

Ordinary Meeting of Council

Paraburdoo



Agenda – Public Document

21 November 2017

Ashburton Hall
Ashburton Avenue
Paraburdoo
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



Absent – Cr Glen Dellar

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**

PUBLIC AGENDA

**Ashburton Hall, Ashburton Avenue,
Paraburdoo
21 November 2017
1.00 pm**

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

SHIRE OF ASHBURTON ORDINARY MEETING OF COUNCIL

Notice is hereby given that an Ordinary Meeting of Council of the Shire of Ashburton will be held on 21 November 2017 at the Ashburton Hall, Ashburton Avenue, Paraburdoo commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.



Dale Stewart
ACTING 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.

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

1.	DECLARATION OF OPENING.....	4
1.1	ACKNOWLEDGEMENT OF COUNTRY	4
2.	ANNOUNCEMENT OF VISITORS.....	4
3.	ATTENDANCE	4
3.1	PRESENT.....	4
3.2	APOLOGIES.....	4
3.3	APPROVED LEAVE OF ABSENCE.....	4
4.	QUESTION TIME	4
4.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	4
5.	APPLICATIONS FOR LEAVE OF ABSENCE.....	4
6.	DECLARATION BY MEMBERS.....	4
6.1	DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA	5
6.2	DECLARATIONS OF INTEREST	5
7.	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION	8
8.	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	8
8.1	PETITIONS.....	8
8.2	DEPUTATIONS	8
8.3	PRESENTATIONS	8
9.	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	9
9.1	ORDINARY MEETING OF COUNCIL HELD ON 24 OCTOBER 2017.....	9
10.	AGENDA ITEMS ADOPTED "EN BLOC"	9
10.1	EN BLOC	9
11.	OFFICE OF THE CEO REPORTS.....	10
11.1	PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS STATUS REPORT FOR OCTOBER 2017	10
11.2	USE OF COMMON SEAL AND ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF OCTOBER 2017.....	12
12.	STRATEGIC AND COMMUNITY DEVELOPMENT REPORTS.....	14
12.1	DISABILITY ACCESS AND INCLUSION PLAN REVIEW	14
13.	CORPORATE SERVICES REPORTS.....	17
13.1	MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID.....	17
13.2	FIN21 RATING	20
13.3	ANNUAL POLICY REVIEW NOVEMBER 2017.....	23
14.	DEVELOPMENT AND REGULATORY SERVICES REPORTS	29
14.1	ADOPTION OF SHIRE OF ASHBURTON LOCAL PLANNING STRATEGY FOR THE PURPOSE OF ADVERTISING.....	29
14.2	ON SLOW AIRPORT PARKING RESTRICTIONS	34
14.3	EXTENSION OF LEASE FOR TOM PRICE CAMP (JUNDUNMUNNAH).....	37
15.	INFRASTRUCTURE SERVICES REPORTS	43
15.1	TOM PRICE ROYAL FLYING DOCTOR SERVICE (RFDS) AIRSTRIP - CONFIRMATION OF COUNCIL POSITION	43
15.2	TENDER RFT 22/17 - PARABURDOO OUTDOOR SPORTS FACILITY REFURBISHMENT.....	48
16.	COUNCILLOR AGENDA ITEMS / NOTICES OF MOTIONS.....	51
16.1	NOTICE OF MOTION - HALFWAY BRIDGE REST STOP, TOM PRICE - PARABURDOO ROAD	51
17.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	54
18.	CONFIDENTIAL MATTERS.....	54
18.1	CONFIDENTIAL ITEM - DISPUTE ARISING FROM SALE OF SUBDIVIDED LOTS AT FORMER LOT 308 BOONDEROO ROAD, TOM PRICE.....	55
18.2	CONFIDENTIAL ITEM - OBJECTION TO RATES NOTICE A50138	56
19.	NEXT MEETING.....	57
20.	CLOSURE OF MEETING	57

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at _____ pm.

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

The Presiding Member welcomed members of the public to the gallery.

3. ATTENDANCE

3.1 PRESENT

Elected Members:	Cr K White Cr L Rumble Cr D Dias Cr P Foster Cr M Lynch Cr D Diver Cr L Thomas Cr G Dellar Cr M Gallanagh	Shire President, (Presiding Member) Onslow Ward Deputy Shire President, Paraburdoo Ward Paraburdoo Ward Tom Price Ward Tom Price Ward Tom Price Ward Tableland Ward Ashburton Ward Pannawonica Ward
Staff:	Mr D Stewart Mr J Bingham Ms A Serer Ms L Reddell Mr T Davis Ms J Smith Mrs M Lewis	Acting Chief Executive Officer Director Corporate Services Director Strategic & Community Development Director Development & Regulatory Services Director Infrastructure Services Executive Officer CEO & Councillor Support Officer
Guests:		
Members of Public:	There were _____ members of the public in attendance at the commencement of the meeting.	
Members of Media:	There were _____ members of the media in attendance at the commencement of the meeting.	

3.2 APOLOGIES

3.3 APPROVED LEAVE OF ABSENCE

4. QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. DECLARATION BY MEMBERS

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

Councillors are requested to give 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 an Impartiality, Proximity or 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:

- (a) Preside at the part of the Meeting, relating to the matter or;
- (b) 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 DECLARING INTERESTS (FOR YOUR GUIDANCE)

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

These notes are included in each agenda for the time being so that Councillors may refresh their memory.

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

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

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
14.3 EXTENSION OF LEASE FOR TOM PRICE CAMP (JUNDUNMUNNAH)		
Cr Rumble	Indirect Financial	The nature of my interest is a Rio Tinto shareholder and the extent of my interest being share value greater than ten thousand dollars.
Cr Dias	Financial	<p>The nature of my interest is that my wife and I are both long serving, valued, appreciated, dedicate and loyal employee of Hamersley Iron Pty Ltd and Rio Tinto Ltd respectively. We both receive generous remunerations, privileges, benefits and gifts from our individual employers including but not limited to lavish travel, power and water subsidies. We reside in a Rio Tinto fully renovated and a very well maintained property on a rental agreement paying well below present market value. Our employers have a direct financial interest pursuant to Section 5.60A of the Local Government act 1995 in the above agenda item”.</p> <p>The extent of my interest being that my wife and I are shareholders in Rio Tinto Ltd with shares well exceeding the prescribed amount in value as per s5.62(1)(d) of the Local Government Act 1995. We receiving dividends as advertised on ASX and take advantage of regular shareholder offers. While I know the matter being dealt by Council in this agenda item will not result in a financial gain, loss, benefit or detriment for me or my</p>

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

		family as per s5.60A. As employees and since shareholders are perceived as the ultimate owners of any publicly traded business, I am declaring my direct and financial conflict of interest as per the requirement of the Local Government Act 1995
Cr Foster	Indirect Financial	The nature of my interest being that my partner is a full time employee of Rio Tinto and is a shareholder of Rio Tinto. The extent of my interest being that my partner receives an income (wage) from Rio Tinto, owns shares in Rio Tinto, and we live in a Rio Tinto property and pay reduced rent.
Cr Lynch	Financial	The nature of my interest being I am employed by Pilbara Iron. The extent of my interest being that I am paid a salary by Pilbara Iron.
Cr Diver	Financial	The nature of my interest being that I am an employee of Rio Tinto. The extent of my interest being that I receive a salary from Rio Tinto.
Cr Gallanagh	Financial	The nature of my interest being that my husband, myself and son are all long serving, valued, appreciated employees of Rio Tinto. We reside in a Rio Tinto property; our employers have a direct financial interest pursuant to Section 5.60A of the LGA for the above agenda item. The extent of my nature being that my husband is a shareholder in Rio Tinto Ltd with shares exceeding the prescribed amount in value as per the LGA 1995
15.1 TOM PRICE ROYAL FLYING DOCTOR SERVICES (RFDS) AIRSTRIP – CONFIRMATION OF COUNCIL POSITION		
Cr Rumble	Indirect Financial	The nature of my interest is a Rio Tinto shareholder and the extent of my interest being share value greater than ten thousand dollars
Cr Foster	Indirect Financial	The nature of my interest being that my partner is a full time employee of Rio Tinto and is a shareholder of Rio Tinto.

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

		The extent of my interest being that my partner receives an income (wage) from Rio Tinto, owns shares in Rio Tinto, and we live in a Rio Tinto property and pay reduced rent.
Cr Lynch	Financial	The nature of my interest being I am employed by Pilbara Iron. The extent of my interest being that I am paid a salary by Pilbara Iron.
Cr Diver	Financial	The nature of my interest being that I am an employee of Rio Tinto. The extent of my interest being that I receive a salary from Rio Tinto.
Cr Gallanagh	Financial	The nature of my interest being that my husband, myself and son are all long serving, valued, appreciated employees of Rio Tinto. We reside in a Rio Tinto property; our employers have a direct financial interest pursuant to Section 5.60A of the LGA for the above agenda item. The extent of my nature being that my husband is a shareholder in Rio Tinto Ltd with shares exceeding the prescribed amount in value as per the LGA 1995
Cr Dias		Cr Dias has advised that he will withhold his conflict of interest until the Ordinary Meeting of Council to make a decision after due consideration.

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

8. PETITIONS / DEPUTATIONS / PRESENTATIONS

8.1 PETITIONS

8.2 DEPUTATIONS

John Barrett from Rio Tinto will be presenting a deputation on the extension of lease for Tom Price Camp (Jundunmunnah).

8.3 PRESENTATIONS

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING OF COUNCIL HELD ON 24 OCTOBER 2017

Officer Recommendation

That the Minutes of the Ordinary Meeting of Council held on 24 October 2017, as previously circulated on 31 October 2017, be confirmed as a true and accurate record.

10. AGENDA ITEMS ADOPTED "EN BLOC"

10.1 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."*

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

11. OFFICE OF THE CEO REPORTS

11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS STATUS REPORT FOR OCTOBER 2017

FILE REFERENCE:	GV04
AUTHOR'S NAME AND POSITION:	Michelle Lewis CEO & Councillor Support Officer
AUTHORISING OFFICER AND POSITION:	Dale Stewart Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	4 October 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 10.1 (Minute No. 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 best practice in governance supports the regular review by Council decisions to ensure that they are actioned and implemented in a timely manner.

Comment

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

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

ATTACHMENT 11.1

Consultation

Acting Chief Executive Officer
Executive Management Team

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

“Role of council

(1) The council —

(a) governs the local government’s affairs; and

(b) is responsible for the performance of the local government’s functions.

(2) Without limiting subsection (1), the council is to —

(a) oversee the allocation of the local government’s finances and resources; and

(b) determine the local government’s policies.”

The above section of the Act notwithstanding, there is no specific legal requirement to present such a report to Council or for Council to receive or consider such a report. Given it is always ‘received’, it could simply be provided to elected members via weekly or monthly updates, such as in the weekly Information Bulletin. The decision to retain the report in the Council’s monthly agenda is entirely Council’s prerogative. Staff acknowledge the critical and ongoing nature of the document, in that Council ‘speaks by resolution’.

Financial Implications

Not Applicable

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

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

Not Applicable

Voting Requirement

Simple Majority Required

Officers Recommendation

That Council receive the “Council Decisions Status Reports” for the month of October 2017 as per **ATTACHMENT 11.1**.

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

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

FILE REFERENCE:	GV21 CM02
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Officer Sheree Selten Administration Assistant Planning
AUTHORISING OFFICER AND POSITION:	Dale Stewart Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	26 July 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The purpose of this agenda item is to report to Council for information, use of the Common Seal, actions performed under delegated authority requiring referral to Council and a copy of the Tender Register, for the month of October 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 2017.

ATTACHMENT 11.2A

Comment

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

Consultation

Relevant officers as listed in the Attachment.

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

Statutory Environment

Local Government Act 1995

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

Delegated Authority Register 2016

Financial Implications

As outlined in Attachment 11.2.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

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

Officers Recommendation

That Council receive the reports relating to:

1. The use of the Common Seal as per **ATTACHMENT 11.2A**; and
2. Actions performed under delegated authority for the month as per **ATTACHMENT 11.2A**; and
3. The Tender Register as per **ATTACHMENT 11.2B**.

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

12. STRATEGIC AND COMMUNITY DEVELOPMENT REPORTS

12.1 DISABILITY ACCESS AND INCLUSION PLAN REVIEW

FILE REFERENCE:	CS08
AUTHOR'S NAME AND POSITION:	Sharmayne Halliday Project Support Officer
AUTHORISING OFFICER AND POSITION:	Anika Serer Director Strategic and Community Development
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	7 November 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 11.4 (Minute No. 11750) – Ordinary Meeting of Council 19 February 2014 Agenda Item 11.02.003 – Ordinary Meeting of Council 16 March 2006

Summary

The Shire of Ashburton's current Disability Access Inclusion Plan (DAIP) is due to expire in December 2017, and the draft reviewed plan is now presented to Council for endorsement to advertise for public comment for a period of 21 days.

Background

Public Authorities in Western Australia are required to have Disability Service Plans (DSPs) under the Disability Services Act (1993). This Act was amended in 2004 with a requirement for public authorities (State Government agencies and Local Governments) to develop and implement Disability Access and Inclusion Plans (DAIP's) that further the principles and objectives of this Act.

The requirements of DAIPs build on those of DSPs, to ensure that people with disability can access services provided by public authorities in Western Australia. Amendments were made to the Disability Service Regulations in 2013 to include a seventh outcome, changes to wording from "people with disabilities" to "people with disability", and to include consultation processes.

If the revised DAIP is not lodged with the Department of Communities by 31 December 2017 the Shire of Ashburton will be in breach of the Act. There is however no identified penalty other than potentially the Department reporting such matters annually to the Parliament.

This draft plan has been reviewed and updated using information collected from a community survey on access and inclusion within the Shire of Ashburton. The draft DAIP is now presented to Council for endorsement to advertise for public comment for a period of 21 days.

ATTACHMENT 12.1A

Comment

As per the 2013 amendments to the Disability Service Regulations, it is now a legislative requirement to conduct community consultation when conducting a review of the DAIP, and therefore a community survey on the subject of access and inclusion within the Shire was recently completed with the results guiding changes within the 2013 – 2017 version of the document. If the draft 2018 – 2022 plan is endorsed by Council, the document will be advertised for public comment for a period of 21 days. Should no adverse comment be received, it is recommended that the draft report be finalised and lodged with Department of Communities.

Consultation

Acting Chief Executive Officer
Executive Management Team
Department of Communities – Disability Services
Shire of Ashburton community members

The draft report is intended to be widely advertised for public comment with a submission / comment period open for at least 21 days and the document distributed to specific interest groups similarly inviting comment.

Statutory Environment

The Disability Services Act (Fed) 1986
The Disability Services Act (WA) 1993
The Disability Discrimination Act 1992
The Equal Opportunities Act (WA) 1984

Financial Implications

The DAIP outlines that the Shire of Ashburton is continuing to work towards the facilitation of services and access to public for all people, including those with disability, their families and/or careers. It is acknowledged that providing accessible and inclusive facilities along with improvements to the operational aspects of the Shire remain ongoing, and therefore there will be financial implications associated with the DAIP.

Whilst modifications to existing facilities may be required in the future, a great deal of work has already been completed to these to ensure compliance, and therefore the majority of financial implications would be for training of staff and implementation of operational objectives, with any new infrastructure having disability access included as part of the design costs (for example the refurbishment works to the Onslow Boardwalk).

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017 - 2027

Goal 1 –Vibrant and Active Communities

Objective 01: Connected, caring and engaged communities

Objective 02: Sustainable services, clubs, associations and facilities

Goal 4 –Quality Services and Infrastructure

Objective 01: Quality public infrastructure

Objective 02: Accessible and safe towns

Goal 5 –Inspiring Governance

Objective 02: Community ownership

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 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" risk as this is a review of the current Disability Access and Inclusion Plan which is already in operation within the Shire.

Policy Implications

There are no policy implications associated with this report.

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the Disability Access and Inclusion Plan Review, Council endorses the draft Disability Access and Inclusion Plan 2018 – 2022 to be advertised for public comment and sent to specific identified stakeholder organisations for a period of 21 days and should no adverse comment be received, the draft report lodged with the Department of Communities.

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

13. CORPORATE SERVICES REPORTS

13.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID

FILE REFERENCE:	FM03
AUTHOR'S NAME AND POSITION:	Kerry Fisher Finance Manager
AUTHORISING OFFICER AND POSITION:	John Bingham Director Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	9 November 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

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

The Financial Reports for October are presented with comments on variances, actuals to 2017/18 Budget amounts. A Capex tracker is also presented.

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

At its meeting held on 30 August 2017, Council adopted the Annual Budget 2017/18. Following on from that rates assessments were issued in mid-September and on 20 October 2017 the due date for ratepayers who didn't choose the instalment option passed. By 31 October 2017 over 91% of rate revenue had been received. As a result surplus funds now held are invested per Council's FIN07 Investment policy.

The Auditors visited Tom Price on 25 October to complete their fieldwork for the 2016/17 Annual Report. Staff are now finalising the statements which are due for sign off towards the end of November. Depreciation expense is not posted in the October reports until the accounts are signed off.

Capital expenditure remains lower than year to date budget due to the profile of budgeted amounts across monthly periods as well as project delivery. The notes in the 'Report on Significant Variances' identify and provide further commentary on the material variances for each project at program level.

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

It is recommended that the required budget variations to the Current Budget for 2017/2018 as outlined below be approved.

GL/Job No.	General Ledger Description	Current Budget	Variation Amount	Revised Budget	Reason
139902	Utilities – Rural Services GEN	14,000	20,000	34,000	Increase in Standpipe water usage in the last few months.
135363	Standpipes Income	(20,000)	(20,000)	(40,000)	Corresponding increase in income to match expenditure.

Consultation

Acting Chief Executive Officer
 Director Corporate Services
 Executive Management Team
 Management Reporting Coordinator
 Finance Team

Statutory Environment

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

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

(b) Is authorised in advance by resolution*

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

*requires an absolute majority of Council.

Financial Implications

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

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

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.

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

The predominant strategic financial risk that the Council still faces is the pending formal objection to the valuation on the Wheatstone Plant, Assessment No 51628 which has an unimproved valuation of \$17,593,500 and rates levied for 2017/18 of \$6,728,933.

To mitigate any risk with this formal objection that may lead to an SAT appeal, the Council retains a cash backed Financial Risk Reserve with a forecast balance at the end of the financial year (subject to no adverse appeals) of \$6.5 Million. This major risk is categorised as potentially *extreme* on the Council's adopted risk management framework and thresholds due to the potential risk being greater than \$5 Million of current year and a comparable amount to future revenues.

Council will not know the result of this appeal until probably the end of the calendar year 2017.

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Absolute Majority Required

Officers Recommendation

That with respect to the Monthly Financial Report to Council:

1. Receive the Financial Report for October 2017 **ATTACHMENT 13.1A**; and
2. Receive the Capital Expenditures Progress Tracker for October 2017 **ATTACHMENT 13.1B**; and
3. Receive the Budget Amendment Register as at 31 October 2017 **ATTACHMENT 13.1C**; and
4. Receive the Schedule of Accounts and Credit Card paid in October 2017 (approved by the Acting Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds) **ATTACHMENT 13.1D**; and
5. Receive the Reconciliation Report for October 2017 **ATTACHMENT 13.1E**; and
6. Approve budget variations for the 2017/18 Budget as outlined below:
 - a) Increase Expenditure Account 139902, Utilities Rural Services by \$20,000, from \$14,000 to \$34,000; and
 - b) Increase Income Account 135363, Standpipes Income by \$20,000, from \$20,000 to \$40,000; and
 - c) Note that the Budgeted Surplus position carried forward (net current assets position) forecast as at 30 June 2018, remains at \$1,500,000.

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

13.2 FIN21 RATING

FILE REFERENCE:	RV01
AUTHOR'S NAME AND POSITION:	John Bingham Director Corporate Services
AUTHORISING OFFICER AND POSITION:	Dale Stewart Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	6 November 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Section 2.7(2) (b) of the Local Government Act 1995 ("the Act") states that the making of policy is a role of the Council. Policies provide clarity, ownership, and accountability to the Ashburton community and for the staff of the Shire.

A new policy FIN21 – 'Rating' has been introduced to ensure the Department of Local Government, Sport and Cultural Industries (DLGSCI) rating principles are applied and the statutory requirements of the Act adhered to when rating any separately identifiable portion of land within the district.

Background

To date Council has maintained one rating policy: FIN16 – 'GRV Rating of Improvements Mining Tenements Petroleum Licence Sites'. This policy was introduced in September 2012 when Council considered the application of GRV valuations to particular aspects of mining, petroleum, and resource interests i.e. mining campsites. It was the first opportunity provided to Council by the Minister after the publication of '*Guideline Number 2. Changing Methods of Valuation of Land*' began a three year trial starting 1 July 2012. The trial period was extended for a further three months until 1 October 2015 when the State Government approved a revised policy. The key change to '*Guideline Number 2*' was for Councils to broaden its application and include other policies and guidelines about rating, rateable land and valuation of land.

Comment

Council is again considering the application of GRV valuations to aspects of mining, petroleum and resource interests. The initial focus is intended to be the application of GRV valuations to Transient Workers Accommodation (TWAs) as well as those Unimproved Value (UV) properties predominantly used for non-rural purposes and located outside a town-site boundary e.g. Self-service gas stations.

To ensure the Shire applies the Departments rating principles (objectivity, fairness and equity, consistency, transparency and administrative efficiency) as well as the Acts statutory

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

requirements, a new Rating Policy is proposed. This policy will not only mandate critical systems and procedures for identifying and recording any changes in land use, but will also contain a guide to the predominant use of land within the district based on zoning under the Local Planning Scheme 7. Finally it is proposed important and relevant provisions of FIN16 will be incorporated into FIN21 thereby superseding the former.

ATTACHMENT 13.2A

Consultation

Acting Chief Executive Officer
Russell Barnes – Moore Stephens
Finance Manager

Statutory Environment

The following provisions of the Act apply:

Section 2.7(2) (b) which states that the making of policy is the role of Council.

Section 6.28 (1) & (2) which state the Minister is to determine the method of valuation of land to be used by a local government as the basis for a rate. In determining the method of valuation of land the Minister will have regard to the general principle of what the land is predominantly used for e.g. for rural purposes, the unimproved value of the land.

Section 6.32 and 6.33 states Council is to make up the budget deficiency by imposing a general rate on rateable land imposed either uniformly or differentially.

DLGSCI Rating Policy – Valuation of Land - Mining (March 2016)

DLGSCI Local Government Operational Guidelines – Changing Methods of Valuation of Land – (Number 02- March 2012)

Financial Implications

The policy is for the purposes of disclosure and therefore there are no direct financial or budgetary implications.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 3 – Council Leadership

Objective 4 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

The new policy if approved will be updated in the Policy Register and be effective from the date of Council adoption.

Voting Requirement

Simple Majority Required

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

Officers Recommendation

That with respect to Ratings Policies Council;

1. Repeal FIN16 GRV Rating of Improvements Mining Tenements Petroleum Licence Sites;
and
2. Adopt the proposed new FIN21 Rating Policy per **ATTACHMENT 13.2A**.

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

13.3 ANNUAL POLICY REVIEW NOVEMBER 2017

FILE REFERENCE:	GV20
AUTHOR'S NAME AND POSITION:	Nicky Tyson Procurement Coordinator
AUTHORISING OFFICER AND POSITION:	Dale Stewart Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT	Not Applicable
DATE REPORT WRITTEN	24 October 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.5 (Minute No. 86) Ordinary Meeting of Council 16 December 2016

Summary

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

An annual review of Council policies, due for review in 2017, was workshopped with Councillors on 24 October 2017.

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

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

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

Background

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

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

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

Comment

All Council policies are kept in a Policy Register and uploaded onto the Shire's website. As no changes to the officer proposals were suggested by Councillors at the October 2017 workshop, or following, they are presented unchanged from the workshop proposals (for formal Council consideration).

The review recommendations to the policies are summarised below:

SUMMARY OF POLICIES ADOPTED BY COUNCIL IN 2017

NUMBER	POLICY	ADOPTION
ADM09	Complaints Management Policy	Adopted OCM 21 September 2017
CORP05	Risk Management Policy	Adopted OCM 18 July 2017
ELM08	Order of Business	Adopted OCM15 August 2017
ELM24	Appointment of Acting CEO	Adopted OCM 26 April 2017
EMP11	Senior Employees Policy	Adopted OCM 26 April 2017
ENG13	Road Management Policy	Adopted OCM 26 April 2017
FIN06	Significant Accounting Policy	Adopted OCM 26 April 2017
FIN07	Investment Policy	Adopted OCM 18 July 2017
FIN13	Debtor Management Policy	Adopted OCM 16 December 2016
FIN14	Tender Evaluation Criteria	Adopted OCM 14 March 2017
HTH02	Aboriginal Environmental Health	Adopted OCM 18 July 2017

NO CONTENT CHANGES – ATTACHMENT 13.3A

NUMBER	POLICY	ACTION TO BE TAKEN	CHANGES MADE
ADM07	Strategic Media Policy	Endorse with no changes suggested	New Template
ELM01	Council and other Meetings	Endorse with no changes suggested	New Template
ELM04	Code of Conduct for Councillors and Staff	Endorse with no changes suggested	New Template

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

FIN10	Wittenoom Townsite Gorge & Yampire Rates and Services	Endorse with no changes suggested	New Template
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MINOR SUGGESTED CHANGES - ATTACHMENT 13.3B

NUMBER	POLICY	ACTION TO BE TAKEN	CHANGES MADE
ADM08	Community Engagement	Adopt with suggested Changes	<p>Shifted from Corporate Services to Governance & Executive Service to align with the new Organisational structure.</p> <p>'OUR MISSION' removed from the Policy as no longer included in the new Strategic Community Plan (SCP) for 2017 – 2027.</p> <p>Update to 'Our Vision' as per SCP.</p> <p>Adjustment to quoted Objective from 'Include and Engage our Community' to 'Connected, Caring and Engaged Communities'</p> <p>Merged into new template.</p>
ELM02	Official Photograph & Honour Board (New Title)	Adopt with Suggest Changes	<p>Additional wording in Statement (italics):</p> <p>'An official group photograph of Councillors, <i>group and individual</i>, and of executive management, <i>group and individual</i>, will be taken following each ordinary election'</p>
ELM05	Councillor Training/ Conference Attendance	Adopt with Suggest Changes	<p>CONFERENCE TRAINING BUDGET figure removed (\$45,000) and replaced with 'annual':</p> <p>Costs to attend the annual WALGA Local Government Week Conference (Note – this is to promote Councillor attendance at this annual conference as a combination training opportunity; chance to meet other WA Local Government Councillors and WALGA representatives; and also as a good forum for Councillor team development. It will be budgeted separately to the \$45,000 (annual) Councillor Conference allocation, as will the President's attendance at either the ALGA Congress or the State of the Nation event.</p>
ELM14	Governance & Policy Manual	Adopt with Suggest Changes	MISSION removed to reflect the Strategic Community Plan.

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

			Change in departments (Community Development removed) Merged into new template No other changes.
FIN15	Rates Debt Recovery	Adopt with Suggest Changes	Item 2.1 wording removed (in italics) and replaced by the word 'Council' 'Rates and service charges are issued every year as soon as the Council's annual budget is adopted in conjunction with rates in the dollar approved by (Council)' <i>Department of Local Government</i>
PLA04	Old Onslow Townsite Revised	Adopt with Suggest Changes	Incorrectly recorded as a Policy, changed from Policy to Management Directive due to Council Resolution

MAJOR SUGGESTED CHANGES - ATTACHMENT 13.3C

No.	POLICY	ACTION TO BE TAKEN	CHANGES MADE
FIN12 FIN04 FIN14 FIN19	Purchasing Policy <i>FIN04 Buy Local Regional Price Preference; FIN14 Tender Evaluation Criteria; FIN19 Panel Tenders</i>	Adopt with Suggest Changes	<p>FIN04, FIN14 and FIN 19 all incorporated into FIN12 to provide a one-stop-shop approach to purchasing. This assists staff as well as external suppliers and contractors when responding to Tenders and Quotes. This Policy will be provided with all Requests for works/services.</p> <p>Title changes – Executive Manager to Director</p> <p>Item 12 EXCEPTIONAL CIRCUMSTANCES removed due to being replaced with Item 9.2 – Exemptions</p> <p>Item 14 ELECTED MEMBERS Wording removed and replaced with: With the exception of the Shire President, under exceptional circumstances authorised under the Local Government Act 1995, no Elected Member is permitted to procure local government goods or services.</p> <p>Item 15 AUTHORISATION OF EXPENDITURE amended to include detail of ELM04 Code of Conduct: Appropriate approvals need to be obtained prior to authorisation of</p>

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

		<p>expenditure above an employees delegated authority limit. Employees are reminded of their obligations under the Council's Code of Conduct (ELM 04) to give full effect to the lawful policies, decisions and practices of the Shire of Ashburton.</p> <p>(Item 15 cont.) The Code of Conduct clarifies the standards of behaviour that are expected of staff in the performance of their duties and gives guidance in areas where staff need to make personal and ethical decisions.</p> <p>Item 16 - LOCAL CONTENT FIN04 Buy Local Regional Price Preference Policy details implemented</p> <p>Item 17 – QUOTATIONS \$0 - \$4,999 wording deletions (in red): All reasonable avenues to obtain goods or service within the Shire have been exhausted, prior to sourcing outside. Best Price from the open market, no additional paperwork; Verbal or written quotation; and No quotations are required prior to purchase if the Expenditure must be approved in the Council Budget.</p> <p>Item 19 - PANEL TENDERS removed and replaced at Item 20 - PANEL TENDERS as per FIN 19 Policy.</p> <p>Item 19 (New) VARIATIONS TO CONTRACT added into policy directly from Local Government (Functions and General) Regulations 1996, Regulation 21A.</p> <p>Item 21 Details from FIN14 Tender Evaluation Criteria incorporated into this policy.</p>
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Council policies which have undergone changes during their review are attached to this Agenda in final draft for consideration of approval.

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

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

Consultation

Elected Members

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

Acting Chief Executive Officer
Executive Management Team
Procurement Coordinator

Statutory Environment

The Local Government Act 1995 Section 2.7(2)(b) of the *Local Government Act 1995* states that the Council is to determine the local government's policies.

Financial Implications

There are no direct or indirect financial implications as a result of the policy review process.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027
Goal 05 – Inspiring Governance
Objective 03 – Council Leadership
Objective 04 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

Reviewed policies updated as per Policy Register.

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the annual Policy Review, Council:

1. Endorse the Policies that have no changes proposed other than template / style as per **ATTACHMENT 13.3A**; and
2. Adopt the Policies that have had minor changes made as per **ATTACHMENT 13.3B**; and
3. Adopt the Policies that have had major changes made as per **ATTACHMENT 13.3C**.

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

14. DEVELOPMENT AND REGULATORY SERVICES REPORTS

14.1 ADOPTION OF SHIRE OF ASHBURTON LOCAL PLANNING STRATEGY FOR THE PURPOSE OF ADVERTISING

FILE REFERENCE:	LP33
AUTHOR'S NAME AND POSITION:	Andrew Davis Principal Town Planner
AUTHORISING OFFICER AND POSITION:	Lee Reddell Director Development and Regulatory Services
NAME OF APPLICANT/RESPONDENT:	Not applicable
DATE REPORT WRITTEN:	2 November 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

This report presents the draft *Shire of Ashburton Local Planning Strategy* (the 'Strategy') **ATTACHMENT 14.1** for Council's consideration and seeks approval to submit the document to the Western Australian Planning Commission (WAPC) for its review in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the 'Regulations').

Following its assessment, the WAPC can either ask for modifications to the document or, if it is satisfied that it complies with the relevant provisions of the Regulations, provide consent or 'certification' for the Shire to proceed to advertise the Strategy for public comment.

A local planning strategy is a high level 10-15 year plan guiding land use and development based on a number of technical and specialist studies and reports, and applies State Government policies and guidelines. When adopted and endorsed by the WAPC, the Strategy provides the basis for a new Local Planning Scheme, and will guide future strategic planning decisions, such as scheme amendments, development of new subdivisions, and further studies and investigations.

Part 3 of the Regulations requires local governments to prepare a local planning strategy for each local planning scheme that is approved for land within the local government's district. The Regulations also establish the process for preparing, advertising, and adopting a local planning strategy.

This is the Shire's first Strategy and has been prepared by a consultant team with funding provided through the Northern Planning Project, a Royalties for Regions initiative administered by the Department of Planning, Lands, and Heritage (DPLH).

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

Background

In December 2015, the then Department of Planning (now DPLH) awarded the Shire funding from the Northern Planning Program, a Royalties for Regions initiative, to prepare a local planning strategy. Following a competitive tendering process, the Shire awarded a contract to Taylor Burrell Barnett who commenced preparation of the Strategy in May 2016, leading a team of other technical experts.

A Local Planning Strategy is a local planning framework that guides local planning decisions over a 10 – 15 year period, acting as an interface with regional and statewide planning and development. The Strategy needs to be consistent with adopted state and regional plans so that the Shire can contribute seamlessly to the wider economy, providing land use and development guidance and justification for the preparation of a new Local Planning Scheme.

The *Planning and Development (Local Planning Schemes) Regulations 2015* require each local government to prepare a Local Planning Strategy, further stating that it must:

- (a) *set out the long-term planning directions for the local government; and*
- (b) *apply any State or regional planning policy that is relevant to the strategy; and*
- (c) *provide the rationale for any zoning or classification of land under the local planning scheme.*

In fulfilling these functions, the Strategy considers the Shire's strategic vision as set out in the *Strategic Community Plan 2017 – 2027*, ensuring that the vision is implemented in a sustainable manner that interacts with the State's broader growth.

Structured in two parts, Part 1 of the Strategy describes the Shire with regard to land use considerations, noting significant issues and opportunities for future development and ongoing use of land. The findings described in this Part are then translated into a series of tables of 'Strategies and Actions'. These Strategies and Actions provide a framework for implementing the Strategy in staged manner and are critical to the Shire's ongoing development. Once the Strategy has been endorsed by Council and subsequently by the WAPC, the Strategies and Actions will be incorporated into the Shire's new Local Planning Strategy, and will also be considered with regard to all planning decisions to ensure they contribute to the Shire's development goals in the context of regional, state, and national objectives.

Part 2 assesses and summarises a wide range of planning documents that are incorporated into the Strategy to ensure consistency across the planning framework, and to capture the relevant information into the document, including:

- The State and regional context:
 - State Planning Policies and Development Control Policies;
 - The Pilbara Investment Blueprint; and
 - The Pilbara Planning and Infrastructure Framework;
 - Adopted local structure plans;
 - Coastal planning studies (particularly the CHRMAP);
 - The Shire of Ashburton Bushfire Hazard Level Assessment;
 - Ashburton North Strategic Industry Area Improvement Scheme.
- Local Planning documents:
 - Town Planning Scheme No. 7;
 - The Strategic Community and Business Plans;
 - Strategic Asset Management Plan;
 - Local Planning Policy framework;
 - Local Government Heritage Inventory;
 - Onslow Airport Master Plan.

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

In order to contextualise these other planning documents, Part 2 also summarises available data relating to other factors required to prepare a workable Strategy by identifying potential issues and constraints including:

- Native Title;
- Environmental matters;
- Land tenure matters;
- Population and housing;
- Employment conditions (local through to international);
- Industrial impacts (local through to international);
- Retail and commercial trends and land requirements;
- Tourism;
- Community assets, including recreation and education facilities;
- Urban design and heritage considerations;
- Traffic and transport matters;
- Infrastructure (water, power, sewerage, waste disposal).

This information is collected from a range of government sources as well as studies undertaken specifically as part of the Strategy.

Should Council resolve to endorse this Strategy for the purposes of public advertising, it will be submitted to the WAPC, where officers of the DPLH will undertake a comprehensive review to ensure all elements accord with relevant State policies and other strategic planning documents. This review is expected to take a minimum of eight weeks, at which time the WAPC will advise that either the Strategy is certified for public advertising or that revisions are necessary prior to the Strategy being resubmitted. It is noted that a senior officer from the DPLH has been part of an informal steering committee guiding the drafting of the Strategy and no significant revisions are therefore anticipated.

Following the WAPC's consent to advertise, the Regulations require a minimum of 21 days public advertising, however given the importance of this Strategy, the wide variety of significant stakeholders, and the previously demonstrated difficulty in reaching widely throughout the Shire to seek comment on planning matters, it is proposed that the Strategy be advertised for a minimum of 60 days. Depending on the WAPC assessment, it is not anticipated that advertising is likely to commence any earlier than mid-January 2018, thereby avoiding the Christmas/New Year break that can also affect the number of submissions received.

The Regulations require that a local government advertise the Strategy by way of newspaper, display of notice at the offices, referral to affected public authorities, notice on the website and/or as directed by the Commission and in any other way the local government considers appropriate. In addition to the specified means of advertising above, it is also proposed to advertise on the Shire's facebook page, include notices in the Pipeline and Inside Ashburton newsletters and hold public information sessions in all four towns.

Following public advertising, all submissions will be presented to Council for consideration, and the Strategy modified where necessary, prior to being submitted back to the WAPC for final endorsement. At this point, the Strategy becomes the Shire's overarching planning strategy.

Comment

This Strategy is based on the most accurate information available, providing a snapshot of the Shire in its current state, with sound recommendations to meet future needs of the residential population and visiting public.

When considering the Strategy, it is important that the document be considered a live document that requires ongoing review to ensure the Strategies and Actions are responding to

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

change. More specifically, the Strategy requires constant review to ensure it remains consistent with all levels of government policy, that it makes use of revised population data as it becomes available, and is updated in response to new major industrial and infrastructure projects. Failure to review the Strategy may result in the Strategies and Actions being unnecessarily implemented, and the Shire's vision as stated in the Strategic Community Plan not implemented to optimum effect.

While this Strategy is based on the most up to date information available, and has been reviewed by significant stakeholders who have also provided critical input, the Strategies and Actions and the data and assumptions on which they are based require further testing. This will be achieved through public advertising.

While major revisions prior to advertising are not anticipated, it is highly likely that public advertising will result in minor changes or additional explanations and justifications being included in the text to ensure the Strategy is concise and widely accessible. In this regard, minor amendments are not recommended prior to Council's endorsement of the Strategy for advertising purposes, unless there are elements considered wildly inaccurate or incorrect, as it is advisable to make a single tranche of modifications following advertising.

Consultation

Acting Chief Executive Officer
Director Development & Regulatory Services
Director Corporate Services
Director Strategic & Community Development
Director Infrastructure Services

Consultation will be in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and also widely promoted through social media, local newspapers and media and also through a presentation at each of the four towns of the Shire.

Statutory Environment

Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015

Financial Implications

This project is almost exclusively funded through the Northern Planning Project, a Royalties for Regions initiative. The Shire will incur some costs to advertise the Strategy with these funds provided from existing budgets.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 1 – Vibrant and Active Communities
Objective 1 – connected, caring and engaged communities
Goal 2 – Economic Prosperity
Objective 1 – Strong local economies
Goal 3 – Unique Heritage and Environment
Objective 1 – Flourishing natural environments
Objective 2 – Leading regional sustainability
Goal 4 – Quality services and infrastructure
Objective 1 – Quality public infrastructure
Objective 2 – Accessible and safe towns
Objective 3 – Well-planned towns
Goal 5 – Inspiring governance

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

Objective 1 – Effective planning for the future

Objective 2 – Community ownership

Risk Management

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

Policy Implications

The Local Planning Strategy contains a number of recommendations related to Local Planning Policies and these will be implemented through a comprehensive review of these policies.

Voting Requirement

Simple Majority Required.

Officers Recommendation

That with respect to the Shire of Ashburton Local Planning Strategy, Council:

1. Submit the Strategy to the Western Australian Planning Commission with a request to certify the Strategy; and
2. Following the Commission's certification, advertise the Strategy in accordance with section 13 of the Planning and Development (Local Planning Schemes) Regulations 2015 for a minimum of 60 days, widely promoting it in accordance with the consultation processes outlined in the officer's report.

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

14.2 ONSLOW AIRPORT PARKING RESTRICTIONS

FILE REFERENCE:	LE02
AUTHOR'S NAME AND POSITION:	Lee Reddell Director Development and Regulatory Services
AUTHORISING OFFICER AND POSITION:	Dale Stewart Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not applicable
DATE REPORT WRITTEN:	2 November 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 11.4 (Minute No. 11452) – Ordinary Meeting of Council 13 March 2013

Summary

The Shire's 'Parking and Parking Facilities Local Law 2013' (referred to as 'the local law' hereafter) was adopted at the 13 March 2013 Ordinary Meeting of Council and was subsequently gazetted on 13 April 2013. An amendment was made on 10 October 2014 to include reference to the *Local Government (Parking for People with Disabilities) Regulations 2014*.

The local law provides power to regulate parking on Shire land, consistent with the provisions of the local law. This agenda item seeks to regulate parking at the Onslow Airport in accordance with Parts 1.9 and 2.1 of the local law which requires a resolution of Council in order to formally enact restrictions and to update delegation DA09-3 which addresses who is defined as an 'authorised person' under this local law.

Background

The local law applies across the whole of the Shire of Ashburton and relates to Shire managed car parking. The local law provides the head of power for the Shire to determine and enforce parking restrictions in Shire managed parking areas. It does not apply to privately owned car parks unless there is a written agreement between the owner and the Shire.

It is noted that Part 1.6(4) of the local law indicates that parking signs erected by the local government prior to the local law coming into operation and which relate to the parking of vehicles within the parking region shall be deemed to have been erected under the authority of the local law. This means that signage etc erected by the Shire prior to gazettal in 2013 does not require retrospective approval by way of a resolution.

Comment

Part 1.9 of the local law 'Powers of the local government' states:

"The local government may, by resolution, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

region but must do so consistently with the provisions of this local law.”

Delegation under the local law is currently limited to the appointment of ‘authorised persons’ (who can undertake enforcement activities) and there is no delegation permissible for Council to allow the consideration and installation of new or altered parking restrictions by officers (without referral to Council).

Part 2.1 ‘Determination of parking stalls and parking station’ allows:

- (1) *The local government may by resolution constitute, determine and vary:*
 - (a) *Parking stalls;*
 - (b) *Parking stations;*
 - (c) *Permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;*
 - (d) *Permitted classes of vehicles which may park in parking stalls and parking stations;*
 - (e) *Permitted classes of persons who may park in specified parking stalls or parking stations; and*
 - (f) *The manner of parking in parking stalls and parking stations.*
- (2) *Where the local government makes a determination under subclause (1) it shall erect signs to give effect to the determination.*

A ‘parking stall’ is effectively a marked parking bay and is defined as:

“A section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked”

A ‘parking station’ is effectively a car park and is defined as:

“Any land, or structure provided for the purpose of accommodating vehicles”

The possibility of providing delegation to the CEO to allow more efficient administration of Shire managed parking restrictions in accordance with the provisions of the local law was explored however WALGA have advised that this is not a ‘preferred’ way of dealing with local government parking as it creates the potential for a disconnect between what officers and the Council may consider appropriate.

As such, this agenda item seeks the formal resolution of Council to approve the parking restrictions at the Onslow Airport, including time limited and authorised persons bays as well as taxi and bus bays as per ATTACHMENT 14.2A. Formalising the parking restrictions at the Airport will allow Authorised Persons, as per proposed changes to delegation DA09-3 at **ATTACHMENT 14.2B**, to enforce the local law.

It is not necessary for Council to formally approve the disabled or ‘accessible’ bays shown on the attached plan as they are controlled under separate legislation being the *Building Act 2011*, via the National Construction Code which specifies the requirements for the minimum number and location of bays etc for different classes of buildings and is addressed through the relevant Building Permit, as well as the *Local Government (Parking for People with Disabilities) Regulations 2014* which specifies restrictions and relevant infringements and applies as if it were a Local Law. These bays have been included on the plan however for clarity, making all relevant parking restrictions obvious and will also enable easier reporting for the Shire’s Disability Access and Inclusion Plan.

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

It is noted that Shire Officers are working towards mapping all Shire parking stalls and stations and associated restrictions clearly with the aim of bringing them to Council for formal approval (where required) in a staged manner and with the intent to include these facilities on the Shire's Geographical Information System (GIS) in future for easy reference.

Consultation

Acting Chief Executive Officer
Director Development and Regulatory Services
Airport Manager

Statutory Environment

There are no statutory impediments other than as listed with respect to compliance with the Parking and Parking Facilities Local Law

Financial Implications

There are no known meaningful financial implications relative to this matter in excess of officer time and minor administrative costs.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027
Goal 04 – Quality Services and Infrastructure
Objective 02 – Accessible and Safe 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 for this matter.

Voting Requirement

Absolute Majority Required

Officers Recommendation

That with respect to the Parking and Parking Facilities Local Law 2013, Council:

1. Approve the Onslow Airport Parking Plan as per **ATTACHMENT 14.2A**; and
2. Approve the amended Delegation DA09-3 as per **ATTACHMENT 14.2B**.

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

Declaration of Interest

Prior to consideration of this Agenda Item:

Cr Rumble declared an indirect financial interest.

Cr Dias declared a financial interest.

Cr Gallanagh declared a financial interest.

Cr Lynch declared a financial interest.

Cr Diver declared a financial interest.

Cr Foster declared an indirect financial interest.

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

14.3 EXTENSION OF LEASE FOR TOM PRICE CAMP (JUNDUNMUNNAH)

FILE REFERENCE:	ED69
AUTHOR'S NAME AND POSITION:	Lee Reddell Director Development and Regulatory Services
AUTHORISING OFFICER AND POSITION:	Dale Stewart Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Department of Jobs, Tourism, Innovation and Science
DATE REPORT WRITTEN:	7 November 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.1 (Minute No. 11066) – Ordinary Meeting of Council 16 November 2011

Summary

Hamersley Iron Pty Ltd (referred to hereafter as RTIO) has approval pursuant to the *Iron Ore (Hamersley Range) Agreement Act 1963* to use the existing 700 bed camp adjacent to the Tom Price Mine until 31 December 2017. The company now wishes to extend the life of the camp by three years. Council's opinion is being sought in relation to this proposal.

It is recommended that support be provided for a 12 month extension only and subject to RTIO producing an accommodation strategy for Tom Price, similar in scope to the one produced for Paraburdoo in 2015, which addresses RTIO's on-going accommodation needs in Tom Price prior to any further extension being considered and supported.

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

Background

2004

The Department of Industry and Resources (DIR) advised the Shire in September 2004 that RTIO had been issued with approval to construct a 120 person accommodation facility adjacent to the Tom Price Mine in association with construction activity related to improvements in production capacity from 20Mtpa to 30Mtpa. It was originally indicated that the camp would be needed for a nine month period.

2005

In April 2005, DIR sought comment from Council on the proposed expansion of the facility to accommodate 360 construction staff for a period of two years. At the 17 May 2005 OMC the matter was considered.

Council resolved to:

1. *Advise the Department of Industry and Resources and Pilbara Iron P/L that it is concerned at the lack of time it has been provided during which to consider and have meaningful dialogue, with respect to the proposed Tom Price Mine Site Camp Expansion to 360 beds, despite the proposal having the potential to adversely impact on the social fabric of Tom Price.*
2. *Request the Department of Industry and Resources not to approve the camp extension unless it is accompanied by a commitment from Pilbara Iron P/L whereby it undertakes to work with the Shire and other local government agencies, in order to minimize the detrimental social impacts of the proposal on the Town of Tom Price. Further, the Minister requested the company to meet the cost of implementing any remedial measures identified as a result of the joint discussions.*

In May 2005 an expansion to 360 beds for the period to 31 December 2006 was approved by DIR.

2006

At the 24 October 2006 OMC, Council considered a request to comment on a proposal for the life of the existing 400 person construction worker camp (increased from 360 persons by DPI in early 2006 and extended to mid-2007) to be extended until 31 December 2011 and used by mine operation staff, rather than construction staff.

Council resolved to:

1. *Advise the Minister for Industry and Resources that while Council does not support Fly-in Fly-out resource projects it recognises the specific circumstances of this case and it has no objection to the life of 400 beds of workers accommodation at the Tom Price Mine Site being extended until December 2011 and 120 beds of workers accommodation at the Paraburdoo Special Lease Site adjacent to the mine being extended until December 2008, pursuant to the Iron Ore (Hamersley Range) agreement subject to the Shire President, the Chief Executive Officer, Cr Martin and Cr Rumble finalising the terms of a ('value proposition') agreement with the company."*

It is understood that an extension until 31 December 2007 only was approved by DPI.

2007

An extension until 31 December 2007 was issued for the Tom Price Camp after an unrelated but relevant accommodation issue was considered for Paraburdoo at the 13 February 2007 OMC with the undertaking of the Minister that it would be extended until the end of 2011 in the event of the Shire confirming that satisfactory progress was being made in the release of company controlled land in Tom Price, for residential use by others.

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

At the 16 October 2007 OMC Council considered a request from RTIO to provide a letter confirming that the company had made satisfactory progress in relinquishing unused residential land leased by the company. Council conditionally agreed to provide a letter of support tied to the company's relinquishment of land.

Following the October OMC it became apparent that there were significant capacity constraints in the utility systems servicing the town (i.e. water, electricity and waste water). More specifically, at the 20 November 2007 OMC it was noted in the report to Council:

"The company voiced a strong concern that there were localised capacity constraints within the vicinity of the Karijini site (to the rear of Windawarri Lodge) and there were significant costs associated with addressing these deficiencies.

The Administration requested technical details of these capacity constraints, however, initially, no response was received. Rather, the attached correspondence, which reaffirms the company's commitment to assigning infrastructure costs to the Shire, was received from the Rio Tinto's Engineering Infrastructure Section.

The company was advised that the response received did not address the questions asked by the Shire.

Three weeks after the Shire's initial request, the company advised the Shire that an 'order of magnitude' cost for servicing the Karijini Special Use site may be up to \$5,000,000, although this estimate was not based on any detailed engineering assessment.

More disturbingly, the company advised that it was of the opinion that, in addition to localised capacity restraints, there appear to be capacity restraints applying to the town's overall infrastructure system thus meaning there is little, if any scope for further development in the town until these matters are resolved. This, in turn, placed in serious doubt the ability to develop the Golf Course site.

The implications of this recently received information are far reaching. It impacts, for example, on the ability for the Shire, or others, to develop and release new residential, industrial and commercial land within Tom Price. Of particular concern is the impact on the proposed tourist accommodation site in Central Avenue.

The State Government has commenced a process to attract a developer to this site. Expressions of Interest closed in August 2007 and negotiations are being held with a preferred developer. The company was aware of this process, however it was revealed during the Shire's discussions with the company on 13 November 2007 that the provision of services would cost in the order of \$5 million which, if correct, effectively stops the development."

Council resolved:

1. *On the basis of discussions to date, the Shire is unable to provide a letter confirming satisfactory progress has been made by the company in the release of company controlled land, but*
2. *The Shire is of the opinion that a time extension until 31 December 2008 is warranted subject to the company:*
 - a. *initiating and financing an independent review of existing power, water and sewer infrastructure in Tom Price. The purpose of the review being to assess the capacity and functionality of the current infrastructure to:*

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

- *Ensure the existing facilities are capable of serving the infrastructure requirements of Tom Price as it is currently developed and zoned for development under the Town Planning Scheme No 7.*
- *Ensure the infrastructure complies with current Australian Standards.*
- *Estimate the useful remaining life of the existing infrastructure and the renewal gap cost.*

The review will prioritise any works required and provide timelines for implementation of the recommendations. The review to be completed and accepted by the Shire of Ashburton by 30 April 2008.

- implementing the recommendations contained in the Consultant's report at the cost to the company.*
- funding an independent Order of Magnitude study with regard to future capacity requirements based on long term Town Planning options. The company will seek to develop the Terms of Reference for the study in conjunction with the Shire of Ashburton. The study shall enable key stakeholders to understand what the future capacity requirements may be, however there is no commitment on behalf of the company in terms of developing the future capacity.*
- agreeing to relinquish one of two Lots of residentially zoned land in Tom Price currently held under a special lease. These lots are known as:*
 - *Lot 2B "Golf Course subdivision" and;*
 - *Lot C "Karijini Special Use Zone".*
- committing to review its potential requirement for further residential housing development in line with Operational needs by end of 2008. The company shall advise the Shire accordingly of any requirements with a view to entering into discussions around potential for the company to relinquish the second lot as per above.*
- shall, in consultation with the Shire of Ashburton, establish a process to facilitate the development of land within Tom Price similar to a normal service provider.*
- participating and assisting with the development of a Structure Plan for Tom Price along with other stakeholders including Land Corp, DPI, DOIR and the Shire of Ashburton.*
- undertaking an urgent and realistic assessment of the infrastructure needs to support the development of the proposed tourist facility off Central Road. RTIO will provide the required facilities within reasonable proximity (30m max.) of the site (sewer to be at lowest point).*
- with the Shire establishing a process to progress the normalisation of water, electricity and sewer infrastructure.*
- with the Shire establishing a Memorandum of Understanding to articulate the aspirations of both parties and to establish a framework to work cooperatively to achieve those aspirations."*

The Minister for State Development approved the extension until 31 December 2008. The Minister also noted when considering any further extension he would have regard to whether the company had released land for future residential development and "*other matters raised by the Shire are being addressed*".

2008

On 31 December 2008 an increase in capacity to accommodate an additional 300 people (700 total) and an extension of the use of Tom Price Camp until 31 December 2011 was approved by the Minister.

2011

At the 16 November 2011 OMC, Council considered a further extension of the life of the Tom Price Camp. RTIO asserted that they had engaged constructively with the Shire on issues

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

including land, housing, utilities and town revitalisation, were working towards the release of Lots 314 (the 'Golf Course' lot) and 46 for development for residential purposes and that accommodation was at full capacity at that time. While the agenda item acknowledged the improved communication between RTIO and the Shire, it also highlighted that the items raised in the 16 November 2007 Council resolution had not been addressed.

Council resolved:

1. *A two (2) year extension to the company's Tom Price Mine site accommodation camp is supported.*
2. *The Council will be in a position to support a further three (3) years once the company has undertaken to satisfactorily address Council's concerns (first raised in 2007 and still to be formally addressed) as follows: SEE 2007 RESOLUTION ABOVE.*

It is understood that on 5 December 2011, the Minister approved an extension for use of the camp until 31 December 2014.

2015

On 8 July 2015 the Department of State Development (DSD) requested comment on a proposed extension to the life of the 700 person facility until 31 December 2017. RTIO asserted that they had made satisfactory progress in the release of Lots 314 and 46 for residential purposes, that Lot 3011 being surrendered for Tourism purposes, that studies had been undertaken into the adequacy of utilities including sewer, water and power and that there was insufficient capacity in Tom Price at the time to satisfy the accommodation needs of the mine. A response was provided from the Shire to DSD supporting the extension on the basis that work towards the release of Lots 314 and 46 was progressing, that electricity upgrades were underway in town and that accommodation was at capacity at the time. In retrospect, it is clear that this referral should have been brought to Council's attention for a formal resolution given the history of the camp.

2017

On 9 October 2017 the Department of Jobs, Tourism, Science and Innovation (JTSI, formerly DSD) requested comment on a proposed three year extension to the life of the 700 person facility until 31 December 2020 **CONFIDENTIAL ATTACHMENT 14.3**. As part of their application to JTSI, RTIO indicated that since the last extension request, Lot 314 has been relinquished, significant power upgrades have been made in town and a number of water mains replaced.

Comment

Discussion internally with Shire staff indicates that RTIO had not sought to discuss the proposed extension of the Tom Price Camp with the Shire prior to the application being made to JTSI. Given the completion of major construction projects in the area, the general downturn in the resources sector and the availability of land for development in Tom Price, it is not considered appropriate at this time to support a three year extension to the life of the camp without further input from RTIO as to their long-term plans for the Tom Price workforce and associated accommodation needs. As such, it is recommended that a 12 month extension only be supported on the basis that RTIO produce an Accommodation Strategy, similar in scope to the one prepared for Paraburdoo in 2015, to address issues such as vacancy rates of RTIO housing, plans for refurbishment and construction of new housing and likely on-going accommodation needs.

It is also recommended that JTSI be reminded that the Council does not support operational workforce accommodation in such close proximity to established townsites (they should be integrated with the town) and that the life of external camps such as the Tom Price Camp and Kurra Kulli in Paraburdoo be listed as a regular discussion topic for the partnership meetings

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

between RTIO and the Shire to ensure that an open dialogue and understanding of RTIO's impact on accommodation in these towns is fostered.

Consultation

Acting Chief Executive Officer
Director Development & Regulatory Services

Statutory Environment

Iron Ore (Hamersley Range) Agreement Act 1963

Financial Implications

There are no known meaningful financial implications relative to this matter in excess of officer time and minor administrative costs.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027
Goal 04 – Quality Services and Infrastructure
Objective 02 – Accessible and Safe 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 for this matter.

Voting Requirement

Simple Majority Required.

Officers Recommendation

That in respect to the request for comment from the Department of Jobs Tourism, Science and Innovation on the proposed extension of the Tom Price Camp until 31 December 2020, Council:

1. Note that the Tom Price Camp, which was originally intended to be a short-term 120 person construction camp, has now been in existence for over ten years;
2. Advise the Department of Jobs, Tourism, Science and Innovation that it does not support Fly In Fly Out accommodation facilities for operational workforces in such close proximity to an established townsite and that such facilities should be integrated within the town;
3. Advise the Department of Jobs, Tourism, Science and Innovation that it supports a 12 month extension only, until 31 December 2018, on the basis that Rio Tinto produce an accommodation strategy, similar in scope to that produced for Paraburdoo in 2015, which addresses on-going accommodation needs in Tom Price to the satisfaction of the Shire prior to any further extension being considered and supported;
4. Require that the on-going use of the Tom Price Camp and other similar camps in proximity to established townsites, such as Kurra Kulli near Paraburdoo, become a regular discussion topic for the Shire and Rio Tinto meetings.

15. INFRASTRUCTURE SERVICES REPORTS

Declaration of Interest

Prior to consideration of this Agenda Item:

Cr Rumble declared an indirect financial interest.

Cr Gallanagh declared a financial interest.

Cr Lynch declared a financial interest.

Cr Diver declared a financial interest.

Cr Foster declared an indirect financial interest.

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

The Agenda item 15.1 – Tom Price Royal Flying Doctor Service (RFDS) Airstrip. Confirmation of Council position was not considered at the October Ordinary Meeting of Council due to the lack of quorum if it was debated.

15.1 TOM PRICE ROYAL FLYING DOCTOR SERVICE (RFDS) AIRSTRIP - CONFIRMATION OF COUNCIL POSITION

FILE REFERENCE:	TT08
AUTHOR'S NAME AND POSITION:	Troy Davis Director Infrastructure Services
AUTHORISING OFFICER AND POSITION:	Dale Stewart Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	28 July 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 14.9 (Minute No. 11680) – Ordinary Meeting of Council 16 October 2013

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

Summary

Since early 2012, Council have considered a number of agenda items on the proposed Tom Price RFDS airstrip (the Project); the latest being in October 2013 when Council noted the design parameters and cost estimates to be utilised in a Business Case.

Previous agenda items principally dealt with Council's appetite to build, own and operate/maintain a Royal Flying Doctor Service (RFDS) airstrip in Tom Price, with the latest relevant resolution from the Ordinary Meeting of Council (OMC) held on 17 October 2012 being:

1. *Council supports, without bias, that it is the desire of the residents of Tom Price to have their own Royal Flying Doctor Air Strip, for which to service their needs.*
2. *Council authorises the Chief Executive Office to source the required capital funding for the Royal Flying Doctor Air Strip and investigate means to offset maintenance costs.*
3. *On the basis of 2 above and should capital funds be located, then Council agree in principle to accept ownership responsibility of the airstrip.*
4. *A Business Plan is to be brought back to Council for approval.*

Prior to the last state election the WA State Labor Party committed \$2.5M towards the construction of the Project.

The Shire President and Acting Chief Executive Officer recently met with the Minister for Transport with respect to a number of matters, including the Airstrip promise, and also wrote to the Premier congratulating the Premier on the election result and the promises made with respect to the Pilbara.

Following this, Council is now in receipt of correspondence from Mark McGowan MLA, Premier of Western Australia advising that the funding will not be forthcoming until 2020/21.

ATTACHMENT 15.1A

The Labor Promise (for the Pilbara) and the response from the Premier presents an opportune time for Council to revisit its commitment from October 2012 and determine its next course of action.

Background

At the 15 February 2012 OMC, Council resolved the following:

1. *Council will support the development of a RFDS airport of Tom Price owned and operated by others.*
2. *Direct the CEO to lobby resource companies, state government departments, etc. to construct own and operate an RFDS air strip in Tom Price.*

Subsequently at the 17 August 2012 OMC, the 15 February 2012 resolution was rescinded and the aforementioned 17 October 2012 resolution was adopted.

Further to item 4 of the current resolution, an agenda item that detailed construction and maintenance costs for both a sealed and unsealed airstrip, and the proposed design parameters was considered and endorsed by Council (Agenda Item 14.9 (Minute No. 11680) – Ordinary Meeting of Council 16 October 2013). The intent being to include this information in the Business Case. However as the capital funding component had not been resolved, the Project has not progressed beyond discussions/negotiations with both Rio Tinto and RFDS.

The RFDS have been formally approached to gauge their support for the Project with their response in the affirmative.

ATTACHMENT 15.1B

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

Correspondence has been sent to Rio Tinto seeking support for the Project, access to and tenure of the subject site and access to site specific investigations that may assist with developing the Project. There are no records of these letters being responded to formally, although numerous meetings and discussions have taken place subsequently.

ATTACHMENT 15.1C
ATTACHMENT 15.1D

After numerous, unsuccessful approaches to Rio Tinto via local and Perth head office contacts to gain formal comment/endorsement of the Project, the Project was considered at a Rio Tinto/Shire of Ashburton Partnership Governing Committee (PGC) meeting in November 2016 where it was agreed that:

“We should defer further work on the Tom Price RFDS Airstrip facility project until a confirmed funding source is located.”

The presence of \$2.5M funding from the State Government, albeit deferred until 2020/21, has gone a majority of the way towards satisfying item 2 of the standing Council resolution and the decision of the PGC, therefore it is an opportune time to revisit Council’s appetite to progress the Project and determine a way forward.

Comment

Since the latest, substantive resolution of Council from 17 October 2012, Shire staff have prepared several iterations of a Business Case detailing the overall project, including scope, costs, preliminary design, project constraints and funding opportunities. The latest version of the Business Case is attached for recommended endorsement.

ATTACHMENT 15.1E

The Business Case is predicated on utilising a site on Bingarn Road, approximately 13km north of Tom Price that was previously identified for a proposed Tom Price Airport Development by Rio Tinto. To date all investigations, cost estimates and negotiations with stakeholders has centered around that premise.

The key issues faced by staff when dealing with Rio Tinto have been the land tenure issue with the proposed site and awaiting a response from Rio Tinto. Rio Tinto have also verbally questioned the site selection and have articulated their preference for the RFDS Airstrip to be located at a different site.

Staff counter-argument is that, based on information contained in Rio Tinto’s original Tom Price Airport Feasibility Study 2008, Rio Tinto have undertaken a site selection process to locate their proposed airport facility on that same site. Additionally the proposed Tom Price Airport site *‘is located within Miscellaneous Licence L47/206 for aerodrome purposes and the underlying Hamersley Pastoral Station Lease L3114 1277.....Miscellaneous Licence L47/206 has been granted under the Mining Act 1978 (WA) to permit early access for the construction of the Tom Price Airport and other associated works. However a long term tenure is now granted in the form of a lease granted pursuant to the Land Administration Act 1997 (WA) (LAA) and excised from L3114 1277. This is secure tenure appropriate for use as a regional airport and provides the capacity to enter into subsidiary arrangements including car rentals and fuel suppliers’*; therefore staff have argued ‘why reinvent the wheel’ at unnecessary cost to the Project. To date Rio Tinto have been reluctant to release any investigations into their original site selection and have requested the Shire provide evidence it has considered all options. There is no evidence that alternate sites have been considered by staff, other than the ‘old’ airstrip within Karijini National Park that was deemed too short for RFDS operations (at

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

only 900m when the minimum standard is 1,200m), and consideration of a 'road landing strip' that is only permissible for Priority 1 or 'mercy flights' under life and death situations.

Given the concerns regarding the current preferred site, and if Rio Tinto maintain their reluctance to enter into negotiations to utilise their land without consideration of the alternatives, it may be prudent to revisit the site selection process to ensure the optimum site is selected for location, access, tenure, ease of construction etc; particularly given the additional planning time afforded by the delayed funding,

This process may either provide a less encumbered site, a less expensive development option or alternatively provide Rio Tinto with the confidence that the original site is the preferred option. It would also provide an opportunity to undertake more intensive site investigations and determine any applicable land constraints that might affect the viability of the overall Project.

Consultation

Acting Chief Executive Officer
Royal Flying Doctor Service
Rio Tinto
Rio Tinto/Shire of Ashburton Partnership Governing Committee

Statutory Environment

At this stage of the Project, it is difficult to determine the statutory environment applicable. Other than compliance with the Civil Aviation and Safety Authority, a number of Acts and Regulations may be applicable, including Native Title and Environment Protection depending on the selected site.

Financial Implications

The cost estimate to design and construct a sealed airstrip on the subject land is approximately \$3.1 Million. The WA State Government has committed \$2.5 Million towards the project in 2020/21. Annual operational and maintenance costs are estimated at \$90,000 (inclusive of resealing).

An unsealed (gravel) airstrip is estimated to cost \$2.4 Million with annual operational and maintenance costs estimated at \$133,000.

Opportunities to 'bridge the gap' with respect to the estimated capital costs for the sealed airstrip, other than Council funding it themselves, are to seek grant funding through the Regional Airports Development Scheme (RADS), although the letter from the Premier states the \$2.5 Million funding is sourced from the RADS; and via other related Government departments such as Department of Health. Additionally key external stakeholders such as Rio Tinto can be lobbied to contribute to the project. Council could commit to constructing an unsealed airstrip initially and then apply for funding to effectively upgrade the airstrip, however additional funding cannot be guaranteed and the ongoing, additional annual operational and maintenance costs would need to be considered.

It should be noted that the cost estimates provided in the Business Case are desktop based and have a number of assumptions and contingencies that inflate the estimate. De-risking the project by undertaking further investigations may reduce the estimated capital costs.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027
Goal 1 – Vibrant and Active Communities
Objective 3 – Quality education, healthcare, childcare, aged care and youth services

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

Goal 4 – Quality Services and Infrastructure
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 'High' should the Project be abandoned based on damage to Council's reputation. It is proposed that a Communications Plan be developed and implemented should Council decide to withdraw its support and reject the funding offer from the WA State Government.

Policy Implications

ENG09 Asset Management Policy

Voting Requirement

Simple Majority Required

Officers Recommendation

In respect to the proposed Tom Price Royal Flying Doctor (RFDS) Airstrip Project, Council:

1. Reaffirm its support and commitment to the Project per the resolution from Agenda Item 18.3 of the Ordinary Council Meeting held on 17 October 2012; and
2. Endorse the Business Case; and
3. Authorise the Acting Chief Executive Officer to;
 - a. Re-engage with Rio Tinto to negotiate access and tenure to the subject site on Bingarn Road; and
 - b. Undertake a Site Selection and Feasibility Study to determine the preferred site should 3a above not be successful; and
 - c. Engage with the landholder of the preferred site from the Site Selection and Feasibility Study to enable access, tenure, construction and operation of an RFDS Airstrip; and
 - d. Undertake specific site investigations and determine land constraints on the preferred site from the Site Selection and Feasibility Study to de-risk the Project and provide greater accuracy and confidence in the construction and maintenance costs in conjunction with 3c above; and
 - e. Pursue additional funding opportunities for the Project to offset the capital and operational costs.

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

15.2 TENDER RFT 22/17 - PARABURDOO OUTDOOR SPORTS FACILITY REFURBISHMENT

FILE REFERENCE:	CM22.17
AUTHOR'S NAME AND POSITION:	Shane Godfrey Technical Officer Nicky Tyson Procurement Coordinator
AUTHORISING OFFICER AND POSITION:	Troy Davis Director Infrastructure Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	14 November 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

A request for Tender for Paraburadoo Outdoor Sports facility Refurbishments (RFT 22/17) was issued via the Shire's e-tendering portal known as Tenderlink from Saturday 29 September 2017 until Wednesday 25 October 2017.

Three compliant submissions were received via Tenderlink in response to the RFT.

The evaluation panel has now completed its assessment of the submissions and make their recommendation.

Background

At the Paraburadoo Community HUB (CHUB) Committee Meeting held on the 21 September 2017 RFT 17/17 was awarded for the construction of the Paraburadoo CHUB to Pindan Contracting.

Part of the overall CHUB project is also to include the Paraburadoo Outdoor Sports Courts refurbishment including resurfacing, new basketball/netball posts and rings and new perimeter fencing with a separate budget allocation of \$295,000.

RFT 22/17 was prepared for the above mentioned works along with another capital works project adopted by council being the Tennis Court Fencing replacement, with a budget allocation amount of \$100,000.

Both capital works projects were combined for the purposes of tender as a cost effective approach.

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

The selection criteria were as that of Category 3 – INFRASTRUCTURE FIN 14 Tender Evaluation Criteria Policy.

The advertised selection criteria were:

Criteria	Weighting
Relevant Experience	10%
Key Personnel	10%
Past Company Performance	10%
Resources	5%
Plant, Equipment & Materials	5%
Methodology/Quality and OHS Systems/Life Cycle/Risk Management	10%
Price	50%

After an initial compliance assessment, all submissions were deemed compliant for further assessment. The evaluation panel then assessed the submissions against the selection criteria and value for money.

The Evaluation and Recommendation Report, including the overall evaluation scores and rankings is attached as a confidential item.

CONFIDENTIAL ATTACHMENT 15.2

Comment

Following a clarification process the evaluation panel concluded, Byblos Constructions to be the most suitable and value for money submission in relation to RFT 22/17.

Budgeted Amount: \$395,000.00 excluding GST
Anticipated Expenditure: \$186,736.25 excluding GST

The tenders have been assessed with the below scores and rankings. Complete details of the tenders and assessment are provided in Attachment 15.2.

Rank	Tenderer	Score (%)
1	Byblos Constructions Pty Ltd	79.5
2	Pindan	77.9
3	Sports Surfaces	24.6

Consultation

Director Strategic & Community Development
Manager Facilities
Technical Officer
Procurement Coordinator

Statutory Environment

Part 4 of the Local Government (Functions and General) Regulations 1996

Financial Implications

Works programming is incorporated within the operations capacity of the Shire and the Budgeted provision for the works in the 2017/2018 Budget is \$395,000.

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017 - 2027

- Goal 2 – Enduring Partnerships
- Objective 1 – Strong Local Economies
- Objective 2 – Enduring Partnerships with Industry and Government

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

Policy Implications

Policy FIN12 Shire of Ashburton Purchasing Policy. This Policy outlines how the Shire of Ashburton will deliver best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance whereby establishing efficient, effective, economical and sustainable procedures in all purchasing activities. This Policy was used to undertake the procurement process through a publically advertised RFT.

Policy FIN14 Shire of Ashburton Tender Evaluation Criteria. This policy establishes the evaluation criteria for Council procurement in three Procurement categories, Plant, Services and Infrastructure. This RFT utilised evaluation criteria as per Category 3 – Infrastructure.

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to RFT 22/17 Paraburdoo Outdoor Sports Facility Refurbishments, Council:

1. Award the contract to: Byblos Constructions for \$186,736.25 excluding GST;
2. Authorise the Acting Chief Executive Officer to enter into a contract with the appointed Contractor; and
3. Authorise the Acting 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.

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

16. COUNCILLOR AGENDA ITEMS / NOTICES OF MOTIONS

16.1 NOTICE OF MOTION - HALFWAY BRIDGE REST STOP, TOM PRICE - PARABURDOO ROAD

FILE REFERENCE:	ED01.01
AUTHOR'S NAME AND POSITION:	Chantelle Bryce Facilities Manager
AUTHORISING OFFICER AND POSITION:	Dale Stewart Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Cr Douglas (Ivan) Dias Paraburdoo Ward Councillor
DATE REPORT WRITTEN:	7 November 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 12.1 (Minute No 140/17) – Ordinary Meeting of Council 26 April 2017

Summary

Councillor Dias has submitted the following Notice of Motion;

That Council request the Acting Chief Executive Officer to prepare a report to Council on the social, economic, environmental and financial impact to the Shire of Ashburton if the Council would proceed with plans to officially close the Paraburdoo - Tom Price Road Halfway Rest Stop to all users. Please include in the report any safety impact to those stopping to use the area and any driver fatigue issues that may need consideration.

In early February 2017 the toilet block at the Halfway Bridge rest stop was inundated by flash flooding, with this being the fourth such incident in two (2) years. Two tourists camping at the location had their personal safety at risk during the last event.

The purpose of this report is to seek direction from Council regarding the future use of this rest stop and the associated infrastructure being the picnic table, bin, Wi-Fi and signage.

It should be noted that the comments contained in this report are those of Council's officers and not those of the Councillor submitting the Notice of Motion.

Officers have provided an Officer Recommendation that recommends proceeding with decommissioning of the site and the Councillor is welcome to move that recommendation, in lieu of the submitted Notice of Motion at his prerogative.

Background

At the Ordinary Meeting of Council 26 April 2017, the Council decision was to decommission and remove the ablution and RV dump point from Halfway Bridge, for

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

storage at the Paraburdoo or Tom Price depots until funds were allocated in future budgets and final location determined by the Council.

Comment

The works required by the Council resolution have now been completed. The only remaining items at the Halfway Bridge Rest Stop is a Welcome Wifi sign, picnic shade shelter with picnic table on concrete slab and a rubbish bin. The ablution amenities and RV Point has now been removed and all remedial works carried out. The remaining items is now being called into question by the Councillor Notice of Motion and is now the subject of this report.

With respect to Councillor Dias' requesting information on road fatigue management, officers advise that an existing authorised MRWA rest stop exists only five kilometres closer to Paraburdoo from this 'unauthorised' site. Halfway Bridge is approximately half way from the townsites of Paraburdoo and Tom Price (distance between the towns 80km).

Consultation

Acting Chief Executive Officer
Director– Development & Regulatory Services
Director – Strategic & Community Development
Director – Infrastructure Services
Manager – Economic and Land Development
Main Roads WA

Statutory Environment

There are no relevant statutory implications.

Financial Implications

Costs have been budgeted for removal and relocation of the ablution facility in the 2017/2018 budget. The funds dispersed to date on removal of ablution amenities and RV Dump point is \$12,907. The budget allocation is \$40,000, leaving a balance of \$27,093.

Operational costs associated with up keep and maintenance to the area are \$1,249.50 per week or \$64,974 per annum, with slashing, refuse pick up and general cleaning of the picnic area and table. The works are outsourced due to the view of officers that a Council truck accessing the site has been too dangerous given limited site distances and absence of any turn pockets / suitable access.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 2 – Enduring Partnerships
Objective 3 – Well Managed Tourism

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORPS 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

There are no policy implications for this matter.

Voting Requirement

Simple Majority Required

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

Officers Recommendation

That with respect to the Halfway Bridge Stop, Tom Price - Paraburdoo Road; Council:

1. Remove all remaining infrastructure at Halfway Bridge; and
2. Request Main Roads to officially close the area to public access.

Councillor Notice of Motion;

That Council request the Acting Chief Executive Officer to prepare a report to Council on the social, economic, environmental and financial impact to the Shire of Ashburton if the Council would proceed with plans to officially close the Paraburdoo - Tom Price Road Halfway Rest Stop to all users. Please include in the report any safety impact to those stopping to use the area and any driver fatigue issues that may need consideration.

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

18. CONFIDENTIAL MATTERS

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

(1) 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.*

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

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

FILE REFERENCE:	TP.BN.308
AUTHOR'S NAME AND POSITION:	Anika Serer Director Strategic and Community Development
AUTHORISING OFFICER AND POSITION	Dale Stewart Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	6 November 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Report/ Attachment is Confidential as per Local Government Act 1995, Section 5.23.

Officers Recommendation

That with respect to the dispute arising from sale of subdivided lots at former lot 308 Boonderoo Road, Tom Price, Council authorise the Acting Chief Executive Officer to implement the confidential resolution agreed to behind closed doors.

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

18.2 CONFIDENTIAL ITEM - OBJECTION TO RATES NOTICE A50138

FILE REFERENCE:	RV01
AUTHOR'S NAME AND POSITION:	John Bingham Director Corporate Services
AUTHORISING OFFICER AND POSITION	Dale Stewart Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	7 November 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Report/ Attachment is Confidential as per Local Government Act 1995, Section 5.23.

Officers Recommendation 1

That in considering the objection to Rates Notice, A50138, Council:

1. Reject the application based on the view of Council that officers have correctly applied the valuation method and valuation supplied to it by the Minister for Local Government and Landgate respectively; and
2. Advise the objector of their appeal rights.

Officers Recommendation 2

That in considering the refusal of the objection to Rates Notice A50138, Council:

1. Request the Minister for Local Government, pursuant to section 6.28 of the Local Government Act 1995, to determine the method of valuation of the relating land parcel to be that of Gross Rental Valuation (GRV), and with effect from 1 July 2017, as the Council's opinion is that the land is no longer being used predominantly for rural purposes, and continued rating as Unimproved Valuation (UV) would be inconsistent with the rating principles of equity, fairness and consistency, as adopted in the 2017 Rating Strategy; and
2. Authorise the Acting Chief Executive Officer to submit an application to the Minister seeking a change of method of valuation from UV to GRV; and
 - a. To advise the ratepayer accordingly; and
 - b. To defer any collection action until the Minister has determined the request; and
 - c. To waive any penalty rates interest calculated, if the Minister determines the request in support.

AGENDA - ORDINARY MEETING OF COUNCIL 21 NOVEMBER 2017

19. NEXT MEETING

The next Ordinary Meeting of Council will be held on 15 December 2017, at the Council Chambers, Onslow Shire Complex, Second Avenue, Onslow commencing at 1.00 pm.

20. CLOSURE OF MEETING

There being no further business to discuss the Presiding Member closed the meeting at _____ pm.