

Ordinary Meeting of Council

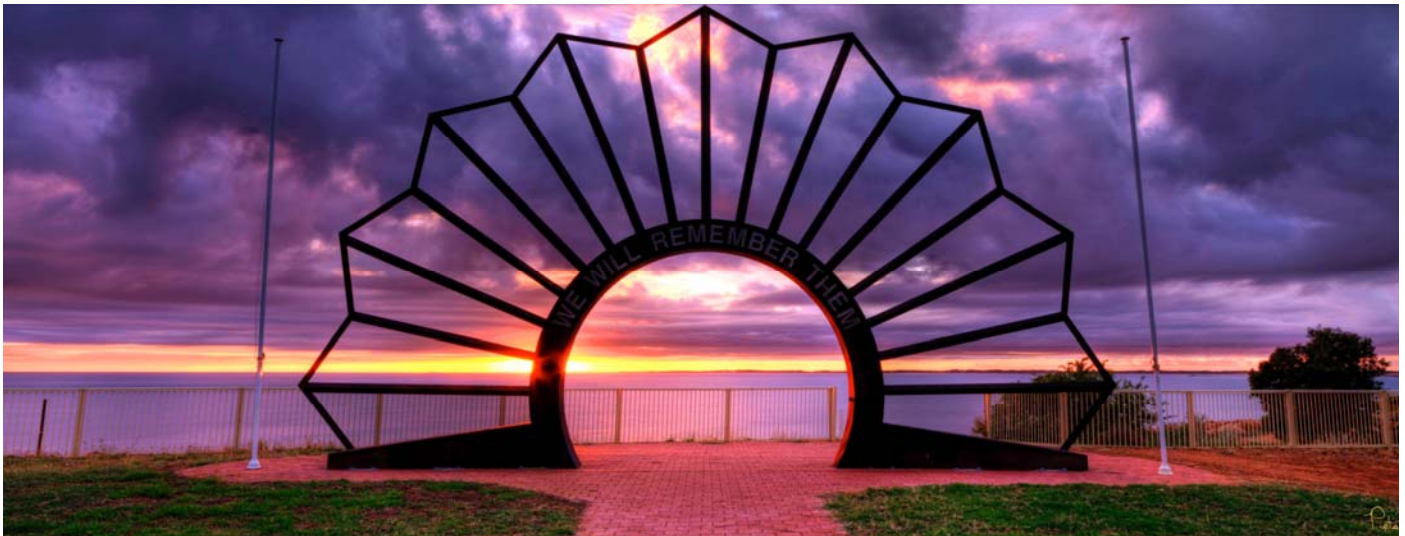
Onslow



Agenda – Public

23 May 2017

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





**SHIRE OF ASHBURTON
ORDINARY MEETING OF COUNCIL**

**AGENDA
(Public Document)**

**Council Chamber, Onslow Shire Complex,
Second Avenue, Onslow
23 May 2017
1.00 pm**

AGENDA - ORDINARY MEETING OF COUNCIL 23 MAY 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 23 May 2017 at Council Chamber, Onslow Shire Complex, Second Avenue, Onslow commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.



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.

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AGENDA - ORDINARY MEETING OF COUNCIL 23 MAY 2017

1. **DECLARATION OF OPENING**

The Shire President 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**

3. **ATTENDANCE**

3.1 **PRESENT**

Members

Cr K White	Shire President, (Presiding Officer) Onslow Ward
Cr L Rumble	Deputy Shire President, Paraburdoo Ward
Cr P Foster	Tom Price Ward
Cr M Lynch	Tom Price Ward
Cr D Diver	Tom Price Ward
Cr L Thomas	Tableland Ward
Cr M Gallanagh	Pannawonica Ward

Staff

Mr D Stewart	Acting Chief Executive Officer
Mr J Bingham	Director, Corporate Services
Mr T Davis	Director, Infrastructure Services
Ms A Serer	Director, Strategic & Economic Development
Ms L Reddell	Director, Development & Regulatory Services
Ms L O'Reilly	Director, Community Development
Ms J Smith	Executive Officer
Mrs M Lewis	CEO & Councillor Support Officer

3.2 **APOLOGIES**

3.3 **APPROVED LEAVE OF ABSENCE**

Cr D Dias	Paraburdoo Ward
Cr G Dellar	Ashburton Ward

4. **QUESTION TIME**

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

At the Ordinary Meeting of Council held on 26 April 2017 there were no questions from the public.

4.2 **PUBLIC QUESTION TIME**

5. **APPLICATIONS FOR LEAVE OF ABSENCE**

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6. DECLARATION BY MEMBERS

6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

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

- (a) In a written notice given to the Chief Executive Officer before the Meeting
or;
- (b) At the Meeting, immediately before the matter is discussed.
A member, who makes a disclosure in respect to an interest, must not:
- (c) Preside at the part of the Meeting, relating to the matter or;
- (d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

NOTES ON 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.

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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
16.1 EXECUTION OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE SHIRE OF ASHBURTON AND PILBARA IRON COMPANY (SERVICES) PTY LTD (RTIO)		
Sarah Johnston	Financial Indirect Financial Impartiality	I am employed at the Shire of Ashburton under the Partnership Management Team funding agreement in a role funded by Rio Tinto. My husband is a Rio Tinto employee, a shareholder of Rio Tinto, as a family we live in a Rio Tinto Iron Ore house on a rental agreement, shares more than \$10,000 in value.
Cr P Foster	Indirect Financial	The nature of my interest is my partner is employed with RioTinto and owns shares with Rio Tinto and the extent of my interest is my partner receives wages from Rio Tinto and owns 130 Rio Tinto Shares.
Cr L Rumble	Indirect Financial	The nature of my interest is I am a shareholder with Rio Tinto and the extent of my interest is I have the greater amount held than minimum shares allowed.
Cr D Diver	Financial	The nature of my interest I am employed by Rio Tinto and the extent of my interest is I receive a salary from Rio Tinto.
Cr M Gallanagh	Financial Proximity	The nature of my interest is I have shares up to \$10,000 and I work for Rio Tinto and the extent of my interest is myself, my son and husband all work for Rio Tinto.
Cr M Lynch	Financial	The nature of my interest I am employed by Pilbara Iron Company and the extent of my interest is I am employed by Pilbara Iron Company

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- 7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**
- 8. PETITIONS / DEPUTATIONS / PRESENTATIONS**
 - 8.1 PETITIONS**
Nil
 - 8.2 DEPUTATIONS**
Nil
 - 8.3 PRESENTATIONS**
Nil
- 9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
 - 9.1 ORDINARY MEETING OF COUNCIL HELD ON 26 APRIL 2017**
Officer Recommendation

That the Minutes of the Ordinary Meeting of Council held on 26 April 2017, as previously circulated on 3 May 2017, be confirmed as a true and accurate record.

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10. AGENDA ITEMS ADOPTED "EN BLOC"

10.1 MOVE AGENDA ITEMS 'EN BLOC'

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

"Part 5 – Business of a meeting

Clause 5.6 Adoption by exception resolution:

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

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11. GOVERNANCE & EXECUTIVE SERVICE REPORTS

11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS STATUS REPORT FOR APRIL 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 May 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: 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 2012 Department of Local Government Probity Audit (Recommendation 34) recommended that a review be undertaken on the processes of implementing Council decisions to ensure that decisions are actioned and implemented in a timely manner. As a result the Council Decisions Status Reports have now been included in the Council's monthly agenda.

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

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Consultation

Acting Chief Executive Officer
Executive Management Team

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 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

Not Applicable

Voting Requirement

Simple Majority Required

Officer Recommendation

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

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

FILE REFERENCE:	GV21
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Officer Sheree Selton Administration Assistant Planning
AUTHORISING OFFICER AND POSITION:	Dale Stewart Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	4 May 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 and actions performed under delegated authority requiring referral to Council, for the month of April 2017.

Background

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

Comment

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

ATTACHMENT 11.2

Consultation

Relevant officers as listed in the Attachment.

Statutory Environment

Local Government Act 1995

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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
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" 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

Officer Recommendation

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

12. COMMUNITY DEVELOPMENT REPORTS

12.1 WORKING TOGETHER ONSLOW SPONSORSHIP AGREEMENT

FILE REFERENCE:	ED87.2
AUTHOR'S NAME AND POSITION:	Lynnette O'Reilly Director Community Development
AUTHORISING OFFICER AND POSITION:	Dale Stewart Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	8 May 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

Working Together Onslow (WTO) is a partnership between the Shire of Ashburton (SOA) and Chevron Wheatstone for the town of Onslow. The WTO partnership was first formalised with the execution of a one year agreement in February 2014. A second WTO agreement was executed for a further two years (February 2015 to February 2017).

The SOA "Working Together Onslow" Partnership Agreement with Chevron Wheatstone has been reviewed and a draft agreement has been developed for the years 2017 to 2019.

The proposal and agreement are presented for Council consideration. It is recommended that Council endorse the agreement and authorise the Acting Chief Executive Officer to execute the agreement.

Background

Working Together Onslow (WTO) is a partnership between the Shire of Ashburton (SOA) and Chevron Wheatstone for the town of Onslow. The WTO partnership was first formalised with the execution of a one year agreement in February 2014. A second WTO agreement was executed for a further two years (February 2015 to February 2017).

Since the inception of the Partnership a variety of activities have been undertaken through the WTO partnership including:

1. Welcome to Onslow Events
2. ANZAC Day
3. Community Concerts and events (including Australia Day & Christmas Celebrations)
4. Onslow Keepers

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5. School Holiday Activities
6. Onslow Kids Kitchen Garden
7. Promotional activities and consumables

Comment

Over the last three years the WTO Partnership has matured, which has strengthened and supported the town of Onslow by providing grassroots community engagement activities, delivering community based activities to a range of audiences and demographics, and increasing the range of community based activities available.

By encouraging an increase in community engagement and participation, there has been an increase in social, economic and physical capital. Promoting a collaborative relationship based way of working across the community, government, private and not for profit sectors has provided a platform for acknowledging and working toward the strategic needs of both, Chevron and the SOA and building community development.

The new 2017 – 2019 agreement has been developed in consultation with Chevron through the WTO working group, based on feedback and review of the previous agreement. Consideration was given to a decrease in spending across prescribed WTO projects (events and programs) over the next three-year agreement.

Over time and through opportunities to build the community's capacity and other opportunities to leverage additional funding, it is envisaged that increased external sponsorship and partners in the delivery and funding of WTO activities will be established.

The agreement includes a range of events and activities including Onslow Living, School Holiday Program, Community Concerts, Community Events, Onslow Keepers, Onslow Community Hub, and Cultural Community Development.

CONFIDENTIAL ATTACHMENT 12.1A
CONFIDENTIAL ATTACHMENT 12.1B

Consultation

Acting Chief Executive Officer
Shire President
Director Community Development
Community Services Co-Ordinator Community Development
Chevron Australia Community Engagement Supervisor
Chevron Australia Community Liaison Officer
Chevron External Affairs Manager

Statutory Environment

Local Government Act 1995 – S 9.49 (A) Execution of Documents

Pursuant to the conditions of the proposed agreement this item is considered one of a commercial in confidence nature (and therefore Confidential to the Council and Chevron Australia Pty Ltd) pursuant to Section 5.23 (2) of the Local Government Act 1995.

Financial Implications

Under the new agreement there is a minor reduction in funding based on efficiencies that can be obtained through improved events planning and development which will have no negative impact on the quality and range of events.

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It is further proposed that the following expenditure is to be provided by the SOA:

- a. Venue hire expenses
- b. Event planning
- c. Event insurances
- d. Event delivery (including staffing pre & post event)
- e. Works Department Support

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 1 – Vibrant and Active Communities

Objective 2 – Active People, Clubs and Associations

Objective 4 – A rich cultural life

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 the delivery and support of the Community Services Onslow team.

Policy Implications

There are no policy implications.

Voting Requirement

Simple Majority Required

Officer Recommendation

That in respect to the 2017 – 2019 Working Together Onslow (WTO) Agreement, Council:

1. Endorse the Wheatstone Project Sponsorship Agreement, Working Together 2017 – 2019 between Chevron Australia and Shire of Ashburton; and
2. Authorise the Acting Chief Executive Officer to execute the Wheatstone Project Sponsorship Agreement.

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12.2 ONSLOW LIBRARY OPENING HOURS

FILE REFERENCE:	CS03
AUTHOR'S NAME AND POSITION:	Cindy Derschow Library Manager – Community Development
AUTHORISING OFFICER AND POSITION:	Lynnette O'Reilly Director Community Development
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	5 May 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 Onslow Library opened to the community on 31 October 2016 in the new Shire Administration building on Second Avenue Onslow.

Based on community feedback it has been requested that the hours of operation be modified from the current opening hours so that school aged children can utilise the library.

The purpose of this report is to approve the change in Onslow Library operational hours to accommodate the needs of the Onslow community.

Background

Currently the Onslow library operates between 10.00am and 2.00pm Monday to Friday and is closed public holidays and weekends.

From January 2013 to October 2016 the library was moved to the Multi-Purpose Centre (MPC) building on the corner of McGrath and Hooley Avenue. The operating hours, after the original Shire building was destroyed by fire, were between 10.00am and 2.00pm Monday to Friday. Prior to 2013, the library operated between 9.00am and 4.00pm Monday to Friday.

Comment

Since November 2016, the Onslow community has been asked to provide any feedback regarding the library that it feels is important. The main type of feedback received is that the existing opening hours results in school aged children missing out on the opportunity to access the new facility.

Over several months staff recorded the number of people entering and using the facility.

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Prior to 2013 the Onslow library opened from Monday to Friday, 9am to 4pm (7 hours per day) with the library averaging 12 people per week visiting the facility.

Currently the Onslow Library's operating hours are Monday to Friday 10am to 2pm, (4 hours per day) and is averaging 13.75 people week.

Currently four Shire libraries have different opening hours which suit the needs of the communities and are as follows;

Tom Price Library, Paraburdoo Office and Library, and Pannawonica Office and Library opening hours have never been considered and endorsed by Council previously. Hence that all of the library hours be considered as part of the recommendation.

Tom Price Library current operating hours are:

Day	Opening Hours
Monday	9.00am – 4.00pm
Tuesday	9.00am – 4.00pm
Wednesday	Closed
Thursday	9.00am – 4.00pm
Friday	9.00am – 4.00pm
Saturday	9.00am – 12.00pm
Sunday	Closed

The Paraburdoo Office & Library current operating hours are:

Day	Opening Hours
Monday	9.00am – 4.00pm
Tuesday	9.00am – 4.00pm
Wednesday	9.00am – 4.00pm
Thursday	9.00am – 4.00pm
Friday	9.00am – 4.00pm
Saturday	10.00am – 12.00pm
Sunday	Closed

The Pannawonica Office & Library current operating hours are:

Day	Opening Hours
Monday	10.00am – 4.00pm
Tuesday	10.00am – 4.00pm & 6.30pm – 8.30pm
Wednesday	10.00am – 4.00pm
Thursday	10.00am – 4.00pm
Friday	10.00am – 4.00pm
Saturday	Closed
Sunday	Closed

Consultation

Director – Community Development
Library Staff
Onslow Community

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Statutory Environment

Local Government Act 1995, Sections;

- S2.7 (2) (oversee the allocation of the local government's finances and resources);
- S5.41 (d) (manage the day to day operations of the Shire) and;
- S5.42 (1) (delegation of powers).

Financial Implications

There are no financial implications for this matter as the proposed change to the opening hours will not alter the net resource requirements.

Strategic Implications

Shire of Ashburton Strategic Community Plan 2017 - 2027

Goal 1 – Vibrant and Active Communities

Objective 1 – Connected, caring and engaged communities

Objective 2 – Sustainable services, clubs, associations and Facilities.

Risk Management

This item has been evaluated against the Shire of Ashburton 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

A new policy is proposed to guide the administration and public on what is the expected opening hours of certain facilities.

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to Onslow and other Library opening hours, Council establish the following Policy:

1. Approve the new operating hours for the Onslow Library and totaling 20 hours per week, as follows;

Day	Opening Hours
Monday	10.00am – 2.00pm
Tuesday	10.00am – 2.00pm
Wednesday	10.00am – 2.00pm
Thursday	12.00pm – 4.00pm
Friday	12.00pm – 4.00pm
Saturday	Closed
Sunday	Closed

2. Approve the existing operating hours for the Tom Price Library and totaling 31 hours per week, as follows;

Day	Opening Hours
Monday	9.00am – 4.00pm
Tuesday	9.00am – 4.00pm
Wednesday	Closed
Thursday	9.00am – 4.00pm
Friday	9.00am – 4.00pm

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Saturday	9.00am – 12.00pm
Sunday	Closed

3. Approve the existing operating hours for the Paraburdoo Office & Library and totaling 37 hours per week, as follows;

Day	Opening Hours
Monday	9.00am – 4.00pm
Tuesday	9.00am – 4.00pm
Wednesday	9.00am – 4.00pm
Thursday	9.00am – 4.00pm
Friday	9.00am – 4.00pm
Saturday	10.00am – 12.00pm
Sunday	Closed

4. Approve the existing operating hours for the Pannawonica Office & Library and totaling 32 hours per week, as follows;

Day	Opening Hours
Monday	10.00am – 4.00pm
Tuesday	10.00am – 4.00pm & 6.30pm – 8.30pm
Wednesday	10.00am – 4.00pm
Thursday	10.00am – 4.00pm
Friday	10.00am – 4.00pm
Saturday	Closed
Sunday	Closed

5. Authorise the Chief Executive officer to investigate the option to increase the Onslow Library hours to 35 hours per week to align the hours to the Office Opening Hours at Onslow through multiskilling and utilisation of existing staff resource allocations for the office and or library and, if this can be achieved without an increase in that allocation, to give effect to the changes.

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13. CORPORATE SERVICES REPORTS

13.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID

FILE REFERENCE:	FM03
AUTHOR'S NAME AND POSITION:	Freemond Ng Finance Manager
AUTHORISING OFFICER AND POSITION:	John Bingham Director Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	10 May 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.

Also included as a new initiative for this month (and all future months) is appendix (i) the Capex Tracker Report for April 16/17.

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.**ATTACHMENT13.1**

Comment

At its meeting held on 28 July 2016, Council adopted the Annual Budget 2016-17.

The Operating Result Excluding Rates variance is \$4,602,129 higher than budget, made up of lower operating revenue of -\$7,192,042 and lower operating expenditure of \$2,589,913.

There are a number of factors influencing the revenue variance, but it is predominantly due to the timing of contribution income funded from RTIO (Paraburdoo CHUB); the Onslow Swimming Pool (Chevron Funding) to be claimed before end of financial year; Chevron funding for PUPP; and Chevron contribution of Airport Landside Facilities to be claimed in the next financial year.

Operating expenditure is lower than budget, predominantly due to the timing on invoices being

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submitted during cyclone preparation, the utilities bill from the Tom Price Recreation Centre, a delay in recruitment of Onslow pool staff and infrastructure consultant projects yet to commence.

The notes in “Variance Report” identify and provide commentary on the individual key material revenue and expenditure variances to date.

The variance can be summarised as follows:

Operating Revenue is higher than budget on Law, Order, Public Safety \$21,895, Housing is lower than budget -\$87,207, Recreation and Culture is lower than budget -\$2,876,110, Economic Services is lower than budget -\$1,048,433, and Transport is lower than budget -\$3,389,769.

Operating Expenditure is lower than budget on Health \$130,116, Education and Welfare is lower than budget \$65,264, Community Amenities is lower than budget \$566,293, Other Property and Services is lower than budget \$420,328, and Transport is lower than budget \$344,066.

The Capital Expenditure is overall lower than the budget due to the timing of such works. Specifically a lower than budgeted expenditure on Land and Buildings (Paraburdoo CHUB construction to occur next financial year), Roads (Roebourne Wittenoom Road and Stadium Road project to be completed), Drainage (Shanks Road Drainage and Drainage renewals project to be completed) and Park & Recreation (Playground upgrade at Onslow delayed and Ian Blair Boardwalk to be completed).

Consultation

Acting Chief Executive Officer
Director Corporate Services
Executive Management Team
Finance Manager
Finance Team
Consultant Accountant

Statutory Environment

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

Financial Implications

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

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 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

There are no policy implications for this matter.

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Voting Requirement

Simple Majority Required

Officers Recommendation

In respect to Monthly Financial Report Council:

1. Receives the Financial Reports for March 2017 **ATTACHMENT 13.1A**; and
2. Receives the Financial Reports for April 2017 **ATTACHMENT 13.1B**; and
3. Receives the Schedule of Accounts and Credit Card paid in April 2017 as approved by the Acting Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds as per **ATTACHMENT 13.1C**; and
4. Receives the Capital Expenditures Progress Tracker for April 2017 per **ATTACHMENT 13.1D**; and
5. Receives the Bank Reconciliation Report for March 2017 **ATTACHMENT 13.1E**.

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13.2 PROPOSED BUDGET AMENDMENTS

FILE REFERENCE: FM14.16.17

AUTHOR'S NAME AND POSITION: Ashley Erasmus
Budget & Grants Officer

AUTHORISING OFFICER AND POSITION: John Bingham
Director Corporate Services

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 10 May 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 2016/2017 budget was officially adopted by Council on 28 July 2016. Throughout the year the need for Council to authorise proposed variations occurs. It is the purpose of this report to bring these to the attention of Council.

Background

It is proposed to amend the 2016/2017 budget to reflect various adjustments to the General Ledger with an overall effect to the budget as detailed below. Due to the timing of these variations, they have fallen outside the normal annual budget review conducted normally in January of each Year.

Comment

It is recommended that the required budget variations to the Current Budget for 2016/2017 as outlined below be approved.

1. Community Services (East)					
GL/Job Number	General Ledger Description	Current Budget	YTD Actuals	Variation Amount	Revised Budget
040284	Official openings - Council Facilities	\$100,000	\$79,139	(\$20,000)	\$80,000

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105001	Salaries & Superannuation (Community East)	\$344,243	\$325,978	\$20,000	\$364,243
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Reason: A budgeting error meant salaries for Community West staff were paid from Community East and when budget variation was completed excess funds were removed from the Community West budget, instead of being transferred to Community East Salaries and Superannuation. This has left a deficit for Community East Salaries and Superannuation. Efficiencies and savings from the Official openings – Council Facilities budget of \$20,000 is requested to be transferred to cover the deficit in the Community Salaries East Salaries and Superannuation.

Note: there is no impact on the overall anticipated end of year financial position for the Municipal Account.

2. Vic Hayton Swimming Pool

GL/Job Number	General Ledger Description	Current Budget	YTD Actuals	Variation Amount	Revised Budget
17010	Playground Floor Covering - Vic Hayton Pool	\$52,000	\$44,048	(\$11,148)	\$40,852
17002	Retiling of Raised Beams Vic Hayton Swimming Pool	\$70,000	\$3,346	\$11,148	\$81,148

Reason: More funds are required to complete the pool tiling project at the Vic Hayton Pool (RFQ 30.17) This will be funded from an underspend on the playground soft-fall installation.

Note: there is no impact on the anticipated end of year financial position for the Municipal Account.

3. Vic Hayton Swimming Pool

GL/Job Number	General Ledger Description	Current Budget	YTD Actuals	Variation Amount	Revised Budget
10800320	Computer Expenses	\$3,500	\$0	(\$3,000)	\$500
EV64	Triathlon/Fun Run (Onslow/Pannawonica)	\$0	\$240	\$3,000	\$3,000

Reason: The transfer of funds are required for the Pannawonica fun run which had an original budget of \$3,000 which was removed at budget review as it was not clear whether Pannawonica required the full amount for the fun run this year.

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The funds will be transferred from budgeted computer expenses as the payment of SMS messaging services for Onslow Event notification will not be required this financial year as the use of the service is still to be determined.

Note: there is no impact on the anticipated end of year financial position for the Municipal Account.

4. Community Events

GL/Job Number	General Ledger Description	Current Budget	YTD Actuals	Variation Amount	Revised Budget
EV61	Passion of the Pilbara Festival	\$15,000	\$4,170	\$220,000	\$235,000
EVI61	Passion of the Pilbara Festival (funding)	\$0	\$0	(\$190,000)	(\$190,000)
11001230	Consultant/Project Costs	\$50,000	\$3,951	(\$30,000)	\$20,000

Reason: The 16/17 budget didn't reflect receipt of any major sponsorship funding. Three major sponsors have signed agreements to the value of \$190,000 to support the Passion of the Pilbara (POP) event. An additional \$30,000 from the Community Development Consultant/project budget (11001230) is requested to be transferred to the 2017 POP event for consultant/event services to be contained in the scope of works for the 2017 POP event management tender. To ensure an event management tender can be advertised, finalised and awarded in the 16/17 financial year, and to provide sufficient time to deliver the event in September 2017, the budget variation is required. Other sponsorships have not been confirmed at this stage, however, it is expected that further external sponsorship will be achieved after 30 June to further support the event.

Note: there is no impact on the anticipated end of year financial position for the Municipal Account.

5. Media - Onslow Pipeline

GL/Job Number	General Ledger Description	Current Budget	YTD Actuals	Variation Amount	Revised Budget
10410220	Onslow Newsletter - Advertising Contribution	\$436	\$3,073	\$5,564	\$6,000
10412320	Newsletter, Promotion, Social	\$90,000	\$23,247	(\$5,564)	\$84,436

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	Media, Website Expenditure				
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Reason: As per our contractual obligation with the OTPA we are required to fund \$6000 per year in advertising for the Onslow Pipeline newsletter. As per the agreement, the full amount is paid to the OTPA each year. It's recommended that the funds are transferred from the budget for Newsletter, Promotion, Social Media, Website Expenditure where there is currently an underspend.

Note: there is no impact on the anticipated end of year financial position for the Municipal Account.

6. 15/16 Carry forward and Budget Review

GL/Job Number	General Ledger Description	Current Budget	YTD Actuals	Variation Amount	Revised Budget
-	2015/16 June 30 c/fwd	\$8,784,297	\$8,380,952	\$403,345	\$8,380,952
17007	Kerb Replacement Program	\$191,661	-\$105,744	(\$86,000)	\$105,661
15230	Onslow Playground at Oval	\$313,000	\$0	(\$313,000)	\$0
10818770	Sponsorships and Grants	\$75,000	\$70,557	\$23,072	\$98,072

Reason: To adjust the Annual Budget to reflect the actual Net Current Assets 30 June carry forward figure, resulting in a reduced brought forward figure of \$403,345.

The approved tender for the Concrete Works Program for Tom Price, Paraburdoo and Onslow (RFT03/17) is expected to cost significantly lower than originally budgeted (OMC 26 April 2017, Item 15.2). Infrastructure Services is undertaking the priority kerb replacements per the Asset Management Plan of which \$86,000 will not be committed to works.

The Onslow Playground at the oval will not be constructed this year as the expected funding from the Onslow CDF was unsuccessful. The income was reduced at Budget Review, however the expenditure was not reduced accordingly.

At the 27 September 2016 OMC the following resolution was carried "That Council provides donations for General Community Support Grants applications being allocated from account 081877 (Sponsorships and Grants) as listed below: (*Noting that the \$18,600 ESL Contribution on behalf of Bindi Bindi Community be referred to the Annual Budget Review if it cannot be funded from existing account 10818770 Sponsorship and Grants):" As it was not referred to the Budget Review the amendment to Budget is now being proposed. Further the amount to amend is \$23,072 which is \$18,600 plus interest accrued.

Note: the impact on the anticipated end of year financial position for the Municipal Account will be a net decrease of \$27,417.

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Consultation

Director – Corporate Services
Director – Community Development
Director – Infrastructure Services
Finance Manager

Statutory Environment

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

(b) is authorised in advance by resolution*

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

*requires an absolute majority of Council.

Financial Implications

The impact of the proposed budget amendments is within the variation commentary.

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

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

Policy Implications

There are no specific policy implications relative to this issue.

Voting Requirement

Absolute Majority Required

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Officer Recommendation

That Council approves the required budget variations to the Current Budget for 2016/2017 as outlined below:

1. Increase Expenditure Account 105001 Salaries and Superannuation (Community East) by \$20,000 from \$344,243 to \$364,243 and;
2. Decrease Expenditure Account 040284 Official Openings – Council Facilities by \$20,000 from \$100,000 to \$80,000 and;
3. Decrease Expenditure Account 17010 Playground Floor Covering - Vic Hayton Pool by \$11,148 from \$52,000 to \$40,852 and;
4. Increase Expenditure Account 17002 Retiling of Raised Beams Vic Hayton Swimming Pool by \$11,148 from \$70,000 to \$81,148 and;
5. Decrease Expenditure Account 080032 Computer Expenses by \$3,000 from \$3,500 to \$500 and;
6. Increase Expenditure Account EV64 Triathlon/Fun Run (Onslow/Pannawonica) by \$3,000 from \$0 to \$3,000 and;
7. Increase Expenditure Account EV61 Passion of the Pilbara Festival by \$200,000 from \$15,000 to \$215,000 and;
8. Increase Income Account EVI61 Passion of the Pilbara Festival by \$190,000 from \$0 to \$190,000 and;
9. Decrease Expenditure Account 11001230 Consultant/Project Costs by \$30,000 from \$50,000 to \$20,000 and;
10. Increase Expenditure Account 10410220 Onslow Newsletter - Advertising Contribution by \$5,564 from \$436 to \$6,000 and;
11. Decrease Expenditure Account 10412320 Newsletter, Promotion, Social Media, Website Expenditure by \$5,564 from \$90,000 to \$84,436 and;
12. Decrease the Net Current Assets carry forward by \$403,345 from \$8,784,297 to \$8,380,552 and;
13. Decrease Expenditure Accounts for Concrete Works Program by \$206,500 from \$513,786 to \$307,286 and;
14. Decrease Expenditure Account 15230 Onslow Playground at Oval by \$313,000 from \$313,000 to \$0 and;
15. Increase Expenditure Account 10818770 Sponsorships & Grants by \$23,072 from \$75,000 to \$98,072 to allow for the payment of outstanding fees associated with the Bindi Bindi Community Rates Assessment; and
16. Noting this results in a deterioration in the forecast 30 June 2017 net current assets which, in turn, represents a decrease in the forecast surplus of \$27,417 from \$49,056 to \$21,639.

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13.3 STRATEGIC RATING REVIEW

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:	10 May 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 6.1 – Special Meeting of Council 9 July 2014 Agenda Item 13.4 (Minute No.11949) – Special Meeting of Council 20 May 2015 Agenda Item 13.3 (Minute No.12106) – Ordinary Meeting of Council 21 June 2016

Summary

At the 21 June 2016 Ordinary Meeting of Council resolved to progress a review of the May 2015 Rating Study (i.e. prior to considering the 2017/18 Differential Rates Levels) to enable Council to either endorse its current position, or alternatively, allow it to consider a modified ongoing position.

In February 2017 Council engaged Moore Stephens to update the May 2015 Rating Study with current information and again provide a strategic review of the rating structure applied in the 2016-17 Budget.

Background

Council's current Rating Strategy supports the following principles:

- The Report methodology for a Minimum Rate for all properties, phased in over a period of up to 5 years.
- The increase in Pastoral rates to the average of the Pilbara/Kimberley Region, phased in over a period of up to 5 years.
- The discounting of the Minimum Rate for Wittenoom Residential properties by 25%, phased in over a period of up to 5 years (i.e. introduce a lesser minimum for these properties).
- The application of a differential rate for GRV Commercial/Industrial properties 25% higher than the GRV Residential/Commercial rate in the dollar.

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- The application of a minimum rate for GRV Commercial/Industrial properties only, 25% higher than the Minimum Rate phased in over a period of up to 5 years.
- Not pursuing separate rating of Transit Worker Accommodation for the present time.

In addition to these principles Council provides concessions to ratepayers who are subject to significant increases by the Valuer General's Office. Two instances of this to date are:

- Council's decision at the 31 July 2015 Special Meeting to provide a concession to GRV Residential/Community Properties whose valuations had increased from 2014/15 to 2015/16 by holding valuations at 2015 levels; and
- At the 28 July 2016 Special Meeting Council's decision to provide a concession to Assessment A51050 by phasing in a fourfold increase over 3 years.

With these precepts in mind Council requested Moore Stephens provide the following services:

- i. Review the number and type of rating classes, including differential rating classes;
- ii. Develop a justification for each rating class within each rating category (i.e. UV and GRV), including differential rate justifications such that the Shire can prepare submissions to the Minister for Local Government for the approval of differential rates;
- iii. Prepare a comparison report of rating in the Pilbara and neighboring Local Governments, containing rate in the dollar, dollar value, percentage of each category's contribution to the whole, the proportion of UV and GRV rating to the overall rating income, and any other matters considered appropriate;
- iv. Consider the rating yield derived from each differential rating class and give consideration as to whether that rating yield is appropriate and justified;
- v. In particular, review the rating of mining tenements/leases within the Shire with particular attention being paid to the Ashburton North Strategic Industrial Area. Consideration of the future sustainability of those rates is required, including the length of time a tenement/lease may be held and other tenements/leases that are likely to be granted and the timeline in which they will occur;
- vi. Prepare a Rating Strategy for the Shire that will provide a framework for all Rates categories, Minimum Rates and Differential Rates, that incorporates the principles of Objectivity, Fairness and Equity, Consistency, Transparency and Administrative Efficiency in relation; and
- vii. Provide guidance on how Council can undertake meaningful comparisons of Property Rating between other Local Governments.

Comment

For the 2016-17 Budget the Shire applied two differential rates to Gross Rental Value (GRV) valuation properties and three differential rates to Unimproved Value (UV) valuation properties. A total of 3,897 properties were rated with 2,804 GRV and 1,093 UV estimating approximately \$26m in revenue of which 80% came from UV. In 2010-11 the proportion of rate revenue from UV was 58% indicating a change over time due to the addition of a small number of large value UV assessments.

For GRV Residential/Community and GRV Commercial/Industrial, the Shire compares favourably to a comparison group of seven local governments when rate in the dollar and average yield are taken into account (see report for detail statistics).

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For UV Mining/Industrial, the Shire has the highest rate in the dollar for the comparison group as well as the highest average per property. The category is characterised by a small number of high value properties contributing the majority of the rate revenue. This is a significant risk to rate revenue levels should these properties reduce in value or no longer be rated. For UV Pastoral the comparison is mixed as the Shire rates at an above average yield yet it applies a below average rate in the dollar. For UV Tourism, comparisons are not readily available with other local governments.

Comparison with other local governments adds context to the review but has limited capacity to determine an appropriate rating structure. The Shire needs to consider various factors such as current and future service levels in light of Community and Business Planning to determine rate revenue requirements and the appropriate rating structure to help achieve this.

A conceptual framework can be applied within which Council may apply its discretionary rating power. The Department of Local Government has five established principles: (a) Objectivity (b) Fairness and Equity (c) Consistency (d) Transparency and (e) Administrative Efficiency. In other words the predominant use of the land should be determined objectively; levies applied equitably and fairly resulting in a fair contribution by each ratepayer; rating principles and determinations made in a consistent way; whilst being clearly documented and available for public inspection in a cost effective manner.

The GRV structure, application and contribution is therefore deemed appropriate with consideration being given to having only one general GRV rate - the margin between the two rates is negligible and doesn't necessarily justify a differential rate. The UV Tourism and UV Residential properties for consistency can move to GRV based on the predominate use of land being the determinate for which valuation method is used. This principle can also be applied to TWA currently rated under UV when a spot rate would be more appropriate. Prior to the creation of a TWA rating category, a cost benefit analysis could be undertaken to research amongst other things the provisions of State Agreements and the consequent effect on Councils discretionary rating powers.

This process is estimated to take another 12 months from now to conclude due to the complexities of the process and requirement to demonstrate adequate liaison with the affected ratepayers.

ATTACHMENT 13.3

Consultation

Acting Chief Executive Officer
Paul Breman - Moore Stephens

The Councillors are scheduled to have a Rating Strategy Workshop on the morning of the 23 May 2017 to further explain the proposed strategy for 2017/18.

It is intended to advertise the proposed rates (including the proposed average 2% rate increase) for a period of 21 days. Following that period the Council is required to consider submissions and determine the rates for the 2017/18 Budget in context of;

- the forecast deficit of income over expenditure and
- any operating efficiencies and effectiveness measures initiated by the administration or requested to be considered by the Council.

Statutory Environment

Section 6.47 of the Local Government Act 1995 (LGA) indicates that a local government may resolve to waive or grant a concession for a rate or service charge (absolute majority required).

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In addition, Regulation 69A of the Local Government (Financial Management) Regulations 1996 also specifies that a local government cannot use its powers under section 6.47 LGA based on whether or not the land is occupied by a person who owns the land (so called absentee owner clause).

Regulation 56 of the Local Government (Financial Management) Regulations 1996 indicates that a rate notice must contain information concerning any concession made under section 6.47 LGA.

The other sections in Local Government Act 1995 that apply are:

- Section 6.32 LGA provides Council with the power to apply rates to property.
- Section 6.33 LGA provides Council with the power to apply differential general rates although Ministerial approval is required where a differential rate is more than the lowest differential rate to be imposed.
- Section 6.35 LGA provides Council with the power to apply a minimum payment which is greater than the general rate which would otherwise be payable on that land.
- Section 6.35 LGA provides Council with the power to apply a lesser minimum to a portion of the district.
- Section 6.36 LGA requires Council to give public notice of its intention to impose differential rates, inviting submissions within 21 days (or more is desired). Council is also required to consider any submissions received prior to imposing the proposed rate or minimum payment.
- If any of the rates in the dollar is more than twice the other in the valuation type (UV or GRV), then application for approval from the Minister Local Government, is also required.
- Section 6.35 LGA provides Council with the power to apply a minimum payment which is greater than the general rate which would otherwise be payable on that land.
- Section 6.35 LGA provides Council with the power to apply a lesser minimum to a portion of the district.
- Section 6.36 LGA requires Council to give public notice of its intention to impose differential rates, inviting submissions within 21 days (or more is desired). Council is also required to consider any submissions received prior to imposing the proposed rate or minimum payment.
- Section 5.63 (1) (b) LGA specifically excludes the need for Elected Members to "Declare a Financial Interest" in imposing a rate, charge or fee.

Part 5 of the *Local Government (Financial Management) Regulations 1996*.

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

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

Financial Implications

The Strategic Rating Review will underpin Council's ability to provide services and facilities for 2017/18 financial year and into the future.

The Rates Strategy for 2017/18 aligns with the intent of previous Long Term Financial Plan (LTFP) and proposed new LTFP as to the proposed average rate increase of 2 per cent per annum per ratepayer.

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

Council Policy FIN10 – 'Wittenoom Properties (as per title deeds), Wittenoom Gorge and Yampire Gorge rates and services policy' applies. The policy states that 'irrespective of the zoning or purpose of the land Council will rate all properties in Wittenoom at the Residential Rate level set annually by Council in the Budget. This is in acknowledgement that local government rates do not pertain specifically to property but also relate to a range of services provided to the community on a non-geographic basis such as sporting facilities, libraries, roads, governance and economic development.'

Council Policy ELM10 – 'Financial Sustainability' applies as it establishes the financial sustainability framework for the Council.

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to Rating Strategies for effect from 2017/18:

1. Council support the updated rating principles and structure as recommended in the Strategic Rating Review 2017 and as workshopped when (i) exercising its discretionary rating powers provided under the Act; and (ii) casting the Budget for 2017/18 and future years; and
2. Council authorise the advertising of the proposed rating strategy for 2017/18 for a minimum period of 21 days.

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13.4 LONG TERM FINANCIAL PLAN

FILE REFERENCE:	FM28
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:	10 May 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.11917) – Ordinary Meeting of Council 18 March 2015

Summary

The 'Shire of Ashburton Long Term Financial Plan 2017-2032' enables Council to determine its capability to sustainably deliver the assets and services required by the community. It allows the Shire to set priorities, within its resourcing capabilities, to deliver short, medium and long term community priorities set down in the Shire's 'Living Life - Strategic Community Plan 2017-2027'.

Background

The previous Long Term Financial Plan (LTFP) was adopted by the Council in March 2015.

Section 5.56(1) of the Local Government Act 1995 requires local government authorities in Western Australia to Plan for the Future. To assist local government authorities in meeting their strategic planning responsibilities pursuant to this section, the Department of Local Government has developed an Integrated Planning and Reporting (IPR) Framework.

LTFP is an informing strategy within the IPR Framework and as such guides both the Corporate Business Plan and Annual Budget process. Additionally it provides information on the Shire's financial sustainability in the context of the delivery of projects and services contained within the Strategic Community Plan 2017-27.

Comment

The Shire is planning for a positive and sustainable future. Consideration has been given to funding (revenue raising) and financing (paying for outlays) requirements for infrastructure and services to be provided. Attention has also been given to policy ELM10 – 'Financial Sustainability' as Council will adopt, monitor and progressively revise its LTFP so that primary financial sustainability indicators (financial ratios) fall within their respective target ranges. Where they do not, Council is to take corrective action and revise plans so that indicators return to acceptable levels within the 10 year planning period.

ATTACHMENT 13.4

AGENDA - ORDINARY MEETING OF COUNCIL 23 MAY 2017

Consultation

Acting Chief Executive Officer
Directors and Managers of the Shire
Russell Barnes - Moore Stephens WA

Statutory Environment

Section 5.56(1) of the Local Government Act 1995 requires local governments to develop a Plan for the Future.

Adoption of a LTFP requires no statutory advertising process, however it is recommended by staff that a minimum 21 day period is provided for the public to make comment on the document, with a view to the Council receiving comments and considering those comments at the subsequent June Council Meeting.

Financial Implications

The LTFP will form the basis for the development of Councils Annual Budget for the following year 2017/18 and also the Corporate Business Plan (CBP) which has a minimum four year planning horizon. The LTFP should ideally be reviewed every year in conjunction with the CBP.

Strategic Implications

Shire of Ashburton 10 year Strategic Community Plan 2017-2027
Goal 5 – Inspiring Governance
Objective 1 – Effective Planning for the Future

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 "High". The high level of risk is being driven by the nature and level assumptions contained in the Plan. As a high risk matter, the Director of Corporate Services is monitoring progress.

Policy Implications

The ELM10 – 'Financial Sustainability Policy' applies as it establishes the financial sustainability framework for the Council.

Voting Requirement

Simple Majority Required

Officers Recommendation

That Council endorse the Shire of Ashburton Long Term Financial Plan 2017-2032, as amended following the workshop, for the purpose of local public notice advertising for a minimum period of 21 days.

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13.5 AWARD OF TENDER RFT 09/17 TOM PRICE ADMINISTRATION BUILDING REFURBISHMENT

FILE REFERENCE:	CM09.17
AUTHOR'S NAME AND POSITION:	Nicky Tyson Acting Administration Manager
AUTHORISING OFFICER AND POSITION:	John Bingham Director Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	5 May 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 09/17 - Refurbishment of Shire of Ashburton Administration Building, Tom Price was issued via Tender-Link and advertised in the West Australian.

Three compliant submissions were received. The evaluation panel has now completed its assessment of the submissions and makes their recommendation.

Background

The 2015/16 Budget allocated \$200,000 for refurbishment work at the Tom Price Administration Building. An additional \$150,000 was allocated in the 2016/17 Budget given the increase to scope of works required. Work began in July 2016 when air conditioning systems costing \$100,000 were replaced. Unspent funds of \$250,000 is now required for future work.

Infrastructure Services (IS) carried out an audit on the building in August 2016 to ascertain what work should be prioritised. As a result, floor coverings and wall finishes are proposed to be renewed. Additionally IS engaged Marocchi Engineering Group to conduct a site inspection on 13 March 2017 and recommended removal and replacement of existing roof sheeting and battens.

Selection criteria was based on the "Infrastructure" category per policy FIN14 – 'Tender Evaluation Criteria Policy' with minor percentage changes made to reflect Tender requirements. The advertised selection criteria were the following:

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Criteria		Weighting
(a)	Relevant Experience	10%
(b)	Key Personnel	10%
(c)	Resources	10%
(d)	Methodology/Quality & OHS Systems / Life Cycle / Risk Mgmt.	20%
(e)	Price	50%

CONFIDENTIAL ATTACHMENT 13.5

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

Comment

The evaluation panel concluded Byblos Constructions Pty Ltd the preferred supplier.

Rank	Tenderer	Score (%)
1	Byblos Constructions Pty Ltd	83.0
2	Formstruct	70.5
3	Bennco Group	62.2

Anticipated expenditure: \$273,821.31.

Consultation

Director Corporate Services
Acting Administration Manager
Technical Services Coordinator
Technical Officer

Statutory Environment

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

Financial Implications

As indicated under the background, the Council's current (amended) Budget (job 45968) includes the sum of \$350,000, of which year to date expended and committed totals \$106,091, leaving \$243,908 for this project in the current financial year.

As this is a shortfall of \$29,913 on the current approved Budget, the Officer Recommendation also recommends a Budget Amendment that identifies savings within another area of the Budget, to retain the forecast surplus position at 30 June 2017.

Strategic Implications

Shire of Ashburton 10 year Strategic Community Plan 2017-2027
Goal 2 – Economic Prosperity
Objective 1 – Strong Local Economies
Objective 2 – Enduring Partnerships with Industry and Government

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Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "High". The high level of risk is being driven by the high compliance requirements and the timing of several project schedules. The likelihood of a risk event occurring is "Unlikely" but it will be managed by specific monitoring and response procedures, overseen by the relevant Senior Managers.

Policy Implications

Policy no. FIN12 – 'Shire of Ashburton Purchasing Policy' applies. 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 no. FIN14 – 'Shire of Ashburton Tender Evaluation Criteria' applies. This policy establishes the evaluation criteria for Council procurement in three Procurement categories, Plant, Services and Infrastructure. This RFT utilised the evaluation criteria under the category of 'Infrastructure' with some slight changes approved via delegation.

Voting Requirement

Absolute Majority Required

Officers Recommendation

That with respect to the Tom Price Shire Office Administration Building Refurbishment Tender, Council:

1. Award RFT 09/17 Refurbishment of Shire of Ashburton Administration Building, Tom Price to: Byblos Constructions Pty Ltd, for the amount of \$273,821.31 exclusive of GST.
2. Authorise the Acting Chief Executive Officer to enter into a contract with the appointed Contractor.
3. Approve a budget amendment as follows;
 - a. Reduce Expenditure Account Administration Building Tom Price from \$111,189 to \$81,276 and;
 - b. Increase Expenditure Account 045968 TP Admin Building Renovation from \$350,000 to \$379,913.
4. Note that this results in a nil change in the forecast net current assets position as at 30 June 2017 which, in turn, retains the forecast surplus at year end 30 June 2017 of \$21,639.

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13.6 DEBTORS WRITE OFF - REDLINE WA PTY LTD

FILE REFERENCE:	RV12 RV13
AUTHOR'S NAME AND POSITION:	Felicity Scott Financial Services Coordinator
AUTHORISING OFFICER AND POSITION:	John Bingham Director Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	10 May 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

Redline WA Pty Ltd owe \$51,960 to the Shire for camp accommodation expenses and tip fees incurred in Onslow in June-August 2013. Policy FIN13 –'Debtors Management' was applied in attempting to recover outstanding invoices.

Redline was wound up in the Federal Court on 5 May 2015 with no further funds being available to unsecured creditors. The outstanding amount for recommended write off is \$51,960.

Background

As a contractor for construction of the Onslow Airport Redline, requested use of the Shire's accommodation camp and Onslow Rubbish Tip. These services were used between 28 June 2013 and 14 August 2013.

Comment

The following action was taken to recover the debt:

- November 2013: A payment arrangement of \$13,000 per month was agreed commencing 15 January 2014.
- March 2014: Last payments were received as part of the payment agreement prior to Redline falling into liquidation.
- December 2014: An agreement to proceed with legal action commenced after all attempts to recover the outstanding amounts were ignored.

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- March 2015: There was a hearing in regards to the liquidation of Redline due to lack of ability to pay debts and subsequently a winding up order was put in place.
- May 2015: The Federal Court wound up Redline with date of insolvency being 5 May 2015.
- April 2017: As an unsecured creditor the Shire was advised by Jirsch Sutherland Advisory & Consulting (Liquidator and Voluntary Administrator) that Redline has no remaining funds for distribution.

Consultation

Director Corporate Services
Finance Manager
Accounts Receivable/Payable Officer

Statutory Environment

Section 6.12 (1) (c) of the Local Government Act 1995 states that Council may write off money that is owed to the Local Government by Simple Majority.

Financial Implications

The total amount of arrears is \$51,960 and the Council has provisions within the current budget, to account for the recommended write-off, such that the Budget does not need to be amended at this time.

Strategic Implications

Shire of Ashburton 10 year Strategic Community Plan 2017-2027
Goal 5 - Inspiring Governance
Objective 6 – A well-managed and contemporary Corporation

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" i.e. managed by routine procedures, unlikely to need specific application of resources.

Policy Implications

Policy FIN13 – 'Accounts Receivable Recovery' applies.

Voting Requirement

Simple Majority Required

Officers Recommendation

That in respect to the debt arrears owed by Redline WA Pty Ltd that Council writes off the debt arrears of \$51,960, plus any accrued but yet to be brought to account interest.

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14. DEVELOPMENT AND REGULATORY SERVICES REPORTS

14.1 PROPOSED PERMANENT CLOSURE OF PEDESTRIAN ACCESS WAY BETWEEN CAROB STREET AND POINCIANA STREET, TOM PRICE

FILE REFERENCE:	POI.0256
AUTHOR'S NAME AND POSITION:	Andrew Patterson Principal Town Planner
AUTHORISING OFFICER AND POSITION:	Lee Reddell Director Development & Regulatory Services
NAME OF APPLICANT/RESPONDENT:	China Blue (Aust) Pty Ltd ATF The Edwards Family Trust
DATE REPORT WRITTEN:	23 March 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 Shire has received a request from the owners of Lot 2256 (24) Poinciana Street, Tom Price to permanently close the pedestrian access way (PAW) linking the western end of Poinciana Street to the western end of Carob Street along the western boundary of Lot 2256 Poinciana and Lot 277 (23) Carob Street.

The PAW is described as Lot 55 on Plan 15208, with this Lot comprising two discrete, non-contiguous portions of land; the second portion (which is not proposed to be closed) is developed as a PAW, located approximately halfway along Carob and Poinciana Streets, linking these two roads. Both portions of Lot 55 are held by the Department of Lands, having been vested under section 20A of the *Town Planning and Development Act 1928* (superseded) for the purpose of 'pedestrian access way'.

The land is currently fenced off from the Poinciana Street end, and a review of available aerial photography suggests that the land has never been developed or utilised as a PAW.

Should Council support the proposed closure, the land will revert to unallocated Crown land that will be purchased and amalgamated with adjoining freehold lots, or alternatively amalgamated with the adjacent unallocated Crown land.

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Background

As illustrated in the 2010 aerial photograph (**ATTACHMENT 14.1A**), the boundary fence on the western side of Lot 2256 Poinciana Street and Lot 277 Carob Street is not constructed along the cadastral boundary. Aerial photography from 2001 (**ATTACHMENT 14.1B**) suggests that this alignment has been the assumed lot boundary since at least this date.

The Shire identified the obstruction of the PAW subject of this report in 2016 and has been negotiating with the two affected landowners and the Department of Lands to determine an acceptable solution. These discussions have resulted in the owners of Lot 2256 advising that they would like the PAW formally closed, giving them the opportunity of purchasing the land and amalgamating it with their lot. This will increase the size of Lot 2256 from 743 m² to 936 m². Lot 277 Carob Street is owned by Rio Tinto who have not committed to purchasing the portion of the PAW adjacent to Lot 277, should it be closed. Should Rio elect not to purchase the portion of PAW (157 m²), this land would be amalgamated with the adjoining unallocated Crown land (Lot 525). The proposed closure is described in **ATTACHMENT 14.1C**.

The PAW is formally described as Lot 55 on Plan 15208 and comprises two separate PAWs, one of which is located approximately halfway along Carob and Poinciana Streets and is developed for the described purpose. There is no proposal to close this PAW as it provides for increased pedestrian and cycling permeability.

Considerations prior to closure

When considering a PAW closure, the impacts on local connectivity should be considered, given that permanent closure will result in loss of legal pedestrian and cycling access through a developed area. In this regard, it is noted that the evidence suggests that the PAW has effectively been closed to public traffic since at least 2010, and most likely, significantly earlier.

With regard to connectivity, it is further noted that aerial photography provides no evidence (through established, informal tracks) that the PAW has ever provided a significant connection between Carob and Poinciana Streets. It is noted that what appears to be a vehicle track originates at the western end of Carob Street, heading northwest to intersect with Mine Road, and that a number of walking and/or mountain bike tracks also traverse the area, none of which link to the western end of Poinciana Street.

When considering the permanent closure of a PAW, it should also be considered whether there will be any impact on services within the PAW. Should Council support this proposal, statutory consultation with relevant agencies will give opportunity to identify any such underground services that may exist in Lot 55. Should underground services be located within Lot 55, and the closure proceed, these assets would be covered by an easement to ensure ongoing protection.

Should there be any objections to this proposed formal closure from service providers or the general public, these would be presented for Council consideration to determine whether to proceed with the PAW closure. If no objections are received, it is proposed that the request be forwarded directly to the Minister for Lands to determine.

Statutory Process

PAW's are generally dedicated as public roads pursuant to section 56 of the *Land Administration Act 1997* (LAA) and regulation 8 of the *Land Administration Regulations 1998*. These PAWs subsequently require actions under section 58 and regulation 9 of the respective legislation. In this case, the land is not dedicated as a public road, but Crown land acquired

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by the Minister for Lands for the purpose of a PAW pursuant to section 52 of the LAA. A request to close such a PAW required actions under this section of the LAA comprising:

Requirement	Comment
An information report summarizing the proposed closure	This report fulfills this requirement
Consideration of alternatives to the closure	No alternatives considered necessary or possible
Documentation of anti-social behavior and crime being experienced, and Council's policy to combat this;	No anti-social behavior or crimes associated with this PAW as it has been effectively closed since 2001.
Relevant government department/agencies comments;	Will be requested assuming Council support for the closure
Consultation details;	Will be submitted with request to Minister if Council supports closure
Correspondence with adjoining landowners regarding the closure; and	Correspondence will be attached to request if Council supports closure
Council resolution supporting the closure.	Resolution to this agenda item satisfies this requirement.

Given that there is no evidence of this PAW being used by the public, there being clear evidence of it being closed to any public access for several years, no impact on pedestrian or cycle permeability, and no objection from any member of the public regarding lack of access to the PAW, it is proposed that advertising be limited to making written notice to landowners on Poinciana and Carob Streets, and publishing a notice on the Shire notice board and Facebook page.

Comment

When considering the permanent closure of a PAW, the impact of its closure should be carefully balanced against the benefit to the adjoining landowner seeking the closure. In this case, there is no apparent community benefit to the PAW, and the closure is therefore supported.

Should Council resolve not to support this closure, negotiation with the owners of Lot 2256 will be required to ensure all works are undertaken to remove landscaping elements from the land, and the boundary fence reconstructed on the correct alignment. The Shire would then be responsible for maintaining the PAW to a standard similar to other such community assets.

As this PAW has never been constructed, and has effectively been closed for at least 16 years (as evidenced by the historical aerials photos), minimal advertising will be required to formalise the current situation. Accordingly, it is proposed that a notice be placed on either end of the nominal PAW, on the Tom Price community notice board, and at the administration office to meet the public notice requirements. Should no objection be received, it is proposed that the request to close the PAW be made direct to the Minister for Lands with no further reference to Council.

While Rio Tinto have been made aware of the proposed formal closure, if the PAW closure is supported, the Shire will formally advise Rio of the proposal, clearly outlining the opportunity to purchase the land from the Crown.

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Consultation

Acting Chief Executive Officer
Director Technical Services
Director Development and Regulatory Services

Statutory Environment

Land Administration Act 1997
Land Administration Regulations 1998
Town Planning Scheme No. 7

Financial Implications

There are no financial implications for this matter if Council resolves to support the PAW closure beyond Officer time required to prepare various correspondence and advertising material. As there is no evidence of the PAW being used as a public asset, advertising will be limited to publishing the proposal on Shire notice boards, and via social media.

Should Council resolve not to support the closure, Officer time, and potentially legal advice will be required to ensure all currently unauthorised development is removed from the affected land. The Shire will then assume maintenance of the PAW.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 1 – Vibrant and Active Communities:

- Continue to maintain good facilities

Goal 4 – Distinctive and Well Serviced Places

- Improve roads, street lighting and pedestrian pathways

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 were no policy implications identified.

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the proposed permanent closure of pedestrian access way between Carob Street and Poinciana Street, Tom Price, Council:

1. Advertise the proposed closure of the pedestrian access way (PAW) located at the western end of Poinciana and Carob Streets, Tom Price as described in the attached plan 170307 – CP - 01 and;
2. Should there be no objection to the PAW closure, authorise the Acting Chief Executive Officer to forward a request the Minister for Lands to close the PAW.

15. INFRASTRUCTURE SERVICES REPORTS

15.1 AUTHORISATION TO AFFIX COMMON SEAL TO CHEVRON FINANCIAL ASSISTANCE AGREEMENT- ONSLOW AERODROME, ADDITIONAL SCOPE, RUNWAY, TERMINAL AND LANDSIDE FACILITIES CONSTRUCTION

FILE REFERENCE:	TT06
AUTHOR'S NAME AND POSITION:	Megan Walsh Airport Manager
AUTHORISING OFFICER AND POSITION:	Troy Davis Director Infrastructure Services
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	8 May 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 order to finalise the Financial Assistance Agreement (FAA) CI545844 Onslow Aerodrome – Additional Scope – Runway, Terminal and landside Facilities Construction between the Shire of Ashburton and Chevron Australia, execution of this document requires the affixing of the Common Seal.

Background

As part of the construction of the Onslow Airport runway, terminal building and landside facilities completed in August 2015, there were a number of additional scope items requested by Chevron for the Shire to incorporate into the works. All these works have been completed and paid for by the Shire in anticipation of the FAA funding.

The FAA formalises the agreement (albeit retrospectively), and now requires execution by affixing the common seal.

ATTACHMENT 15.1

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Comment

The works under the FAA included the following:

Item No.	Scope Description	Value (\$AUD)
1	Runway construction - Cyclone Narelle and Inclement Weather - Reinstatement and Improvement Costs	384,025.24
2	Temporary Taxiway (design and sealing) and Jet Blast Area sealing (Runway) to suit F100 aircraft use	150,000.00
3	Commissioning F100 costs including back-up generator for runway lights	69,796.60
4	External shade structures and seating for old Terminal Building and transfer to new Terminal Building	100,351.90
5	Temporary interim carpark and traffic improvement works for old Terminal Building	33,949.06
6	Hire of lighting towers for interim carpark	10,589.50
TOTAL		748,712.30

The Shire may then claim the contribution from Chevron as a single payment by submitting an invoice for the entire amount of the contribution.

Consultation

Executive Manager – Corporate Services (Frank Ludovico)

Director– Infrastructure Services

Team Leader – Social Infrastructure (Wheatstone)

Statutory Environment

Local Government Act 1995 – Section 9.49A – Affixing the Common Seal

Financial Implications

The income received from this agreement (\$748,712.30 ex GST) will be allocated to the airport income codes that it applies to.

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 3– Council Leadership

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

ELM13 - Affixing of the Shire of Ashburton Common Seal

Voting Requirement

Simple Majority Required

Officers Recommendation

In respect to the Chevron Financial Assistance Agreement CI545844, Council authorises the Shire President and Acting Chief Executive Officer to execute and apply the common seal to the Financial Assistance Agreement between the Shire of Ashburton and Chevron Australia Pty Ltd for the amount of \$748,712.30.

16. STRATEGIC AND ECONOMIC DEVELOPMENT REPORTS

Declaration of Interest

Prior to consideration of this Agenda Item:

Sarah Johnston declared a financial, indirect financial and impartiality interest.

Cr Foster declared a (indirect financial) interest.

Cr Rumble declared a (indirect financial) interest.

Cr Diver declared a (financial) interest.

Cr Gallanagh declared a (financial and proximity) interest.

Cr M Lynch declared a (financial) interest.

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

16.1 EXECUTION OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE SHIRE OF ASHBURTON AND PILABARA IRON COMPANY (SERVICES) PTY LTD (RTIO)

FILE REFERENCE:	CM01.1
AUTHOR'S NAME AND POSITION:	Sarah Johnston Strategic Partnership Manager
AUTHORISING OFFICER AND POSITION:	Anika Serer Director Strategic & Economic Development
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	19 April 2017
DISCLOSURE OF FINANCIAL INTEREST:	The author has a financial and impartiality interest in this matter. The authorising officer has no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.2 (Minute No 11672) – Ordinary Meeting of Council 16 October 2013 Agenda Item 13.2 (Minute No 11673) – Ordinary Meeting of Council 16 October 2013 Agenda Item 13.2 (Minute No. 11611) – Ordinary Meeting of Council 21 August 2013 Agenda Item 13.3 (Minute No 11612) – Ordinary Meeting of Council 21 August 2013 Agenda Item 13.2 (Minute No 11457) – Ordinary Meeting of Council 13 March 2013 Agenda Item 10.2 (Minute No 11167) – Ordinary Meeting of Council 18 April 2012

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Summary

The existing Memorandum of Understanding (MOU) with Pilbara Iron Company (Services) Pty Ltd (RTIO) for the Community Infrastructure and Services Partnership and associated funding agreements expire on 30 June 2017. RTIO has agreed to extend the Partnership for a further five years with a new MOU proposed to commence on 1 July 2017.

The MOU is presented for consideration. It is recommended that Council endorse the MOU for execution by the Shire President and Acting Chief Executive Officer.

Background

RTIO and the Shire agreed through a MOU entitled 'Community Infrastructure and Services Partnership' (CISP) dated 1 July 2012 (2012 MOU) to work together to revitalise existing and develop new civic, sporting and community facilities and programs in the Pilbara inland towns of Tom Price, Paraburdoo and Pannawonica. The Parties continue to share a desire to sustain the liveability of these communities and now wish to agree to terms to update and refresh the general undertakings to be performed by the Parties as set out in the 2012 MOU for a further five years.

RTIO has confirmed its commitment to Pannawonica, Paraburdoo and Tom Price and will continue to work closely with the Shire to deliver effective services and infrastructure that focus on making the Pilbara region a better place to live, work and invest by contributing towards normalisation of town governance and long term sustainability of facilities and services while meeting current and future community needs.

The 2012 MOU has proven to be a successful and effective model, providing a clear and sustainable platform for day to day communication and negotiation between local government and corporate business despite changes in personnel, community need and priorities, and other influencing factors such as fluctuating economic climates.

Comment

The CISP MOU and the associated plan provide a platform for the provision of improved, sustainable services and facilities for Pannawonica, Paraburdoo and Tom Price. The proposed duration of the MOU is from 1 July 2017 until 30 June 2022. RTIO has indicated in principle support for the following priorities as outlined in the next proposed Community Infrastructure and Services Plan which was workshopped with Council in January;

Agreement Type	Priority	Town
Services	Partnership Management Team	Pannawonica, Paraburdoo and Tom Price
	Community Events and Festivals	Pannawonica, Paraburdoo and Tom Price
	Community Capacity Development	Pannawonica, Paraburdoo and Tom Price
Infrastructure	Childcare Facility	Tom Price
	Youth and Community Services Facility	Tom Price
	Emergency Services Facility	Tom Price
Other	Economic Diversification	Paraburdoo and Tom Price
	Land Ownership and Management	Paraburdoo and Tom Price

The following funding agreements are proposed to be extended from the 2012 CISP, and are expected to be finalised for consideration by Council at the June 2017 Council meeting:

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The Partnership Management Team (PMT) - This agreement will continue to provide funding to support the governance requirements for the Partnership that have been in place for the previous five year term. There are no new governance requirements within the MOU. In addition the PMT will prepare the feasibility studies and subsequent business cases for all items listed in the Community Infrastructure and Services Plan. It is proposed that this agreement will be presented to Council for endorsement in the near future.

Community Events and Festivals - A calendar of events will continue to be delivered across Pannawonica, Paraburdoo and Tom Price through the Events and Festivals agreement. The funding provided by RTIO contributes to the direct cost of the specific event and the Shire continues to provide the human resources to deliver the events through the provision of activity officers and the associated costs of their employment. The principle of the agreement will be structured to gradually reduce the dependence on RTIO whereby the Shire take responsibility for three events over the term of the agreement. It is proposed that this agreement will be presented to Council for endorsement in the near future.

Community Capacity Development Agreement – proposal is for the continuation of the Community Capacity Development agreement in the form of financial support to support the Shire to employ full time Club Development Officers in Pannawonica, Paraburdoo and Tom Price. The Club Development Officers will support the ongoing development and sustainability of not for profit agencies, community groups and sporting clubs through the provision of professional advice and guidance on governance requirements. The Club Development Officers support existing clubs to develop and or expand, the range of leisure, recreation and sporting activities available to meet community needs.

Each infrastructure and 'other' priority (eg economic diversification) will require a feasibility study to be prepared, which will demonstrate the community need for the project. A formal business case will then be prepared by the Shire and presented to RTIO for funding consideration and approval. RTIO has advised throughout the negotiations that it will not have the capacity to consider requests outside of the above priorities through the proposed partnership term.

CONFIDENTIAL ATTACHMENT 16.1

Consultation

Workshop at January 2017 OMC
Director Strategic & Economic Development
Director Community Development
Strategic Partnership Manager
Communications and Administration Officer
Club and Capacity Development Manager
Community Services Manager – East
Club Development Officers
Partnership Governance Committee
Partnership Management Group

Statutory Environment

Local Government Act 1995 S9.49 (A) Execution of Documents.
Local Government Act 1995 S5.43 (HA) Delegation of Powers to the CEO.

Pursuant to the conditions of the proposed agreement this item is considered one of a commercial in confidence nature (and therefore Confidential to the Council and Chevron Australia Pty Ltd) pursuant to Section 5.23 (2) of the Local Government Act 1995.

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Financial Implications

The MOU has been prepared in collaboration between Council representatives, Shire officers and members of the RTIO Communities team. A significant amount of work has been invested in the development of the MOU and it aligns to the proposal that was distributed via EMACCESS earlier in the year.

The MOU as such has no financial implications for the Shire, however each subsequent funding agreement has implications. The financial implications for each infrastructure priority is as yet unknown, however making provision for consultancy services through the Partnership Management Team agreement, will allow the Shire to undertake feasibility studies and the subsequent preparation of business cases to secure funding from both RTIO and third party funders such as Royalties for Regions and Lotterywest.

Partnership Management Team Agreement:

The funding for this agreement includes consultants, accommodation, vehicle, IT and allowances where applicable, and will enable the Shire to employ both the Strategic Partnership Manager and the Communications and Administration Officer. The agreement provides funding predominately in the first few years to enable the Shire to expedite a number of the priority infrastructure projects.

Events and Festivals Agreement:

The funding for this agreement will set out the financial support required by the Shire to assist in the delivery of a calendar of community events and festivals across Pannawonica, Paraburdoo and Tom Price as identified in the CISP. The funding provided by RTIO contributes to the direct cost of the event and the Shire continues to provide the human resources to deliver the events through the provision of activity officers and the associated costs of their employment.

Community Capacity Development Agreement:

The funding for this agreement includes the salary, accommodation and a vehicle for the managers role for the first twelve months of the agreement, IT and allowances where applicable, and will assist the Shire to continue to employ a full time Club Development Officer in Pannawonica, Paraburdoo and Tom Price for the duration of the proposed agreement. The funding allocated will be a reduction in the total funding previously provided, however this agreement will assist the Shire to work towards a sustainable approach in providing the club development function in each of the towns. It is proposed that this agreement will be presented to Council for endorsement in the near future.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017- 2027

Goal 1

Vibrant and Active Communities

Objectives

1. Connected, caring and engaged communities
2. Sustainable Services, Clubs, Associations and Facilities
3. Quality education, healthcare, childcare, aged care and youth services
4. A rich cultural life

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Goal 2

Economic Prosperity

Objectives

1. Strong local economies
2. Enduring partnerships with industry and government
3. Well-managed tourism

Goal 3

Unique Heritage and Environment

Objectives

1. Flourishing natural environments
2. Leading regional sustainability
3. Celebration of history and heritage

Goal 4

Quality Services and Infrastructure

Objectives

1. Quality public infrastructure
2. Accessible and safe towns
3. Well -planned towns

Goal 5

Inspiring Governance

Objectives

1. Effective planning for the future
2. Community ownership
3. Council leadership
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 "Medium" risk and will be managed by specific monitoring and response procedures.

Policy Implications

ELM 3 – Affixing of the Shire of Ashburton Common Seal.

AMP1 – Asset Management Policy

FIN 12 – Purchasing and Tender Policy

FIN 04 – Buy Local – Regional Price Preference Policy

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the execution of the Memorandum of Understanding between the Shire of Ashburton and Pilbara Iron Company (Services) Pty Ltd (RTIO), Council:

1. Authorises the Shire President and Chief Executive Officer to execute the Memorandum of Understanding – Community Infrastructure and Services Partnership 2017 – 2022 between Pilbara Iron Company (Services) Pty Ltd (RTIO) and the Shire of Ashburton.

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

FILE REFERENCE:	RC42129
AUTHOR'S NAME AND POSITION:	Anika Serer Director Strategic & Economic Development
AUTHORISING OFFICER AND POSITION:	Dale Stewart Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	10 May 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 16.3 (Minute No. 111) – Ordinary Meeting of Council 14 February 2017

Summary

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

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

Background

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

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

- New multipurpose hall suitable for recreation and emergency shelter;
- Swimming pool facility upgrades (change rooms, first aid, office, kiosk);
- New facilities to support oval users including change rooms, first aid, equipment storage, club room, kitchen, bar, spectator outdoor viewing;
- Gym;
- Refurbish existing sports hall for neighbourhood centre, toy library, playgroup, squash

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- courts;
- Upgrades to Lesser Hall; and
- External works (landscaping, carpark, footpaths) to improve connectivity and activation.

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

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

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

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

Comment

The meeting for May will be held on Monday 22 May 2017 at the Onslow Shire Complex. A copy of the Meeting Agenda is attached for Council's background information.

ATTACHMENT 16.2

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

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Consultation

Acting Chief Executive Officer
Director – Strategic & Economic Development

Statutory Environment

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

S5.20: Decisions of Councils and Committees

S.22: Minutes of Council and Committee meetings

Financial Implications

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

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

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

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

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 "Medium" in light of the potential impacts to external contractual arrangements. As a medium risk matter, the Executive Manager Strategic and Economic Development will monitor progress of this item.

Policy Implications

ELM10 Financial Sustainability Policy

ENG09 Asset Management Policy

Voting Requirement

Simple Majority Required

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Officers Recommendation

That Council endorse the following recommendations of the 22 May 2017 Paraburdoo Community Hub (CHUB) Committee:

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

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

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17. COUNCILLOR AGENDA ITEMS / NOTICES OF MOTIONS

There are no Councillor Agenda Items / Notice of Motions for this meeting.

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

19. CONFIDENTIAL MATTERS

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

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

(a) a matter affecting an employee or employees;

(b) the personal affairs of any person;

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

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

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

(I) a trade secret;

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

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

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

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

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

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

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

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

(h) such other matters as may be prescribed.

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19.1 CONFIDENTIAL ITEM - LOT 9500 ONSLOW ROAD, ONSLOW - REQUEST FOR AUTHORISATION TO ADVERTISE EXPRESSION OF INTEREST

FILE REFERENCE:	ONS.0016
AUTHOR'S NAME AND POSITION:	Janelle Fell Economic and Land Development Manager
AUTHORISING OFFICER AND POSITION:	Anika Serer Director Strategic and Economic Development
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	8 May 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 19.1 (Minute No. 46) – Ordinary Meeting of Council 27 September 2016 Agenda Item 19.1 (Minute No. 14) – Ordinary Meeting of Council 19 July 2016 Agenda Item 19.1 (Minute No. 12023) – Ordinary Meeting of Council 25 October 2015 Agenda Item 16.2 (Minute No. 12006) – Ordinary Meeting of Council 8 September 2015 Agenda Item 19.2 (Minute No. 11993) – Ordinary Meeting of Council 19 August 2015 Agenda Item 19.2 (Minute No. 11985) – Ordinary Meeting of Council 15 July 2015 Agenda Item 16.3 (Minute No. 11954) – Ordinary Meeting of Council 20 May 2015 Agenda Item 16.3 (Minute No. 11884) – Ordinary Meeting of Council 19 November 2014 Agenda Item 16.1 (Minute No. 11829) – Ordinary Meeting of Council 16 July 2014 Agenda Item 13.4 (Minute No. 11737) – Ordinary Meeting of Council 22 January 2014 Agenda Item 13.1 (Minute No. 11693) – Ordinary Meeting of Council 20 November 2013 Agenda Item 12.2 (Minute No. 11315) – Ordinary Meeting of Council 17 October 2012

Report/ Attachment is Confidential as per Local Government Act 1995, Section 5.23 (2)(c)(d)(f).

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Officers Recommendation

That with respect to Lot 9500 Onslow Road, Onslow – Proposal to Seek Expressions of Interest, Council authorises the Chief Executive Officer to prepare and execute a marketing campaign seeking public Expressions of Interest for the englobo or smaller lot sizes as desired, with the outcomes of the process to be presented to Council for further consideration.

20. NEXT MEETING

The next Ordinary Meeting of Council will be held on 20 June 2017, at the Ashburton Hall, Ashburton Avenue, Paraboradoo commencing at 1.00 pm.

21. CLOSURE OF MEETING

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