, Onslow (Minute No: 11776_ from Ordinary Meeting of Council 16 April 2014.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

Policy Implications

The Use of the Common Seal

ELM 13 – Affixing the Shire of Ashburton Common Seal.

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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 Thomas

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

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

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11.3 OCEAN VIEW CARAVAN PARK COMMITTEE

MINUTE: 11794

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: 9 May 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 16.2 (Minute 11775) – Ordinary Meeting of Council 19 March 2014
Agenda Item 13.5 (Minute 11664) – Ordinary Meeting of Council 16 October 2013
Agenda Item 18.3 (Minute 11297) – Ordinary Meeting of Council 19 September 2012
Agenda Item 17.3 (Minute 11267) – Ordinary Meeting of Council 15 August 2012

Summary

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

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

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

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

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

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

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Background

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

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

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

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

Comment

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

The meeting for May will be held on 20 May 2014 at the Onslow Business House, 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 April 2014 are attached.

ATTACHMENT 11.3B

Consultation

Chief Executive Officer
Executive Manager – Strategic & Economic Development

Statutory Environment

Local Government Act 1995 – Subdivision 2 – Committees and their meetings
S5.20: Decisions of councils and committees
S.22: Minutes of council and committee meetings

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Financial Implications

It is not possible to advise on any financial implications at the time of preparing this Council agenda as the Council agenda preparation precedes the 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

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr L Thomas

That Council endorse the following recommendations of the Ocean View Caravan Park Committee Meeting held on 21 May 2014;

- 7.1 REVIEW OF OCEAN VIEW CARAVAN PARK DRAFT MASTER PLAN PREPARED BY BRIGHTHOUSE CONSULTANTS (February 2013)**
Taking into account the contributions from current caravan park residents and others, the Committee agrees that the future development of the caravan park should reflect the design and philosophy of the existing facility.
- 7.2 REVIEW OF CARAVAN PARKS AND CAMPING GROUNDS REGULATIONS 1197: SCHEDULE 7 – CARAVAN PARKS AND CAMPING GROUNDS**
The regulatory environment of caravan parks be noted.
- 7.3 DISCUSS PROPOSED STAGING AND EXTENT OF CARAVAN PARK DEVELOPMENT**
That the upgrading and redevelopment of the caravan park be designed so it can be undertaken in stages, thus minimising the impacts upon residents, and providing an affordable annual program for the Shire of Ashburton to follow.

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

- a) The Hon Brendon Grylls MLA be asked to pursue a change to current Tourism WA funding limitations for caravan park upgrades, to allow local government managed caravan parks, like the Ocean View Caravan Park in Onslow, to access recently announced funding opportunities.
- b) That any grant opportunities that become available, be pursued, to minimise the Shire's redevelopment cost commitment.

7.5 OPPORTUNITY FOR FURTHER SUPPORT FROM CONSULTANTS: A) BRIGHTHOUSE CONSULTANTS, B) HESTER PROPERTY SOLUTIONS, C) TOURISM WA

- a) The Shire's contract project managers be requested to meet with the Committee, to enable and overall design to be progressed and the redevelopment implementation planning to commence.
- b) The President and CEO endeavour to meet with the project managers prior to the next Committee meeting, in an effort to brief the consultants on the proposals of the Shire.

7.6 ALLOCATION OF \$200,000 IN 2013/14 BUDGET TOWARD PURCHASE OF A MANAGER'S HOUSE

- a) That caravan park funding allocated within the 2013/14 budget be carried over to the 2014/15 financial year budget.
- b) That the 2014/15 annual budget, and future budgets as required, incorporate suitable sums to enable the caravan park's upgrade redevelopment to occur in a staged process.

7.7 INVESTIGATE OWNERSHIP OF THE THIRD PARTY LOT WITHIN THE EXISTING CARAVAN PARK

- a) Notes that the land ownership issues do not appear to be an impediment to the redevelopment proposal, but that as a matter of prudence, a formal title search be undertaken as part of the planning process.
- b) For heritage, the "blockhouse building" be suitably retained in the overall redevelopment.

CARRIED 7/1

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

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12. COMMUNITY DEVELOPMENT REPORTS

There were no Community Development Reports for this agenda.

13. CORPORATE SERVICES REPORTS

13.1 2012/2013 ANNUAL ELECTORS MEETING

MINUTE: 11801

FILE REFERENCE: OR.MT.1

AUTHOR'S NAME AND POSITION: Frank Ludovico
Executive Manager Corporate Services

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 28 April 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.10 (Minute No. 11774) – Ordinary Meeting of Council 19 March 2014

Summary

The minutes of the 2012/13 Annual Electors Meeting are presented to Council for their receipt and to discuss any issues that arose.

Background

The 2012/13 Annual Electors Meeting for the Shire of Ashburton was held on Wednesday 16 April 2014 and the minutes of the meeting are attached for Councillor information.

Comment

The minutes of the 2012/13 Annual Electors Meeting are presented to Council for their receipt and to discuss any issues that arose.

ATTACHMENT 13.1

Consultation

Chief Executive Officer
Executive Manager - Corporate Services

MINUTES - ORDINARY MEETING OF COUNCIL 21 MAY 2014

Statutory Environment

Under Section 5.33 of the Local Government Act 1995 all decisions made at an Electors Meeting are to be considered at the next Ordinary Meeting of Council, Council, and if at that meeting, a local government makes a decision in response to a decision made at the Electors' General Meeting, the reasons for the decision are to be recorded in the Minutes of the Ordinary Council Meeting.

No decisions were made at the 2013 Electors' General Meeting that meet the requirements of the above Local Government Act provision.

Financial Implications

There are no financial implications relative to this issue.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 5 – Inspiring Governance

Policy Implications

There is no Council policy relevant to this issue.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr D Dias

SECONDED: Cr L Thomas

That Council receive the minutes of the 2012/13 Annual Electors Meeting held on Wednesday 16 April 2014 as per ATTACHMENT 13.1, with no further action required.

CARRIED EN BLOC 8/0

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

MINUTES - ORDINARY MEETING OF COUNCIL 21 MAY 2014

13.2 AFFIXING OF THE SHIRE OF ASHBURTON COMMON SEAL - POLICY NO. ELM13 AND

2014 REVIEW OF DELEGATIONS OF AUTHORISATIONS, COUNCIL APPROVAL AUTHORISATIONS

MINUTE: 11806

FILE REFERENCE: OR.CM.01.00
OR.DA.00.00
ELM13

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

NAME OF APPLICANT/RESPONDENT: No Applicable

DATE REPORT WRITTEN: 30 April 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 11.4 (Minute Number: 11234) - Ordinary Meeting of Council 18 July 2012
Agenda Item 11.5 (Minute Number: 11453) - Ordinary Meeting of Council 13 March 2013
Agenda Item 13.3 (Minute Number: 11766MINUTE: 11806) – Ordinary Meeting of Council 19 March 2014

Summary

Policy ELM13 Affixing of the Shire of Ashburton Common Seal is established to address the circumstances under which the official Council Common Seal may be affixed to documents.

The policy has been reviewed in order to clarify which documents require the Common Seal and enable the Chief Executive Officer to sign all other documents that do not require the Common Seal. An incorrect version of Policy ELM13 Affixing of the Shire of Ashburton Common Seal was attached to the Ordinary Council Meeting Agenda on 19 March 2014.

As per Council's request the Department of Local Government has been consulted in this process and one issue that has arisen from this conversation, is that it would be more efficient if some documents that are presently transferred to/from Onslow for CEO signing, could be authorised by resident staff.

The 2014 review of the Delegations of Authorisation and Council Approval Authorisations registers has been undertaken to address this issue and to reflect the staff restructure approved at the OCM in February 2014. These registers are presented to Council in the accordance to s5.42 of the Local Government Act with the recommendation that they be adopted by absolute majority.

MINUTES - ORDINARY MEETING OF COUNCIL 21 MAY 2014

Background

The new policy and the review of the existing delegations forms part of the annual and constant review process of the Shire, to ensure that the internal procedures of the organisation reflect efficient practices.

ATTACHMENT 13.2A

Comment

Common Seal

Policy ELM13 was reviewed and presented to Council for Adoption on 19 March 2014. Subsequent to the Council Meeting though, it was noticed that the incorrect version of the attachment had been submitted to Council for approval.

The correct reviewed policy is attached for Council's approval and has been reviewed by the Department of Local Government as requested by Council.

The reviewed policy will improve the efficiency of the organisation as many documents that are executed do not require the Common Seal. Changing the Policy will reduce the volume of unnecessary paperwork being presented to Council and speed up the process of document signing with the Shire's stakeholders.

It should be noted that there is particular legislation such as the *Planning and Development Act 2005* that still require certain documents to be "sealed" and these (amongst others) will continue to be presented to Council for authorisation.

Documents not requiring the application of the Common Seal will be signed by the CEO as per Section 9.49 of the Local Government Act.

Consultation with the Department of Local Government has highlighted that there would be efficiency gains achieved if documents that are presently transferred to/from the various town administration centres for CEO signing, could be authorised by resident staff. A review of the Delegations of Authority and Council Approved Authorisations registers has been undertaken to address this issue.

Wittenoom Asbestos Claims

Advice received from Civic Legal highlights that the resolution set out in the March 2014 OCM Minutes arguably does not enable the Chief Executive Officer to validly execute the Deeds of Settlement and Release for "Wittenoom Asbestos Claims" because although it authorises the CEO to sign "all other documents" it does not expressly state that the CEO is authorised to sign deeds as required by section 9.49A(5) of the Local Government Act 1995 (WA) The issue in relation to the execution of Deeds of Settlement and Release for "Wittenoom Asbestos Claims" would be resolved if the Council authorises the CEO to execute Deeds of Settlement and Release for "Wittenoom Asbestos Claims" under Section 9.49A(5).

Delegations of Authority Register

The Delegations of Authority Register has been reviewed and colour-coded to highlight:

1. The section of the delegations **Council** have the **power to delegate** via the Act ie., s5.42 (not colour coded).
2. What the **CEO authorises** as an on-delegation ie., s5.44. This section has been highlighted in blue text.

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The 2014 reviewed Delegations of Authority and Council Approved Authorisation registers which have been track changed to reflect the staff restructure and additional staff authorisations, where applicable. Most changes are minor and most relate to changes of officer titles and adding/deleting officer to reflect new/changed responsibilities. There are a couple of proposals though that might not be so obvious -

1. (DA03-2) - change in the CEO's delegation to the amount of \$10,000 to enable debtor write-offs. Any debtor write-offs progress through a debt recovery procedure, including thorough assessment of the capacity of the debtor to meet the debt in combination with the likelihood of any action being successful was reviewed. Anything over this level of authority will need to be presented to Council approval;
2. (CAA01-10) – new delegation to enable cemetery paperwork to be signed by resident officers, saving delays and transportation of paperwork between Onslow and Tom Price (and return);
3. (DA010-01) – Change in value to reflect Council Policy.

ATTACHMENT 13.2B
ATTACHMENT 13.2C

Consultation

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

Statutory Environment

The following sections of the Local Government Act 1995 apply;

Section 2.5 (2) stipulates that a local government is “a body corporate with perpetual succession and a common seal”. There is no stipulated requirement for the use of the common seal in particular circumstances.

Section 9.49A (4) stipulates that a local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.

Section 9.49A (5) stipulates that a document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.

Section 5.42 Delegation of some powers and duties to CEO

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

* Absolute majority required.

Financial Implications

Nil

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Strategic Implications

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

Policy Implications

Reviewed ELM13 Affixing of the Shire of Ashburton Common Seal Policy

Voting Requirement

Absolute Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr C Fernandez

That Council:

1. **Adopts Policy ELM13 Affixing of the Shire of Ashburton Common Seal as per ATTACHMENT 13.2A; and**
2. **The Chief Executive Officer is authorised under Section 9.49A of the Local Government Act 1995 (WA) to execute all Deeds of Settlement and Release for “Wittenoom Asbestos Claims” on behalf of the local government as a deed and is permitted to do so by this authorisation;**

That Council defer points 3 and 4 below, for consideration at the Ordinary Meeting of Council to held on 18 June 2014:

3. **The 2014 annual review of the Delegations of Authority Register as presented in the register as per ATTACHMENT 13.2B; and**
4. **The 2014 annual review of the Council Approved Authorisations as presented in the register as per ATTACHMENT 13.2C.**

CARRIED BY ABSOLUTE MAJORITY 8/0

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

Reason for change of recommendation:

Points 3 and 4 deferred to June 2014 Council Meeting to enable a more detailed prior workshop discussion.

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13.3 BUDGET AMENDMENT / VARIATION

MINUTE: 11795

FILE REFERENCE: FI.BU.13.14

AUTHOR'S NAME AND POSITION: Natalie Briney
Budget & Grants Officer

NAME OF APPLICANT/
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 30 April 2014

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

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

Background

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

It is proposed to amend the 2013/2014 budget to reflect various adjustments to the General Ledger with nil effect to the overall budget as detailed below. Due to the nature of these variations, they fall outside the annual budget review.

Comment

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

GL/Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget Figure
1. <u>Office of CEO:</u>				
<u>Other Governance</u>				
10401170	Pilbara Regional Council	\$241,000	\$40,000	\$281,000
10402070	SOA Structural Review	\$40,000	-\$40,000	\$0

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Reason: SOA have received a directive from the Pilbara Regional Council to install two toilets at the Onslow Cemetery as part of the CLGF 10/11. Structural Review funds will not be utilised this year.

2. Infrastructure:
Technical Services – Office of
Exec Manager Infrastructure

CS002	TP Royal Flying Doctors Airstrip Business Case	\$0	\$35,000	\$35,000
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Reason: Funds are required in order to progress the development of a business case for the establishment of a Royal Flying Doctor Airstrip in Tom Price. Funding to come from the surplus.

3. Infrastructure:
Technical Services – Office of
Exec Manager Infrastructure

C251	Capital Construction Onslow Street Lighting	\$0	\$75,000	\$75,000
124860	Works Program Flood Damage	\$700,000	-\$75,000	\$625,000

Reason: Street Lighting to improve safety in Shanks Rd Onslow LIA.

Consultation

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

Statutory Environment

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

(b) is authorised in advance by resolution*

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

* requires an absolute majority of Council

Financial Implications

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

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Strategic Implications

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

Policy Implications

There are no specific policy implications relative to this issue.

Voting Requirement

Absolute Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr A Bloem

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

GL/Job Number	General Ledger Description	Original Budget	Variation Amount	Revised Budget Figure
3. <u>Office of CEO:</u> <u>Other Governance</u>				
10401170	Pilbara Regional Council	\$241,000	\$40,000	\$281,000
10402070	SOA Structural Review	\$40,000	-\$40,000	\$0

Reason: SOA have received a directive from the Pilbara Regional Council to install two toilets at the Onslow Cemetery as part of the CLGF 10/11. Structural Review funds will not be utilised this year.

**4. Infrastructure:
Technical Services – Office of
Exec Manager Infrastructure**

CS002	TP Royal Flying Doctors Airstrip Business Case	\$0	\$35,000	\$35,000
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Reason: Funds are required in order to progress the development of a business case for the establishment of a Royal Flying Doctor Airstrip in Tom Price. Funding to come from the surplus.

**3. Infrastructure:
Technical Services – Office of
Exec Manager Infrastructure**

C251 \$75,000	Capital Construction Onslow Street Lighting		\$0	\$75,000
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124860	Works Program	\$700,000	-\$75,000
\$625,000	Flood Damage		

Reason: Street Lighting to improve safety in Shanks Rd Onslow LIA.

CARRIED BY ABSOLUTE MAJORITY 8/0
Crs White, Rumble, Dias, Thomas, Eyre, Foster, Fernandez and Bloem voted for the motion

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13.4 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF MARCH & APRIL 2014

MINUTE: 11796

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: 7 May 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:

March 2014

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

For Councillor information, contained in the monthly Statement of Financial Activity Report is the Acquisitions of Assets (Note 3)/Capital Expenditure Progress Report section (commencing on page 4 of the Report). This section details the progress on capital projects.

ATTACHMENT 13.4A

Please note as a result of recent discussions included at the rear of the monthly report is a Detailed Quarterly Financial Report listing all ledger accounts. It is proposed to provide this detailed statement on a quarterly basis. However it can be provided on more regular basis if Council require.

ATTACHMENT 13.4B

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April 2014

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

ATTACHMENT 13.4C

Consultation

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

Statutory Environment

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

Financial Implications

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

Strategic Implications

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

Policy Implications

There are no policy implications in this matter.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr A Eyre

That Council:

1. **Accepts the Financial Reports for March 2014 ATTACHMENT 13.4A and 13.4B; and**
2. **Notes the Schedule of Accounts and Credit Cards paid in April 2014 as approved by the Chief Executive Officer in accordance with delegation DA004 Payment from Municipal and Trust Funds as per ATTACHMENT 13.4C.**

CARRIED 8/0

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

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13.5 2014/15 BUDGET TIMELINE AND SPECIAL MEETINGS

MINUTE: 11802

FILE REFERENCE:	FI.BU.14.15
AUTHOR'S NAME AND POSITION:	Frank Ludovico Executive Manager Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	7 May 2014
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The preparation of the 2014/15 Budget needs to comply with a number of statutory timelines and Rating Policies and Procedures recently introduced by the Department of Local Government and Communities.

The purpose of this item is to inform Council of these timelines and procedures and consider determining Special Meetings of Council so the Budget can be progressed efficiently.

Background

The Department of Local Government and Communities has recently introduced a number of Rating Policies and Procedures, and these can be found on their website <http://dlg.wa.gov.au/Content/LG/RatingPolicies/Default.aspx>.

These new Rating Policies and Procedures formalised some of the processes for raising Differential Rates including the information required in any notice, how we communicate to ratepayers and the information needed by the Minister in order to make a determination.

The following information is required to be submitted to the Minister for assessment:

- Description of the characteristics of the land that have been used to determine the basis for the differential rates and minimum payment;
- Details of the differential rates and minimum payments being proposed and the percentage of assessments on the minimum payment as well as the average rates per assessment;
- The objects of, and reasons for, each proposed differential rate and minimum rate;
- What the reasons are for seeking to impose differential rates which is more than twice the lowest differential rate;

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- How does a particular category of ratepayers receive greater benefit from Council services;
- Information on the likely impact on the rate assessments on the affected land;
- the year the land was last revalued by the Valuer General;
- Whether the proposed differential rates align with the rating strategies in the corporate business plan and and/or long-term financial plan;
- Details on the consultation that has occurred including the council response. The policy indicates, if the number of ratepayers in a category subject to a high differential rate is small (less than 30) Council should consider writing to them individually.

Developing the case for any differential rating is a critical path in order to develop the 2014/15 Budget.

As can be seen below a number of other critical activities are being undertaken in parallel to the differential rating process. The process entails greater consultation with Councillors in the development of the Budget.

In order to develop the 2014/15 Budget it will be necessary for Council to consider Special Meetings so the Budget can be adopted in a timely manner.

Comment

The proposed budget timeline is:

Activity	Date	Comment
Capital Budget Requests	30 April 2014	Timeline for submitting information
Salaries Budget	9 May 2015	Officer Timeline for submitting information
Fees & Charges	12 May 2014	Officer Timeline for submitting information
Capital Budget requests reviewed by Council	21 May 2014	Council Meeting.
Operational Budget	23 May 2014	Officer Timeline for submitting information
Review carried forward items and Work In Progress.	28 May 2014	Officer Timeline for submitting information
Determine Differential Rate Review Capital Budget requests. Review Fees & Charges	4 June 2014	Special Meeting

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Advertise Differential Rate for Public comment	7 June 2014	Allow 21 days for comment. Closing date for submissions 30 June 2014
Review Operation Budget	18 June 2014	Council Meeting
Review carried forward items and Work In Progress.	25 June 2014	Officer Timeline for submitting information
Differential Rate Consider submissions and sent report to Minister seeking his approval to levy differential rates	9 July 2014	Special Meeting Allow at least 14 days for Ministerial Approval (25 July 2014)
Review 201/15 Budget	16 July 2014	Council Meeting
Adopt 2014/15 Budget	30 July 2014	Special Meeting

Consultation

Chief Executive Officer
Executive Management Team
Finance Team

Statutory Environment

Section 6.32 of the Local Government Act 1995 (LGA) provides Council with the power to apply rates to property.

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

Section 6.35 LGA provides Council with the power to apply a minimum payment which is greater than the general rate which would otherwise be payable on that land;

Section 6.36 LGA requires Council to give public notice of its intention to impose differential rates, inviting submissions within 21 days (or more is desired). Council is also required to consider any submissions received prior to imposing the proposed rate or minimum payment.

Section 6.2 LGA requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its Municipal Fund for the financial year ending on the next following 30 June.

Section 5.63 (1)(b) LGA specifically excludes the need for Elected Members to “Declare a Financial Interest” in imposing a rate, charge or fee.

Regulation 14A Local Government (Administration) Regulations 1996 Instantaneous Communication. Councillors within 150km of the physical location of the meeting cannot participate via teleconference.

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Department of Local Government and Communities Rating Policies (Ministerial Circular No 06-2013 and Ministerial Circular 13-2014):

- Valuation of Land
- Differential Rates
- Minimum Payments
- Rateable Land
- Giving Notice
- Valuation of Land - Mining

Financial Implications

The development of the 2014/15 Budget in a timely manner will enable Council to issue rate notices so funding can be made available for the implementation of the Budget projects and plans.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 5 - Inspiring Governance

Objective 4 - Exemplary Team and Work Environment.

Policy Implications

There are no Council Policy Implications relative to this issue.

Voting Requirement

Absolute Majority Required

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr A Eyre

That Council:

1. **Convene a Special Meeting of Council at Onslow Multi-Purpose Centre, corner of McGrath Rd and Hooley Rd Onslow on**

4 June 2014

commencing at 7.00 pm for the purpose of determining the 2014/15 Annual Budget and its components; and

2. **Approve the use of instantaneous communications for the Special Meeting in the following locations:**

Location	Councillors
Onslow Multi-Purpose Centre, corner of McGrath Rd and Hooley Rd Onslow	Cr K White Cr A Eyre
Tom Price Council Chambers, Central Rd, Tom Price	Cr C Fernandez Cr P Foster Cr T Bloem
Ashburton Hall, Ashburton Ave,	Cr L Rumble

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Paraburdoo	Cr D Dias
Pannawonica Library, Pannawonica Drive, Pannawonica	Cr D Wright

CARRIED BY ABSOLUTE MAJORITY 8/0
Crs White, Rumble, Dias, Thomas, Eyre, Foster, Fernandez and Bloem voted for the motion

Reason for change of recommendation:

Cr Bloem was added to the Tom Price Venue (left off agenda in error), and Cr Thomas was removed as she will be an apology for the Special Meeting.

14. DEVELOPMENT AND REGULATORY SERVICES REPORTS

Declaration of Interest

Prior to consideration of this Agenda Item Cr Foster declared an financial interest in Agenda Item 14.1 in accordance with relevant section Section 5.60A of the Local Government Act. The interest being he is employed by the Department of Transport.

Cr Foster left the room at 1.58 pm

14.1 CONSIDERATION OF LAND USE FRAMEWORK AND COMMUNITY BOATING PRECINCT FOR BEADON CREEK BOAT HARBOUR

MINUTE: 11797

FILE REFERENCE: RE.BD.R.30711

AUTHOR'S NAME AND POSITION: Lee Reddell
Principal Town Planner

NAME OF APPLICANT/RESPONDENT: Department of Transport

DATE REPORT WRITTEN: 11 May 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.5 (Minute No. 11557) – Ordinary Meeting of Council 5 June 2013
Agenda Item 14.10 (Minute No. 11630) – Ordinary Meeting of Council 18 September 2013
Agenda Item 14.7 (Minute No. 11717) – Ordinary Meeting of Council 11 December 2013

Summary

Land Use Framework for Beadon Creek Boat Harbour

The Beadon Creek Boat Harbour (the 'Harbour'), located at the eastern end of the Onslow township, is controlled by the Department of Transport (DoT) by way of a vested reserve (No. 30711) that covers both the waterway and adjacent land. This area is identified by the Shire of Ashburton Town Planning Scheme No. 7 as being reserved for 'Port Facilities' purposes. As the land is reserved rather than zoned under the Scheme, there are limitations on how development within this area can be controlled in a statutory sense.

At the Ordinary Meetings of Council of 18 September 2013 and 11 December 2013, Council resolved, inter alia, to require that the DoT prepare a 'strategic plan' based on the Western Australian Planning Commission's 'Structure Plan Preparation Guidelines' prior to the consideration of any application as it was concerned that there had been insufficient consultation with the Shire or the community regarding appropriate land uses and development within the Harbour area.

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Discussion with the DoT in February and a subsequent letter to the Shire (dated 30 April 2014) indicated that while they were happy to engage with the Shire and local community regarding the development of the Harbour, they did not believe that there was a suitable statutory mechanism to require the preparation of a strategic /structure plan and that even if one were prepared and endorsed by Council it would have no statutory weight. As such they have instead proposed to prepare a 'Land Use Framework' document to guide land use and development in the Harbour.

Consideration of a Community Boating Precinct at Beadon Creek Boat Harbour

The Shire received correspondence from the DoT dated 4 April 2014 seeking Shire input regarding a Community Boating Precinct (CBP) they are planning in a bid to address Shire concerns regarding the lack of community infrastructure at the Harbour. The CBP will comprise the existing boat launching area, the existing drainage channel and a marina located at the future adjacent lot.

The DoT intends to develop the marina to cater primarily to charter, recreational and other non-resource vessels. There is also potential for a fishing platform and public recreational areas. DoT has requested that the Shire consider the proposal and provide in principle support to the idea of the CBP, particularly the inclusion of a marina. A working group will then be established to determine the best configuration and subsequently seek funding opportunities for the development.

Background

The Beadon Creek Boat Harbour (the 'Harbour') is controlled by the Department of Transport (DoT) by way of a Crown reserve that covers both the waterway and adjacent land. Until recently there has been little call for significant development of the land within the reserve however the onset of construction of the Wheatstone LNG Plant outside of Onslow has resulted in an increased demand for commercial and industrial land within the Shire. As a consequence of this demand, the DoT is seeking to lease some of the land within their reserve for commercial and industrial purposes associated with its Port function and to facilitate the development of additional water-side lots between the existing wharf and the Eco-Abrolhos site.

In mid to late 2013, there were a number of agenda items considered by Council in relation to the development of the Harbour. It is apparent from the Officer's reports that there was concern that the DoT had not adequately consulted the Shire or the local community regarding its development plans and that it was not reasonable to expect the Shire to consider planning applications within the Harbour area without further clarification from the DoT as to its overall development plans. Subsequently, two resolutions were passed at the Ordinary Meetings of Council on the 18 September 2013 and 11 December 2013 that required that the DoT prepare a 'strategic plan' for the Harbour in line with the Western Australian Planning Commissions (WAPC) 'Structure Plan Preparation Guidelines'.

An 'Interim Plan for the Permitted Uses within Beadon Creek Boat Harbour' prepared by the DoT for use as a guide whilst a more detailed plan was being prepared was considered by Council at the Ordinary Meeting of Council on 11 December 2013. Council resolved to adopt the Officers recommendation that the Interim Plan was only suitable as a guideline for appropriate uses in Precincts 4 & 5 (see Attachment 14.1A) as the remaining precincts required a *"far greater process of planning, environmental assessment and community consultation before Council can reasonably be expected to consider applications in these areas"*.

ATTACHMENT 14.1A

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Subsequent to these resolutions being made, the DoT met with the Shire's (new) Principal Town Planner and Manager of Strategic and Economic Development in Tom Price in February of this year. The DoT gave a broad overview of the future planning of the Harbour and questioned whether it was possible to meet the requirement that a 'strategic plan' be prepared by the DoT and approved by the Shire and the WAPC. It was agreed that there is no statutory mechanism within the Shire of Ashburton Town Planning Scheme No. 7 (the 'Scheme') to require the preparation of a 'strategic plan' on reserved land and that even if one were prepared it would have no statutory weight. Consequently it was agreed that while the DoT should continue with the preparation of a guiding document for Shire use in respect to appropriate land use and development, it could not be in the form of a 'strategic plan'.

Comment

Land Use Framework for Beadon Creek Boat Harbour

Part 3 of the Scheme ('Reserves') identifies the controls relating to the use and development of reserved land within the Shire of Ashburton. Land within reserved areas is expected to be developed in association with a specific purpose, which in the case of Beadon Creek is 'Port Facilities'. Part 3.2.1 of the Scheme specifies that planning approval is required for the use and development of all reserved land while Part 3.2.2 requires that the Local Government have regard to the ultimate purpose intended for the land.

Upon review of the Officer recommendation (made by the Shire's Principal Town Planner at the time) and the subsequent resolutions made by Council at the 18 September 2013 and 11 December 2013 Ordinary Council Meetings, it is apparent that there is no suitable mechanism to require the preparation of, or to allow the approval of a 'strategic plan' for the reserved 'Port Facilities' land. As such, the part of the resolution requiring a 'strategic plan' be prepared cannot be carried out. While Part 5.9 of the Scheme requires consideration of orderly and proper planning for all applications, it would be inappropriate to suggest that the Shire is in a position to refuse to assess an application that is made in the 'Port Facilities' reserve unless a 'strategic plan' is undertaken. Unless an application is located in a zone such as the Development Zone which specifically requires the preparation of a development plan (commonly known as a structure plan) the Shire is obligated to assess any valid application and to evaluate each proposal on its merits.

While the Shire can encourage other bodies responsible for the management of reserves to engage with the Shire and the local community in determining how best to use the land and minimize impacts on the community, there is no requirement for that body to do so. It is implicit through the reservation of the land that it can be developed provided any use accords with the intent of the reserve. Should the Shire have significant concerns regarding an application for use and/or development of land within a reserve, there is the opportunity to address these concerns through negotiation with the applicant during the assessment period, by imposing planning conditions or by issuing a refusal.

Having said this, the DoT has indicated both verbally and in writing that it intends to prepare a document called a 'Land Use Framework' (LUF) which will provide guidance on appropriate use and development within the Harbour. It has further indicated that it intends to present the LUF to Council, Shire Officers and the local community for comment prior to finalising the document. There may be the opportunity to adopt the LUF as a Local Planning Policy in future should it be considered necessary. It is noted however that while LPP's are a useful tool in assisting the Shire, developers and the community to understand design expectations and acceptable uses, they are a guide only and do not have any statutory weight.

Given the inability under the provisions of the Scheme to require that a 'strategic plan' (normally referred to as a development plan or structure plan) be prepared for reserved land,

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it is recommended that the previous Council resolutions requiring a 'strategic plan' be put aside. It is recommended instead that Council continues to actively engage with the DoT in the preparation of the LUF for the Harbour to ensure a satisfactory land use and development outcome. It is therefore recommended that the resolution of the previous Council meetings which required the preparation and approval of a 'strategic plan' in accordance with the WAPC 'Structure Plan Preparation Guidelines' and the approval by the Shire be put aside and the Shire continue to work with the Department of Transport to prepare a 'Land Use Framework' document that guides appropriate land use and design outcomes in the 'Port Facilities' reserve at Beadon Creek Boat Harbour.

Consideration of a Community Boating Precinct at Beadon Creek Boat Harbour

As detailed in the summary above, the Shire received correspondence from the DoT seeking Shire input on a Community Boating Precinct (CBP) it is planning in a bid to address concerns expressed by the Shire regarding the lack of community infrastructure at the Harbour. The locality plan (see Attachment 14.1B) indicates that the CBP will comprise the existing public boat launching area, the adjacent drainage channel and a new marina located at a future lot to the immediate north.

ATTACHMENT 14.1B

The DoT has indicated that the marina would cater primarily to charter, recreational and other non-resource vessels. It has also indicated that there is potential for a fishing platform in this area as well as public recreational areas. DoT has requested that the Shire consider the proposal and provide in principle support to the idea of the CBP and in particular the inclusion of a marina. Should the Shire provide in principle support, a working group will be established comprising representatives from the DoT, the Shire, key stakeholders and other community representatives. The goal of the working group will be to establish the best configuration for the CBP and subsequently seek funding opportunities.

The proposed CBP appears to address a number of Shire and community concerns regarding the apparent privatisation of an area that has long been accessible to the residents of Onslow. The proposed CBP responds to the changing land uses within the Harbour area and may provide a reasonable alternative to the current practice of fishing from the wharf, where the DoT has indicated it intends to restrict access due to public safety concerns. It is therefore recommended that Council provide its 'in principle' support to the CBP and request that the DoT establish a working group to facilitate the development of this area.

Consultation

Chief Executive Officer

Executive Manager - Development and Regulatory Services

Statutory Environment

Planning and Development Act 2005

Shire of Ashburton Local Planning Scheme No.7 ('Scheme')

Financial Implications

There are no financial implications relative to this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 04 - Distinctive and Well Serviced Places

Objective 03 - Well Planned Towns

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Policy Implications

There are no policy implications relative to this matter.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr L Rumble

1. That Council:

- 1. Recognise the requirement for the Department of Transport to prepare a 'strategic plan' based on the Western Australian Planning Commission's 'Structure Plan Preparation Guidelines' as resolved at the Ordinary Meetings of Council on 18 September 2013 and 11 December 2013 is no longer required.**
 - 2. Continue to work with the Department of Transport to prepare a 'Land Use Framework' document that guides appropriate land use and design outcomes in the 'Port Facilities' reserve at Beadon Creek Boat Harbour.**
- 2. That Council provide its 'in principle' support to the proposed Community Boating Precinct and request that the Department of Transport establish a working group including the Department of Transport, the Shire, key stakeholders and other community representatives to facilitate the planning and development of this area.**

CARRIED 7/0

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

Cr Foster entered the room at 1.59 pm

15. INFRASTRUCTURE SERVICES REPORTS

Declaration of Financial Interest

In accordance with Section 5.69 (3) (a) of the Local Government Act Cr Bloem, Cr Dias, Cr Rumble and Cr Foster declared a financial interest in Agenda Item 15.1. The nature of their interest being

Cr Bloem is an employee of Rio Tinto and shareholder having a total value exceeding \$10,000, Cr Dias is an employee of Hamersley Iron Pty Ltd and shareholder having a total value exceeding \$10,000, Cr Rumble is a shareholder having a total value exceeding \$10,000 and Cr Foster has a partner employed by Rio Tinto Pty Ltd.

As there would not be a quorum to vote, approval was sought from the Minister of Local Government to allow disclosing members Cr Bloem, Cr Dias, Cr Rumble and Cr Foster to debate and vote on Agenda Item 15.1. The Minister's written approval for Cr Linton Rumble, Ivan Dias, Anthony Bloem and Peter Foster to participate in the discussion and vote in relation to this agenda item was obtained prior to the Council Meeting. The approval was granted subject to the following conditions:

1. the approval is only valid for the abovementioned item when it is considered at the Ordinary meeting of Council to be held on 21 May 2014;
2. Councillors Linton Rumble, Ivan Dias, Anthony Bloem and Peter Foster declare the nature and extent of their interests at the Council meeting when this item is considered together with the approval provided;
3. the CEO is to provide a copy of the Department's letter advising of the approval to Councillors Linton Rumble, Ivan Dias, Anthony Bloem and Peter Foster; and
4. the CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the meeting when these matters are discussed.

RECORDED ON REGISTER OR.CR.04.00

15.1 DISCHARGE RIO TINTO OF MAINTENANCE OBLIGATIONS FOR THE PANNAWONICA-MILLSTREAM ROAD

MINUTE: 11803

FILE REFERENCE:	RO.MIPN
AUTHOR'S NAME AND POSITION:	Sean Ripley Technical Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	2 April 2014
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

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Summary

In October 2011 an agreement was reached to grant access for Restricted Access Vehicles (RAV) along a defined route of the Pannawonica-Millstream Road during construction works of the Coastal Water Project (CWP) The Principal Contractor of these works being Rio Tinto.

Within this agreement eight conditions of use were clearly outlined and acknowledged by Rio Tinto. This approval was initially issued for a four month period, however it continued until November 2013 when the Shire was informed of the project's completion.

After an initial road inspection undertaken in conjunction with Rio Tinto the road was assessed and both parties agreed that major repair works were required to reinstate the road due to the extended period of use. The Shire, at the request of Rio Tinto produced a brief scope of works that could be used to estimate costs involved with associated repair work. A proposal was put forward by Rio Tinto that the Shire submit a lump sum price to undertake works and discharge Rio Tinto of all maintenance obligations outlined in previous agreements.

The Shire's Infrastructure Services Department undertook further, more detailed site investigations then formulated a lump sum price of \$2,258,689.00 to undertake the works. The lump sum price has been accepted by Rio Tinto to be discharged from all associated maintenance and rectification obligations set in previous agreements related to the Pannawonica-Millstream Road.

Background

On 27 October, 2011 the former Executive Manager of Technical Services wrote to Century West Transport advising of Council's support in the use of the Pannawonica-Millstream Road to the junction of the Yarraloola Road for triple road trains under eight conditions for the Coastal Water Project CWP.

ATTACHMENT 15.1A

Correspondence was received on 21 December 2011 from Rio Tinto Projects Manager of CWP confirming that Rio Tinto shall undertake the entire road user's obligations not its subcontractor as outlined in previous correspondence. This was due to its requirement as Principal Contractor to have additional subcontractors with access for RAV's for the duration of the CWP.

ATTACHMENT 15.1B

Unfortunately significant staffing changes on both sides meant that road condition assessments and monitoring was not undertaken nor progressed through the project. Therefore an assessment of what was required to be rectified was not able to be substantiated.

In October 2013, following confirmation from Rio Tinto that the CWP would be completed in November 2013 a site inspection was undertaken with both Shire and Rio Tinto representatives to determine the current road condition. Following this inspection a scope of works was formed and agreed upon between the parties that would have the road reinstated to an agreed standard. Given the lack of historical data, this scope was very fluid and allowed for flexibility in its application.

Rio Tinto then utilised the agreed scope of works and sought initial pricing from Contractors including the Shire. The Shire in turn submitted a lump sum price of \$2,258,689.00 ex GST to undertake the works. Rio Tinto has now indicated its acceptance of the Shire's price in

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return for release from all related maintenance obligations associated with the previous agreements.

It is believed that as the road asset belongs to the Shire and it is required to be repaired to our satisfaction and level of service, the Shire is considered the most appropriate organisation to undertake the works.

Comment

Due to the large scale of this project an assessment has been made as per the Private Works Policy ENG12 with profit and overhead rates applied as per the Policy. The context of this Policy has been applied although the project should not be classed as Private Works, as the business principles that make up this Policy are relevant to projects of this size and nature. Notwithstanding, a Business Case has been developed and is attached.

As per Policy ENG12, an assessment of the risk is required; it is held that financial risk is negligible as we would be internally managing the entire project including scope, methodology, program, construction works and budget.

If the Council was instead to oversee an external Contractor to complete the project this would then require a significant amount of internal resources. The scope of works would need to be further refined, access granted to utilise Shire gravel pits and bores, permits produced, traffic management plans reviewed and approved along with frequent on-site inspection for quality control. With the proposed model the works can be incorporated into our works program and completed to a budget.

The initial agreed scope for these works was set by the Shire to ensure that the road rectification was to the level of service required. The following was supplied to Rio Tinto for them to seek pricing from Contractors from the Executive Manager Infrastructure Services.

ATTACHMENT 15.1C

Currently a works crew is being finalised to undertake Stage 2 of the Banjima West Drive (Karajini NP) road improvement. Following this project completion in late June 2014 it is anticipated that the crew could then move onto the Pannawonica-Millstream Road Re-sheeting.

Consultation

Shire of Ashburton Chief Executive Officer
Executive Manager – Infrastructure Services
Technical Officers - Infrastructure Services

Statutory Environment

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

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Financial Implications

Project will form part of both the 2013/14 and 2014/15 annual budgets with income and expenditure as follows;

Project income 2013/14	\$2,258,689.00
Direct project expenditure 2014/15	\$1,964,077.00 (excludes 15%, or \$294,612 for profits and overheads)

Given the costs of mobilisation of staff and resources, it is proposed to expend the \$294,612 noted as profit and overhead, on the Roebourne-Wittenoom Road whilst we are in the area, in conjunction with available maintenance funds provided in the 2014/15 budget.

Invoice can be issued in the form of a lump sum payment following issue of the Releasing of Maintenance Obligations letter to Rio Tinto.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 04 – ‘Distinctive and Well Served Places’

Objective 01 – Quality Public Infrastructure

Objective 02 – Accessible and Safe Towns

Policy Implications

FIN12 – Purchasing and Tender Policy

FIN14 – Tender Assessment Criteria Policy

ENG12 – Private Works Policy

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr C Fernandez

SECONDED: Cr L Rumble

That Council authorise the Chief Executive Officer to sign the Release of Maintenance Obligations letter to Rio Tinto for Pannawonica Millstream Rd and accept \$2,258,689.00 ex GST as payment in lieu of its maintenance obligations of the road.

CARRIED 8/0

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

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16. STRATEGIC & ECONOMIC DEVELOPMENT REPORTS

16.1 CONSENT TO WIDEN ONSLOW ROAD INTO LOT 555 ONSLOW ROAD, ONSLOW, RESERVE 20632 CEMETERY AND LOT 500, ONSLOW ROAD, ONSLOW, RESERVE 19291 COMMON AND LOTS 86, 87 & 88 ONSLOW ROAD, ONSLOW, RESERVE 38264 - EQUESTRIAN PURPOSES

MINUTE: 11804

FILE REFERENCE: RO.ON.RI

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

NAME OF APPLICANT/RESPONDENT: Department of State Development

DATE REPORT WRITTEN: 1 May 2013

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

As a result of the Wheatstone LNG Project and the projected population growth over the coming years in Onslow, Chevron are required to build a new power station and desalination plant to supply new residential, light industrial and commercial developments. As part of this project, the Department of State Development (DSD) is proposing to widen Onslow Road to allow for the installation of critical infrastructure.

The proposed widening of Onslow Road effects 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" over which the Shire of Ashburton hold management orders. DSD is requesting the Shire of Ashburton excise the proposed road widening areas from the current management orders in order to allow the widening of Onslow Road to occur.

Council endorsement to excise the proposed road widening areas over Reserves 20632, 19291 and 38264 as per DSD's request is now being sought.

Background

The State Development Agreement for the Wheatstone LNG Project requires Chevron to build a new power station and desalination plant to supply the town of Onslow. Given the projected growth of population in Onslow as a result of this project, these facilities are essential to service new residential, light industrial and commercial developments within the town in coming years.

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To facilitate the progress of the new power station and desalination plant and to house critical infrastructure, DSD are proposing to widen Onslow Road.

Please find attached Maps 1-3 of the overall concept design of the proposed Onslow Road Reserve Widening.

ATTACHMENT 16.1A

Reserve 38264, vested in the Shire for "Equestrian Purposes" is one reserve affected by this proposal. The existing fence to this reserve is approximately twenty (20) meters inside the boundary line. DSD are proposing that a new boundary is aligned to this fence, and then an easement of approximately twenty-five (25) meters is placed inside the boundary to enable new overhead power lines to be erected. The increased area required for the rest of the road widening/utility installation is being acquired through simple change of boundary.

Reserve 20632, vested in the Shire for the purposes of "Cemetery" will be impacted by this proposal in the form of a reduced entry road.

A small portion of Reserve 19291, vested in the Shire for the purposes of "Common" will also be impacted however this land is not currently being used.

In order to undertake this project, DSD proposes the Shire excise the affected areas from the current management orders.

A letter outlining the proposal and associated detailed plans are attached.

ATTACHMENT 16.1B ATTACHMENT 16.1C ATTACHMENT 16.1D

Comment

The Shire has investigated the proposal and consideration has been given to all affected parties. No significant adverse consequences of the proposal are apparent when considered against the more meaningful benefits to be gained by the wider Onslow community.

It is the recommendation of the Shire that Council provide DSD with the consent to widen Onslow Road into Reserve 20632, Reserve 19291 and Reserve 38264 as identified in the prepared design plans. Council endorsement to apply to the Minister of Lands to excise the relevant areas from the current management orders is also sought.

Further to this, Chevron and DSD will be required to negotiate who will indemnify the Shire against any potential costs that might arise from the proposed widening of Onslow Road.

Consultation

Chief Executive Officer
Executive Management Team

Department of State Development
Chevron Australia Pty Ltd

Statutory Environment

Land Administration Act 1997
Local Government Act 3.54 Reserves Under the Control of Local Government

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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

Policy Implications

Nil

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr P Foster

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 "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.**

CARRIED 8/0

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

Reason to change the recommendation:

Point 5 was added to provide a reasonable level of compensation to the lessees of Lot 87.

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16.3 SUPPORT FOR A PROPOSED JOINT DEVELOPMENT PARTNERSHIP BETWEEN THE DEPARTMENT OF HOUSING AND THE SHIRE FOR THE DEVELOPMENT OF STAFF HOUSING IN ONSLOW

MINUTE: 11805

FILE REFERENCE: ON.TH.0394.00

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

NAME OF APPLICANT/RESPONDENT: Department of Housing

DATE REPORT WRITTEN: 2 May 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 12.1 (Minute No. 11172) – Ordinary Meeting of Council 18 April 2012

Summary

Lots 394, 396 and 397 on Reserve 41970 Third Ave Onslow are vested in the Shire of Ashburton (the Shire) for the purposes of Staff Accommodation.

The Department of Housing (DoH) own the adjoining Lots 398, 399 and 400 Third Avenue Onslow.

DoH are proposing a joint development partnership with the Shire to develop key worker and staff accommodation on Lots 369 and 397 on Reserve 41970 and Lots 398, 399 and 400 Third Avenue Onslow.

Initial Council support for the proposal is now being sought.

Background

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

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

The adjoining Lots 398, 399 and 400 Third Avenue Onslow are owned by DoH.

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

Please see attached aerial view of the lots in question.

ATTACHMENT 16.3A

The proposal has received the support of the Shire of Ashburton Steering Group, which is comprised of representatives from the Shire, DoH, DoL, PDC, Rio Tinto and LandCorp, as well as the internal support of the General Manager of DoH.

Please see attached email correspondence from DoH.

ATTACHMENT 16.3B

Comment

DoH are proposing to amalgamate Lots 398, 399 and 400 and it is proposed the Shire would also amalgamate Lots 396 and 397. This would allow increased occupancy levels over the two lots.

A range of dwelling types has been discussed. The Shire would concentrate on a more family orientated type of dwelling design, whilst DoH dwellings would concentrate on a more couple orientated design.

A preliminary concept design has been drafted internally by DoH. This concept requires negotiation between the Shire and DoH in order for it to reflect the requirements of the Shire.

Please see attached preliminary concept design provided by DoH.

ATTACHMENT 16.3C

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

Council endorsement to progress this proposal to negotiation stage is now being sought.

Negotiations will consider financial arrangements, project management arrangements and design consultation.

It is recommended that Council delegate authority to the Chief Executive Officer to progress this proposal and negotiate the terms of a joint development partnership. Shire Officers will prepare a report to Council at a later date before commencing with any such partnership.

Consultation

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

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Statutory Environment

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

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

Financial Implications

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

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 02 – Enduring Partnerships

Objective 02 – Enduring partnerships with Industry and Government

Goal 04 – Distinctive and Well Serviced Places

Objective 03 – Well planned towns

Goal 05 – Inspiring Governance

Objective 03 – Exemplary team and work environment

Policy Implications

Nil

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr P Foster

That Council:

- 1. Not support the joint development partnership proposal at this time; and**
- 2. Would be willing to revisit the question if the Department of Housing can provide a more developed design, and a satisfactory program of how existing tenants will be treated as part of any redevelopment.**

CARRIED 7/1

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

Reason for change of recommendation:

Council is not satisfied that the overall development will be of net benefit to the Onslow community.

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16.4 PROPOSAL FROM ASHBURTON INVESTMENTS PTY LTD TO LEASE THE ONSLOW SUN CHALETS

MINUTE: 11801

FILE REFERENCE: RE.SE.R.35889

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

NAME OF APPLICANT/RESPONDENT: Ashburton Investments Pty Ltd

DATE REPORT WRITTEN: 6 May 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.4 (Minute 11698) - Ordinary Meeting of Council November 2013
Agenda Item 13.1 (Minute 11569) - Ordinary Meeting of Council July 2013
Agenda Item 12.6 (Minute 11375) - Ordinary Meeting of Council December 2012
Confidential Agenda Item 17.3 (Minute 11333) - Ordinary Meeting of Council October 2012
Confidential Agenda Item 16.02.01 - Ordinary Meeting of Council 19 February 2008
Confidential Agenda Item 16.07.10 - Ordinary Meeting of Council 18 December 2007
Confidential Agenda Item 16.07.10 - Ordinary Meeting of Council 17 July 2007
Confidential Agenda Item 16.05.09 Ordinary Meeting of Council 22 May 2007

Summary

At the Ordinary Meeting of Council held on 17 October 2012 Council resolved to "delegate the CEO to negotiate a proposed contract with Ashburton Investments to extend the lease of Onslow Sun Chalets for 5 years".

Following this resolution, delays with respect to such negotiation and the development of an acceptable lease agreement or lease extension occurred resulting in the matter being further considered by the Council at its meetings held in:

- December 2012
- July 2013, and
- November 2013

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Council as a consequence of these several reports resolved to authorise the extension of the Onslow Chalets Lease until 30 June 2014, with further delegated authority provided to the Chief Executive Officer to negotiate an extension to the current lease with Ashburton Investments Pty Ltd subject to the approval of the Minister for Lands.

The final resolution of this matter at the November 2013 Ordinary Council meeting additionally provided scope for;

- The extension of the lease to be considered as a disposal in accordance with Section 3.58 of the Local Government Act 1995,
- Upon close of public submissions (received in accordance with Section 3.58 of the Local Government Act 1995) authorise such extension of the lease subject to no objections being received,
- Authorised the Shire President and the Chief Executive Officer to affix the common seal of the Shire to the lease extension.

Subsequent to these resolutions, negotiations have been undertaken which has resulted in a formal proposal being presented to the Shire by Ashburton Investments Pty Ltd for a renewal of a Lease Agreement.

Background

The Onslow Sun Chalets is located on Reserve 35889, vested in the Shire for the purpose of holiday accommodation.

The Management Order for Reserve 35889 requires the property to be used expressly for the purposes of Holiday Accommodation with leases not to exceed a period of 21 years and to be subject to the approval of the Minister for Lands.

The initial lease between Ashburton Investments Pty Ltd and the Shire of Ashburton expired on the 31 March 2013, subsequent lease extensions, approved by the Minister for Lands on a case by case basis have extended the current arrangement between the two parties until 30 June 2014.

In accordance with prior Council resolutions, a suitable proposal for the establishment of a new lease agreement had been sought from Ashburton Investments Pty Ltd. This resulted in a formal offer to lease the facility being received.

Attached is the formal proposal and associated plans as received from Ashburton Investments Pty Ltd.

ATTACHMENT 16.4A
ATTACHMENT 16.4B
ATTACHMENT 16.4C
ATTACHMENT 16.4D
ATTACHMENT 16.4E

Whilst the term of the lease extension received is longer than the initial 5 year extension, sought by the Council, the proposal put forward by Ashburton Investment Pty Ltd allows for the redevelopment of, and investment in, the facilities over the life of the lease. Therefore a longer lease term has been proposed by Ashburton Investments Pty Ltd to allow for cost recovery of the capital investment required to achieve this level of redevelopment.

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Comment

As per Council's previous instructions to delegate authority to the Chief Executive Officer to negotiate an extension to the current lease with Ashburton Investments Pty Ltd, Shire Officers requested a formal proposal from Ashburton Investments Pty Ltd in relation to the Lease over the Onslow Sun Chalets.

Furthermore and in preparation for the establishment of a new Lease Agreement and to meet the requirements of the Local Government Act 1995, s3.58, Shire officers commissioned LMW Hegney to undertake an independent valuation of Reserve 35889.

The valuation concluded that an annual rental of \$138,500 net was applicable to the property, on an as-is basis.

Attached is a copy of the LMW Hegney valuation.

ATTACHMENT 16.4F

The valuation provided by LMW Hegney differs significantly from the current rental the Shire is receiving from Ashburton Investments of \$40,000 per annum.

In respect to the maintenance and the ongoing responsibility of facilities, both the valuation undertaken by LMW Hegney and the proposal put forward by Ashburton Investments Pty Ltd; propose the lessee is accountable during the period of any new Lease Agreement. An arrangement of this type is considered to be normal practice for such exclusive leases. Again, this differs from the current situation, where the Council is currently responsible for maintenance costs averaging approximately \$35,000 per annum.

The proposal put forward by Ashburton Investment Ltd for a new Lease Agreement includes the following key elements:

- Lease period – initial 10 year lease, with a further option for a 10 year extension
- A range of redevelopment works will be undertaken by Ashburton Investments. The cost of these works will be borne by Ashburton Investments in their entirety and be undertaken over a proposed period of six to twelve months. These works include:
 - Refit existing chalets and four street front motel units, estimated cost of \$600,000 to \$650,000.
 - Three existing chalets will be converted into dormitories capable of accommodating eight people per chalet.
 - Provision of staff accommodation would be incorporated into stage one.
 - Four new buildings will be purchased, three of these buildings would provide ten new self-contained motel units. The fourth building would contain five motel rooms.
 - An ablution block will be placed to service this five room building as well as to provide additional capacity for the dormitory accommodation.
 - Existing buildings would be connected to the town sewer system.

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- Landscaping of the entire site will be carried out during stage 2.
- An Annual Lease Fee of \$140,000 (excluding GST).

The proposal by Ashburton Investments Pty Ltd indicates that the redevelopment would be undertaken over two stages, with completion of both stages to be reached within six to twelve months.

The proposal further indicates that additional redevelopment may be proposed pending market demand and financial implications. This would be addressed separately and at a later date.

Whilst the proposal by Ashburton Investments Pty Ltd is considerably higher than that currently received for the subject property, the value of this lease over the proposed life of the lease results in statutory obligations arising with respect to;

- Value of the lease of \$140,000 per annum for a total lease period of 20 years, gross return of \$2.8million

This gross return exceeds the \$2million threshold at which a Major Land Transaction Plan is required in accordance with Section 3.59 of the Local Government Act 1995 and Clause 8A(b) of the Local Government (Functions and General) Regulations 1996.

As such, this proposal requires the development, advertising and consideration of submissions arising from a Major Land Transaction Plan.

The Council has clearly established its desire with respect to this property in the past by virtue of provision requiring the lessee to set aside a minimum of 25% of all available accommodation for Holiday Accommodation.

The proposal by Ashburton Investments Pty Ltd indicates a willingness to continue with this market sector.

The Council and Ashburton Investments Pty Ltd both view the long term sustainable tourism sector as fundamental to the operation of this facility. However, Council must also be aware of the need to obligate this continuing requirement to protect from market influences and other issues that might arise during the term of the proposed lease.

The Management Order for Reserve 35889 is specifically set aside for the purposes of Holiday Accommodation and in discussion with the Department of Lands it is evident that whilst there exists some flexibility in respect to the proportion of such uses, especially in Onslow where there is a high demand for accommodation as result of the resources sector, Council will be required to demonstrate the proportion of Holiday Accommodation that is provided for on Reserve 35889 in order to obtain Ministerial approval for a new Lease Agreement.

Whilst the previous Ministerial approval allowed for a minimum of twenty five percent Holiday Accommodation to be provided, and that this may be the threshold the Council would wish to retain, Ministerial approval for any new proposal and the establishment of minimum levels of Holiday Accommodation will be required prior to the Council considering the establishment of any Lease Agreement.

In normal market driven facilities, operators will generally increase room rates to a point that is compatible with market demand. In Onslow, this might enable a private operator to price tourism and short term accommodation out of the market, with the sole intention of meeting

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resource sector-driven demand. However, this proposed arrangement ensures the operator cannot allow the provision of Holiday Accommodation to be fall below the level as established by the Minister as a condition of approval. Therefore the Council has the opportunity to set the minimum standard required for Holiday Accommodation as an overall proportion of the lease, though seeking the required approval from the Minister.

The proposal by Ashburton Investments is considered to be a significant improvement over both the current lease arrangements between the Council and the lessee as well as providing the scope by which the Council can achieve redevelopment of the facility to higher standard. The proposal also allows the Council with the opportunity to protect the future of Holiday Accommodation in Onslow through the establishment of minimum provisions through the approval of the Minister of Lands.

Further to Council's initial instructions to the Chief Executive Officer to negotiate an extension to the current Lease Agreement with Ashburton Investment's, it is suggested that the Council will need to undertake the following tasks in order to establish a lease for this facility, either as proposed by Ashburton Investments or in some other form;

- Seek advice from the Department of Lands with respect to minimum provisions of Holiday Accommodation required as a condition of the current vesting of this reserve.
- Prepare a Major Land Transaction Plan and seek public comment in respect to the Council preferred lease proposal.
- Consider any submissions received in respect of the Major Land Transaction Plan
- Delegate authority to the Chief Executive Officer to proceed to establishing a new Lease Agreement with Ashburton Investment Pty Ltd

Consultation

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

Statutory Environment

The lease of Reserve 35889 is considered to be subject to the provision of the Local Government Act, s3.59 – Major Land Transaction Plans and is to include an overall assessment of the major trading undertaking or major land transaction and include the details of:

- (a) its expected effect on the provision of facilities and services by the local government;
- (b) its expected effect on other persons providing facilities and services in the district;
- (c) its expected financial effect on the local government;
- (d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56;
- (e) the ability of the local government to manage the undertaking or the performance of the transaction;
- (f) any other matter prescribed for the purposes of this subsection.

In addition, any lease and variation to the Holiday Accommodation reservation of the property will require the express approval of the Minister for Lands.

Financial Implications

The proposal by Ashburton Investments is for a \$140,000 per annum lease over a 20 year lease period (10 year initial period with one 10 year option).

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The total return over the life of the lease (assuming lessee initiated second term) is \$2.8million.

Costs associated with the development and advertising of a Major Land Transaction Plan, administration and legal costs associated with the establishment of a new Lease Agreement are estimated to be in the range of \$5,000 - \$10,000. These funds have been provided for in the 2013/2014 budget. Any variations to this will be accounted for through the budgetary process.

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

Objective 03 – Well planned tourism

Goal 04 – Distinctive and Well Serviced Places

Objective 03 – Well planned towns

Goal 05 – Inspiring Governance

Objective 02 – Community Ownership

Policy Implications

Nil

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr D Dias

SECONDED: Cr L Thomas

That the Council:

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 this property;
4. Considers any submissions received in respect to the Major Land Transaction Plan.

CARRIED EN BLOC 8/0

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

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Declaration of Interest

Prior to consideration of this Agenda Item Cr White and Dias declared an financial interest in Agenda Item 16.5 in accordance with relevant section Section 5.60A of the Local Government Act. The interest for Crs White and Dias being that they are BHP shareholders.

Cr White and Dias left the room at 2.16 pm
Cr Rumble took the chair at 2.16 pm

16.5 ENDORSEMENT OF ONSLOW BASKETBALL COURTS PROJECT CONCEPT DESIGN

MINUTE: 11798

FILE REFERENCE: RE.MC.R.42090

AUTHOR'S NAME AND POSITION: Sarah Wilson
Project Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 28 April 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 18.3 (Minute11709) – Ordinary Meeting of Council 20 November 2013
Agenda Item 12.3 (Minute11348) – Ordinary Meeting of Council 21 November 2012
Agenda Item 14.04.05– Ordinary Meeting of Council 21 April 2010

Summary

In 2012 BHP Billiton Petroleum (BHPBP) finalised a State Development Agreement for the Macedon Project which included a \$5m investment in social infrastructure improvements in Onslow.

At the November 2012 Ordinary Meeting of Council (OCM), Council endorsed the allocation of \$3.5m of these funds to the construction of a new multi-purpose basketball and netball complex in Onslow.

Roxby Architects and Josh Byrne & Associates were commissioned to produce concept designs for three outdoor basketball courts (two covered) in accordance with feedback from extensive community consultation, to be located adjacent to the Multi-Purpose Centre. Council endorsement of the concept designs is sought to enable the project to be progressed and a tender issued for the design and construction of the basketball court precinct.

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Background

In April 2010, Council adopted the Onslow Sporting Precinct Master Plan, which includes the proposed construction of a basketball complex on Reserve 42090, adjacent to the Multi-Purpose Centre.

ATTACHMENT 16.5A

The BHPBP community fund provides \$3.5m for the construction of the basketball complex. The project brief, based on extensive community consultation carried out by the Shire over the last 7 years, provided for two undercover courts and one open air court, quality night lighting, car parks, spectator viewing, scoreboards, umpire and scoring facilities. The undercover area will also provide a facility for many events that are often cancelled due to weather and heat.

Based on this brief, a concept design for the basketball courts was developed by Roxby Architects and landscaping/precinct design by Josh Byrne and Associates.

ATTACHMENT 16.5A

ATTACHMENT 16.5B

In March 2012 an indicative order of cost estimate was requested from Rider Levett Bucknall for these concept designs. The reports indicated that the project construction, as shown in the attached drawings, would cost in the vicinity of \$6.21m for the courts and \$682,000 for landscaping/external works (ex GST), totalling approximately \$6.9m (ex GST).

Other funding sources for the shortfall of the estimated \$3.4m required to complete the concept design have been investigated, but failed to secure additional funding. Further research has found that similar basketball court projects in the north-west region, including Roebourne and Derby, have been completed for \$3.5 - \$4m. Based on this information, and the inability to secure additional funding in the short term, it is proposed that an approach which brings the project back close to the available budget is followed.

Comment

Findings from the November 2011 Onslow Community Visioning Project Community Consultation Report highlighted that recreation facilities were one of the key issues for residents. It revealed that residents feel that the town lacks many recreational facilities and the construction of the sporting precinct, including the basketball complex, would address this issue.

The original, unaffordable concept design offers all of the design facilities desired in the basketball complex by the Onslow community. As the design in its current format is expected to cost well over the existing budget, it is proposed that a Design and Construct tender for the basketball court project is developed using these to illustrate 'approved aspirational designs' but highlighting a budget of \$3.5million, with 'best value for money' and 'fit for purpose' being assessed over aesthetics.

Consultation with building, regulatory and facility management officers has indicated that the project will also require ablutions (one male, one female, one disabled access) and a basic storage shed. These were not included in the original scope, but rather than commission further concept designs it is proposed that these elements will be included in the tender specifications.

The management order for Reserve 42090 is being progressed in accordance with the outcomes of the Confidential Item presented in November 2013, and advice from Department of State Development indicates this could be resolved in the next 2 – 3 months.

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Based on this progress to the tenure issue, it is proposed that the tender documentation for the basketball court precinct be prepared, ready for advertising upon confirmation that the Shire has obtained a Management Order.

The tender will be advertised for a period of 6 weeks, and upon assessment referred to the joint Shire/DSD/BHPBP Working Group (Macedon Onslow Social Infrastructure Working Group). The successful submission will then be advised to the community, including outlining timelines for the completion of the project formalised.

At the November 2013 Council Meeting, Council endorsed the change of purpose for Reserve 42090 to "Public Works" and the transfer of Management Order for this land from Department of Education to Shire of Ashburton.

Further research and advice from Department of State Development and the Town Planning Department has found that the proposed change of purpose to "Public Works" is not supported by the Shire of Ashburton Town Planning Scheme Number 7. The correct purpose should be "Public Purposes - Parks, Recreation and Drainage". This report seeks to correct the proposed Change of Purpose so that it can be progressed with the request for Management Order.

Consultation

Executive Manager - Strategic & Economic Development
Executive Manager - Development & Regulatory Services
Facilities Manager – Community Development
Department of State Development
BHP Billiton Petroleum
Roxby Architects
Rider Levitt Bucknall
Josh Byrne & Associates

Statutory Environment

Not Applicable

Financial Implications

An Indicative Order of Cost Estimate was requested in March 2012. Below are the details of the financial implications, although consideration should be taken that these were estimated two years ago and a considerable contingency should be considered.

Construction of 3 basketball courts; roof structure over two courts, sporting equipment, external lighting and car park facilities:

\$6,210,150 + GST

There are also several exclusions listed in the attachment with further detail on the cost estimate.

A cost estimate was also completed for the landscaping required, including hard landscaping (i.e. car parks, shade structures etc.) and soft landscaping (i.e. lawn, plants etc.), furniture and signage (i.e. benches, water fountains etc.):

\$649,407 + GST

TOTAL: \$6,859,557 + GST

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\$3.5 million has been committed by BHP Billiton Petroleum to the project, subject to approval of designs, timeframes and project plans. This has been submitted to the 2014/15 Budget process.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 01 – Vibrant and Active Communities

Goal 02 – Economic Prosperity: Enduring Partnerships with Industry and Government

Goal 04 – Distinctive and Well Serviced Places

Objective 01 – Quality Public Infrastructure

Objective 03 – Well Planned Towns

Policy Implications

Nil

Voting Requirement

Absolute Majority Required

Council Decision

MOVED: Cr A Eyre

SECONDED: Cr A Bloem

That Council:

1. **For the purpose of offering guidance only as part of the tender process, endorses the aspirational concept design provided by Roxby Architects and Josh Byrne & Associates for the proposed Onslow Basketball Court precinct;**
2. **Approve the development and advertising of a Design & Construct Tender for the Onslow Basketball Court precinct with a budget of up to \$3.5m; and**
3. **Endorse the change of purpose for Reserve 42090 from Education to Recreation (“Public Purposes – Parks, Recreation and Drainage”) and approve the Reserve being vested in the Shire of Ashburton by Management Order for the purpose of Recreation.**

**CARRIED BY ABSOLUTE MAJORITY 5/1
Crs Rumble, Thomas, Eyre, Foster, and Bloem voted for the motion
Cr Fernandez voted against the motion**

Cr White and Dias entered the room at 2.21 pm

Cr White resumed the chair at 2.21 pm

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 C Fernandez

SECONDED: Cr P Foster

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

18.1 Tom Price Town Centre Revitalisation

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

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18.1 TOM PRICE TOWN CENTRE REVITALISATION

MINUTE: 11807

FILE REFERENCE: PS.DV.22.00

AUTHOR'S NAME AND POSITION: Frank Ludovico
Executive Manager Corporate Services

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 19 May 2014

DISCLOSURE OF FINANCIAL INTEREST: The author has not financial interest in the proposal.

PREVIOUS MEETING REFERENCE: Agenda Item 10.05.12 – Ordinary Meeting of Council
19 May 2010

Summary

In 2009 Council was provided with \$10m to revitalise the Tom Price Town Centre. Funding was provided via a grant from the Royalties for Regions Program.

To date, approximately \$8.95m of the allocated \$10m has been spent. Over the subsequent years interest to the value of \$1.126m was earned leaving approximately \$2.176m available for further works.

It is proposed to finalise the project by firstly upgrading lighting and installing shade shelters in carparks. In addition, to improve existing initiatives of drainage, landscaping and safety. Investigations are continuing into "rain proofing" the walkways.

The purpose of this item is to seek Councils support to progress these above mentioned works.

Background

In 2009 Council was provided with \$10m to revitalise the Tom Price Town Centre. Funding was provided via a grant from the Royalties for Regions Program.

Activities proposed by the grant were:

ITEMS	Amount
Tom Price Town Centre Revitalisation Strategy to provide direction and controls for development	155,000
Upgrade of Utilities, including water, sewer, power and drainage to Support future Works	750,000
Reconstruction of Mall including lighting, facades, plantings, surfaces, security,	4,500,000

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Investigation, Recommendations and Financing Options, including seed funding, for Construction of Shire Offices, retail and commercial space, serviced apartments, etc	4,445,000
Investigation, Recommendations and Financing Options for Educational Precinct Upgrading	75,000
Investigation, Recommendations and Financing Options for Upgrading Sporting Facilities	75,000
TOTAL	10,000,000

Of the \$10m allocated to date approximately \$8.95m has been spent. Over the subsequent years interest to the value of \$1.126m was earned leaving approximately \$2.176m available for further works.

For Council Information detailed below is a summary of the expenditures.

Item	Amount
Revitalisation Design Mall & Environs	2,577,221
Town Centre Upgrade Works	423,043
Town Centre Development - Professional Offices	49,096
Tom Price Town Centre - Amphitheatre Project	16,912
TP Town Centre Construction Package	1,210,654
TP Town Centre Landscaping Package	3,300,528
TP Town Centre Infrastructure(Water, Power, Drainage, Sewer, ITC	820,445
TP Town Centre Nintirri & Youth Centre	63,385
Town Centre Works- Eastern Carpark & Associated Works	489,446
TOTAL	8,950,730

Comment

It is proposed to finalise the project by upgrading lighting (solar where appropriate) and installing shade shelters in both the front and rear carparks. It is also appropriate to complete initiatives already undertaken that might require some additional refinement, like drainage, safety improvements, and landscaping.

Investigations are continuing into the complex task of how best to “rain proof” the walkways. Whilst the design for the walkway appears to be successful in light of the terms of reference used, and this is reinforced by the fact that the plans were approved by the Shopping Centre Strata Company, there have been concerns raised about the rain accessing the shopfronts and causing inconvenience and potential safety issues. Modifications to the existing structure may not be possible and the solution may rest with a new and additional structure attached to the building itself. If that is the best solution, there are challenges with funding approvals, working on a private property and strata approvals, but these aren't insurmountable.

This suggestion has been made on the following basis:

- It is important to finalise this project as future funding will be affected.

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- The remaining funds would not enable other more expansive/expensive activities to be finalised.
- Additional sources of funds to partner in the remaining aspects of this project are no longer available.
- Undertaking improvements to the carpark lighting and shade shelters, drainage, pedestrian safety, and landscaping will complete this portion of the town centre upgrading works.

Communication with the Department of Regional Development and Lands indicates the proposal would be acceptable to them as it fits within the scope of the funding, however, a Council resolution to reinforce the direction of the Shire would be beneficial.

Consultation

Chief Executive Officer
Executive Management Team
Councillors
Department of Regional Development and Lands

Statutory Environment

Any projects will be subject to the Local Government Act 1995 requirements for Tenders for providing goods or services (s 3.57) and Local Government (Function and General) Regulations 1996 concerning tenders.

Financial Implications

Funds for the project are held in a joint Shire of Ashburton/State Treasury account and are only released on a recoup basis. As all funds have not yet been spent, funds are available to complete the project.

It is anticipated (although this will need to be confirmed by tenders) that the funding required for the lighting and shade improvements will be less than the \$2+m available and therefore, if Council wished, the additional funds could be used to undertake drainage improvements, additional landscaping in the town centre precinct, safety improvements, plus locate a solution to the walkway rain inconvenience issue.

Strategic Implications

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

Policy Implications

Any projects will be subject to Councils Purchasing Policy

Voting Requirement

Simple Majority Required

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Council Decision

MOVED: Cr A Bloem

SECONDED: Cr P Foster

That Council endorse the utilisation of the Tom Price Town Centre Revitalisation funds for:

1. In the first instance, an upgrade to lighting and installation of shade shelters in the town centre car parks; and
2. If feasible and funding is adequate, "rain proofing" the shopping area covered walkway; drainage; safety; and landscaping improvements.

Amendment

MOVED: Cr L Thomas

SECONDED: Cr L Rumble

That points (1) and (2) of the motion be amended to read:

1. In the first instance, "in-filling " the shopping area covered walkway roof panels; drainage; safety; and landscaping improvements; and
2. If feasible and funding is adequate, an upgrade to lighting and installation of shade shelters in the town centre car parks.

CARRIED 5/3

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

Reason for change of recommendation:

It is believed that the order of works would be more appropriate in the order proposed.

Amendment

MOVED: Cr A Bloem

SECONDED: Cr P Foster

That a point (3) be added, namely:

3. Acknowledge the concerns of the Pilbara Inland Chamber of Commerce in its letter of 15 May 2014. (ATTACHMENT 18.1)

CARRIED 7/1

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

Reason for change of recommendation:

The added item addresses the letter tabled by the Pilbara Inland Chamber of Commerce.

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Council Decision

MOVED: Cr A Bloem

SECONDED: Cr P Foster

That Council endorse the utilisation of the Tom Price Town Centre Revitalisation funds for:

- 1. In the first instance, “in-filling ” the shopping area covered walkway roof panels; drainage; safety; and landscaping improvements;**
- 2. If feasible and funding is adequate, an upgrade to lighting and installation of shade shelters in the town centre car parks; and**
- 3. Acknowledge the concerns of the Pilbara Inland Chamber of Commerce in its letter of 15 May 2014. (ATTACHMENT 18.1)**

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

19. CONFIDENTIAL MATTERS

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

(2) If a meeting is being held by a Council or by a committee referred to in subsection (1)(b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:

(a) a matter affecting an employee or employees;

(b) the personal affairs of any person;

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;

(e) a matter that if disclosed, would reveal:

(I) a trade secret;

(II) information that has a commercial value to a person; or

(III) information about the business, professional, commercial or financial affairs of a person,

Where the trade secret or information is held by, or is about, a person other than the local government.

(f) a matter that if disclosed, could be reasonably expected to:

(I) Impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;

(II) Endanger the security of the local government's property; or

(III) Prejudice the maintenance or enforcement of any lawful measure for protecting public safety;

(g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1981; and

(h) such other matters as may be prescribed.

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Council Decision

MOVED: Cr L Thomas

SECONDED: Cr C Fernandez

That Council close the meeting to the public at 2.50 pm pursuant to sub section 5.23 (2) (a) and (b) of the Local Government Act 1995.

CARRIED 8/0

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

N Hartley, M Ferialdi, D Wilkes, F Ludovico, B Cameron, T Davis, J Smith, C Robson and members of the public left the room at 2.50 pm.

Declaration of Interest

Prior to consideration of this Agenda Item Neil Hartley declared an financial interest in Agenda Item 19.1 in accordance with relevant section Section 5.60A of the Local Government Act. The interest being he is the person the subject of the report.

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**19.1 CONFIDENTIAL ITEM - CHIEF EXECUTIVE OFFICER
PROBATIONARY APPRAISAL**

MINUTE: 11808

FILE REFERENCE: OR.MT.2
PE:EM: HARTLEY.Neil

AUTHOR'S NAME AND POSITION: Felicia Mudge
Manager Organisational Development

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

DATE REPORT WRITTEN: 1 May 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 18.1 (Minute No. 11591) – Ordinary Meeting of Council 17 July 2013

Please refer to Confidential Item Attachment under separate cover.

Council Decision

MOVED: Cr L Rumble **SECONDED:** Cr P Foster

That Council:

1. **Accepts that Neil Hartley has satisfactorily met the requirements of the Chief Executive Officer position and endorses his completion of the probationary period; and**
2. **Endorses the recommended Performance Objectives in ATTACHMENT 19.1**

CARRIED 7/1
Crs White, Rumble, Dias, Thomas, Eyre, Foster, and Bloem voted for the motion
Cr Fernandez voted against the motion

Hartley, M Ferialdi, D Wilkes, F Ludovico, B Cameron, T Davis, J Smith and C Robson entered the room at 3.24 pm

MINUTES - ORDINARY MEETING OF COUNCIL 21 MAY 2014

19.2 CONFIDENTIAL ITEM - APPLYING SHIRE COMMON SEAL TO DEEDS OF SETTLEMENT AND RELEASE WITTENOOM LITIGATION

MINUTE: 11799

FILE REFERENCE: AS.WI.002.00

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

NAME OF APPLICANT/RESPONDENT: Mr Thomas Jacob and Ms Joan Green

DATE REPORT WRITTEN: 8 May 2014

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

PREVIOUS MEETING REFERENCE: Not Applicable

Please refer to Confidential Item Attachment under separate cover.

Council Decision

MOVED: Cr P Foster **SECONDED:** Cr D Dias

That Council approves the application of the Shire's Common Seal to the attached Deeds of Settlement and Release as referred to in *"Agenda Item 19.2 – Confidential Item Applying Shire Common Seal to Deeds of Settlement and Release Wittenoom Litigation"* at Ordinary Council Meeting held on 21 May 2014.

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

MINUTES - ORDINARY MEETING OF COUNCIL 21 MAY 2014

19.3 CONFIDENTIAL ITEM - DISPUTE ARISING FROM SALE OF SUBDIVIDED LOTS AT LOT 308 BOONDEROO ROAD, TOM PRICE

MINUTE: 11800

FILE REFERENCE: TP.BN.308

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 12 May 2014

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

PREVIOUS MEETING REFERENCE: Agenda Item 10.05.13– Ordinary Meeting of Council 4 May 2007
Agenda Item 15.02.02– Ordinary Meeting of Council 17 February 2010
Confidential Agenda Item 18.1 – Ordinary Meeting of Council 18 September 2013

Please refer to Confidential Item Attachment under separate cover.

Council Decision

MOVED: Cr P Foster **SECONDED:** Cr A Bloem

That Council:

1. Approve the settlement offer negotiated by Neil Hartley (CEO) and Steve Holland (Red Dust WA Pty Ltd) on 12 May 2015 as outlined in the report;
2. Delegate authority to the CEO to negotiate and finalise the formal agreement in accordance with this settlement offer and authorise the President and CEO to affix the Common Seal to that agreement(s);
3. Endorse the use of the Property Reserve to fund the settlement costs; and
4. Note that the settlement requires that both parties must maintain current and ongoing confidentiality of the settlement and its conditions.

CARRIED BY ABSOLUTE MAJORITY 8/0
Crs White, Rumble, Dias, Thomas, Eyre, Foster, Fernandez and Bloem voted for the motion

MINUTES - ORDINARY MEETING OF COUNCIL 21 MAY 2014

The members of the public entered the room at 3.26 pm

20. NEXT MEETING

The next Ordinary Meeting of Council will be held on 18 June 2014, at the Ashburton Hall, Ashburton Avenue, Paraburdoo, commencing at 1.00 pm.

21. CLOSURE OF MEETING

The Shire President declared the meeting closed at 3.30 pm.