



**SHIRE OF ASHBURTON
SPECIAL MEETING OF COUNCIL**

MINUTES

**Onslow Business House, Second Avenue,
Onslow**

12 November 2014

7.00 pm

SHIRE OF ASHBURTON
SPECIAL MEETING OF COUNCIL

Dear Councillor

Notice is hereby given that a Special Meeting of Council of the Shire of Ashburton will be held on 12 November 2014 at Onslow Business House, Second Avenue, Onslow commencing at 7:00 pm.

The business to be transacted is shown in the Agenda.

Neil Hartley
CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

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1. DECLARATION OF OPENING

The Acting Shire President declared the meeting open at 7.04 pm.

2. ANNOUNCEMENT OF VISITORS

Andrew Turner from Rio Tinto was in attendance in Tom Price and John Barrett was in attendance via a telephone link.

3. ATTENDANCE

3.1 PRESENT

Onslow Business House, Second Avenue, Onslow

Cr A Eyre Ashburton Ward

Ms L Reddell A/Executive Manager, Development & Regulatory Services

Council Chambers, Recreation Centre, Central Road, Tom Price

Cr A Bloem Tom Price Ward

Cr P Foster Tom Price Ward

Cr C Fernandez Tom Price Ward

Mr N Hartley Chief Executive Officer (via telephone link)

Ms A Serer Executive Manager, Strategic & Economic Development

Mr F Ludovico Executive Manager, Corporate Services

Ms D Wilkes Executive Manager, Community Development

Mrs C Robson CEO & Councillor Support Officer

Paraburdoo Library, Ashburton Avenue, Paraburdoo

Cr L Rumble Deputy Shire President, Paraburdoo Ward

Cr I Dias Paraburdoo Ward

Mr M Ferialdi General Manager

Pannawonica Library, Pannawonica Drive, Pannawonica

Nil

3.2 APOLOGIES

Cr White Shire President, Onslow Ward

Cr D Wright Pannawonica Ward

Cr L Thomas Tableland Ward

3.3 APPROVED LEAVE OF ABSENCE

There were no approved leave of absence.

John Barrett from Rio Tinto entered the meeting at 7.05 pm.

4. QUESTION TIME

4.1 PUBLIC QUESTION TIME

There were no questions from the public.

5. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

6. DECLARATION BY MEMBERS

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

6.1 DECLARATION OF INTEREST

Councillors to Note

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

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

or;

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

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

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

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

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

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

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

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

6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

The Acting President, Cr Linton Rumble, invited the Rio Tinto representatives to provide an overview to Councillors of the plans and other details as provided in the agenda attachments.

The CEO advised of a suggested minor change to the officer recommendation at point.

Declaration of Financial Interest

In accordance with Section 5.69 (3) (a) of the Local Government Act Cr Rumble, Cr Bloem, Cr Dias, and Cr Foster declared an indirect financial interest in Agenda Item 7.1. The nature of their interest being Cr Bloem is employee of Pilbara Iron or a subsidiary of Rio Tinto Pty Ltd, Cr Dias is an employee of Pilbara Iron or a subsidiary of Rio Tinto Pty Ltd and owns shares in Rio Tinto Pty Ltd, Cr Rumble & Cr Foster own shares in Rio Tinto Pty Ltd.

As there would not be a quorum to vote, approval was sought from the Minister of Local Government to allow disclosing members Cr Rumble, Cr Bloem, Cr Dias, and Cr Foster to debate and vote on Agenda Item 7.1. The Minister's written approval for Cr Rumble, Cr Bloem, Cr Dias, and Cr Foster to participate in the discussion and vote in relation to this agenda item was obtained prior to the Council meeting. The approval was granted subject to the following conditions:

1. The approval is only valid for the abovementioned Proposal, when it is considered at the Special Meeting of Council to be held on 12 November 2014;
2. You, as the CEO, are to provide a copy of the Department's letter advising of the approval to Councillors, Linton Rumble, Douglas Dias, Anthony Bloem and Peter Foster;
3. Councillors Linton Rumble, Douglas Dias, Anthony Bloem and Peter Foster declare the nature of their interests at the Special Meeting of Council of 12 November 2014 when Item 6.1 (*now shown in the minutes as Agenda Item 7.1*) Endorsement of Paraburdoo Community Hub Design, Business Case and operating Cost Model is considered, together with the approval provided,
4. You, as the CEO, are to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the Special Meeting of Council of 12 November 2014, when the proposal is considered; and
5. The above approval relates only to the interests declared by the Councillors on their Declaration Forms provided with the application. Should any other interests be relevant, these will not be covered by the participation approval and the financial interest provisions of the Act would apply.

RECORDED ON REGISTER OR.CR.04.00

7. BUSINESS

7.1 CONSIDERATION OF THE CONCEPT PLANS AND BUSINESS CASE FOR THE PARABURDOO COMMUNITY HUB

FILE REFERENCE: PA.DG.0615

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

NAME OF APPLICANT/ Not Applicable

RESPONDENT:

DATE REPORT WRITTEN: 6 November 2014

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

PREVIOUS MEETING REFERENCE:

- Agenda Item 13.1 (Minute No. 11753) – Ordinary Meeting of Council 19 February 2014
- Agenda Item 13.2 (Minute No. 11727) – Ordinary Meeting of Council 11 December 2013
- Agenda Item 13.3 (Minute No. 11694) – Ordinary Meeting of Council 20 November 2013
- Agenda Item 13.3 (Minute No. 11673) - Ordinary Meeting of Council 16 October 2013
- Agenda Item 13.3 - Ordinary Meeting of Council 18 September 2013
- Agenda Item 13.2 (Minute No. 11611) - Ordinary Meeting of Council 21 August 2013
- Agenda Item 12.3 (Minute No. 11550) – Ordinary Meeting of Council 5 June 2013
- Agenda Item 12.6 (Minute No. 11351) - Ordinary Meeting of Council 21 November 2012
- Agenda Item 15.3 (Minute No. 11294) - Ordinary Meeting of Council 19 September 2012
- Agenda Item 15.1 (Minute No. 11100) - Ordinary Meeting of Council 14 December 2011

Summary

The design and development of a new community and recreation hub in Paraburdoo (CHUB) has been a focus of the Shire since 2011.

The Shire has continued to work closely with Rio Tinto through its partnership; the community; and other stakeholders; to research, draft and review the design and business case for the Paraburdoo CHUB. A Working Group of Councillors and staff have dedicated many hours to considering, negotiating and liaising with various agencies and parties to reach a final design and business case that is now presented for Council's consideration, in order to submit to PDC seeking funding of \$5 million. The current plans and business case was kindly provided by Rio Tinto.

The major issues to confirm, are (1) that the scope and scale of the proposal is a 'good fit' for the Paraburdoo community, and (2) that the cost of the proposal and its priority are 'in balance' with the Shire's strategic planning documents.

Background

The consultation and development of the Paraburdoo CHUB has been a priority project for the Shire since 2011. Significant work has been undertaken to scope and design the facility, including consultation with community and sporting groups, review of existing facilities and stakeholder engagement.

In January 2014 a concept design for the CHUB, estimated to cost \$14.8m, and supporting business case was submitted to PDC seeking funding of \$7 million. The balance of the project cost was proposed to be met by a contribution of \$6 million by Rio Tinto, and \$1.8 million by the Shire (including a \$1.5 million loan).

The concept design provided for a new indoor multi-purpose hall/evacuation area, swimming pool and oval user change rooms, first aid room, public toilets, spectator viewing area, commercial kitchen, function area, meeting room and administration.

The business case and design were considered by PDC at the Board Meeting held on 13 February 2014. The Board resolved (in part) to:

“Advise the Shire of Ashburton that whilst the concept of a Paraburdoo Community Hub is supported, it considers the current proposal needs to be reconsidered by a Project Control Group comprising PDC, Rio Tinto, SoA and the Department of Sport and Recreation to review the current proposal with the view of reducing the scale of the building including:

- Determining the scale of the project in line with population base, scope and location options (e.g. levels of functionality, population/user base considerations, collocated vs separate components, staging options). This should include an investigation of the option to upgrade the current Paraburdoo Hall.*
- Evidence that demonstrates the long term sustainability of the facility including a projected need/demand analysis; life cycle costing considerations including identification in SoA forward budgets; operational management modelling and demonstrated affordability including a sensitivity analysis and risk assessment and management plans.*
- Department of Local Government to review and provide advice on the viability of the operational model.*
- A Rio Tinto commitment to provide funding to support the operations of the facility for up to 10 years.”*

The Paraburdoo CHUB Working Group, consisting of representatives from PDC, Paraburdoo Councillors, Shire officers and Rio Tinto, met several times to discuss the response from the PDC Board and review the scale of the project. Representatives from Department of Sport and Recreation (DSR) also visited Paraburdoo on 23 May 2014 to assess the current sporting facilities and provide feedback to the Working Group.

Comment

In August 2014, Rio Tinto offered as part of its commitment to the Partnership with the Shire, to take on responsibility for the design, costing and development of a revised business case for the Paraburdoo CHUB. The plans and business case currently under consideration have been provided by Rio Tinto.

Rio Tinto engaged the architectural firm CODA Studio, along with ABV Leisure Consultancy Services and other consultants to develop a revised scope for the Paraburdoo CHUB. The Paraburdoo Councillors and Shire officers were consulted to inform the architect's brief and understand the needs of the community.

The design prepared by CODA involves repurposing existing facilities in Paraburdoo, as well as constructing new facilities to create a vibrant community and recreation precinct. The issues raised by the Pilbara Development Commission at its meeting of 13 February 2014 have all been considered as part of the new design and business case.

ATTACHMENT 7.1A

The facilities to be repurposed or refurbished include:

1. Sports Pavilion - refurbish squash courts; repurpose the balance of the building to accommodate the Neighbourhood Centre;

2. Lesser Hall – refurbished for community & Council meetings;
3. Paraburdoo Saints Football Club Rooms – convert to storage sheds with capacity for trailers.

A new multi-purpose centre will also be constructed to provide a facility servicing the swimming pool, oval, spectator and indoor sports/community needs. The building will include:

1. Indoor sports & multi-purpose hall/ evacuation area (975sqm);
2. Storage (50sqm);
3. Gym (300sqm);
4. Kitchen and sports bar (47sqm);
5. Clubroom (130sqm);
6. Verandah (85sqm);
7. Sports changerooms;
8. Swimming pool changerooms;
9. Umpire room;
10. First aid;
11. Pool and admin office;
12. Plant room and pool storage

The design was reviewed by Donald Cant Watts Corke (Quantity Surveyor), who has estimated the construction cost at \$14.4 million.

ATTACHMENT 7.1B

The information has been used to formulate a revised business case, seeking a contribution of \$5 million from PDC toward the construction cost of the CHUB. Rio Tinto has agreed to contribute \$6 million to the budget, and (dependent on final cost) \$3.4 million will be required from the Shire. An allocation of \$2 million has already been included in the 2014/15 budget from rate funds, therefore a loan of approximately \$1.5 million will be required to finance the project.

ATTACHMENT 7.1C

Based on a loan of \$1.5 million, repaid over 10 years at 3.72% (current interest rate provided by Treasury), plus the anticipated CHUB net annual operating cost increase (\$356,305) the proposal will have the following effect on the Shire's future budgets:
(noting that more commentary on costs is outlined in the Financial Implications section).

SoA Contribution	SoA Loan (to nearest \$0.5m)	Annual Repayment	Annual Operating Cost Deficit *	Total Cost (loan & operating cost)	% Rate Revenue Increase
\$3.4m	\$1.5m	\$181,000	\$356,305	\$537,305	2.86%

* The annual operating cost deficit has been extracted from Section 2.9.4 of the Business Case (page 26). In this instance, the operating expenditure associated with the swimming pool (Resourcing Aquatics \$133,680 & Other Operating Aquatics \$521,000) has been deducted from the cost as this is already accounted for in the Shire's annual budget.

The deficit may be further reduced by seeking a management model with Rio Tinto that reflects a commercial lease for the gym. These facilities are currently provided by Rio Tinto, and the Shire has not allowed for their transfer in the Corporate Business Plan.

A further consideration is the impact of the new CHUB design on the proposed child care centre. The child care project was intended to be constructed on the carpark area to the south of the swimming pool, and arrangements had been made for this land to be

amalgamated into the reserve containing the swimming pool (R42332) to meet land tenure requirements.

Old site plan



The location had been determined in relation to previous concept designs for the CHUB, but it is problematic for the latest design as it will restrict access and parking. It is therefore recommended that the site for the childcare centre be moved slightly to the west, on the edge of the oval reserve (R39572). This will allow easy access to both the CHUB and child care centre, retain both facilities in the town centre and enable cost-savings through shared utility infrastructure (transformer, etc). To simplify the process, it is recommended that Department of Lands is requested to excise this area from Reserve 39572 and create a new Reserve for the child care centre.

New site plan – childcare location highlighted '12' in south-east corner of oval

6. An additional rate increase (to meet higher operational and loan costs) in the vicinity of 2.86% may be required.

The Council has for many months, made it clear that it supports the Paraburdoo CHUB facility. The Council had originally understood that this building would be largely funded by RTIO and State Government funding, with the Shire contributing just \$300,000. Due to changing external contribution expectations, it has been required to reconsider the need for a much greater Shire financial contribution to the project in order to see the building constructed to a standard it believes is appropriate for the Paraburdoo community. As such, and to provide confidence to the State Government to agree to its contribution, the Council is being asked to commit its future financial priorities to confirm to the State Government, it is prepared and capable of meeting its future financial commitments for this building. The recommendation is therefore, tailored to make it absolutely clear to the Pilbara Development Commission/State Government, that the Shire of Ashburton Council is confident of its future financial and service delivery priorities.

All local governments across Western Australia need to prioritise their activities to sit within their financial limitations. The Ashburton Council will need to seriously consider the question being asked of it before making the long term commitment to increase funding from \$2m, to the higher level of \$3.5m.

A perusal of the Shire's long term financial planning documents indicate that this project is affordable, but if future revenue streams are restricted or reduced, Council will very likely need to locate capital projects presently scheduled for 2015/16 or later years, to defer. That is quite an acceptable strategy when considering the timing of and the scale of, large infrastructure projects. One option available as referred to briefly above, would be to negotiate a commercial lease agreement with Rio Tinto for the approximately \$1m Gymnasium, which is currently provided in Paraburdoo through a Rio Tinto/community arrangement (and at no cost to the Shire).

One final point that requires highlighting, is that the Minister for Local Government has in more recent times (and did for the Shire of Ashburton with the 2013/14 budget) limit differential rate increases to a level he believed was appropriate. It is not possible to preempt the Minister's decision on this matter for the Shire's 2015/16 budget, but if he does restrict the Council to a rate increase below the level required by Council, the only alternatives left to Council will be to lift other revenues (like fees and charges); and/or delete/defer programs/services or capital expenditures to a level that can be accommodated within the Minister's rate increase level.

The Council and the organisation has allocated a great deal of its time over the past 12 months to its governance procedures and to restructuring so as to ensure its long term financial sustainability. This work is 'bearing fruit' and there is a strong likelihood that the mid-year budget review (due to be presented to Council in March/April 2015) will see a surplus against initial budget expenditure/revenue levels. Whilst the level of that surplus is not accurately quantifiable at this point in time, there is confidence that a good portion of the \$1.5m loan will not be required at all (as savings/revenues will fund that loan reduction capacity). That said, estimating for any large building is always difficult, and providing this advice for remote Pilbara locations is even more challenging. Of late, officers have applied more generous contingency allocations to their projects estimates to provide greater certainty that project costs don't over run original quantity surveyor estimates. It would be prudent to note the potential of additional contingency for costing purposes as there can easily be variations to quantity surveyor estimates for such things as demolition, building, and furnishing provisions.

A sum of \$1m would be acceptable at this point and whilst this amount has not been costed into the project presently, when final plans and tender documents are drafted, the building cost contingency level should be revisited (with any additional budgeted costs for the project simply being added to the loan sum).

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022:

Goal 01 – Vibrant and Active Communities

Objective 01 – Connected, Caring and Engaged Communities

Objective 02 – Active People, Clubs and Associations

Goal 02 – Enduring Partnerships

Objective 02 – Enduring Partnerships with Industry and Government

Goal 04 – Distinctive and Well Served Places

Objective 01 – Quality Public Infrastructure

Objective 03 – Well Planned Towns

Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "High". The high level of risk is being driven by the high financial value of this project. As a high risk matter, the Executive Manager Strategic & Economic Development is monitoring progress.

Policy Implications

Policy ELM10 (Financial Sustainability) outlines that 'no policy or other decisions will be made without considering the long-term financial impact on those decisions'. The cost of the facility to the Shire has consistently grown as the external funding options have declined, however a loan facility will spread the cost of that increase across ten years, and the deferral of 'out year' capital works (if required) will enable the purpose and intent of this policy to be accommodated.

AMP1 – Asset Management Policy

FIN12 – Purchasing and Tender Policy

FIN04 – Buy Local – Regional Price Preference Policy

These policies will be taken into consideration throughout the project.

Voting Requirement

Absolute Majority Required

Recommendation

That Council:

1. Endorses the revised concept design, proposed operating budget model and business case presented for the Paraburdoo Community Hub (CHUB), seeking a grant of \$5 million from the Pilbara Development Commission;
2. Highlight its commitment to the project and to specifically address the State Government's sustainability requirements of the Shire of Ashburton, by:
 - a) Recognising that there will be an increased annual operating cost deficit for the new Paraburdoo CHUB, estimated at \$537,305 per annum, and committing to the necessary deficit sum being incorporated into future Shire of Ashburton budgets; and
 - b) Recognising that if loan borrowings are required to meet the capital cost of the new Paraburdoo CHUB, Council commits future budgets of the Shire of Ashburton to those consequential repayments (estimated to be in the order of \$181,000 for a \$1.5 million loan); and
 - c) Recognising that a Shire rate increase in the vicinity of 2.86% (in addition to the consumer price increase) may be required in order to meet the financial commitments of the construction and ongoing operations of the new Paraburdoo CHUB, and commits to including this increase (at the required proportions) within the Shire of Ashburton's future budgets; and
 - d) Recognising that the Shire's long term financial planning indicates that this project is affordable, but that Council accepts it may need to defer less important capital projects until later financial years if that is financially prudent or necessary to do so.
3. Highlight its commitment to governing the Shire of Ashburton in a sustainable manner and to reinforce this:
 - a) Set as a priority as part of the mid-year (2014/15) budget review, the allocating savings to minimising the Paraburdoo Community Hub \$1.5m loan commitment; and
 - b) Authorise the CEO to negotiate with Rio Tinto, a commercial lease arrangement for the Gymnasium facility to minimise ongoing Paraburdoo Community Hub operational costs.
4. Endorse the relocation of the proposed Child Care Centre project to the south-east corner of Reserve 39572, and request the Department of Lands excise this area to form a new Reserve for the purpose of Child Care Centre, with power to lease.

The CEO advised of a suggested minor change to the officer recommendation at point 2(a) to better reflect to readers, the cost interpretations as referred to in recommendations 2(a) and 2(b), and to better link the detail outlined in the table with the "Comment Section" of the above report with these recommendations. Namely, change "\$537,305" in recommendation 2(a) to read "\$356,305".

Council Decision

MOVED: Cr D Dias

SECONDED: Cr A Bloem

That Council:

1. Endorses the revised concept design, proposed operating budget model and business case presented for the Paraburdoo Community Hub (CHUB), seeking a grant of \$5 million from the Pilbara Development Commission;
2. Highlight its commitment to the project and to specifically address the State Government's sustainability requirements of the Shire of Ashburton, by:
 - a) Recognising that there will be an increased annual operating cost deficit for the new Paraburdoo CHUB, estimated at \$356,305 per annum, and committing to the necessary deficit sum being incorporated into future Shire of Ashburton budgets; and
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 - c) Recognising that a Shire rate increase in the vicinity of 2.86% (in addition to the consumer price increase) may be required in order to meet the financial commitments of the construction and ongoing operations of the new Paraburdoo CHUB, and commits to including this increase (at the required proportions) within the Shire of Ashburton's future budgets; and
 - d) Recognising that the Shire's long term financial planning indicates that this project is affordable, but that Council accepts it may need to defer less important capital projects until later financial years if that is financially prudent or necessary to do so.
3. Highlight its commitment to governing the Shire of Ashburton in a sustainable manner and to reinforce this:
 - a) Set as a priority as part of the mid-year (2014/15) budget review, the allocating savings to minimising the Paraburdoo Community Hub \$1.5m loan commitment; and
 - b) Authorise the CEO to negotiate with Rio Tinto, a commercial lease arrangement for the Gymnasium facility to minimise ongoing Paraburdoo Community Hub operational costs.
4. Endorse the relocation of the proposed Child Care Centre project to the south-east corner of Reserve 39572, and request the Department of Lands excise this area to form a new Reserve for the purpose of Child Care Centre, with power to lease.

CARRIED BY ABSOLUTE MAJORITY 6/0

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

Reason for Change of Recommendation:

To add clarity to the recommendation and reduce reader confusion.

8. NEXT MEETING

The next Ordinary Meeting of Council will be held on 19 November 2014, at the Ashburton Hall, Ashburton Avenue, Paraburdoo, commencing at 1.00 pm.

9. CLOSURE OF MEETING

The Acting Shire President closed the meeting at 7.50pm