

Ordinary Meeting of Council

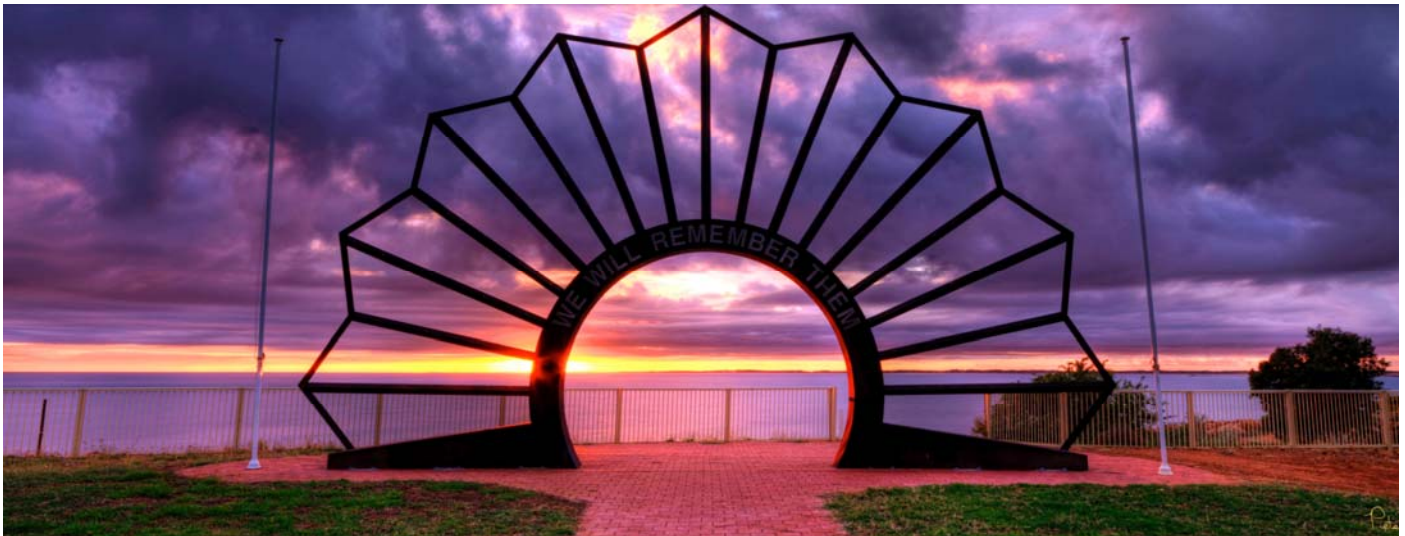
Onslow



Agenda - Public

14 March 2017

Council Chambers,
Onslow Shire Complex,
Second Avenue, Onslow
1.00pm



The Shire of Ashburton 10 year Community Strategic Plan (2012-2022) provides focus, direction and represents the hopes and aspirations of the Shire.

Our Vision

The Shire of Ashburton will be a vibrant and prosperous place for work, leisure and living



Our Mission

Working together, enhancing lifestyle and economic vitality



The Shire of Ashburton respectfully acknowledges the traditional custodians of this land.

Community Goals

- Vibrant and Active Communities
- Economic Prosperity
- Unique Heritage and Environment
- Distinctive and Well-services Places
- Inspiring Governance

Future Focus

The next four years will see a strong focus on:

1. Community inclusion and participation
2. Provision of infrastructure that enables economic strength
3. Economic strength
4. Organisation stability
5. Staying ahead of the game
6. Development of our governance



**SHIRE OF ASHBURTON
ORDINARY MEETING OF COUNCIL**

AGENDA

**Council Chamber, Onslow Shire Complex,
Second Avenue, Onslow
14 March 2017
1.00 pm**

AGENDA - ORDINARY MEETING OF COUNCIL 14 MARCH 2017

SHIRE OF ASHBURTON ORDINARY MEETING OF COUNCIL

Dear Councillor

Notice is hereby given that an Ordinary Meeting of Council of the Shire of Ashburton will be held on 14 March 2017 at Council Chamber, Onslow Shire Complex, Second Avenue, 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

1.1 ACKNOWLEDGEMENT OF COUNTRY

As representatives of the Shire of Ashburton Council, we respectfully acknowledge the local Indigenous people, the traditional custodians of this land where we are meeting upon today and pay our respects to them and all their elders both past and present.

2. ANNOUNCEMENT OF VISITORS

3. ATTENDANCE

3.1 PRESENT

Cr K White	Shire President, Onslow Ward
Cr L Rumble	Deputy Shire President, Paraburdoo Ward
Cr D Dias	Paraburdoo Ward
Cr G Dellar	Ashburton Ward
Cr L Thomas	Tableland Ward
Cr M Lynch	Tom Price Ward
Cr D Diver	Tom Price Ward
Cr P Foster	Tom Price Ward
Cr M Gallanagh	Pannawonica Ward
Mr N Hartley	Chief Executive Officer
Mr F Ng	Acting Executive Manager, Corporate Services
Mr T Davis	Executive Manager, Infrastructure Services
Ms A Serer	Executive Manager, Strategic & Economic Development
Ms L Reddell	Executive Manager, Development & Regulatory Services
Ms L O'Reilly	Executive Manager, Community Development
Mr A Grant	Acting Finance Manager
Mrs N Tyson	Acting Administration Manager
Ms J Smith	Executive Officer
Mrs T Forbes	CEO & Councillor Support Officer

3.2 APOLOGIES

3.3 APPROVED LEAVE OF ABSENCE

4. QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

There were no public questions taken on notice.

4.2 PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

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6. DECLARATION BY MEMBERS

6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

That Councillors White, Rumble, Dias, Dellar, Gallanagh, Thomas, Diver, Lynch and Foster have given due consideration to all matters contained in the Agenda presently before the meeting.

6.2 DECLARATIONS OF INTEREST

Councillors to Note

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

- (a) In a written notice given to the Chief Executive Officer before the Meeting
or;
- (b) At the Meeting, immediately before the matter is discussed.

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

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

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

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

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

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given

AGENDA - ORDINARY MEETING OF COUNCIL 14 MARCH 2017

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.

Declarations of Interest provided:

Item Number/ Name	Type of Interest	Nature/Extent of Interest

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

8. PETITIONS / DEPUTATIONS / PRESENTATIONS

8.1 PETITIONS

8.2 DEPUTATIONS

8.3 PRESENTATIONS

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING OF COUNCIL HELD ON 14 FEBRUARY 2017

Officer's Recommendation

That the Minutes of the Ordinary Meeting of Council held on 14 February 2017, as previously circulated on 22 February 2017, be confirmed as a true and accurate record.

9.2 SPECIAL MEETING OF COUNCIL HELD ON 1 MARCH 2017

Officer's Recommendation

That the Minutes of the Special Meeting of Council held on 1 March 2017, as previously circulated on 3 March 2017, be confirmed as a true and accurate record.

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10. AGENDA ITEMS ADOPTED "EN BLOC"

10.1 MOVE AGENDA ITEMS 'EN BLOC'

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

"Part 5 – Business of a meeting

Clause 5.6 Adoption by exception resolution:

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

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11. GOVERNANCE & EXECUTIVE SERVICE REPORTS

11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS FEBRUARY 2017

FILE REFERENCE:	GV04
AUTHOR'S NAME AND POSITION:	Tahnee Forbes CEO & Councillor Support Officer
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	20 February 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the matter.
PREVIOUS MEETING REFERENCE:	Agenda Item 10.1 (Minute: 11477) - Ordinary Meeting of Council 10 April 2013

Summary

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

Background

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

ATTACHMENT 11.1

Comment

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

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

Consultation

Chief Executive Officer
Executive Management Team

Statutory Environment

Not Applicable

Financial Implications

Not Applicable

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

Not Applicable

Voting Requirement

Simple Majority Required

Recommendation

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

Author: Tahnee Forbes	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 14 MARCH 2017

11.2 USE OF COMMON SEAL AND ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF FEBRUARY 2017

FILE REFERENCE:	GV21
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Officer Sheree Selton Administration Assistant Planning
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	20 February 2017
DISCLOSURE OF FINANCIAL INTEREST:	The authors have no financial interest in the matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The purpose of this agenda item is to report to Council for information, Use of the Common Seal and actions performed under delegated authority requiring referral to Council, for the month of February 2017.

Background

Council has historically sought a monthly update of the more significant activities for the organisation relative to (1) use of the Common Seal, and (2) actions performed under delegated authority requiring referral to Council as per the Shire of Ashburton Delegated Authority Register 2016.

Comment

A report on use of the Common Seal and relevant actions performed under delegated authority has been prepared for Council.

Consultation

Relevant officers as listed in the Attachment.

Statutory Environment

Local Government Act 1995

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

Financial Implications

As outlined in Attachment 11.2.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

AGENDA - ORDINARY MEETING OF COUNCIL 14 MARCH 2017

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Low" in light of the report being for information purposes only and the risk can be managed by routine procedures, and is unlikely to need specific application of resources.

Policy Implications

ELM 13 – Affixing the Shire of Ashburton Common Seal.
FIN12 – Purchasing and Tendering Policy.

Voting Requirement

Simple Majority Required

Recommendation

That Council accept the report *"11.2 Use of Common Seal and Actions Performed Under Delegated Authority for the Month of February 2017"*

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

AGENDA - ORDINARY MEETING OF COUNCIL 14 MARCH 2017

12. COMMUNITY DEVELOPMENT REPORTS

12.1 PROPOSAL TO LEASE RESERVE 22611, LOT 302 SECOND AVENUE, ONSLOW TO V SWANS

FILE REFERENCE:	SEC.0302
AUTHOR'S NAME AND POSITION:	Lynnette O'Reilly Executive Manager, Community Development
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	22 February 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the matter.
PREVIOUS MEETING REFERENCE:	Agenda item 15.1 (Minute No. 11562) Ordinary Meeting of Council 5 June 2013 Agenda item 16.2 (Minute No. 11162) Ordinary Meeting of Council 20 March 2012 Agenda item 15.3 (Minute No. 11129) Ordinary Meeting of Council 15 February 2012 Agenda item 12.1 (Minute No. 11098) Ordinary Meeting of Council 14 December 2011

Summary

Council resolved at the June 2013 Ordinary Meeting of Council to support V Swans to lease the building on Reserve 22611 being Lot 302 Second Avenue on Plan 40120 for the purpose of a Youth Drop-in Centre. The term of the lease was three years from 11 March 2014 expiring on 10 March 2017 with an optional further term of two years, or until a new Youth Centre was constructed. As the renovations to the existing premises are complete, a new lease agreement is required.

A Community Lease Agreement has been prepared for Council consideration.

Background

In September 2011 the Department of Regional Development and Lands (RDL) approached the Shire of Ashburton requesting that the Shire consider accepting a "peppercorn" lease over Lot 302 Second Avenue (Reserve 22611), Onslow, for the purpose of sub-leasing to V Swans to allow them to open a youth drop-in centre in Onslow.

In February 2012 a further item came before Council detailing that the Shire had investigated and inspected Lot 302 and concluded that a significant amount of work, and expense, was required to restore the building to meet Australian Standards to allow it to operate as a youth drop-in centre. As a result of this, Council resolved to request the Chief Executive Officer to advise the RDL that the Shire did not wish to lease the building, but would not object to V Swans obtaining a direct lease from RDL to do so.

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In March 2012 the Shire President requested a further agenda item to bring forward new information that addressed the concerns raised in the February report. This new information included V Swans not being able to lease directly from RDL, and information that V Swans had secured funding from Lotteries West to cover the costs of upgrades to the building. Council subsequently resolved to direct the Chief Executive Officer to enter into negotiations with RDL to manage the Reserve, being Lot 302 Second Ave and negotiate a lease to V Swans for the purpose of a youth drop-in centre. Under the lease agreement V Swans were responsible for all costs associated with planning approvals and restoring the building to meet Australian Standards.

At the June 2013 Ordinary Meeting of Council, Councillors endorsed the Lease Agreement between the Shire of Ashburton and V Swans for a maximum of three years with a two year option, or until the new youth centre was constructed.

As V Swans are part of the Swan Districts Football Club, which is an incorporated not-for-profit organisation whose objectives include providing educational, recreational and sporting opportunities the disposal of property by way of lease was exempt from the requirements of Section 3.58 of the Local Government Act.

ATTACHMENT 12.1A ATTACHMENT 12.1B

Comment

V Swans were successful in securing approximately \$500,000 of funding for the upgrade and refitting of the premises, including technology, at Lot 302 Second Avenue for continued use as a youth drop in centre. The current lease (expiring on 10 March 2017) was conditional requiring a new agreement upon completion of the facility upgrade. V Swans have requested a five year term with an additional five year option.

Certificate of Occupancy is expected to be received by the end of March allowing use of the facility.

The opening hours of the youth centre will be:

Children 10 – 17 years

Monday to Friday 2:15pm – 6:30pm (strictly no school aged children during school hours)

Weekends 11am to 6:30pm

The facility will be open to the adult public outside the above hours daily.

The following schedule will apply which is in line with REC05 Community Leases and Licence Agreements of Shire Assets:

Term of Lease:	Five years with a five year option of renewal (at Lessor's discretion)
Commencement:	Upon Minister for Lands approval
Annual Rent:	\$500.00 excluding GST
Outgoings:	Annual rent is inclusive of outgoings including: Building Insurance (as the building is owned by the Shire of Ashburton.)
Lessee to Pay:	Maintenance (internal and external) Cleaning of the facility Landscaping and lawn mowing costs

The Tenant must pay the cost of the utilities and services as set out in the table below.

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Utility or service	Amount payable by Tenant
Water	100%
Gas	100%
Electricity	100%
Telephones, including line charges	100%
Cost of installation of any meter, wiring or other device necessitated by the use of a utility and service	100%
Cost of rubbish collection including emptying wheelie bins and 1100 bins	100%
Cost of annual food surveillance fee (if applicable)	100%

Consultation

Chief Executive Officer
Executive Management Team
Economic & Land Development Manager
Principal Town Planner
Manager - Building Services
V Swans

Statutory Environment

Local Government Act 1995 s 3.58 Disposing of property
Local Government (Function and Regulations) 1996 Regulation 30 Dispositions of property excluded from Act s. 3.58
Lands Administration Act 1997

Financial Implications

There were no financial implications identified as part of the Lease renewal, however there will be costs associated with building outgoings including for example, building insurance.

Strategic Implications

Strategic Plan 2012 – 2022
Goal 1 Active and Vibrant Communities
Objective 2 Active People, Clubs and Associations

Risk Management

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

Policy Implications

REC05 Community Lease and Licence Agreements of Shire Assets (Facilities, Buildings and Land)

Voting Requirement

Simple Majority Required

AGENDA - ORDINARY MEETING OF COUNCIL 14 MARCH 2017

Recommendation

That Council:

Delegate authority to the Chief Executive Officer to negotiate the final terms of, and execute a Community Lease Agreement with V Swans for Reserve 22611, being Lot 302 Second Avenue, Onslow, generally in accordance with the terms outlined in this report and REC05 Community Lease and Licence Agreements of Shire Assets (Facilities, Buildings and Land).

Author: Lynnette O'Reilly	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 14 MARCH 2017

12.2 TENDER RFT 20/16 IAN BLAIR MEMORIAL BOARDWALK - REPORT TO BE PROVIDED UNDER SEPERATE COVER

FILE REFERENCE:	CM20.16
AUTHOR'S NAME AND POSITION:	Nicky Tyson Acting Administration Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	8 March 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Report to be provided under separate cover

13. CORPORATE SERVICES REPORTS

13.1 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR JANUARY & FEBRUARY 2017

FILE REFERENCE:	FM03
AUTHOR'S NAME AND POSITION:	Freemond Ng Finance Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	1 March 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the matter.
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:

January 2017

- Statements of Financial Activity and associated statements for the Month of January 2017.

ATTACHMENT 13.1A

February 2017

- Schedule of Accounts and Credit Cards paid under delegated authority for the Month of February 2017.

ATTACHMENT 13.1B

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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

Risk Management

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

Policy Implications

There are no policy implications in this matter.

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Accepts the Financial Reports for January 2017 **ATTACHMENT 13.1A**; and
2. Notes the Schedule of Accounts and Credit Cards paid in February 2017 as approved by the Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds as per **ATTACHMENT 13.1B**.

Author: Freemond Ng	Signature:
Manager: Neil Hartley	Signature:

AGENDA - ORDINARY MEETING OF COUNCIL 14 MARCH 2017

13.2 APPOINTMENT OF ELECTORAL COMMISSION - OCTOBER 2017 ORDINARY ELECTION

FILE REFERENCE:	GV03
AUTHOR'S NAME AND POSITION:	Jasmin Forward Corporate Services Support Coordinator
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	17 February 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Correspondence has been received from the Western Australian Electoral Commission (WAEC) requesting that Council give consideration to whether it will be conducting the 2017 Local Government Election as a postal or in person election.

It is recommended that similar to previous years, the election be conducted by postal vote, and the WAEC appoint a returning officer and conduct the vote.

Background

In accordance with the *Local Government Act 1995*, Local Government ordinary elections will be held on 21 October 2017. Four Councillor terms are due to expire in October 2017 being Tom Price (2), Paraburdoo (1) and Pannawonica (1).

The election held in 2015 was conducted by postal vote, with the Electoral Commission appointing a Returning Officer.

Section 4.20(4) of the Local Government Act 1995 states:

“(4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*

**Absolute majority required.”*

Comment

The Administration has received notification from the Western Australian Electoral Commissioner (correspondence attached) that the Local Government Ordinary Elections are to be held on 21 October 2017, with an estimated cost of \$19,000 including GST and the

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Commissioner also confirmed that if the Shire of Ashburton agrees, the Commissioner would be responsible for the conduct of the Election.

ATTACHMENT 13.2

The Shire of Ashburton has traditionally used the WAEC to conduct its elections and it is recommended that this continue as it keeps the electoral process independent of the Shire Administration.

Consultation

Chief Executive Officer
Executive Manager Corporate Services
Administration Manager

Statutory Environment

Local Government Act 1995 4.20(4) & 4.61(2)

Financial Implications

The WAEC is required to operate on a full cost recovery basis, and has estimated a cost of \$19,000 including GST. This will need to be included in the 2017/2018 Budget.

Strategic Implications

There are no strategic implications relative to this issue.

Risk Management

Appointment of the WAEC to conduct a postal vote election for the 2017 Local Government election will ensure the lowest risk to the Shire in relation to this highly compliance driven process. Adoption of this item has been evaluated against the Shire of Ashburton's Risk management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Low" risk and can be managed by routine procedures, and is unlikely to need specific application of resources.

Policy Implications

There are no specific policy implications relative to this issue.

Voting Requirement

Absolute Majority Required

Recommendation

That Council:

1. Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2017 Ordinary Election;
2. Decide, in accordance with section 4.6.1(2) of the *Local Government Act 1995* that the method of conducting the election will be a postal election; and
3. Make provision in the 2017/18 Budget for the expenditure of \$19,000 including GST associated with the 2017 Ordinary Election.

Author: Jasmin Forward	Signature:
Manager: Freemond Ng	Signature:

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13.3 AUDIT AND RISK COMMITTEE - ADOPTION OF RECOMMENDATIONS

FILE REFERENCE:	GV01
AUTHOR'S NAME AND POSITION:	Jasmin Forward Corporate Services Support Coordinator
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	16 February 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in this matter.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.3 (Minute 12057) – Ordinary Meeting of Council 16 February 2016 Agenda Item 13.4 (Minute: 11907) – Local Government Compliance Audit Return for 2014 Agenda Item 12.5 - Local Government Compliance Audit Return for 2013 Agenda Item 11.6 (Minute: 11454) - Ordinary Meeting of Council 13 March 2013 Agenda Item 11.03 (Minute: 11150) - Ordinary Meeting of Council 21 March 2012 Agenda Item 12.03.13 - Ordinary Meeting of Council 16 March 2011 Agenda Item 12.03.21 - Ordinary Meeting of Council 15 March 2010

Summary

The Audit and Risk Committee is meeting on the morning of the Council meeting. The purpose of this agenda item is to allow the Recommendation(s) of that Committee to progress in a timely manner.

Background

The Audit and Risk Committee is meeting on the morning of the Council meeting. The purpose of this agenda item is to allow the Recommendation(s) of that Committee to be progressed in a timely manner.

Comment

The early adoption of the Audit and Risk Committee recommendation will enable the prompt progression of those recommendations.

Consultation

Audit and Risk Committee
Chief Executive Officer
Executive Manager Corporate Services
Administration Manager

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Statutory Environment

Section 7.3. Local Government Act 1995 - Appointment of auditors

Regulation 17 Local Government Audit Regulations 1996.

Local Government Operational Guidelines Number 09 -Audit in Local Government – Revised September 2013

Financial Implications

Refer to the Audit and Risk Committee report for Financial Implications.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 5 – Inspiring Governance

Objective 4 – Exemplary Team & Work Environment

Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Medium" risk (largely due to the costs of developing/implementing new procedures, etc.) but can be managed by routine procedures and monitoring by the Executive Manager Corporate Services.

Policy Implications

Refer to the Audit and Risk Committee report for Policy Implications.

Voting Requirement

Simple Majority Required

Recommendation

That Council endorse the following Audit and Risk Committee recommendations:

1. Notes the Updated CEO's Report (as per **ATTACHMENT 13.3B**) which outlines completed and progressing items; and
2. Notes that a further progress report will be provided to the next (April 2017) Audit & Risk Committee meeting; and
3. Adopts reviewed Policy FIN14 Tender Evaluation Criteria (as per **ATTACHMENT 13.3C**); and
4. The next meeting of the Audit and Risk Committee be scheduled for 26 April 2017.

Author: Jasmin Forward	Signature:
Manager: Freemond Ng	Signature:

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13.4 STRATEGIC COMMUNITY PLAN - MAJOR REVIEW

FILE REFERENCE:	CM03
AUTHOR'S NAME AND POSITION:	Jasmin Forward Corporate Services Support Coordinator
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	21 February 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the matter.
PREVIOUS MEETING REFERENCE:	Agenda Item 12.2 (Minute No 11258) – Ordinary Meeting of Council 15 August 2012 Agenda Item 13.2 (Minute No 12028) - Ordinary Meeting of Council 18 November 2015

Summary

The Strategic Community Plan was adopted by Council in August 2012. The plan is required to be reviewed (desktop) by Council every two years and the community is to be consulted every four years during a major review.

Therefore a major review was completed in December 2016 and the Strategic Community Plan 2017-2027 was workshopped with Councillors at the Paraburdoo workshop on 14 February 2017 prior to the Council Meeting.

Background

The Strategic Community Plan outlines the visions, values, aspirations and priorities of the Shire of Ashburton communities in the longer term (+10 year).

It is just one part of a suite of documents that form the Integrated Planning and Reporting Framework and must be closely aligned, in particular, with the Long Term Financial Plan and Budgetary documents. Amendments made in the Strategic Community Plan will flow through to the Corporate Business Plan.

Comprehensive community consultation has been undertaken by Creating Communities Australia Pty Ltd (CCA Pty Ltd) which has been used to produce the draft document workshopped 14 February 2017. Feedback was received from Councillors following this consultation and CCA Pty Ltd have produced a final document.

ATTACHMENT 13.4

Comment

Over the last couple of years since the adoption of the initial plan, a good deal of progress on the priorities within the document has occurred. Many services undertaken, with many projects having been completed, with many others well underway.

One of the purposes of the review was to reconsider the priorities contained within the original document. According to Department of Local Government advice, "amendments to the plan

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should be based on performance information and changing circumstances”, so for example, Council has the opportunity to reclassify priorities in light of the fact that local economic circumstances have changed (and that funding opportunities may have also been impacted).

Finally, the review will allow Council in coordination with the informing strategies that support the Integrated Planning Framework, to clarify in a formal review of the Strategic Community Plan, the Shire’s contemporary activities.

The amended document will be disseminated throughout the Shire, primarily via the Shire of Ashburton website, to ensure that our communities and key stakeholders are able to access this information.

Amendments made in the Strategic Community Plan will flow through to the Corporate Business Plan to enable implementation.

Consultation

Councillors
Chief Executive Officer
Executive Team
Administration Manager
Creating Communities Australia Pty Ltd
Shire of Ashburton Community

Statutory Environment

Section 5.56(1) and (2) of the Local Government Act requires that each local government is to “plan for the future of the district”, by developing plans in accordance with the Regulations.

The *Local Government Administration Regulations 1996* were amended to require each local government to adopt a Strategic Community Plan and a Corporate Business Plan.

Financial Implications

There are no known meaningful financial implications relative to this review in excess of officer time and minor administrative costs. Financial implications will, however, be relevant at the time the action is considered (e.g. as part of future budgets.)

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 5 – Inspiring Governance
Objective 1 Custodianship
Objective 3 – Council Leadership

Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton’s Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be “High” risk but can be managed by senior management, and is unlikely to need specific allocation of resources beyond staff time and minor costs for public communications.

Policy Implications

There were no policy implications identified.

Voting Requirement

Absolute Majority Required

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Recommendation

That council:

1. Adopt the revised Strategic Community Plan 2017-2027 as provided in **ATTACHMENT 13.4**.
2. Endorse the Shire President to approve the final proof of the Strategic Community Plan 2017 - 2027 prior to printing and distribution.

Author: Jasmin Forward	Signature:
Manager: Freemond Ng	Signature:

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13.5 2016/17 ANNUAL BUDGET REVIEW

FILE REFERENCE:	FM14.16.17
AUTHOR'S NAME AND POSITION:	Freemond Ng Finance Manager
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	1 March 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

This item presents the Budget Review for 2016/17 in accordance with the *Local Government Act (Financial Management) Regulations 1996*.

The Budget has undergone a large number of variations, but the Review indicates that the Shire will be able to return a modest surplus position at the close of the financial year (30 June 2017).

Background

Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires local governments to conduct a budget review between 1 January and 31 March each financial year.

Regulations 33(2) and (3) require the results of the review to be submitted to Council within 30 days of the review. Council is then to consider the review to determine whether or not to adopt the review, any part of the review or any recommendations made in the review. If Council does this at this meeting, it will meet the required timeframe.

Regulation 33 A(4) requires a copy of the determination to be provided to the Department of Local Government.

The Budget Review Process was initiated in December 2016 with all Executive Managers being asked to review activities that came under their responsibility.

The Review was conducted using December 2016 actual figures. The January 2017 actual figures are included in the Review document for comparison purposes and a final re-evaluation of the projections.

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Comment

Particular issues arising from the budget review are:

- Significant changes have occurred with Interim and Back Rating. These two areas show a combined refund (i.e. expenditure) of \$370,000 instead of income of \$209,000 budgeted. That is, a budget (negative) difference of \$579,000.

A detailed analysis of the above figures show that we have refunded approximately \$481,000 for mining tenements surrendered, whilst only collecting interim rating (income) for new GRV residential and UV pastoral properties of just \$111,000.

We understand valuation appeals are still occurring.

- Generally, total operational expenses remain within budget with a forecast to be 7.7% lower than the original budgeted.

Particular issues are:

- Wages and Salaries are expected to be 13% lower (\$2m) due in the main to turnover and difficulty in recruiting (new and replacement staff).
 - Town Planning consultancy expenses has been reduced from \$250,000 to \$66,000 (but will potentially require a further review prior to 30 June 2017 if an Onslow Ashburton Coast (shoreline changes, wave data, etc.) grant to Department of Transport is successful - \$30/40,000).
 - The closure of the Onslow Airport Camp has resulted in a \$371,000 gross saving.
 - As a result of recent weather events the Flood Damage budget has increased from \$100,000 to \$750,000. Potentially recoups of \$300,000 are likely to be available from WANDRRA in the current financial year.
 - Increased expenditure on Station Access Roads \$100,000.
 - Increase in operating expenses Tom Price Refuse Site \$80,000.
 - Generally consultants costs across the entire organisational budget are forecast to reduce by \$341,000.
 - Private works activity has reduced by 60% (\$82,000).
- Total income generally (other than Rates and Capital Funding) is expected to be 0.5% lower than budgeted.

Particular issues are:

- Recoup of Public Open Space Trust funds for the Tom Price Dog Park project (a 2011/12 Project) \$85,000.
 - Federal Government Assistance Grants (FAGS) and Untied Road Grants reduced by \$194,000.
 - Tom Price Tip revenues are forecast to reduce by \$274,000 however Domestic Sanitation levies (those issued with Rates notices) have increased by \$116,000.
 - No adjustment has been made for retaining the old Road Sweeper.
- Overall, capital projects expenditure within the current budget period (i.e. expenditure to 30 June 2017) are forecast to increase from \$48.6m to \$51.9m. Significant variations are highlighted below.

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Project	Comment
Community Facilities	<p>Onslow Swimming Pool This project is completed with the final payment needing to be processed and an increase in the budget to \$6.6m. The call on Municipal funds is \$37,000 (required for fit-out).</p>
Community Facilities	<p>Onslow Skate Park This project is completed with a decrease in the budget to \$490,000. No Change to Municipal funds as funded by Grants.</p>
Community Facilities	<p>Ian Blair Boardwalk in Onslow. Budget for the project was \$730,000 with grant funding of \$300,000. This grant has been successful with \$150,000 due in 2016/17 with the second instalment in 2017/18. \$90,000 has been transferred from the Area Promotion Consultancy account to enable capitalisation of the associated <i>Heritage Signage Trail</i> component.</p> <p>An RFT indicates that the project will cost \$800,000 with an additional expenses of \$90,000 for the proper disposal of the “contaminated” boards.</p> <p>Funding will come from Municipal funds.</p>
Administration	<p>Onslow Administration Complex Overall project budget is forecast to be \$8.73m compare to a project budget of \$8.85m. This will enable the Shire to reduce the anticipated call on loan funds from \$850,000 to \$800,000.</p>
Major Projects	<p>Pilbara Underground Power Project (PUPP) The timing of this project is now clearer. The Adopted Budget of \$2.3m has reduced to \$525,000 which is the first instalment for this project payable in 2016/17. The remaining cost will be Budgeted for in 2017/18.</p> <p>The contributions from Chevron are expected to cover this first instalment. The transfer from the reserves and loan borrowings will be moved from the current budget into 2017/18.</p>
Roads	<p>Stadium Road Upgrade – Tom Price This project has now progressed to a draft design and cost estimates are approximately \$1m.</p> <p>The project is funded by Roads to Recovery (R2R) with the additional \$250,000 being sourced from the R2R funded Shanks Rd/Onslow Rd drainage project that has come under budget by approximately \$250,000.</p>

- Other noteworthy adjustments to Capital Expenditure included:
 - Introduction of the Onslow WIFI project resulting in an increase of \$50,000 (with funding being transferred from the designated Onslow WIFI project costs area of the Area Promotion Consultancy account).
 - Reduction in costs to upgrade staff parking at the Tom Price office.

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- Below are major new initiatives funded by the review:

Community Facilities	<p>Paraburdoo Chub. Following community/Councillor consultations, an additional contribution (currently estimated at \$1.8m) is being considered for the Paraburdoo CHUB. The CHUB Committee is understood to be considering if it is appropriate for the \$1.2m recently proposed for staff housing to be transferred to the Future Projects Reserve, to accommodate a portion of that additional cost.</p> <p>Funding coming from the Area Promotion Consultancy account (Tourism Information Bay Signage).</p> <p>This will cash back this allocation.</p>
Airports	<p>Runway Embankment Remediation \$2.5m Airport Runway Embankment Remediation work required in 2016/17.</p> <p>Significant issues with scouring along the edges of the runway and taxiway embankments have been occurring since the airside development was completed in 2013.</p> <p>Minor maintenance works have been undertaken after each rain event, however the issue is starting to impact on overall operations and the serviceability of the airport. The proposed works are a permanent correction.</p> <p>Funding will come from a mixture of increased passenger tax and a decrease in transfer to the Airport Reserve. Overall the call on Municipal funds will remain the same (i.e. \$166,000).</p>
Sanitation	<p>New Waste Management Facilities Onslow The Shire has recently applied for approximately \$9m in grant funding to fund this project. Council's funding towards the project will be \$2m (to be funded over the 2-3 financial years commencing 2017/18).</p> <p>Planning and development of the new waste facility in 2016/17 will include site investigation (survey, flora/fauna, hydro, geo studies). The approximate cost in this financial year is expected to be \$570,000. That cost will need to be funded by the Shire as part of its co-contribution (to be refunded by Chevron in 2017/18 subject to the success of the Building Better Regions Fund grant).</p> <p>Funding is coming from Municipal funds.</p>
Sanitation	<p>Landfill Cells Construction Tom Price The current landfill cells (commercial and domestic) at Tom Price are nearing the end of their lives and a new combined cell is required to be developed. Total expenditure \$500,000.</p> <p>It was initially estimated that the existing cells would last until later in 2017 however the additional waste from Onslow has accelerated the filling.</p> <p>Funding is coming from Municipal funds.</p>

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The effect of this Review is that Council has a forecast surplus of \$50,000. With some uncertainty in our rating income (mostly to do with valuation appeals, rate refunds, and mining lease relinquishments), it may be prudent to allow these funds to remain as a surplus and be utilised in the 2017/18 budgetary process.

Attached are detailed schedules showing the 30 June 2017 Forecast and explanations for the variance.

ATTACHMENT 13.5

Consultation

Executive Managers and Responsible Officers
Bob Waddell, Local Government Consultant.

Statutory Environment

Local Government (Financial Management) Regulations 1996 Regulation 33A – Review of Budget.

Financial Implications

The Budget Materiality variance was adopted at the Special Meeting (Budget) on 28 July 2016. This means a variance of a percentage (equal to or greater than 10%) or a value (equal to or greater than \$20,000) for the 2016/17 financial year must be reported. The Policy was used in this Budget Review.

Strategic Implications

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

Risk Management

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

Policy Implications

ELM10 Financial Sustainability
FIN06 Significant Accounting Policy

Voting Requirement

Absolute Majority Required

Recommendation

That Council adopts the 2016/17 Annual Budget Review and approves the 30 June 2017 forecast as the amended Budget for 2016/17 as per **ATTACHMENT 13.5**.

Author: Freemond Ng	Signature:
Manager: Neil Hartley	Signature:

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14. DEVELOPMENT AND REGULATORY SERVICES REPORTS

14.1 REQUEST FOR RESOLUTION NOT TO PROCEED WITH SCHEME AMENDMENT NO. 23 TO THE SHIRE OF ASHBURTON TOWN PLANNING SCHEME NO. 7 RELATING TO INTRODUCTION OF BUILDING HEIGHTS IN ONSLOW 'COMMERCIAL AND CIVIC' ZONE

FILE REFERENCE:	LP10.7.23
AUTHOR'S NAME AND POSITION:	Andrew Patterson Principal Town Planner
NAME OF APPLICANT/RESPONDENT:	Shire of Ashburton
DATE REPORT WRITTEN:	14 February 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda item 13.13 (Minute No. 11123) Ordinary Meeting of Council 15 February 2012

Summary

At its Ordinary Meeting held on 15 February 2012, Council resolved to initiate Amendment No. 23 to Shire of Ashburton Town Planning Scheme No. 7 to introduce building height limits in Onslow's 'Commercial and Civic' zone.

Subsequent to this resolution to initiate Amendment No. 23, little additional work has been undertaken to progress the matter, with the required amendment documentation and supporting reports not finalised or submitted for assessment by the Environmental Protection Authority for consideration prior to public advertising.

Given the length of time since its initiation, the demonstrated lack of need for statutory building height limits in Onslow, and the significantly altered statutory environment, it is recommended that Council resolve not to proceed with Scheme Amendment No. 23 and advise the Minister for Planning of this decision.

Background

As part of a review of the status of previous Council decisions, it was ascertained that an outstanding Scheme Amendment (AM23), initiated at the Shire President's request at Council's February 2012 Ordinary meeting, has failed to proceed beyond initiation. AM23 proposes amending Town Planning Scheme No. 7 (TPS7) by introducing building height controls for 'Commercial and Civic' zoned land in Onslow.

When preparing the report for initiation for the September 2012 meeting, Shire staff considered how other regional towns in Western Australia addressed building heights in their respective commercial and town centre zones. The investigation into other statutory approaches to controlling building heights in commercial areas resulted in a proposal recommending adoption

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of a modified version of the height-regulating provision in the *City of Busselton Local Planning Scheme No. 21*.

The proposed Scheme Amendment text states:

6.21 HEIGHT OF BUILDINGS – “COMMERCIAL AND CIVIC” ZONE, WITHIN ONSLOW

6.21.1 Within the „Commercial and Civic” Zone of Onslow, a building shall not be erected on land to which this Scheme applies where –

(a) in the case of land within 80 metres of the Mean High Water Mark the perpendicular distance from its highest point to the natural ground level of the land on which it is to be erected exceeds 7.5 metres;

(b) in all other cases the perpendicular distance from its highest point to the natural ground level of the land on which it is to be erected exceeds 10 metres.

6.21.2 In respect of Clause 6.21.1 and Clause 6.2.12, the local government upon receipt of an application for planning approval, may approve building heights that exceed those maximum height limitations as specified, subject to the local government being satisfied that the building height is consistent with the relevant assessment criteria specified under Clause 5.9 of the Scheme and the relevant performance criteria specified in the Residential Design Codes.

6.21.3 A reference in this Clause to a building does not include a reference to:

- (a) an aerial;*
- (b) a chimney stack;*
- (c) a mast;*
- (d) a pole;*
- (e) a receiving tower;*
- (f) a transmission tower;*
- (g) a utility installation; and*
- (h) a ventilator;*

6.21.5 Nothing in this Scheme prevents the local government from specifying a limitation on the height of buildings which is lower than that specified in Clauses 6.21.1 and 6.21.2 above in circumstances where topography, environmental values or viewscapes warrant.

At this same meeting, Council gave final endorsement to *Local Planning Policy 26 – Onslow Interim Design Guidelines (LPP26)*. LPP26 was first considered at Council’s Ordinary Meeting on 21 September 2011 that was subsequently advertised for public comment prior to final endorsement. LPP26 is a comprehensive policy that, amongst other requirements, sets a maximum building height of three storeys in the Onslow town centre. For the purpose of the Policy, the town centre is defined as all land in Onslow zoned ‘Commercial and Civic’. This requirement meets the intent of Amendment 23 of restricting high-rise development in the Onslow town centre.

LPP 26 specifically addresses building height in the ‘Commercial and Civic’ zone, requiring that:

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All development within the town centre shall be a maximum of 3 storeys in height. Any third level shall be set back a minimum of 4 metres behind the minimum setback of the floor directly below it.

LPP26 is therefore not well aligned with the proposed controls in the Amendment 23 text that would set a maximum height above ground level rather than referencing the number of storeys permitted for a new building.

It is noted that while an LPP is not a statutory document, their purpose is to guide decision-making, and a development proposal assessed under LPP26 should satisfy the Policy objectives that in this case are to:

- *Ensure that development within the Onslow Town Centre promotes a pedestrian-oriented and conveniently accessible urban form, which fosters community interaction and local identity.*
- *Ensure that buildings in the town centre are of an appropriate scale consistent with the character of Onslow to optimise visual amenity within the town centre.*
- *Create a compact core including a mix of street oriented high-amenity residential and commercial developments, where active non-residential uses are designed to address the street, with minimal street setbacks.*
- *Create a harmonious, safe and attractive environment through streetscape enhancement and building design that provides an engaging street rhythm and character.*
- *Ensure high quality architectural design for all development within the Onslow Town Centre, with elements that promote climatic responsive design, visual interest, architectural articulation and sustainable outcomes.*
- *To avoid large single mass buildings with long, unbroken horizontal elements, large wall planes, continuous rooflines, balconies, materials and colours.*

In reviewing this matter, it is therefore prudent to consider recent development that would be considered on a 'performance based' assessment under LPP26 that would not be permitted under proposed Amendment 23, noting that the Amendment text would impose the following building height limits:

- Building height limited to 7.5 metres in height:
 - All lots on First Avenue;
 - the rear of those lots on Second Avenue between Third Street and Cameron Avenue
- Buildings limited to 10 metres in height:
 - all lots on Second Avenue between First Street and Cameron Avenue

Given that the proposed provisions of Amendment 23 have not introduced into the Scheme, the following developments were approved, subject to conditions:

- The mixed use development at Lot 308 (9) First Avenue, approved 31 October 2012, is constructed 8.177m above natural ground level (NGL) exceeding the proposed maximum building height of 7.5 metres.
- The three storey grouped dwellings located at Lot 305 (3) First Avenue, approved 13 December 2013, is constructed at 10.618 metres above NGL, exceeding the proposed maximum building height of 7.5 metres.

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- The accommodation adjacent to the Beadon Bay Hotel Lot 1 (22) Second Avenue, approved 14 January 2015, is constructed with a wall height of 12.8 metres, and a roof height of 15.4 metres above NGL, exceeding the proposed maximum height of 10 metres.
- The three storey multiple dwellings at Lot 306 (5) First Avenue, approved by the Pilbara JDAP on 27 November 2013 (not constructed), allows a wall height of 10.43 metres above NGL, exceeding the proposed maximum height 7.5 metres.
- The three storey mixed use development at Lot 502 (21) First Avenue, approved on 16 June 2014, is constructed to a wall height of 9.92 metres, exceeding the proposed maximum height of 7.5 metres.

While the height of these buildings exceeds the limits proposed in Amendment 23, the overall bulk and impact on streetscape amenity was assessed as meeting LPP26 objectives, and have not resulted in any known complaint or objection with regard to adverse impacts on visual amenity, excessive shading, or privacy intrusions.

In practice, the unprecedented building activity experienced in Onslow since 2012 clearly demonstrates the reluctance to construct buildings greater in height than three storey. This reluctance to construct higher than three stories reflects requirements in the Building Code of Australia that generally requires a mechanical lift for buildings greater than three storey in addition to the excessive structural engineering required in a cyclone-prone region.

While Amendment 23 never proceeded to formal public advertising or final adoption following its initiation at the Ordinary Meeting of Council held on 15 February 2012, it is still considered active, requiring a Council resolution to formally cease work and advise the Minister for Planning. This report accordingly seeks Council's decision to formally resolve not to proceed with this Amendment.

Comment

While the Scheme can address built form design standards such as prescribed height limits, as demonstrated in the Busselton Scheme, such design criteria are generally more appropriately addressed with a Local Planning Policy, as this allows flexibility in considering the overall design merit of individual proposals that warrant departures from prescribed standards. This approach is reflected in *Local Planning Policy LPP26 – Onslow Interim Town Centre Design Guidelines* adopted by Council on 15 February 2012.

Given the length of time that has passed since Council initiated Amendment 23 and the significant turnover in staff, it is unknown whether this Amendment failed to proceed as expected due to LPP26 meeting the amenity issues targeted through the Amendment, or whether the significant workload experienced by Shire staff following the initiation did not permit adequate resources to be committed to preparing the necessary reports and supporting studies.

While not stated in any report, it is not unreasonable to assume that the lack of progress on Amendment 23 is at least in part due to similar provisions being incorporated into LPP26 and so not requiring new TPS7 provisions. It is also considered likely that the significant costs in preparing the required Amendment documentation and supporting reports played a significant part in delaying Amendment 23 until such time as the increasing workload, generated primarily from the Wheatstone development, coupled with the effectiveness of LPP26 in addressing Council's concerns for amenity impacts in the Onslow town centre continually deprioritized Amendment 23.

In considering this matter, it is highly relevant that the Shire is currently in the process of preparing a Local Planning Strategy (LPS) for the whole of the Shire, with this document providing the basis

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for a new Local Planning Scheme. Should Council determine that building heights require statutory controls in Onslow, or other centres, it would be more appropriate to address this issue in a more comprehensive manner through the LPS and the new Scheme. This would allow for a more detailed examination of the issues and concerns requiring attention through such design controls.

Consultation

Chief Executive Officer
Executive Manager Strategic & Economic Development

Statutory Environment

Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Shire of Ashburton Town Planning Scheme No. 7

Financial Implications

Preparation of amendment documentation and processing the amendment through the statutory process requires time allocation by Shire staff and it is not considered necessary to spend this time on processing redundant Scheme Amendments.

Strategic Implications

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

Risk Management

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

Policy Implications

There are no policy implications.

Voting Requirement

Simple Majority Required

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Recommendation

That Council:

Resolve that, in pursuance of Section 75 of the *Planning and Development Act 2005 (as amended)*, does not proceed with Scheme Amendment 23 to the *Shire of Ashburton Town Planning Scheme No. 7* by:

1. Advising the Western Australian Planning Commission and Minister for Planning of its decision not to proceed with the Amendment; and
2. Removes Scheme Amendment No. 23 from the Shire's list of active Scheme Amendments.

Author: Andrew Patterson	Signature:
Manager: Lee Reddell	Signature:

15. INFRASTRUCTURE SERVICES REPORTS

**15.1 TOM PRICE PRIMARY SCHOOL OPEN UNLINED DRAIN ON RESERVE
46971 LOT 349 DP 29715 - OPTIONS TO ADDRESS CONCERNS**

FILE REFERENCE:	SD01
AUTHOR'S NAME AND POSITION:	Troy Davis Executive Manager Infrastructure Services
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	1 March 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the matter
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Recent heavy rains have highlighted the ongoing concerns of the Tom Price Primary School (TPPS) with respect to the open, unlined drain (OUD) which traverses the school site.

The round of public consultation associated with the proposed upgrade to Stadium Road realised several submissions relating to concerns about the OUD through TPPS. Whilst not directly linked to the Stadium Road works, the submissions reflected significant concerns for the OUD and its impact on the operations of TPPS.

The location of the OUD is less than ideal from an amenity, health and safety perspective, however it is recognised by TPPS that it forms a crucial part of the Tom Price drainage network; therefore it is imperative that the overall function of the OUD is not compromised when considering options to ameliorate the impacts on TPPS.

In order to inform upcoming 2017/18 budget deliberations, a number of improvement options have been provided in this agenda item, with discussion and orders of cost. Detailed investigations and design will be required prior to any works commencing.

Background

Recent heavy rains have highlighted the ongoing concerns of TPPS with respect to the OUD that traverses the school site. The OUD is contained in a reserve (Reserve 46971, Lot 349, DP 29715) for the purposes of drainage under a Management Order in the interest of the Shire of Ashburton.

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Based on a search of Council's records (back to 1995), there have been a number of correspondences between TPPS and the Shire with respect to the OUD. These were all prior to 2000 and generally regarding the silting up of the OUD and standing water issues. Around

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2002/2003 the land upon which the OUD is sited was excised from the TPPS property and a reserve created. No further correspondence is noted in the Shire's records system.

The round of public consultation associated with the proposed upgrade to Stadium Road realised several submissions relating to concerns about the OUD through TPPS. Whilst not directly linked to the Stadium Road works, the submissions reflected ongoing concerns for the OUD and its impact on the operations of TPPS.

Comment

The location of the OUD is less than ideal from an amenity, health and safety perspective, however it is recognised by TPPS that it forms a crucial part of the Tom Price drainage network; therefore it is imperative that the overall function of the OUD is not compromised when considering options to ameliorate the impacts on TPPS.

In discussions with the Principal and Board Chairperson of TPPS, the driving issue they have is the constant nuisance flow through the OUD which keeps the base sodden with standing water in some locations; this, in-turn, can become stagnant and a breeding ground for mosquitos and harmful bacteria.

Advice from Shire Environmental Health staff is that:

- adhoc sampling of water entering TPPS is undertaken for microbiological and chemical risks;
- when water is present in the OUD they monitor for mosquito larvae and dose with an environmentally friendly larvicide; and
- any residual water noted to be entering the system is reported to either Rio Tinto Utilities or Shire Operations to investigate.

When major rain events occur and the OUD runs freely then TPPS has procedures in place to manage that. The Principal of TPPS has advised that this isn't an issue as they appreciate the purpose of the OUD and can manage the effects from large storm events.

In consideration of the above information and in order to inform upcoming 2017/18 budget deliberations, several improvement proposals are provided below, with discussion and orders of cost. It should be noted that the options and costs are desktop based and detailed investigations and design will be required to confirm their suitability and application prior to any works commencing.

Options

The options considered included a variety of treatments, and combinations of same, in consideration of the following issues/concerns:

- Constant nuisance flows into the OUD;
- Standing water in hollows/low points along the OUD;
- Access of children to standing water and possible contamination;
- The area of land where the OUD sits is an integral part of TPPS recreational area; and
- The OUD is a critical component of the Tom Price stormwater drainage system.

The general principles applied to the below options were to:

- Effectively protect or isolate the entire OUD so it could not be accessed;
- Provide a better, or more suitable surface for the water to flow on, such as concrete;

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- Provide alternative drainage options to remove the water from the OUD; and
- Maintain the integrity of an overland flow path for major storm events.

The options investigated were, in no particular order:

1. Regrade the OUD to remove low points

This can be undertaken easily and relatively inexpensively, however it would only be a short term fix given the shallow grade of the OUD where the slightest imperfection would trap water.

2. Protect the OUD by way of fencing

Whilst also allowing for a number of crossing points with pedestrian bridges, this option was discounted by TPPS as it would effectively split the school grounds and remove an integral component of their recreational area.

3. Provide a hard-lined drain (e.g. concrete invert) to take the nuisance flows

This was discounted for safety reasons as hard surfaces in play areas are not encouraged. An option to include fencing to isolate the hard surfacing was considered in conjunction but discounted per the previous option.

4. Provide a low flow culvert in the OUD to take the nuisance flows and reduce the capacity of the OUD

This would involve installing a small set of culverts (e.g. 2x600mm diameter pipe used in the cost estimate) into the base of the OUD. Surge structures would be installed at either end of the OUD and at junctions along the OUD to allow large flows to escape the underground system at the upstream end (Central Rd), to intercept existing lateral pipes along the OUD (and accept general overland flows), and re-enter the system at the downstream end (Creek Rd).

Flows in excess of the capacity of the culvert would traverse the new OUD constructed over the culvert, but these events would be less frequent and it is anticipated that the ground would dry out a lot quicker as the flows reduced and were maintained within the culvert.

Installing low flow culverts will also make the OUD shallower, less obtrusive to the TPPS landscape and provide for a more usable piece of land.

This would appear to be the preferred option to satisfy both the Shire's and TPPS needs. Given the OUD is supposed to carry the major stormwater flows out of the town centre, any reduction in capacity would need to be carefully modelled, however this is a standard treatment for managing drainage in other urban areas whereby minor rain events are carried underground and major events follow overland flow paths. Although this is less common in the Pilbara where most rain events could be considered major, but this situation is unique with the OUD passing through a school.

5. Extend the existing 4x1200 pipes under Central Rd through TPPS

Visual evidence shows this existing structure recently overtopped and would therefore act in a similar fashion to the previous low flow option; notwithstanding it would take greater flows underground. Unless detailed investigations and design show culverts of this size are required to take minor flows then this would appear to be unnecessary. It would also be a very expensive option to pursue.

6. Install suitable culverts to take the maximum agreed stormwater flows (e.g. 1:100 event or greater)

This option is by far the most expensive; difficult to estimate due to no detailed flood modelling, and will still have the possibility of not conveying a rain event that exceeds the capacity of the

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culverts. Given TPPS have procedures in place for dealing with major flows in the OUD, this option is not considered necessary nor viable.

Consultation

Lisa McMillan – Principal, Tom Price Primary School
Andrew Smith – Board Chairperson, Tom Price Primary School
Executive Manager Development and Regulatory Services

Statutory Environment

Local Government Act S3.54 (reserves under control of a local government) provides for a local government to control and manage land vested in it, similarly as could be undertaken under section 5 of the Parks and Reserves Act 1895 (as if it were a Board appointed under that Act).

Local Government Act Schedule 3.2 provides for a local government to carry out works for the drainage of land, and to do earthworks or other works on land for preventing or reducing flooding, even though it is not local government property.

Financial Implications

There are currently no financial implications associated with this item, within the current financial year, other than officer time. Any consideration of works in 2017/18 will require a budget allocation according to the preferred option.

Indicatively the estimates / orders of cost for the options detailed above are:

Option	Description	Estimate
1	Regrade the OUD to remove low points	\$ 50,000
2	Protect the OUD by way of fencing (inc. pedestrian bridges)	\$375,000
3	Provide a hard-lined drain (e.g. concrete invert) to take the nuisance Flows (no fencing)	\$300,000
4	Provide a low flow culvert in the OUD to take the nuisance flows and reduce the capacity of the OUD	\$1.5m
5	Extend the existing 4x1200 pipes under Central Rd through TPPS	\$2.2m
6	Install suitable culverts to take the maximum agreed stormwater flows (e.g. 1:100 event or greater)	\$3m+

Note: The options and costs are desktop based and detailed investigations and design will be required to confirm their suitability and application prior to any works commencing

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 04 – ‘Distinctive and Well Serviced Places’
Objective 02 – ‘Accessible and safe towns.’

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Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. As it is a 'for noting' item, there are no risks associated.

Policy Implications

ELM10 Financial Sustainability Policy; and
ENG09 Asset Management Policy will both need to be considered at the point the decision is made (as part of the budget process).

Voting Requirement

Simple Majority Required

Recommendation

That Council note the report into issues concerning the open unlined drain through the Tom Price Primary School and consider the improvement options provided during its 2017/2018 budget deliberations. **That Council note the report into issues concerning the open unlined drain through the Tom Price Primary School and consider the improvement options provided during its 2017/2018 budget deliberations.**

Author: Troy Davis	Signature:
Manager: Neil Hartley	Signature:

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15.2 RFT 02.17 ROEBOURNE WITTENOOM ROAD WORKS

FILE REFERENCE:	CM02.17
AUTHOR'S NAME AND POSITION:	Nathan Benson Technical Services Coordinator
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	2 March 2016
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Tenders were recently called for the programmed road works on the Roebourne-Wittenoom Road. These works consist of unsealed road maintenance activities including wet grading, gravel resheeting, subgrade and pavement reconstruction, and replacement of damaged and faded road signs.

Tenders closed on 27 February 2017 with nine compliant tenders received. The Evaluation Panel has completed its assessment and recommends Young's Earthmoving Pty Ltd be awarded the Contract.

Background

The Roebourne-Wittenoom Road lies between the Northwest Coastal Highway 28km north of Roebourne and the Nanutarra-Munjina Road, 42km east of Munjina at the Wittenoom town site. The road is 261km in length. 52km are within the City of Karratha, and 209km within the Shire of Ashburton.

The Roebourne-Wittenoom Road forms a significant portion of the Shire's rural unsealed road network, and is the main route between the communities of Karratha, Dampier, Roebourne and Tom Price. It forms a link between Karijini National Park and Millstream-Chichester National Park, and provides access to four pastoral stations – Coolawanyah, Mount Florence, Hooley and Mulga Downs Stations. The road is also heavily used by mining traffic travelling between the mining areas surrounding Tom Price and the port and rail facilities in Karratha and Dampier.

The Regional Road Group (RRG), which is made up of representatives from Main Roads Western Australia (MRWA) and each of the Pilbara Local Governments, has allocated funding to the Shire of Ashburton in order to carry out reconstruction and gravel resheeting works on the Roebourne-Wittenoom Road during the 2016-17 financial year.

Funding has been carried over from the 2015-16 financial year and combined with the 2016-17 funding allocation to total \$2,280,430.

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Comment

A detailed scope of work has been prepared according to the allocated budget, and the following works have been identified:

- Medium and heavy maintenance grading – 138km
- Gravel pavement resheeting – 37km
- Full pavement reconstruction – 1.2km
- Renewal of 178 road signs of various type

Tenders for the work were called on 11 February 2017 and closed 27 February 2017. Nine tenders were received.

The tenders have been assessed with the below scores and rankings. Complete details of the tenders and assessment are provided in the Assessment Report.

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Rank	Tenderer	Score
1	Young's Earthmoving Pty Ltd	83.0
2	Norwest Contracting	73.8
3	Maca Civil Pty Ltd	64.2
4	VCS Civil and Mining Pty Ltd	52.9
5	Gumala Enterprises Pty Ltd	43.3
6	Roadline Contracting Pty Ltd	40.4
7	BPH (WA) Pty Ltd	39.6
8	All Earth Group Pty Ltd	35.4
9	Cheela Plains Pastoral Co Pty Ltd	29.2

The first ranked tenderer has submitted a Lump Sum price below budget and has previously undertaken a high standard of works for the Shire. Additionally a dedicated Project Manager is to be engaged for the duration of the project to oversee all site activities and manage the Contract.

Consultation

Executive Manager Infrastructure Services

Operations Manager

Regional Road Group (Pilbara Region) – Main Roads Western Australia

Statutory Environment

Main Roads Act 1930 and Road Traffic Code 2000

Local Government Act 1995 Section 3.57 'Tenders for providing goods and services'.

Financial Implications

This project is fully funded under the Regional Road Group funding arrangements. The preferred tender is below the budget and the remaining funds will be utilized to engage a full time Project Manager and to facilitate any Contract variations.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 04 – Distinctive and well serviced places

Objective 01 – Quality Public Infrastructure

Objective 02 – Accessible and safe towns

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Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk, should Council resolve not to proceed with the project is considered to be "Extreme". Principally this risk level is related to Operational, Reputational and Compliance consequences such as, that a major project deliverable will not be achieved.

Acceptance of the tender will reduce the level of risk to "Minor" and can be managed by oversight of the Operations Manager.

Policy Implications

AMP01 – Asset Management Policy

FIN12 – Purchasing and Tender Policy

FIN04 – Buy Local – Regional Price Preference Policy

Voting Requirement

Simple Majority Required

Recommendation

That Council:

1. Accepts the Tender of \$1,980,715.90 (GST exclusive) from Young's Earthmoving Pty Ltd for RFT02.17 Roebourne Wittenoom Road Works in accordance with its Tender submission;
2. Delegates authority to the Chief Executive Officer to negotiate the final terms and execute the Contract documentation; and
3. Delegates authority to the Chief Executive Officer to manage the Contract, including variations to the design specifications and contract value, providing this does not exceed the project budget or reduce the overall scope.

Author: Nathan Benson	Signature:
Manager: Troy Davis	Signature:

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15.3 ONSLOW AIRPORT - CONSIDERATION OF RESPONSES TO THE ROTARY WING HANGAR BUSINESS PLAN

FILE REFERENCE:	TT06
AUTHOR'S NAME AND POSITION:	Troy Davis Executive Manager Infrastructure Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	7 March 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the matter
PREVIOUS MEETING REFERENCE:	Agenda Item 18.1 (Minute: 78) – Ordinary Meeting of Council 22 November 2016 Agenda Item 15.1 (Minute: 95) – Ordinary Meeting of Council 17 January 2017

Summary

On 22 November 2016, Council resolved to,

1. *Approve the budget variation amount of \$750,000 to be transferred from the Airport Reserve to the Airport capital operating budget;*
2. *Authorise the Chief Executive Officer to put the 'Supply and Installation of a Hangar' project out to tender; and*
3. *Authorise the Chief Executive Officer and Shire President to execute the relevant contract documentation and affix the Shire's common seal to the Contract.*

Subsequently, tenders were invited for RFT 27/16 Design and Construction of an Aircraft Hangar at Onslow Airport with eight compliant submissions received. The price range of all the tender submission was in excess of the approved budget for these works.

Given the cost estimate, based on the tenders received to complete all works, was approaching the \$2million threshold for a Business Plan to be advertised under Section 3.59 (Commercial Enterprises by Local Governments) of the Local Government Act 1995, Council resolved the following at the 17 January 2017 Ordinary Council Meeting:

1. *Proposes to consider the development of a hangar and supporting infrastructure at the Onslow Airport as outlined in this report and authorise the CEO to prepare and advertise a Business Plan for this major land transaction in accordance with Section 3.59 (Commercial Enterprises by Local Governments) of the Local Government Act 1995;*
2. *At the conclusion of advertising the Business Plan, considers any submissions received before making a decision to proceed with the development of the hangar;*
3. *Considers the date of the Council Meeting to deal with submissions as per (2) above, at the February Council Meeting, noting that a Special Meeting of Council may be required;*
4. *Approves up to an additional \$925,000 to be transferred from the Airport Reserve; to provide an amended total budget of \$1,675,000. These funds to be utilised in the Business*

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Plan as the Shire's budget allocation for the potential design and construction of an aircraft hangar (plus the relocation and fit-out of the obsolete transportable office from the Onslow Business House for use as a helicopter briefing room) at Onslow Airport;

5. *Select in response to Request for Tender 27/16 (Design and Construct Aircraft Hangar) a preferred contractor, H & M Tracey (for the contract value of \$1,415,610 (exc GST) but NOT consider awarding the Tender until the process of the Section 3.59 (Commercial Enterprises by Local Governments Major Land Transaction) has been concluded;*
6. *Review as part of the Shire 2016/17 Budget Review (scheduled for March 2017) the most appropriate source of funds for the project.*

Advertising of the Business Plan closed on 6 March 2017 with no submissions received. In accordance with resolution (2), the result of the advertising needs to be considered prior to progressing the remainder of the resolution.

It is recommended that Council endorse the progression of the 17 January 2017 resolution and construct the hangar and associated infrastructure.

Background

In order to attract rotary wing (helicopter) and other business opportunities to the Airport, a need has been identified for the Onslow Airport to provide hangar leasing opportunities. Onslow Airport currently does not have any hangars that exist with direct access to the airside facilities (i.e. aprons, taxiways and runway). It is proposed to build a hangar that can be leased out as required.

The location of Onslow makes it suitable for the establishment of a helicopter operations base to support offshore oil and gas activities in the North West Shelf. These activities are currently supported from Karratha and Exmouth, however Onslow could be an attractive location due to its greater coverage within typical helicopter mission capability.

Based on similar facilities at other locations, and information previously provided to the Shire by major offshore helicopter operators, access to hangar space is an essential requirement for their operations.

RFT 27/16 was advertised on 30 November 2016. Submissions closed on 20 December 2016.

The Shire received over 35 requests for the tender documents and received nine submissions with one being non-compliant. The price range of all these submissions was in excess of the budgeted allocation for this project. However given the fact that all tenders have been publicly invited with strong responses received from a wide range of contractors with relevant experience in this field, it is considered that the tendered prices that have been submitted are market related and competitive.

Additionally, there is currently the opportunity to utilise a disused transportable office in Onslow as a 'heliport briefing room'. The office building is the former supplementary office located at the Onslow Business House. A briefing room/area is required as, before being transferred to the helicopter, all passengers (approx. 12 each trip) are required to undergo a safety briefing, D&A testing, weighing, security check, fitted with life jackets etc. before they can board the helicopter. This all needs to be done privately, hence the need for a briefing room/area.

Given the cost estimate to complete all works was approaching the \$2million threshold for a Business Plan to be advertised under Section 3.59 (*Commercial Enterprises by Local*

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Governments) of the Local Government Act 1995, Council resolved to prepare and advertise a Business Plan.

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Comment

The advertising of the Onslow Airport Rotary Wing Hangar Business Plan closed on 6 March 2017 with no submissions received.

Consultation

Chief Executive Officer
Onslow Airport Manager

Statutory Environment

Local Government Act s.3.59 relates to Major Land Transactions of \$2million or greater. This project is estimated to be under that threshold at this point in time but is close enough to warrant the preparation and advertising of a Business Case.

Financial Implications

Council have endorsed a budget allocation of \$1,675,000 for this project. Tenders have been called with a Lump Sum tender of \$1,415,610 (exc. GST) selected as the preferred tender. A provision for the relocation of the transportable building plus a contingency component has also been allowed for in the budget.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 04 – ‘Distinctive and Well Served Places’
Objective 02 – ‘Accessible and safe towns.’
Onslow Airport Master Plan and Asset Management Plan

Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton’s Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be ‘high’ but can be managed by specific monitoring by the Onslow Airport Manager. Risks relate to overall cost, the potential of any further costs escalations, and the securing of lease commitments to financially support the development. The preparation and advertising of a Business Plan may lower that risk to “medium or low” by clarifying demand and defining other social and economic flow on benefits.

Policy Implications

ELM10 Financial Sustainability Policy; and
ENG09 Asset Management Policy

Voting Requirement

Simple Majority Required

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Recommendation

That Council:

1. Note that no submissions were received in response to the Onslow Airport Rotary Wing Hangar Business Plan; and
2. Confirm the progression of the construction of the hangar and associated infrastructure in accordance with the 17 January 2017 resolution.

Author: Troy Davis	Signature:
Manager: Neil Hartley	Signature:

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16. STRATEGIC AND ECONOMIC DEVELOPMENT REPORTS

16.1 PROPOSAL TO LEASE AIRSIDE LOT ONSLOW AIRPORT TO FLYING CLUB ONSLOW

FILE REFERENCE:	TT06.21
AUTHOR'S NAME AND POSITION:	Janelle Fell Economic and Land Development Officer
NAME OF APPLICANT/RESPONDENT:	Flying Club Onslow
DATE REPORT WRITTEN:	27 February 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 15.3 (Minute No. 12066) - Ordinary Meeting of Council 15 March 2016

Summary

In September 2016 a marketing campaign was undertaken to attract suitable parties to lease three airside lots at the Onslow Airport. Advertising mediums included the September/October edition of Aviation Business magazine, a nationally circulated magazine for flying/aircraft enthusiasts, and the Western Australian newspaper; only one submission was received, from the Flying Club Onslow.

The Flying Club Onslow is a not-for-profit club (yet to receive incorporation at time of writing this report) who propose to construct a hangar (including meeting room) for storage of a fit for purpose aircraft, undertake student ground training and host fly-ins and other flying events. As the club was not incorporated upon expressing interest in leasing a lot, a Letter of Intent was issued, allowing the club to meet several conditions or withdraw their interest.

To allow Flying Club Onslow to further progress the establishment of flying facilities once incorporated, Council endorsement is requested for the Chief Executive Officer to arrange a Community Lease Agreement.

Background

At the March 2016 Council Meeting, Council endorsed the Onslow Airport Master Plan. The purpose of the Plan is to establish a strategic framework for the sustainable maintenance and possible future development of the Onslow Airport. To assist in the aspirations for the Airport to be viable and sustainable, advertising of three airside lots adjacent to the Southern General Aviation (GA) apron was undertaken in September 2016 anticipating the attraction of fixed wing and charter operations to the Airport. Advertising was undertaken through the September/October edition of the Aviation Business magazine and the Western Australian newspaper for four weeks, closing on 12 October 2016.

While interest was evident by the 16 logged visits to the website, only one submission was received, from the Flying Club Onslow.

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The Flying Club Onslow is a not-for-profit club (awaiting incorporation at time of writing this report) stating benefits such as local staff attraction and retention, engagement with local businesses for supplies such as fuels and oils, and being proactive within the community in the area of student ground training and hosting of fly-ins and other events. As the club was not incorporated upon expressing their interest in leasing a lot, a Letter of Intent was issued, allowing the club to meet several conditions or withdraw their interest. These conditions included:

- Determining costs of construction of a hangar
- Investigating funding opportunities for construction of a hangar
- The club lodging for incorporation by 17 February 2017

ATTACHMENT 16.1

Comment

Founding members of the Flying Club Onslow include an appropriately qualified aviation pilot, former association founder and president and technical officer with corporate experience.

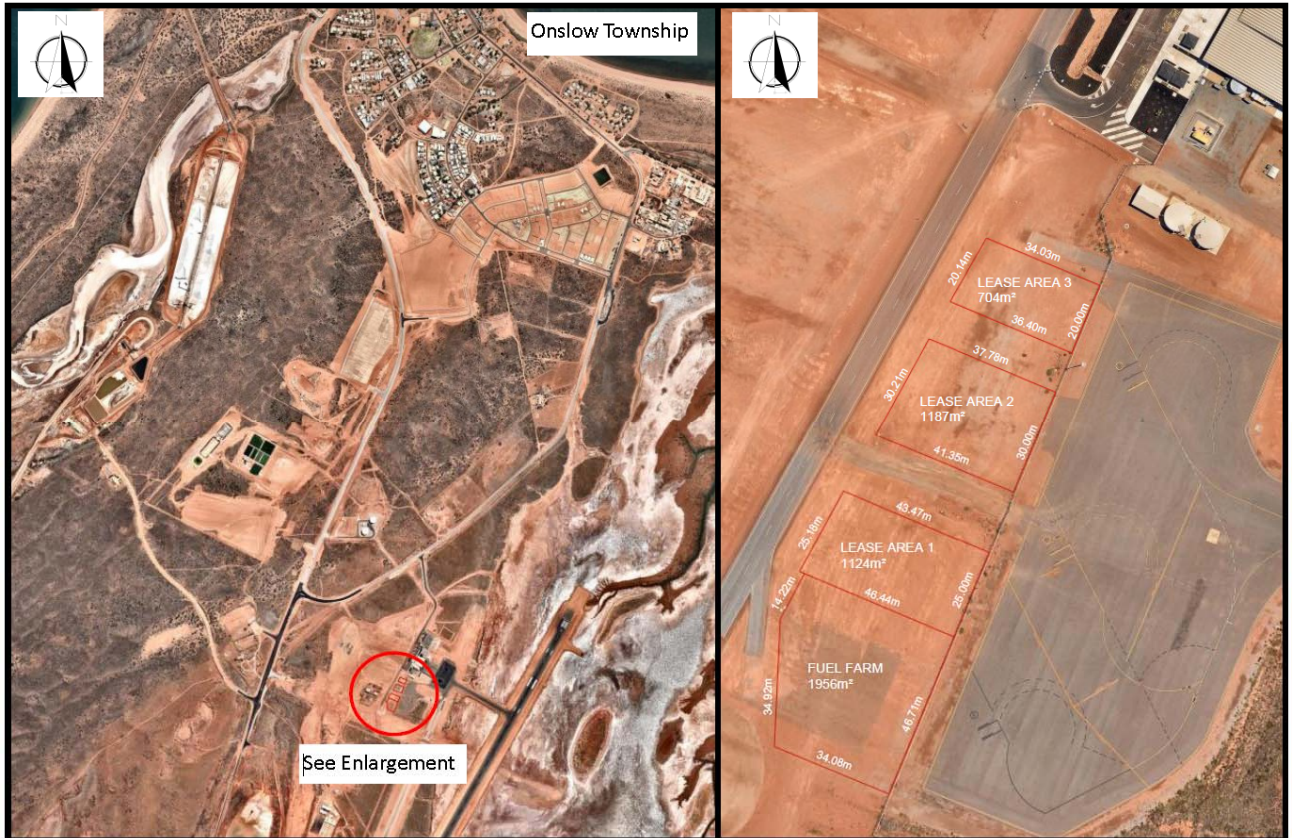
The club proposes to run on the efforts contributed by members and when operational it is expected the club will be available on a day-to-day basis providing opportunities for aviation enthusiasts to explore the local area from the air. The founding members will consider the purchase of a recreational aircraft to dry-hire to the Flying Club Onslow to allow member flights, student training, aviation theory studies and practical sessions for pilots seeking certification.

Funding for the hangar will be pursued through grants, donations and individual contributions by club members. Allowing storage of commercial aircraft in the to-be-constructed hangar proposes to attract businesses to Onslow and generate an income for the club.

Flying Club Onslow members have progressed the requirements of the Letter of Intent with indicative hangar construction costs being \$183,000 - \$229,000, 19 funding sources identified and an application for Incorporation (including a Strategic Plan and Constitution) being lodged to Department of Commerce on 22 January 2017.

Construction of a hangar on Lot 3, being 704m², will only occur with approval from the Airport Manager and relevant regulatory approvals including planning and building, and will be in line with the current aesthetics at the Onslow Airport. Lot 3 is adjacent to the lot subject to RFT 27/16 Design and Construction of Aircraft Hangar.

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Due to the not-for-profit and sporting nature of the Flying Club Onslow, a Community Lease is proposed. The following schedule will apply in accordance with REC05 Community Leases and Licence Agreements of Shire Assets:

Term of Lease:	Five years with a five year option of renewal (at Lessor's discretion)
Commencement:	Upon execution of the lease agreement and after Incorporation
Annual Rent:	\$550.00 including GST
Lessee to Pay:	<p>In accordance with SOA CD 043 – Lease Agreement of Community Facilities Template, Schedule 2 – Special Conditions, all relevant costs of the leased area and operations, including but not limited to -</p> <ol style="list-style-type: none"> a. All costs of compliance with the Civil Aviation Act 1988; b. All planning, building and construction costs; c. Rubbish collection/disposal costs; d. Water charges including excess water charges; e. Telephone, electricity, gas and other power and light charges including but not limited to meter rents and the cost of installation of any meter, wiring, internet connections or telephone connection; f. Department of Fire and Emergency Services levies; g. Building Insurance; h. Public Liability and Property Insurance; and i. Landing fees, aircraft parking fees, passenger fees, and other relevant fees as per Council's Fees and Charges Schedule.

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Termination: If no development or activity occurs on the land within 12 months, the Lessor may give 28 days' notice of intention to terminate.

Statutory requirements including CASA legislative compliance and the Onslow Airport rules and regulations will form part of the lease.

The lease will not be entered into until the club formally receives Incorporation. The disposal of property by way of lease is exempt from the requirements of Section 3.58 of the *Local Government Act 1995* as the Flying Club Onslow is to be a not-for-profit, educational, recreational and sporting organisation.

Consultation

Executive Manager – Strategic & Economic Development

Executive Manager – Infrastructure

Airport Manager

Statutory Environment

Complies with all statutory requirements.

Financial Implications

Revenue generation through airport landing fees, aircraft parking fees, passenger fees and other relevant fees as per Council's Fees and Charges Schedule will apply.

The lease income generated (\$550.00 including GST) will attribute to the Onslow Airport's lease income GL.

Indicative rental income of \$6/sqm will be relinquished through the community lease. Lot 3 is 704m² and had the potential to generate ~\$4000 per annum, although this anticipated sum has not been included in the current budget.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 1 – Active and Vibrant Communities

Objective 01 – Quality Public Infrastructure

Risk Management

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

Policy Implications

REC05 Community Lease and Licence Agreements of Shire Assets (Facilities, Buildings and Land)

Voting Requirement

Simple Majority Required

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Recommendation

That Council delegate Authority to the Chief Executive Officer arrange a Community Lease Agreement with the Flying Club Onslow for an Airside Lot at the Onslow Airport, in accordance with the terms outlined in this report and REC05 Community Lease and License Agreements of Shire Assets (Facilities, Buildings and Land), subject to the Club providing proof of incorporation.

Author: Janelle Fell	Signature:
Manager: Anika Serer	Signature:

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16.2 PARABURDOO COMMUNITY HUB (CHUB) COMMITTEE MEETING FOR THE MONTH OF MARCH 2017

FILE REFERENCE:	RC42129
AUTHOR'S NAME AND POSITION:	Anika Serer Executive Manager, Strategic & Economic Development
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	1 March 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 16.3 (Minute No. 111) – Ordinary Meeting of Council 14 February 2017

Summary

At the Ordinary Meeting of Council held on 14 February 2017, Council formed a Committee to oversee the Paraburdoo Community Hub (CHUB) project, and report back to Council with recommendations.

The Paraburdoo Community Hub (CHUB) Committee meets on an “as required basis” and its recommendations are presented to Council for consideration of endorsement.

Background

A Memorandum of Understanding was signed by Shire of Ashburton and Rio Tinto in July 2012, creating a long term partnership to work together to revitalise existing and develop new civic, sporting and community facilities and programs in the towns that Rio Tinto has a significant presence. The Paraburdoo CHUB project has been a primary focus of that partnership.

A business case was endorsed by Council at its Ordinary Meeting of Council on 26 April 2016, including a concept design providing the following scope:

- New multipurpose hall suitable for recreation and emergency shelter;
- Swimming pool facility upgrades (change rooms, first aid, office, kiosk);
- New facilities to support oval users including change rooms, first aid, equipment storage, club room, kitchen, bar, spectator outdoor viewing;
- Gym;
- Refurbish existing sports hall for neighbourhood centre, toy library, playgroup, squash courts;
- Upgrades to Lesser Hall; and
- External works (landscaping, carpark, footpaths) to improve connectivity and activation.

The project is budgeted to cost \$14.4 million which is funded by Rio Tinto (\$6 million), Royalties for Regions (\$5 million) and Shire of Ashburton (\$3.4 million). The funding agreements executed with Department of Regional Development (DRD) and Rio Tinto include specific requirements for project management and variation control. In particular there are requirements to:

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- *“Establish a Project Reference Group...to provide continuous monitoring of the Project (during the scoping and construction phases of the Project) with representation from Rio Tinto and other key stakeholders, with the primary objective of ensuring key deliverables are achieved in line with the needs and expectations of the Parties, other stakeholders and the wider community and expenditure incurred consistent with the Project Budget; and*
- *Consult with and consider the recommendations of the Project Reference Group through the scoping and construction phases of the Project, to ensure that it has addressed all key issues prior to making or implementing any key commitments. The Shire of Ashburton must give written reasons to the Project Reference Group (which may be further referred to the Partnership Governing Committee under the MOU for consideration), if it objects to any of the recommendations made by the Project Reference Group” (Rio Tinto).”*

“The Recipient shall establish and maintain for the duration of the Project a Project Steering Committee (PSC) and Project Reference Group (PRG) and ensure the Pilbara Development Commission is represented on both Groups. The Recipient shall ensure the PSC and PRG meet regularly (not less than two [2] times per calendar year to report on Project Milestones (achievements, impediments, risks and solutions) and Funding.” (Dept. of Regional Development).”

At the February 2017 Ordinary Meeting of Council it resolved to appoint a Committee of Council to oversee the Paraburdoo Community Hub (CHUB) project, and report back to Council with recommendations. The Committee is comprised of Councillors White, Rumble and Lynch. The Committee does not have Delegation and will report to Council with recommendations on proposed changes to the Paraburdoo CHUB project as required.

Comment

The meeting for March will be held on Monday 13 March 2017 at the Onslow Shire Complex. A copy of the Meeting Agenda is attached for Council’s background information.

ATTACHMENT 16.2 TO BE PROVIDED UNDER SEPARATE COVER

As the Committee meetings are held either the day before or on the morning of 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.

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

The administrative requirements for the monthly meetings of the Committee are captured within the existing Strategic and Economic Development operating budget, and is expected to be negligible.

Historically the CEO has been authorised to manage all contracts within the constraints of the overall project budget and scope, including variations. It is inevitable that there will be variations to the construction contract during delivery of the Paraburdoo CHUB, which will be made in accordance with the terms of that agreement. If the standard response times to Requests for Variations, Extensions etc. cannot be met due to the Council's governance requirements of the project, it should be noted that the contractor may be entitled to claim time penalties (for example, construction crew on 'standby' waiting for approval to change a structural beam or substitute materials).

The officers will continue to manage variations up to a value of \$100,000 (within the other given constraints such as project budget and scope), however consideration should also be given to urgent requests such as the examples given above. If the circumstance is particularly urgent, it is suggested that the CEO exercise *DA02-4 Delegation of Powers and Duties of the Local Government Act to the CEO* which requires at least 24 hours' notice via EMACCESS could be utilised.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 4 – Distinctive and Well Serviced Places

Objective 1 – Quality Public Infrastructure

Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Medium" in light of the potential impacts to external contractual arrangements. As a medium risk matter, the Executive Manager Strategic and Economic Development will monitor progress of this item.

Policy Implications

ELM10 Financial Sustainability Policy

ENG09 Asset Management Policy

Voting Requirement

Simple Majority Required

Recommendation

That Council endorse the following recommendations of the 13 March 2017 Paraburdoo Community Hub Committee –

- 1.....
- 2.....
- 3.....

(Paraburdoo Community Hub (CHUB) Committee recommendations to be provided at the Council Meeting).

Author: Anika Serer	Signature:
Manager: Neil Hartley	Signature:

- 17. COUNCILLOR AGENDA ITEMS / NOTICES OF MOTIONS
- 18. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING
- 19. CONFIDENTIAL MATTERS

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

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

- (a) a matter affecting an employee or employees;*
- (b) the personal affairs of any person;*
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
- (e) a matter that if disclosed, would reveal:
 - (I) a trade secret;*
 - (II) information that has a commercial value to a person; or*
 - (III) information about the business, professional, commercial or financial affairs of a person,**

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

- (f) a matter that if disclosed, could be reasonably expected to:
 - (I) Impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
 - (II) Endanger the security of the local government's property; or*
 - (III) Prejudice the maintenance or enforcement of any lawful measure for protecting public safety;**
- (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1981; and*
- (h) such other matters as may be prescribed.*

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19.1 STAFF HOUSING ACQUISITION - TOM PRICE

FILE REFERENCE:	PE06
AUTHOR'S NAME AND POSITION:	Michelle Mews Staff Housing Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	28 February 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial interest in the matter.
PREVIOUS MEETING REFERENCE:	Not Applicable

Report/ Attachment is Confidential as per *Local Government Act 1995, Section 5.23 (2)(a)*.

Recommendation

That Council delegate authority to the Acting Chief Executive Officer to negotiate the terms of the staff housing purchases (generally consistent with the details within the confidential report), and execute the purchase/settlements of the following properties:

1. 787 Larnook Street, Tom Price;
2. 604 Boolee Street, Tom Price; and
3. 710 Yiluk Street, Tom Price.

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20. NEXT MEETING

The next Ordinary Meeting of Council will be held on 26 April 2017, at the Clem Thompson Sports Pavilion, Stadium Road, Tom Price, commencing at 1.00 pm.

21. CLOSURE OF MEETING