



**SHIRE OF ASHBURTON  
ORDINARY MEETING OF COUNCIL**

**MINUTES  
(Public Document)**

**Ashburton Hall, Ashburton Avenue,  
Paraburdoo  
21 June 2016**

**1.00 pm**

# MINUTES - ORDINARY MEETING OF COUNCIL 21 JUNE 2016

## SHIRE OF ASHBURTON ORDINARY MEETING OF COUNCIL

Dear Councillor

Notice is hereby given that an Ordinary Meeting of Council of the Shire of Ashburton will be held on 21 June 2016 at Ashburton Hall, Ashburton Avenue, Paraburdoo commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.

Neil Hartley  
**CHIEF EXECUTIVE OFFICER**

### **DISCLAIMER**

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

## MINUTES - ORDINARY MEETING OF COUNCIL 21 JUNE 2016

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## MINUTES - ORDINARY MEETING OF COUNCIL 21 JUNE 2016

### 1. **DECLARATION OF OPENING**

The Shire President declared the meeting open at 1.02 pm.

#### 1.1 **ACKNOWLEDGEMENT OF COUNTRY**

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

### 2. **ANNOUNCEMENT OF VISITORS**

The Shire President welcomed members of the public to the gallery.

### 3. **ATTENDANCE**

#### 3.1 **PRESENT**

Cr K White	Shire President, Onslow Ward
Cr L Rumble	Deputy Shire President, Paraburdoo Ward
Cr D Dias	Paraburdoo Ward
Cr L Thomas	Tableland Ward
Cr A Bloem	Tom Price Ward
Cr C Fernandez	Tom Price Ward
Cr M Gallanagh	Pannawonica Ward
Cr G Dellar	Ashburton Ward
Mr N Hartley	Chief Executive Officer
Mr F Ludovico	Executive Manager, Corporate Services
Mr B Hall	A/Executive Manager, Infrastructure Services
Ms A Serer	Executive Manager, Strategic & Economic Development
Ms L Reddell	Executive Manager, Development & Regulatory Services
Ms L O'Reilly	Executive Manager, Community Development
Ms J Smith	Executive Officer
Miss J Forward	CEO & Councillor Support Officer

#### 3.2 **APOLOGIES**

There were no apologies.

#### 3.3 **APPROVED LEAVE OF ABSENCE**

Cr P Foster Tom Price Ward

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### 4. QUESTION TIME

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

At the Ordinary Meeting of Council held on 24 May 2016 no questions were taken on notice.

#### 4.2 PUBLIC QUESTION TIME

The following questions were asked:

##### 4.2.1 Patricia Nelson (Geraldton):

**Q1. Main Roads and Shire Councils are supposed to create safe roadways for the Public. Who surveyed the HEAVY VEHICLE turn off from the main road into the Onslow Town site?**

**To have a major turn off just below the crest of a hill is criminal negligence. It needs to be rectified ASAP, or does someone have to be killed before something is done? I'm a 73 year old woman, who visits Onslow every year, if I can spot the hazard, why didn't the experts?**

Officers have been in contact with Main Roads WA and it can be advised that the road has been surveyed during and post construction and conforms to the intended road design.

It meets the vertical grade requirements for Austroads and Main Roads WA current design standards. The approach grades to the intersection are also favourable for heavy vehicle deceleration and decreased stopping distances.

In terms of sight distance requirements, the worst case scenario (that is, the most reduced sight distance due to the low height of a car) is a car heading southbound having limited visibility over the hill towards another car.

This sight distance is currently approximately 180m. The required safe stopping distance, calculated by the AustRoads standards for 60km/hr road speed, is 70m. Therefore, the sight distance is more than double what is required in the Austroads standard. A car heading south will see a truck approximately 250m in advance which allows ample time to slow if needed, and vice versa.

Additionally, the north-bound turn pocket allows for safe stopping of triple road train travelling at 90km/hr, amply sufficient space for a truck to stop if there is approaching traffic considering the current speed limit is 60km/hr.

The median width through the heavy vehicle section of the new road is 8m, which allows additional safety and refuge if required for vehicles turning out off side roads.

##### 4.2.2 Dawn McAullay (Onslow):

**Q1. As a long time resident of Onslow I have been watching the rising infrastructure that is going up around the town, compliments of the Chevron Wheatstone project and their promised money that has allowed this to eventuate.**

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**We now have a lovely Airport and Ring road, essential for our growing town. Under construction are the Basketball Court, the Caravan Park, the Town Hall Shire Complex, and soon to be Skate Park and Aquatic Park.**

**We are catering well for the youth of the town, however my question is, why with the soon to be new swimming pool that an area wasn't made to have a heated pool that would benefit our senior citizens and the more unfortunate that have disabilities. Even the young parents would benefit by a heated pool when teaching their toddlers to swim. Let's face it, we do have a winter in the North and for five to six months the open pool would not be used overmuch if at all.**

**With all the infrastructure that has gone on we are aware of some monumental mistakes that have occurred and rectified at great expense to the jobs concerned. This being the case couldn't you go back to the drawing board and make some changes to the Aquatic Park before it is too late. You made the decision to have a pool installed and as all the other infrastructures are "state of the art" why not this one.**

The Shire considered all of the community consultation undertaken as part of the construction of the Onslow Swimming Pool, but it was keen to keep to construction cost within the \$7m budget allocation provided for the project.

In addition to the \$7m construction cost, the Shire is also responsible for purchasing two new staff houses to enable the employment of suitably qualified pool staff, and also, for the pool's day to day running costs.

Council is endeavouring to simultaneously predict and manage its long term budget obligations and this includes using its best efforts to keep its asset management and ongoing operational costs to the most reasonable level possible.

These already increased capital and operational costs for the existing Onslow pool configuration, when considered against the expectation that the Shire would also need to potentially replicating other heated pool facilities at Paraburdoo and Tom Price, and potentially Pannawonica also, would almost certainly in combination exceed the Shire's funding capacity.

Also to be noted is that swimming pools across the Shire are not open all year (generally being open from 1 October to 30 April) therefore access for a large portion of the year will not be available, disrupting any heated pool benefits.

Whilst it is not proposed that the Onslow pool plans be adjusted to accommodate a heated pool component, it should be noted that the design has taken into consideration the need to accommodate our senior citizens, as well as people with disabilities and toddlers. The purpose built leisure area has for example, handrails where needed, a beach entry to the pool, and a retained 'safe area' for toddlers.

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### 5. APPLICATIONS FOR LEAVE OF ABSENCE

An application was received at the meeting from Cr Dias for leave of absence for the Council meeting being held on 19 July 2016.

#### Council Decision

**MOVED:** Cr M Gallanagh  
Thomas

**SECONDED:** Cr L

**That Council accept the application for leave of absence from Cr Ivan Dias for the Ordinary meeting of Council being held on 19 July 2016.**

**CARRIED 8/0**  
**Crs White, Rumble, Dias, Gallanagh, Dellar, Thomas, Bloem and Fernandez voted for the motion.**

### 6. DECLARATION BY MEMBERS

#### 6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

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

#### 6.2 DECLARATIONS OF INTEREST

##### Councillors to Note

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

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

or;

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

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

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

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

#### **NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)**

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

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

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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.

### Declarations of Interest provided:

Item Number/ Name	Type of Interest	Nature/Extent of Interest
<b>12.1 REVIEW OF POLICY REC08 – COMMUNITY DONATIONS, GRANTS AND FUNDING</b>		
Cr Kerry White	Impartiality	The nature of my interest is <i>I am a Member of the Onslow Sports Club.</i>
Cr Linton Rumble	Impartiality	The nature of my interest <i>Members club and Community Groups, Tidy Towns Tennis Club, Bowling Club, Golf Club, Men's Shed, Book Club, Community Group Rio CAG.</i> The extent of my interest is <i>Golf Club life member, Committee Person Tennis Club and Bowling Club others are members.</i>
Cr Douglas (Ivan) Dias	Impartiality	The nature of my interest <i>Volunteer with Paraburdoo Volunteer Fire &amp; Rescue.</i> The extent of my interest is <i>Elected as Lieutenant of the Volunteer Fire &amp; Rescue Services as of June 2001 ongoing.</i>



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<b>16.1 LEASE AGREEMENT BETWEEN SHIRE OF ASHBURTON AND HAMERSLEY IRON PTY LIMITED FOR LOT 492 COOLIBAH STREET (SES PREMISES), TOM PRICE AND LOT 2003 BOONDEROO ROAD (BFB PREMISES), TOM PRICE</b>		
Cr Linton Rumble	Financial	The nature being <i>“Shareholder greater than \$10,000”</i> . The extent being <i>“I work for company Spotless that services air conditioners on site and town Rio.”</i>
Cr Douglas (Ivan) Dias	Financial	The nature being <i>“Long serving, valued, appreciated, dedicated and loyal employee of Hamersley Iron Pty Ltd”</i> . The extent being <i>“Rio Tinto Ltd shareholder with shares well in excess of \$10,000”</i> .
Cr Anthony Bloem	Financial	The nature being <i>“Financial”</i> . The extent being <i>“I am a shareholder in Rio Tinto with a value greater than \$10,000. Rio Tinto buy access tokens to our gym in Tom Price”</i> .
Cr Melanie Gallanagh	Financial	The nature being <i>“Employee of Rio Tinto Pty Ltd”</i> . The extent being <i>“Employee of Rio Tinto Pty Ltd”</i> .
<b>18.1 DESIGN AND CONSTRUCTION OF THE ONSLOW SKATE PARK</b>		
Cr Kerry White	Financial	The nature of my interest <i>Financial</i> . The extent of my interest is <i>More than \$10,000 shares in BHP</i> .
Cr Douglas (Ivan) Dias	Financial	The nature of my interest <i>Share Holder in BHP Billiton LTD</i> . The extent of my interest is <i>Holder of share to value in excess of \$10,000</i> .

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

Cr Cecilia Fernandez updated Councillors on her current situation, advising that whilst Tom Price is still her primary place of residence, she is still travelling to and from Brisbane to continue her medical treatments. She has been in contact with the Department of Local Government and it has confirmed that she does not require a property lease to retain eligibility to remain on the state electoral roll as a Tom Price resident and that her travel arrangements and times spent at Brisbane/Tom Price are acceptable.

### 8. PETITIONS / DEPUTATIONS / PRESENTATIONS

#### 8.1 PETITIONS

There were no petitions presented to Council.

#### 8.2 DEPUTATIONS

There were no deputations presented to Council.

#### 8.3 PRESENTATIONS

There were no presentations to Council.

### 9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

#### 9.1 ORDINARY MEETING OF COUNCIL HELD ON 24 MAY 2016

##### Council Decision

**MOVED:** Cr A Bloem

**SECONDED:** Cr I Dias

**That the Minutes of the Ordinary Meeting of Council held on 24 May 2016, as previously circulated on 27 May 2016, be confirmed as a true and accurate record.**

**CARRIED 7/1**

**Crs White, Rumble, Dias, Gallanagh, Dellar, Thomas and Bloem voted for the motion.**

**Cr Fernandez voted against the motion.**

## MINUTES - ORDINARY MEETING OF COUNCIL 21 JUNE 2016

### 10. AGENDA ITEMS ADOPTED "EN BLOC"

#### 10.1 MOVE AGENDA ITEMS 'EN BLOC'

MINUTE: 12102

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."*

#### Council Decision

**MOVED: Cr C Fernandez**

**SECONDED: Cr A Bloem**

**That Council adopts en bloc the following Officer recommendations contained in the Agenda for the Ordinary Meeting of Council 21 June 2016.**

<b>Item No.</b>	<b>Agenda Title</b>
<b>11.1</b>	<b>PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS MAY 2016</b>
<b>11.2</b>	<b>USE OF COMMON SEAL AND ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF MAY 2016</b>

**CARRIED 8/0**  
**Crs White, Rumble, Dias, Gallanagh, Dellar, Thomas, Bloem and Fernandez voted for the motion.**

## MINUTES - ORDINARY MEETING OF COUNCIL 21 JUNE 2016

### 11. GOVERNANCE & EXECUTIVE SERVICE REPORTS

#### 11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS MAY 2016

MINUTE: 12102

FILE REFERENCE: GV04

AUTHOR'S NAME AND POSITION: Jasmin Forward  
CEO & Councillor Support Officer

NAME OF APPLICANT/  
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 1 June 2016

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial interest 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 purpose of this agenda item is to report back to Council on the progress of the implementation of Council decisions.

#### Comment

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

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

**ATTACHMENT 11.1**

#### Consultation

Chief Executive Officer  
Executive Management Team

#### Statutory Environment

Not Applicable

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### Financial Implications

Not Applicable

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

### 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

### Council Decision

**MOVED:** Cr C Fernandez

**SECONDED:** Cr A Bloem

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

**CARRIED EN BLOC 8/0**  
**Crs White, Rumble, Dias, Gallanagh, Dellar, Thomas, Bloem and Fernandez voted for the motion.**

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### 11.2 USE OF COMMON SEAL AND ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF MAY 2016

**MINUTE:** 12102

**FILE REFERENCE:** GV21

**AUTHOR'S NAME AND POSITION:** Janyce Smith  
Executive Officer

Sheree Selton  
Administration Assistant Planning

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

**DATE REPORT WRITTEN:** 1 June 2016

**DISCLOSURE OF FINANCIAL INTEREST:** The authors have no financial interest 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 May 2016.

#### **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

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

#### **Financial Implications**

As outlined in Attachment 11.2.

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### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

### Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Low" 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

### Council Decision

**MOVED:** Cr C Fernandez

**SECONDED:** Cr A Bloem

**That Council accept the report *"11.2 Use of Common Seal and Actions Performed Under Delegated Authority for the Month of May 2015"*.**

**CARRIED EN BLOC 8/0**

**Crs White, Rumble, Dias, Gallanagh, Dellar, Thomas, Bloem and Fernandez voted for the motion.**

## 12. COMMUNITY DEVELOPMENT REPORTS

### Declaration of Interest

Prior to consideration of this Agenda Item:

Cr White declared a (impartiality) interest.  
Cr Rumble declared a (impartiality) interest.  
Cr Dias declared a (impartiality) interest.

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

### 12.1 REVIEW OF POLICY REC08 – COMMUNITY DONATIONS, GRANTS AND FUNDING

MINUTE: 12103

FILE REFERENCE: GV20

AUTHOR'S NAME AND POSITION: Lynnette O'reilly  
Executive Manager Community Development

NAME OF APPLICANT/  
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 7 June 2016

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

PREVIOUS MEETING REFERENCE: Agenda Item 12.1 (Minute No. 12091) – Ordinary Meeting of Council 24 May 2016  
Agenda Item 12.1 (Minute No. 12077) – Ordinary Meeting of Council 26 April 2016  
Agenda Item 12.1 (Minute No. 11908) – Ordinary Meeting of Council 18 February 2015

### **Summary**

The Shire of Ashburton's donations policy was last reviewed in April 2016; however following the May 2016 Ordinary Meeting of Council, there is a need to make provision to allow emergency service organisations and signature events operated by unincorporated bodies to apply for donations above \$500.

Other alterations have been made to the policy to allow for a more structured, equitable and consistent approach to the management of Council's donation's, grants and funds available to not for profit community organisations within the Shire of Ashburton. The reviewed policy is now presented for Council consideration with the opportunity to review two applications for grant funding.



**Background**

The Shire of Ashburton's donations policy REC08 was last reviewed in April 2016. In this same month a panel consisting of Councillors representing five wards (Councillor White, Onslow Ward, Councillor Bloem, Councillor Foster and Councillor Fernandez, Tom Price Ward, Councillor Rumble and Councillor Dias, Paraburdoo Ward, Councillor Thomas, Tableland Ward and Councillor Dellar, Ashburton Ward) along with the Acting Chief Executive Officer, Acting Executive Manager Community Development and Executive Assistant Community Development deliberated the funding outcomes for thirty one applications received by the Shire for the second round of the Community Support Grants.

During the deliberations it was identified that two events/groups (Red Dirt Rocks and Paraburdoo Volunteer Fire & Rescue Service) recognised by Council as worthy of financial recognition, were unable to receive funding as they were not incorporated bodies and therefore under the current policy were unable to receive funding. In the May 2016 Ordinary Meeting of Council it was resolved to *'Refer the two events/groups (Red Dirt Rocks and Paraburdoo Volunteer Fire & Rescue Service), to the 2016/17 Annual Budget, to be reconsidered for funding following review of Policy REC08 to allow unincorporated emergency service organisations and signature events operated by unincorporated bodies to apply for donations above \$500.'* The policy has now been updated to reflect this request.

As the Policy was under review the opportunity arose for several other suggested changes to the policy to be made to ensure a more structured, equitable and consistent approach to the management of Council's donations, grants and funds is undertaken. It also allows for the clarification of procedures for Shire Officer's to follow in processing the applications received.

**Comment**

**REVIEW OF REC08 COMMUNITY DONATIONS, GRANTS AND FUNDING**

There are seven areas of assistance in which community groups can apply for cash or in-kind support from the Shire of Ashburton. The review has included the numerous modifications to each area (see attachment 12.1) but the most significant changes were:

3. SIGNATURE EVENTS – Up to \$10,000 per event
  - a. Identified, signature events/organisations are eligible to apply for up to \$10,000 per annual financial year.
  - b. Existing events include: Red Dirt Rocks, Onslow Rodeo, Pannawonica Rodeo and Tom Price Camp Draft.
  - c. Signature events and the dollar amount for each signature event must be identified by Council prior to the adoption of each annual financial year budget to allow appropriate funds to be allocated for each signature event identified.
  - d. Each signature event will be allocated an individual budget code in the annual financial year budget. An event which is not identified and allocated a budget code with a specific amount cannot be considered for funding under signature event funding.
  - e. Signature events/organisations identified by Council worthy of funding do not need to be incorporated.
  - f. Applications are to be made on the relevant application form. Application

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forms are available from Main Shire or Shire Community Development Offices or the Executive Assistant Community Development or online at <http://www.ashburton.wa.gov.au/>

- g. Applications are to be received before the advertised closing date. Late applications will not be considered even if the event is individually identified in the Shire budget.
- h. Applications are to be completed in full and signed by an Office Bearer.
- i. There is only one funding rounds offered each year one in February (closing 31st March) for projects from 1 July to 30 June the following year.
- j. Applications are assessed by a panel consisting of one senior community development staff member and at least two Councillors, each from different wards and will be reviewed at the same time as the Community Support Grants.
- k. Groups identified as a signature event and approved for funding are not eligible to apply for any other funding under this policy except for Community Lease/Licence Funding if applicable.
- l. As part of the application process, applicants agree to submit an acquittal report, using the template provided by the Shire, within four weeks of the completion of the event/activity, containing:
  - i. A detailed budget signed by the Treasurer and President of the organisation of an evaluation of the event/activity.
  - ii. Proof that the grant was expended according to the approved application.
- m. Decisions to allocate funding to a project are based on the following criteria:
  - i. The extent to which the project directly benefits the residents of the Shire of Ashburton.
  - ii. Funding and/or contributions from other sources.
  - iii. Value for money.

### 4. EMERGENCY SERVICES

- a. Emergency service groups are groups which respond to and deal with emergencies when they occur, such as the ambulance service, the police, and the fire brigade. Groups which are not considered an emergency service are unable to apply for an emergency service donation.
- b. Emergency service applicants do not need to be incorporated.
- c. Applications are to be made on the relevant application form. Application forms are available from Main Shire or Shire Community Development Offices or the Executive Assistant Community Development or online at <http://www.ashburton.wa.gov.au/>
- d. Applications can be for cash and/or in-kind contributions as long as the total amount is no more than \$2,500.
- e. Applications are to be received before the advertised closing date. Late applications will not be considered.
- f. Applicants can apply more than once each financial year as long as the total

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amount is less than \$2,500 (this includes cash and in-kind donations such as venue hire).

- g. Emergency Service grants may be requested by applicants who have been successful in obtaining a Small Assistant Grant.
- h. Applicants who have been successful in obtaining Signature Event funding, Community Support Grant funding or are listed under Other Donations are unable to apply.
- i. Applications are to be completed in full and signed by an Officer Bearer.
- j. There are two funding rounds offered each year one in July (closing 31st August) for projects from September to April, and one in February (closing 31st March) for projects from May to August.
- k. Applications are assessed by a panel consisting of one senior community development staff member and at least two Councillors, each from different wards and will be reviewed at the same time as the Community Support Grants.
- l. As part of the application process, applicants agree to submit an acquittal report, using the template provided by the Shire, within four weeks of the completion of the event/activity, containing:
  - i. A detailed budget signed by the Treasurer and President of the organisation of an evaluation of the event/activity.
  - ii. Proof that the grant was expended according to the approved application.
- m. Decisions to allocate funding to a project are based on the following criteria:
  - i. The extent to which the project directly benefits the residents of the Shire of Ashburton.
  - ii. Funding and/or contributions from other sources.
  - iii. Value for money.

### 5. OTHER DONATIONS – Major events/projects

- a. To enable Council the opportunity to fund major events/projects greater than \$10,000.
- b. Application to be made in 31 March funding round and assessed in conjunction with other assessments for funding. The successful events to be considered for inclusion in the following year's budget.
- c. The Shire of Ashburton makes an annual donation to the Nameless Jarndunmunha Festival of \$75,000 each year. The Festival Committee is required to apply in writing for this donation and to acquit any donation received using the appropriate application and acquittal forms as provided by the Shire.
- d. Applicants which have been successful in obtaining Other Donations – Major Events/Projects funding, are unable to apply for other categories of funding under this policy except for Community Lease/Licence Funding if applicable.

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### RECONSIDERATION OF FUNDING TO RED DIRT ROCKS AND PARABURDOO VOLUNTEER FIRE & RESCUE SERVICE

During the assessment of Community Grants funding round March 2016 Red Dirt Rocks and Paraburdoo Volunteer Fire & Rescue Service were recognised by Council as worthy of financial recognition, however, they were unable to approve funding as both organisations were not incorporated bodies as per the requirement of the REC08 policy. Further investigation identified that Red Dirt Rocks as a recognised Signature Event can be progressed under the normal 2016/17 budget process to meet requirements for the October 2016 event, therefore does not require reconsideration for funding outside of the normal funding process.

Additionally, it was identified that if the Paraburdoo Volunteer Fire & Rescue Service's application for funding under the Community Grants for \$2,500 is not provided, it will negatively impact on the proposed project being funded if not funded in 2015/16 financial year.

In the March 2016 grant application round all funding from the budget was allocated to organisations meeting the requirements of the Community Grants funding policy. One organisation declined the funding due to not being able to deliver its proposal with the funded amount, leaving \$729 in the Community Grants budget.

Subject to the approval of the REC08 policy, the Paraburdoo Volunteer Fire & Rescue Service is eligible for funding in the 2015/16 budget year.

#### Consultation

Chief Executive Officer  
Executive Management Team  
Facilities Manager  
Executive Assistant Community Development  
Temporary Project Officer  
Governance and Policy Consultant  
Shire of Ashburton Councillors

#### Statutory Environment

Local Government Act (1995) 6.7(2) (ensuring there is sufficient money in the budget)

#### Financial Implications

Possible allocation for consideration in the 2016/17 annual financial year budget, could be as follows:

1. SMALL ASSISTANCE DONATIONS – 111222
  - \$40,000
2. COMMUNITY SUPPORT GRANTS - 081877
  - \$75,000 (includes Emergency Services)
3. SIGNATURE EVENTS – INDIVIDUAL BUDGET CODES REQUIRED.
  - \$30,000 (amount will vary depending on number of signature events and Shire contribution (not to exceed \$10,000) per group/event identified).
  - Each signature event to be identified in the budget separately.

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4. EMERGENCY SERVICES – 081877 (funded within community support grants allocation)
5. OTHER DONATIONS - INDIVIDUAL BUDGET CODES REQUIRED.
  - Dollar (\$) amount will vary depending on events identified to fund such as the Jarndunmunha Nameless Festival.
6. DONATIONS TO SCHOOLS - 081787
  - \$7,000
7. COMMUNITY LEASE/LICENSE FUNDING – 111223
  - \$200,000

If Paraburdoo Volunteer Fire & Rescue Service is funded in the 2015/16 financial year the full \$2,500, the Community Grants budget will be overspent by \$1,171. There are savings in other areas that could be used to offset this overspend.

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 01 – Vibrant and Active Communities

Objective 02 – Active People, Clubs and Associations

### **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**

REC08 Community Donations, Grants and Funding Policy

### **Voting Requirement**

Simple Majority Required

**MINUTES - ORDINARY MEETING OF COUNCIL 21 JUNE 2016**

**Council Decision**

**MOVED: Cr D Dias**

**SECONDED: Cr C Fernandez**

**That Council:**

- 1. Adopts reviewed Policy REC08 Community Donations, Grants And Funding, as per ATTACHMENT 12.1;**
- 2. Accept the donation recommendation of \$2,500 (cash) to the Paraburdoo Volunteer Fire and Rescue Service from the 2015/16 Annual Financial Year Community Grants Budget; and**
- 3. Note that the 2016/17 Budget needs to consider provisions to accommodate this policy.**

**CARRIED 7/1**

**Crs White, Rumble, Dias, Gallanagh, Dellar, Bloem and Fernandez voted for the motion.**

**Cr Thomas voted against the motion.**

## MINUTES - ORDINARY MEETING OF COUNCIL 21 JUNE 2016

### 13. CORPORATE SERVICES REPORTS

#### 13.1 RECEIPT OF FINANCIALS AND SCHEDULE OF ACCOUNTS FOR MONTH OF APRIL 2016 & MAY 2016

MINUTE: 12104

FILE REFERENCE: FM03

AUTHOR'S NAME AND POSITION: Andy Grant  
A/Finance Manager

NAME OF APPLICANT/  
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 8 June 2016

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

PREVIOUS MEETING REFERENCE: Not Applicable

#### Summary

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

#### Background

Regulation 34 of the Local Government (Financial Management) Regulations requires the Shire to prepare a monthly statement of Financial Activity for consideration by Council.

#### Comment

This report presents a summary of the financial activity for the following month:

#### April 2016

- Statements of Financial Activity and associated statements for the Month of April 2016.

**ATTACHMENT 13.1A**

#### May 2016

- Schedule of Accounts and Credit Cards paid under delegated authority for the Month of May 2016.

**ATTACHMENT 13.1B**

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### Consultation

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

### Statutory Environment

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

### Financial Implications

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

### Strategic Implications

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

### Risk Management

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

### Policy Implications

There are no policy implications in this matter.

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED:** Cr L Rumble

**SECONDED:** Cr D Dias

**That Council:**

1. **Accepts the Financial Reports for April 2016 ATTACHMENT 13.1A; and**
2. **Notes the Schedule of Accounts and Credit Cards paid in May 2016 as approved by the Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds as per ATTACHMENT 13.1B.**

**CARRIED 8/0**

**Crs White, Rumble, Dias, Gallanagh, Dellar, Thomas, Bloem and Fernandez voted for the motion.**



## MINUTES - ORDINARY MEETING OF COUNCIL 21 JUNE 2016

### 13.2 PROPOSED 2016/2017 FEES & CHARGES

MINUTE: 12105

<b>FILE REFERENCE:</b>	FM29
<b>AUTHOR'S NAME AND POSITION:</b>	Claire Waller Senior Finance Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	6 June 2016
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial interest in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### Summary

The Shire's proposed Fees and Charges are presented to Council for consideration for the Financial Year 2016/17. The proposal is required to be advertised for a period of seven days. It is proposed that the new fees and charges will become effective from the start of the 2016/17 financial year (1 July 2016).

#### Background

A local government may impose and recover a fee or charge for goods or services it provides.

The proposed Fees and Charges have been collated and compiled in consultation with Department/Program Managers responsible for providing the relevant services to the community and ensuring appropriate levels of income/cost recovery are generated for the Shire.

Attached is a Schedule of the proposed Fees and Charges for 2016/17. Fees and charges for 2015/16 have been included for Council's reference, to highlight the changes considered for next financial year (proposed newly introduced fees/charges for 2016/17 year are indicated as "new" in the schedule).

#### ATTACHMENT 13.2

#### Comment

Overall, Fees and Charges in most program areas have remained the same as for 2015/16 year, with some adjustments made to accommodate inflation, current costs, and/or to ensure consistency across the Shire.

Programs that have proposed increases include the following; Community Building and Facilities Hire (average. 2%); Tourism Advertising (2%) and Financial / Administration Services (4%).

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New charges have also been introduced for the future Onslow Swimming Pool, these rates are the same as the Vic Hayton Memorial Swimming Pool and Quentin Broad Swimming Pool. Generally, pricing for these charges are set below the financial cost of providing the service as there is an expected community service obligation for the provision of community/recreation services. In these instances the fees received are expected to make minimal contribution towards the total cost of the service provision, with the balance being met from general rates revenue.

### **Consultation**

Department/Program Managers  
Executive Management Team

### **Statutory Environment**

Local Government Act 1995, Section 6.16, 6.17 and 6.19.  
Local Government Act 1995, Section 1.7.

### **Financial Implications**

The revenue raised from fees and charges set by Council will underpin to a degree, its ability to provide services and facilities for the 2016/2017 financial year and into the future. The Long Term Financial Plan incorporates fees/charges and predicts a gradual increase along inflationary lines. If Council was to direct that fees/charges be modified significantly, it would also need to consider how best to offset those impacts in other parts of the budget.

### **Strategic Implications**

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

### **Risk Management**

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. Even though the total revenues collected from fees and charges is significant, the level of increase is the risk driver and the perceived level of risk is therefore considered to be a *"Low Risk: Managed by routine procedures"*.

If Council was to direct that fees/charges be modified significantly without complementary changes in other parts of the budget, then the level of risk would need to be reassessed.

### **Policy Implications**

There are no specific policy implications relative to this issue.

### **Voting Requirement**

Absolute Majority Required

## MINUTES - ORDINARY MEETING OF COUNCIL 21 JUNE 2016

### Council Decision

**MOVED: Cr D Dias**

**SECONDED: Cr L Rumble**

#### That Council:

1. **Adopt the 2016/2017 Fees & Charges Schedule as per the ATTACHMENT 13.2.**
2. **Pursuant to section 53 of the Cemeteries Act 1986 the Council adopts the Fees and Charges for all Cemeteries in the Shire of Ashburton included at page 3 in ATTACHMENT 13.2.**
3. **Pursuant to section 53 of the Building Regulations 2012 adopts a swimming pool inspection fee included at page 11 in ATTACHMENT 13.2.**
4. **Pursuant to section 67 of the Waste Avoidance and Resources Recovery Act 2007, adopt the following charges for the removal and deposit of domestic and commercial waste included at Page 27 in ATTACHMENT 13.2.**
5. **Pursuant to section 67 of the Waste Avoidance and Resources Recovery Act 2007, and section 6.16 of the Local Government Act 1995 adopt the following charges for the deposit of domestic and commercial waste included at page 27-28 in ATTACHMENT 13.2.**

**CARRIED BY ABSOLUTE MAJORITY 6/2**

**Crs White, Rumble, Dias, Gallanagh, Dellar and Bloem voted for the motion.  
Crs Thomas and Fernandez voted against the motion.**

## MINUTES - ORDINARY MEETING OF COUNCIL 21 JUNE 2016

Since the agenda was published on 16 June 2016 we have received several submissions. Changes have been made to the officer's report and are highlighted in bold below.

### 13.3 PROPOSED DIFFERENTIAL RATES 2016/17

**MINUTE:** 12106

**FILE REFERENCE:** RV07

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

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

**DATE REPORT WRITTEN:** 9 July 2015

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 13.5 (Minute No. 12096) – Ordinary Meeting of Council 24 May 2016  
Agenda Item 7.1 – (Minute No 26) Special Meeting of Council 8 July 2015

#### **Summary**

Following Council's Ordinary Council meeting held on 24 May 2016 the endorsed Objects and Reasons for the 2015/16 Differential Rates were advertised.

At the time of writing this report no submissions have been received.

It is proposed to continue using the concession provisions of Section 6.47 to maintain the 2015/16 rating relativities as it applies to GRV assessments and the issues that arose last financial year as a result of the general revaluation at that time.

Large changes in recently received valuations have been considered in our rates modelling. However the extreme uncertainty of these valuations withstanding appeals, means Council should act prudently and "quarantine" most of this additional yield to meet the inevitable resultant refunds.

#### **Background**

At the Ordinary meeting held on 24 May 2016 Council endorsed the Objects and Reasons for the 2015/16 Differential Rates.

As prescribed;

- advertisements were placed in the West Australian on 28 May 2016;
- letters were sent to those ratepayers who are in a differential class where there are less than 30 ratepayers; and
- the *Notice of Intention to Impose Differential Rate* and the *Statement of Objects and Reasons* were placed on the Shire's website and public notice boards and libraries.

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The closing date for submissions is 12:00 noon on 20 June 2016.

### Submissions

#### **SUPPLIMENTARY NOTES ADDITIONAL TO AGENDA ITEM-**

**1. Chevron Australia Pty Ltd**

*Indicates that in the 2015/16 Budget income within the UV Mining/Industrial category was budgeted to provide over \$18m with Chevron projects accounting for more than a third. UV Mining/Industrial category will be contributing 77% of the Shire's total Rates Budget.*

*It indicates it is making significant contributions to the Onslow community through social infrastructure contributions of more than \$250 million.*

*Typically the mining sector provide their own infrastructure such as roads, electricity, water and waste services and therefore do not use, nor require, additional municipal services. As well as some of their operations are located in remote locations such as Barrow Island.*

*Chevron is concerned the rates for UV Mining/Industrial category is already high and does not reflect on the considerable contribution from the resource sector ratepayers, especially the 1.5 cent increase to other UV categories.*

*A copy of their submission is attached.*

**ATTACHMENT 13.3B**

**2. Sean D'Arcy – Lyndon Station**

*The submission objects to the 14% increase in the rate in the dollar for Pastoral Properties, because they have not used the services in Shire Towns for 5 years and the people who do should fund those services. Shire roads have not been maintained and we need to improve our works efficiency in order to justify the increase.*

*A copy of their submission is attached.*

**ATTACHMENT 13.3C**

**3. Rory and Kristie de Pledge – Koordarrie Station**

*The submission Objects to the increase in Pastoral Rates because Twitchen Rd seems to have the lowest maintenance record, upgrades to the road have not been completed and they don't use other shire services. Roads being the most important because they are used to access medical services.*

*A copy of their submission is attached.*

**ATTACHMENT 13.3D**

**4. Cr Lorraine Thomas – Wittenoom**

*The submission raises an objection on the basis there is no comparison possible between benefits or services received in Wittenoom to anywhere else within the Shire. Also UV rating increase is unacceptable. The economic downturn and the action of the Town of Pt Hedland for internal cost cutting should be considered by Councillors and Staff.*

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*A copy of their submission is attached.*

**ATTACMENT 13.3E**

**5. Cob DePledge – Yanrey Station**

*The submission objects to the 14% increase in the rate in the dollar for Pastoral Properties. They don't use township facilities, we cannot justify any comparison to other pastoral properties in the region because there is a difference Shire roads have not been maintained and we need to improve our works ethic so extra revenue doesn't need to found from Pastoral Ratepayers.*

*A copy of their submission is attached.*

**ATTACMENT 13.3F**

**6. Glen Dellar – Wyloo and Maroonah Stations**

*The submission objects to the 14% increase in the rate in the dollar for Pastoral Properties. Because pastoralist rarely visit towns Council needs to look at a fairer user pay system for those that benefit from infrastructure and improvements. Council should be working to improving efficiency and look at cost cutting rather than revenue raising. Roads in his area are poorly maintained and "if the Ashburton Shire wants to raise Pastoral rates then they need to be prepared to meet a higher level of services and not accept current inefficiencies and ad hock road maintenance being supplied."*

*When comparing to neighbouring shires it would be fairer to apply 5% rate in the dollar increase.*

*A copy of their submission is attached.*

**ATTACMENT 13.3G**

**7. McMahon Mining Title Services Pty Ltd – received 4:04pm –after the closing time of 12:00 noon.**

*The submission notes the difference between the different classes of mining licenses and how the Department of Mines charges different rates for different classes ie a \$0.40 rate in the dollar for Exploration licenses and a \$0.20 rate in the dollar for Prospecting Licenses. "The proposed rate-in-dollar to be levied by the Shire is 0.16 for the right to access its infrastructure – infrastructure that all other ratepayers and visitors are entitled to access."*

*The minimum levied is more than 4 times higher than other shires and more than double the maximum annual rent payable for prospecting licenses.*

*The submissions also notes the significant downturn in the mining industry.*

*In the interest of transparency a copy of their submission is attached.*

**ATTACMENT 13.3H**

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### Valuations

Since the Council meeting held on 24 May 2016, there has been further volatility in valuations, with both increases and decreases occurring. We are also experiencing some legal technical challenges to the Shire's historic rating practices and inevitably there will also be some "leakage" occur at the conclusion of this process.

This level of volatility is most unusual and not common to most other Western Australian local governments and it would be prudent to "hedge" against the current common practice of resource companies appealing against valuations (and the State Administrative Tribunal (SAT) then largely upholding those appeals, resulting in the lowering of the Valuer General's determination). This is suggested to occur by way of a "provision" for rate refunds (i.e. a financial capacity to refund rates upon a valuation being reduced by SAT).

The table below reflect the changes in valuation received on 8 June 2016.

Differential Rate Category	2015/16 Valuation	2016/17 Valuation	Updated 2016/17 Valuations	% Change	% Change
	A	B	C	A to C	B to C
GRV Commercial/Industrial/Tourism	22,140,874	19,969,399	20,043,869	(9.5)%	0.4%
GRV - Residential/Community	80,443,535	82,401,069*	82,351,069	2.4%	(0.1)%
UV - Mining/Industrial	46,491,882	48,676,620	60,318,949	29.7%	23.92%
UV - Tourism	340,000	340,000	345,000	1.5%	1.5%
UV - Pastoral	5,221,847	5,216,147	6,316,147	20.9%	21.1%
UV - Residential	2,250,000	3,550,000	2,900,000	28.9%	(18.3)%

**\*Note:** The valuations used in item 13.6 of Councils 24 May 2016 meeting reflected the net valuation figure after the concession had been applied. This has been corrected to show the gross figure. All other figure on this line are the gross figure.

In respect to the GRV changes most are a result of valuation changes occurring in Onslow as a result of strata titling of Residential and Commercial lots.

In respect to UV changes the most significant are highlight below.

Assess No	Suburb	Description	Report Rate Description	Diff in UV
A6427	Tom Price	LIA	UV Mining/Industrial	(1,080,000)
A6412	Barrow Island	Accommodation Village	UV Mining/Industrial	(664,000)
A6414	Barrow Island	Accommodation Village	UV Mining/Industrial	527,500
A7459	ANSIA	Gas Processing Plant	UV Mining/Industrial	(1,509,000)
A7498	ANSIA	Ashburton North Workers Camp	UV Mining/Industrial	571,000
A51050	ANSIA	Gas Plant Site	UV Mining/Industrial	12,760,000

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A51051	ANSIA	Ancillary Land Parcel associated with Wheatstone Gas Plant.	UV Mining/Industrial	635,000
A49021	Brockman 2	Campsite & Service Corridor	UV Mining/Industrial	(231,000)
A51300	Onslow	Barrarda Estate	UV Residential	(130,000)
A51301	Onslow	Barrarda Estate	UV Residential	(130,000)
A51302	Onslow	Barrarda Estate	UV Residential	(130,000)
A51303	Onslow	Barrarda Estate	UV Residential	(130,000)
A51304	Onslow	Barrarda Estate	UV Residential	(130,000)
A37659	Tablelands Ward	Station	UV Pastoral	1,100,000

### Concessions

It is proposed to continue using the concession provisions of Section 6.47 to maintain the 2015/16 rating relativities as it applies to GRV assessments and the issues that arose last financial year as a result of the general revaluation at that time. This will be achieved by replicating the 2015/16 process, namely, that Council set the maximum increase in valuations it will apply to GRV Residential/Community properties across the whole Shire (this will ensue objectivity, fairness and equity, consistency, transparency and administrative efficiency) and grant a concession for the difference between what would have been rated using the new valuations and what will be rated with “discounted” valuations.

As highlighted in last year's report (item 7.1 8 July 2015 Special Meeting of Council) as a potential outcome, the concession will likely need to be retained until the next general GRV revaluation (in three years time - because if we consider removing the concession in 2017/18 we will have similar issues and constrains to 2015/16). Further consideration to the matter will need to be given when deliberating on the 2017/18 rate levels.

### **Comment**

It is always a challenge for local governments to determine their rates each year as the questions of objectivity, fairness and equity, consistency, transparency and administrative efficiency are onerous to contemplate, when considered against the overall need of the Shire to raise a reasonable level of income to provide the level of services required of it. The challenge becomes considerably more difficult when a local government cannot comfortably rely upon the Valuer General's valuation to sustain an appeal by third party. The evidence of past SAT appeals clearly shows that an authority cannot relying on an appeal being dismissed and therefore, it would be irresponsible financial management to assume the above new valuations would be sustained at the current levels. It should in fact be expected that the recipients of assessments with large valuation increases will appeal, and it should also be expected that they will be successful in securing large valuation reductions.

Officers therefore strongly suggest that a very significant portion of the currently potential rate yield increase be place in a “rate refund provision account”, to provide for the inevitable rate refunds that we will be required to make over coming months, therefore protecting the Shire's financial sustainability.



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### SUPPLIMENTARY NOTES ADDITIONAL TO AGENDA ITEM-

*The following comments are provided in respect to each of the submissions:*

**1. Chevron Australia Pty Ltd**

*In respect to Chevron Australia Pty Ltd when new developments occur, it could be considered in a similar manner to a new shopping centre or a new suburb coming on-line in Perth. This is natural growth occurring within our district and the rate in the dollar is consistent with that paid in the past (and proposed for 2016/17) that other similar ratepayers will be levied.*

*The Shire is very appreciative of the \$250 million contribution to social infrastructure, but only 26% is applicable to Shire infrastructure and assets. Once these assets have been constructed it is the Shire's responsibility to operate and maintain those assets. The natural growth that occurs within our district assists in building, operating and maintaining those assets.*

*It is considered that natural resource projects have significant impacts on town sites, even when located some distance away. This occurs as a result of additional demands being made on Shire services; either directly as a result of activities generated by the facilities themselves, or indirectly as a result of the needs of town based supporting businesses.*

*The recent valuations received has meant that Council will be considering reducing the 1.0 cent increase in the rate in the dollar on this category.*

*It should be note these valuations are maybe subject to appeal and the actual yield may be significantly different to that proposed in this agenda item.*

**2. Sean D'Arcy – Lyndon Station**

**3. Rory and Kristie de Pledge – Koordarrie Station**

**5. Cob DePledge – Yanrey Station**

*In respect to the submissions from Lyndon, Koordarrie and Yanrey Stations, the anticipated yield from UV Pastoral rates is \$384,574. Year to date expenditure for Rural Access roads in \$839,440 and Station Access roads is \$150,803. Council's draft 2016/17 Budget contains similar values for these accounts.*

*It is acknowledged the Shire received Federally funded Untied Roads Grants of \$1,300,956 and Main Roads WA Maintenance Grant of \$280,000 in 2015/16, however these amounts are calculated by analysing all shire roads (i.e. pastoral and townsite) including quantitative (length) and qualitative (width, sub-structure and surface type) measurers. Overall the year to date expenditure for the maintenance of all Shire roads is \$2.225m.*

*It is acknowledged that there are other users of pastoral roads and contributions should come from other sources of rating and grant income. It is considered that this does in fact occur.*

*It is acknowledged that some ratepayers find it more difficult than others to access some services but the Shire also provides some unrestricted 'public*

## MINUTES - ORDINARY MEETING OF COUNCIL 21 JUNE 2016

*goods' that are of benefit to all ratepayers, such as emergency management, health, building, and planning services, libraries and parks.*

*Improvements to our asset management processes will mean the Council will be better able to analyse the allocation of funds for rural roads in the future.*

#### **4. Cr Lorraine Thomas – Wittenoom**

*In respect to submission from Cr Lorraine Thomas, Council decision as part of the Rating Strategy discussion in May 2015 saw the creation of a lesser minimum for Wittenoom properties, this has continued for 2016/17. The GRV Residential/Community minimum is \$740 and the lesser minimum is \$555.*

*It is acknowledged that the economy is under a degree of stress presently, but it is considered that Council at all times attempts to balance the community need with the available funding and has reviewed (and will continue to review) it's activities with the development of the Strategic Asset Management and Long Term Financial plans.*

#### **6. Glen Dellar – Wyloo and Maroonah Stations**

*In respect to the submissions from Lyndon, Koordarrie and Yanrey Stations, the anticipated yield from UV Pastoral rates is \$384,574. Year to date expenditure for Rural Access roads is \$839,440 and Station Access roads is \$150,803. Council's draft 2016/17 Budget contains similar values for these accounts.*

*It is acknowledged the Shire received Federally funded Untied Roads Grants of \$1,300,956 and Main Roads WA Maintenance Grant of \$280,000 in 2015/16, however these amounts are calculated by analysing all shire roads (i.e. pastoral and townsite) including quantitative (length) and qualitative (width, sub-structure and surface type) measurers. Overall the year to date expenditure for the maintenance of all Shire roads is \$2.225m.*

*It is acknowledged that there are other users of pastoral roads and contributions should come from other sources of rating and grant income. It is considered that this does in fact occur.*

*It is acknowledged that some ratepayers find it more difficult than others to access some services but the Shire also provides some unrestricted 'public goods' that are of benefit to all ratepayers, such as emergency management, health, building, and planning services, libraries and parks.*

*Improvements to our asset management processes will mean the Council will be better able to analyse the allocation of funds for rural roads in the future.*

*It should be noted that Council considered rating relativities when it undertook it's Rating Study in May 2015 and determined it's current course of action. It would might be appropriate to review this Study over the coming twelve months to confirm its validity as this will provide Council with either the opportunity to endorse its current position, or alternatively, allow Council to consider a modified position.*

#### **7. McMahon Mining Title Services Pty Ltd – received 4:04pm –after the closing time of 12:00 noon.**

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**It is acknowledged that the economy is under a degree of stress presently, but it is considered that Council at all times attempts to balance the community need with the available funding and has reviewed (and will continue to review) it's activities with the development of the Strategic Asset Management and Long Term Financial plans.**

**In respect to the type of potential differentials, there are differing views as to which types of mining industry activity actually result in the highest cost impacts to local governments.**

Notwithstanding the points made in the above pastoral submissions, it is not considered that there is sufficient justification to alter the previously suggested rates in the dollar as they fairly represent the rate contribution by that differential rate category.

In regard to the UV Industrial/Mining rate category, it is also considered that the recommended rate levels fairly represent the rate contribution by that differential rate category (noting that it has been recommended that the advertised UV Industrial/Mining rate be reduced by 1c/\$ in light of recently received property valuation increases).

### **Consultation**

Consultation  
Chief Executive Officer  
Executive Managers

### **Statutory Environment**

The following sections in Local Government Act 1995 apply:

- Section 6.32 of the Local Government Act 1995 provides Council with the power to apply rates to property;
- Section 6.33 of the Local Government Act 1995 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 of the Local Government Act 1995 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 and a lesser minimum in respect of any portion of the district.
- Section 6.36 of the Local Government Act 1995 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.
- Section 6.47. Concessions - allows Council to grant concessions in relation to a rate or service charge.

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

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

## MINUTES - ORDINARY MEETING OF COUNCIL 21 JUNE 2016

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

The Department of Local Government and Communities Circular 02 – 2016 – Minister Approval of Differential Rates and Minimum Payments for 2016/17 indicates that after the Objects and Reasons for the differential rates has been published and considered by Council a lead-time of a minimum of three weeks is required for ministerial approval. The Council budget cannot be adopted without ministerial approval.

There is no legislative requirement to re-advertise differential rates, even if they are changed from the advertised figures.

### **Financial Implications**

The proposed concessions for GRV Residential/Community and UV Residential properties amount to \$301,515.

In light of the valuation changes forthcoming since the last Council Meeting, it is considered that (subject to upheld appeals) Council might raise more funds than previously thought. If this was to occur, the Shire might then be able to better provide for asset management demands with more funds being allocated to areas like road, playground and building maintenance. This is one important area of the budget that Council has progressively endeavoured to improve over recent years, but which there is still an annual “deficit” to attend to.

Notwithstanding the history of successful SAT appeals, Council should none-the-less look towards setting competitive rate levels. It should also be scrutinising its costs and other revenue options so as to ensure rating levels are reasonable and fair. Council at its last meeting incorporated a 1c/\$ allocation on UV Industrial/Mining to accommodate a provision for valuation reductions and rate refunds. It is now not considered that this extra rate burden is warranted as even the most pessimistic valuation appeal scenario does not contemplate a 100% failure rate.

A new model (set out below) outlines the alternative model that is suggested to be the most appropriate option -

- **Model E.** Model E calculates the level of rating based on:
  - The Rate in the dollar reflects the Local Government Cost Index (LGCI) March 2016 currently estimated at 1.5%;
  - Council’s May 2015 Rating Strategy decisions;
  - Retention of the Concession for GRV Residential/Community properties (the concession is the equivalent to the difference payable between 2014/15 valuations and 2015/16 GRV Residential/Community properties rate in the dollar) and for UV Residential lots; and
  - New or redevelopment GRV Residential/Community lots (particularly in Onslow) not receive any concession.

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Differential Rate Category	Estimated 2015/16 Actual \$	Model E  \$	Model E  %
GRV Commercial/Tourism/Industrial	1,031,231	1,047,186	1.5
GRV Residential/Community	3,909,277	4,008,748	2.5
UV Industrial/Mining	18,625,928	23,651,150	27.0
UV Tourism	54,415	56,043	3.0
UV Pastoral	277,579	384,574	38.5
UV Residential	116,961	118,418	1.2
Non Ratable	(14,371)		
<b>Total</b>	<b>24,001,020</b>	<b>29,266,119</b>	<b>21.9</b>

**Note:** net of GRV Residential/Community and UV Residential Concessions

A detailed analysis is attached as **Attachment 13.3A**

**ATTACHMENT 13.3A**

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 5 - Inspiring Governance

Objective 4 - Exemplary Team and Work Environment.

### **Risk Management**

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered "**Extreme**" as the chance of a valuation appeal and downwards review is considered almost certain. As an extreme risk matter, the Executive Manager - Corporate Services will monitor progress.

The uncertainty arises because of the extent valuations have changed when appealed or determined by the State Administrative Tribunal (SAT). In recent time valuations for Barrow Island assessments changed on several occasions until that matter was settled. BHP Billiton are currently appealing its 2015/16 valuation at SAT and we have been advised by the Valuer General a determination is imminent (although that has now occurred on several occasions over several months).

We are legally obliged to use the Valuation provided by the Valuer General (we are audited to prove we have used this valuation) and until this is changed, we are unable to use any other valuation.

Whilst every endeavour is made to account for the changing economic circumstances, because of the uncertainty it is difficult to recommend a rate in the dollar that enables the Council to operate but provides the ability to make a refund of rates when appeals have been determined.

A solution can be, the "quarantine" of an amount of rating income from the Council Budget by creating a provision for "rates refunds". This way, when the almost inevitable valuation adjustment occurs, funds will be available to meet this outcome.

## MINUTES - ORDINARY MEETING OF COUNCIL 21 JUNE 2016

It is suggest that about 80% of the rate income increase be “quarantine’ in this manner. This will mean the extra income discussed in the May 2016 Council meeting (about \$1m) will still be available to the 2016/17 Budget.

### Policy Implications

Council policy FIN10 Wittenoom Townsite, Wittenoom Gorge and Yampire Gorge Rates and Services Policy applies. In addition to stating it will cease providing all physical services and promotion to Wittenoom and Yampire Gorge, it also states Council is to cease waving rates for Wittenoom properties.

The policy also states *‘Council will rate all properties in Wittenoom. This is an 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 a sporting facilities, libraries, roads, governance and economic development.’*

Council Policy ELM10 Financial Sustainability Policy also applies. This policy establishes the financial sustainability framework for the Council. The policy is based on the Council's desire to plan for on-going financial sustainability to provide appropriate services and infrastructure for the community now and into the future.

### Voting Requirement

Absolute Majority Required

### Recommendation

That Council:

1. Notes no submissions were received regarding Notice of Intention to Impose Differential Rate and the Statement of Objects and Reasons
2. Seek Ministerial approval for the following differential model.

Rate Code Description	Rate in the \$	General Minimum Payment \$	Lesser* Minimum Payment \$
GRV Commercial/Industrial/Tourism	0.051060	\$925.00	
GRV Residential/Community	0.050961	\$740.00	\$555.00
UV Mining/Industrial	0.398204	\$925.00	
UV Tourism	0.162445	\$925.00	
UV Pastoral	0.060154	\$925.00	
UV Residential	0.050961	\$925.00	

3. Retention of the Concession for GRV Residential/Community properties (the concession is the equivalent to the difference payable between 2014/15 valuations and 2015/16 GRV Residential/Community properties rate in the dollar) and for UV residential lots ( the concession being the reducing of rates to minimum levels on any lots within the Barrarda Residential Estate - Onslow in the UV Residential rating code)

**MINUTES - ORDINARY MEETING OF COUNCIL 21 JUNE 2016**

4. Establish a Provision for Rates Refunds Account of approximately 80% of the increase in rate yield from 2015/16 rating levels.

**Council Decision**

**MOVED: Cr L Rumble**

**SECONDED: Cr D Dias**

**That Council suspend standing orders (at 1.30pm) in order to allow members to read, comprehend and consider the submissions received for Agenda Item 13.3 Proposed Differential Rates 2016/17.**

**CARRIED BY ABSOLOUTE MAJORITY 8/0  
Crs White, Rumble, Dias, Gallanagh, Dellar, Thomas, Bloem and Fernandez voted for  
the motion.**

**Council Decision**

**MOVED: Cr C Fernandez**

**SECONDED: Cr D Dias**

**That Council reinstate standing orders (at 2.06pm).**

**CARRIED ABSOLOUTE MAJORITY 8/0  
Crs White, Rumble, Dias, Gallanagh, Dellar, Thomas, Bloem and Fernandez voted for  
the motion.**

**MINUTES - ORDINARY MEETING OF COUNCIL 21 JUNE 2016**

**Council Decision**

**MOVED: Cr D Dias**

**SECONDED: Cr L Rumble**

**That Council:**

1. Notes the submissions received regarding the advertised 2016/17 differential model. However, as a result of the issues raised, initiate a review into the 2015 Rating Strategy.
2. That as result of valuation increases seek Ministerial approval for the following differential model.

<b>Rate Code Description</b>	<b>Rate in the \$</b>	<b>General Minimum Payment \$</b>	<b>Lesser* Minimum Payment \$</b>
<b>GRV Commercial/Industrial/Tourism</b>	<b>0.051060</b>	<b>\$925.00</b>	
<b>GRV Residential/Community</b>	<b>0.050961</b>	<b>\$740.00</b>	<b>\$555.00</b>
<b>UV Mining/Industrial</b>	<b>0.388204</b>	<b>\$925.00</b>	
<b>UV Tourism</b>	<b>0.162445</b>	<b>\$925.00</b>	
<b>UV Pastoral</b>	<b>0.060154</b>	<b>\$925.00</b>	
<b>UV Residential</b>	<b>0.050961</b>	<b>\$925.00</b>	

3. Retention of the Concession for GRV Residential/Community properties (the concession is the equivalent to the difference payable between 2014/15 valuations and 2015/16 GRV Residential/Community properties rate in the dollar) and for UV residential lots ( the concession being the reducing of rates to minimum levels on any lots within the Barrarda Residential Estate - Onslow in the UV Residential rating code)
4. Establish a Provision for Rates Refunds Account of approximately 80% of the increase in rate yield from 2015/16 rating levels.
5. Over the coming 12 months 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.

**CARRIED BY ABSOLUTE MAJORITY 5/3**  
**Crs White, Rumble, Dias, Gallanagh and Bloem voted for the motion.**  
**Crs Dellar, Thomas and Fernandez voted against the motion.**

**Reason for Change:** (1) Submissions were received after the agenda was published and the officers recommendation was altered to incorporate an additional recommendation (vis. #5 above); and (2) There was a typographical error in the UV Mining/Industrial rate, which should have read in the agenda "0.388204", not as was printed "0.398204".



## MINUTES - ORDINARY MEETING OF COUNCIL 21 JUNE 2016

### 14. DEVELOPMENT AND REGULATORY SERVICES REPORTS

There were no Development and Regulatory Services Reports for this agenda.

### 15. INFRASTRUCTURE SERVICES REPORTS

There were no Infrastructure Services Reports for this agenda.

### 16. STRATEGIC AND ECONOMIC DEVELOPMENT REPORTS

#### **Declaration of Financial Interest**

In accordance with Section 5.69 (3) (a) of the Local Government Act Crs Rumble, Dias, Gallanagh and Bloem declared a financial interest in Agenda Item 16.1 Lease Agreement between Shire of Ashburton and Hamersley Iron Pty Ltd for Lot 492 Coolibah Street (SES premises), Tom Price and Lot 2003 Boonderoo Road (BFB premises), Tom Price. The nature and extent of their interest is outlined in item 6.2.

As there would not be a quorum to vote, approval was sought from the Minister of Local Government to allow a member to debate and vote on Agenda Item 16.1. The Minister's written approval for Cr Gallanagh to fully participate in the discussion and decision making process in relation to this agenda item was obtained prior to the Council Meeting. The approval was granted subject to the following conditions:

1. The approval is only valid for the abovementioned item, when it is considered at the Shire's Ordinary Meeting of Council of 21 June 2016;
2. Cr Gallanagh must declare the nature and extent of his interest in the item, at the meeting when the matter is considered, together with the approval provided;
3. You as the CEO, are to provide a copy of the Department's letter advising of the approval to Cr Gallanagh;
4. You as the CEO, are to ensure that the declaration, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;
5. You as the CEO, are to provide a copy of the confirmed minutes of the abovementioned meeting to the Department, to allow the Department to verify compliance with the conditions of this approval; and
6. The approval granted is based solely on the interest disclosed made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.

The Director General did not consider it necessary to allow Crs Rumble, Dias and Bloem to participate in the discussion and decision making in this instance and has declined to approve the request for them to participate.

**RECORDED ON REGISTER GV07**

2.20pm - Crs Rumble, Dias & Bloem left the meeting room.

## MINUTES - ORDINARY MEETING OF COUNCIL 21 JUNE 2016

### 16.1 LEASE AGREEMENT BETWEEN SHIRE OF ASHBURTON AND HAMERSLEY IRON PTY LIMITED FOR LOT 492 COOLIBAH STREET (SES PREMISES), TOM PRICE AND LOT 2003 BOONDEROO ROAD (BFB PREMISES), TOM PRICE

MINUTE: 12107

FILE REFERENCE: COO.0492/BOO.2003

AUTHOR'S NAME AND POSITION: Janelle Fell  
Economic and Land Development Manager

NAME OF APPLICANT/  
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 2 June 2016

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

PREVIOUS MEETING REFERENCE: Not Applicable

#### Summary

Hamersley Iron Pty Limited (RTIO) has been progressively providing to the Shire over past months, renewed or new lease agreements for its various community tenanted premises throughout Paraburdoo, Pannawonica and Tom Price.

Renewals have generally been accommodated under delegation, but on those occasions where a primary/new lease is proposed and there are financial implications evident, it is appropriate for those proposals to be referred to Council. As such, consideration is now requested from Council of new leases for Tom Price's branches of the State Emergency Service (SES), located at Lot 492 Coolibah Street and the Bush Fire Brigade (BFB), located at Lot 2003 Boonderoo Road. It is proposed that the Shire enter into these leases on behalf of each organisation as they are unable to do so on their own behalf.

#### Background

RTIO has recently undertaken a business review which highlighted the lack of current lease agreements for premises leased to other parties including community and not-for-profit organisations. The State Emergency Service and Bush Fire Brigades in Tom Price have occupied premises owned by RTIO without formal tenure, however as a result of the business review they are now required to enter into a lease agreement. Neither group is able to enter into a tenancy agreement in their own right, so it is proposed that the Shire enters into leases on their behalf.

**ATTACHMENT16.1A – Lot 492  
ATTACHMENT16.1B – Lot 2003**

#### ***Lot 492 Coolibah Street, Tom Price – SES Premises***

The Tom Price branch of the SES has been located at Lot 492 Coolibah Street since inception, with a house (training facility/office), vertical training tower and Local Government

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Grants Scheme (LGGS) funded undercover parking for appliances being on the lot. To date, no lease agreement has been in place between SES and RTIO, however RTIO have been responsible for the provision of all utilities and maintenance.

The site is 1143m<sup>2</sup> and is formally known as Lot 492 on Deposited Plan 15338.

### ***Lot 2003 Boonderoo Road, Tom Price – BFB Premises***

The Shire of Ashburton administers the BFB which is currently located at the RTIO owned premises at Lot 2003 Boonderoo Road, Tom Price. The site is 758m<sup>2</sup> and is formally known as lot 2003 on Deposited Plan 78277 and has no undercover parking for appliances.

**ATTACHMENT 16.1**

### **Comment**

### ***Lot 492 Coolibah Street, Tom Price – SES Premises AND Lot 2003 Boonderoo Road, Tom Price – BFB Premises***

As the Shire of Ashburton administers the LGGS Operational Grants (ESL), securing tenure of both premises by the Shire of Ashburton will enable further grant applications for dispersal to the branches for upgrades and equipment purchase.

As the BFB is not incorporated and DFES Resource Allocations advise that the SES cannot enter into a lease under their own terms, agreement between the Shire will allow tenancy for the volunteers.

RTIO has advised maintenance costs at the SES and BFB sites since 2011 total \$8,000 and \$10,000 respectively. If Council accepts the lease, an allocation in the Shire of Ashburton's budget will need to be undertaken for yearly maintenance costs (estimated to be approximately \$2,000 per site). Additionally, provision of \$3,000 for utilities (electricity and water) for each site will also need to be included in future budgets. This detail is derived from account information provided by RTIO Utilities for Lot 2003 Boonderoo Road for 2014 and 2015.

An inspection was carried out by Shire Officers who identified several major defects on the premises. RTIO has since engaged contractors to rectify these.

The terms of the new lease agreements are as follows:

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Schedule	Lot 492 Coolibah Street (SES)	Lot 2003 Boonderoo Road (BFB)
Term	5 years Commencing – 10/11/2015 Expiring – 09/11/2020	5 years Commencing – 10/11/2015 Expiring – 09/11/2020
Further Term	Not applicable	Not applicable
Rent	The tenant is not required to pay Rent during the Term of the Lease with the Tenant being assessed to meet the criteria to receive rental subsidies	The tenant is not required to pay Rent during the Term of the Lease with the Tenant being assessed to meet the criteria to receive rental subsidies
Permitted Use	Office, Training and Lay Down area for Emergency Rescue Service	Office, Training and Lay Down Area for Volunteer Bush Fire Brigade Services
Public Liability Insurance	\$20,000,000	\$20,000,000
Utilities	Tenant	Tenant
Maintenance (relevant to site) (Tenant Responsibility)	<ul style="list-style-type: none"> <li>• Bin collection beyond what is normally undertaken by the local authority</li> <li>• General pest treatment</li> <li>• Fire extinguisher installation</li> <li>• Fire extinguisher routine testing</li> <li>• Routine RCD testing</li> <li>• Maintenance and repairs to any tenant improvement</li> <li>• General cleaning of premises</li> <li>• Light globes</li> <li>• Smoke alarm batteries</li> <li>• Damage as a result of tenants negligence</li> <li>• Storm water drain cleaning and maintenance</li> <li>• Rubbish bin collection</li> <li>• Maintain Premises and make good at expiry</li> <li>• Building minor maintenance</li> <li>• Repainting at termination of lease</li> <li>• Air conditioning – preventative and maintenance repairs including breakdowns</li> <li>• Electrical, communications and reticulation systems maintenance and repairs</li> <li>• Plumbing system maintenance (tap ware)</li> </ul>	<ul style="list-style-type: none"> <li>• Bin collection beyond what is normally undertaken by the local authority</li> <li>• General pest treatment</li> <li>• Fire extinguisher installation</li> <li>• Fire extinguisher routine testing</li> <li>• Routine RCD testing</li> <li>• Maintenance and repairs to any tenant improvement</li> <li>• General cleaning of premises</li> <li>• Light globes</li> <li>• Smoke alarm batteries</li> <li>• Damage as a result of tenants negligence</li> <li>• Storm water drain cleaning and maintenance</li> <li>• Rubbish bin collection</li> <li>• Maintain Premises and make good at expiry</li> <li>• Building minor maintenance</li> <li>• Repainting at termination of lease</li> <li>• Air conditioning – preventative and maintenance repairs including breakdowns</li> <li>• Electrical, communications and reticulation systems maintenance and repairs</li> <li>• Plumbing system maintenance (tap ware)</li> </ul>

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### Consultation

Emergency Management Coordinator  
Executive Manager – Strategic and Economic Development  
Tom Price VBFB Officer Group  
Tom Price SES Acting Manager  
DFES Resource Allocations

### Statutory Environment

Complies with all statutory requirements.

### Financial Implications

Ongoing maintenance and utilities costs are estimated below and will need to be included in future budgets.

Premises	Yearly Maintenance \$	Yearly Utilities \$
Lot 492 Coolibah Street (SES)	2,000	3,000
Lot 2003 Boonderoo Street (BFB)	2,000	3,000
TOTAL	\$4,000	\$6,000
COMBINED TOTAL	\$10,000	

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 01

Objective 01 – Connected, Caring and Engaged Communities

Objective 02 – Active People, Clubs and Associations

Goal 02

Objective 02 – Enduring Partnerships with Industry and Government

Goal 04

Objective 02 – Accessible and Safe Towns

### 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

ENG08 – Bushfire Policy

### Voting Requirement

Simple Majority Required

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### Council Decision

**MOVED: Cr C Fernandez**

**SECONDED: Cr L Thomas**

**That Council Delegate Authority to the Chief Executive Officer to arrange preparation and execution of the lease agreements between the Shire of Ashburton and Hamersley Iron Pty Ltd for Lot 492 Coolibah Street and Lot 2003 Boonderoo Road, Tom Price for a term of five years commencing 10 November 2015 and expiring on 9 November 2020 for \$0 rental per annum.**

**CARRIED 5/0**

**Crs White, Gallanagh, Dellar, Thomas and Fernandez voted for the motion.**

2.23pm - Crs Rumble, Dias and Bloem re-entered the meeting room.

## MINUTES - ORDINARY MEETING OF COUNCIL 21 JUNE 2016

### 17. COUNCILLORS AGENDA ITEMS / NOTICES OF MOTIONS

#### 17.1 NOTICE OF MOTION - REQUEST FOR DONATION TO BINDI COMMUNITY, ONSLOW

**FILE REFERENCE:** CR01

Cr Cecilia Fernandez tabled the following Notice of Motion in regard to the donation of funds to go towards a Children's Playground in Bindi Community, Onslow:

##### **Notice of Motion**

That the Council consider as part of its 2016/17 budget, the provision of funds for a small playground (say \$50-100,000) in Bindi, Onslow.

Comments - whilst it is appreciated that Bindi is in effect, private property, there are several families and a reasonably large number of children residing there. I understand the parents of those children in that community would prefer their children to be playing close to their homes and families, in a safe and familiar location.

It might not be possible for the Shire to pay for and install the playground if the land is not generally available for the wider public's use. If that is the case, then I ask that Council consider a donation to the Bindi Community to pay for or assist it in funding and installing such a children's playground facility.

The Shire President noted that this matter would be referred to officers for a report, which will be put before Council at the earliest reasonable opportunity.

#### 17.2 NOTICE OF MOTION - ONSLOW AIRPORT CAMP

**FILE REFERENCE:** ONS.0016

Cr Cecilia Fernandez tabled the following Notice of Motion in regard to the Onslow Airport Camp:

##### **Notice of Motion**

Request the CEO to provide to Council all information related to the Onslow Airport Camp, including cost and income for the last 12 months, possible scenarios of future use and recommendations for immediate actions to address high cost.

The Shire President noted that this matter would be referred to officers for a report, which will be put before Council at the earliest reasonable opportunity.

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### 17.3 NOTICE OF MOTION - ZEBRA CROSSING IN TOM PRICE

FILE REFERENCE: RD07

Cr Cecilia Fernandez tabled the following Notice of Motion in regard to a Zebra Crossing in Tom Price:

#### **Notice of Motion**

Request the CEO to present to Council the process and cost for approval of a Zebra Crossing between Tom Price Library and Tom Price Shopping Mall as a response to the petition collected at the Tom Price Post Office and presented by Cr Fernandez a few months ago. The Post Office Manager contacted Main Roads for advise and was told that this is a Shire matter.

The Shire President noted that this matter would be referred to officers for a report, which will be put before Council at the earliest reasonable opportunity.



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

**Council Decision**

**MOVED: Cr G Dellar**

**SECONDED: Cr L Thomas**

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

- 18.1 DESIGN AND CONSTRUCTION OF THE ONSLOW SKATE PARK; and  
18.2 AFFIXING THE COMMON SEAL TO THE PARABURDOO COMMUNITY HUB BUILDING FINANCIAL ASSISTANCE AGREEMENT WITH DEPARTMENT OF REGIONAL DEVELOPMENT**

**CARRIED 8/0**

**Crs White, Rumble, Dias, Gallanagh, Dellar, Thomas, Bloem and Fernandez voted for the motion.**

**Declaration of Interest**

**Prior to consideration of this Agenda Item:**

**Cr White declared a (financial) interest.**

**Cr Dias declared a (financial) interest.**

**See item 6.2 for details of the interest declared.**

**RECORDED ON REGISTER GV07**

2.32pm - Crs White & Dias left the meeting room.

2.32pm – Cr Rumble took the chair of the meeting.

## MINUTES - ORDINARY MEETING OF COUNCIL 21 JUNE 2016

### 18.1 DESIGN AND CONSTRUCTION OF THE ONSLOW SKATE PARK

**MINUTE:** 12108

**FILE REFERENCE:** CM14.16

**AUTHOR'S NAME AND POSITION:** Sean Ripley  
Strategic Project Manager

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

**DATE REPORT WRITTEN:** 16 June 2016

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 16.2 (Minute No. 12084) – Ordinary Meeting of Council 26 April 2016  
Agenda Item 18.1 (Minute No. 11870) – Ordinary Meeting of Council 15 October 2014  
Agenda Item 16.5 (Minute No. 11798) – Ordinary Meeting of Council 21 May 2014  
Agenda Item 18.3 (Minute No. 11709) – Ordinary Meeting of Council 20 November 2013  
Agenda Item 12.3 (Minute No. 11348) – Ordinary Meeting of Council 21 November 2012  
Agenda Item 14.04.05 – Ordinary Meeting of Council 21 April 2010

#### **Summary**

Tender submissions were sought from suitably qualified and experienced Contractors for the design and construction of a modern skate park facility including shade, lighting, soft and hard landscaping, chilled water fountain, bin enclosures and table settings on Reserve 30686, Lot 555 Cameron Avenue, Onslow.

This report seeks Council consideration of the Tender assessment outcome, to accept the Tender from CONVIC.

#### **Background**

At the Ordinary Meeting of Council on 21 November 2012, Council adopted the Onslow BHP Billiton Macedon Social Investment fund. This included funding from the Social Infrastructure fund of \$1 million towards a skate park and recreation area in Onslow.

In March 2016 community consultation was undertaken to further refine the skate park's design following initial engagement in August 2014. All feedback and information gathered was incorporated into the final concept report 'Onslow Skate Space' which was endorsed by Council at the Ordinary Meeting of Council on 26 April 2016.

Tenders were then called for the Design and Construction of the Onslow Skate Park in accordance with the approved concept design, with submissions closing 10 June 2016.

## MINUTES - ORDINARY MEETING OF COUNCIL 21 JUNE 2016

Three Tenders were received and assessed with the following results:

<b>Tenderer</b>	<b>Price (excl. GST)</b>	<b>Score</b>	<b>Ranking</b>
<b>CONVIC</b>	\$1,000,000.00	74.5	1
<b>Carving Concrete Construction</b>	\$1,166,601.59	68.5	2
<b>Concrete Skate Parks</b>	\$903,000.00	68.0	3

### 18.1A - Evaluation Report

#### **Comment**

The works proposed under this Tender will complete the planned design and construction of the Onslow Skate Park.

The Tenders were initially assessed against the compliance, qualitative and pricing criteria specified in the Tender.

The RFT seeks completion of the project by 30 November 2016, subject to execution of the Contract.

<b>Task</b>	<b>Date</b>
<b>Tender Released</b>	10/05/16
<b>Tender Closing</b>	10/06/16
<b>Tender approval by Council and award to Contractor</b>	21/06/16
<b>Execution of Contracts</b>	24/06/16
<b>DESIGN, DOCUMENTATION &amp; APPROVALS</b>	
<b>Contractor's issue of draft design 50% documentation for Principal's review (2 weeks)</b>	08/07/16
<b>Principal's review and comment on draft design documentation (1 week)</b>	15/07/16
<b>Contractor's issue of final design 95% documentation for Principal's review (3 weeks)</b>	05/08/16
<b>Planning approval submission by Contractor (if significantly different to provided concept design)</b>	05/08/16
<b>Principal's review and comment on final design documentation (1 week)</b>	12/08/16
<b>Building License Application</b>	12/08/16
<b>Contractor's issue of final design 100% and documentation for Principal's review</b>	15/08/16
<b>Final design and documentation sign-off by Principal (1 week)</b>	26/08/16
<b>Anticipated Building License Approvals</b>	26/08/16
<b>Contractor to commence procurement, mobilisation to site</b>	26/08/16
<b>CONSTRUCTION COMMENCEMENT</b>	31/08/16
<b>COMPLETION &amp; HANDOVER</b>	30/11/16
<b>DEFECT LIABILITY PERIOD</b>	30/11/17

CONVIC's Tender submission is compliant with the specification and concept design contained in the RFT and the organisation has successfully completed similar projects for the Shire on time and within budget in the past.

### **ATTACHMENT 18.1B – Concept Design**

Some \$50,000 has been spent on the project to date for community consultation and design work, leaving a budget of about \$950,000 to complete the works. It is noted that CONVIC's submission of \$1 million exceeds the available funds, and allowances are also required for:

## MINUTES - ORDINARY MEETING OF COUNCIL 21 JUNE 2016

1. Landscaping – approximately \$150,000; and
2. Contingency and Shire project costs – approximately \$100,000.

The Onslow Multipurpose Courts project is nearing completion and has a projected underspend of around \$300,000. As this project is also funded by BHP Billiton (and \$300,000 from Royalties for Regions) it is proposed to seek the additional \$300,000 required to complete the Skate Park project from this underspend. The Chair of the *Onslow Macedon Social Infrastructure Working Group* has indicated support for this proposal, and it will be included in the Project Implementation Plan (PIP) for approval of funding.

### Consultation

Executive Manager – Strategic & Economic Development  
Onslow Macedon Social Infrastructure Working Group  
Tender Evaluation Panel

### Statutory Environment

Section 3.57 “Tenders for providing goods or services” of the Local Government Act 1995.

### Financial Implications

There is \$1 million allocated in the 2015/16 budget for the completion of the Onslow Skate Park project from the BHP Billiton Social Infrastructure Fund. The initial consultation process, at a cost of around \$50,000, has been charged to this funding source.

It is noted that CONVIC’s submission of \$1 million exceeds the available funds, and allowances are also required for Landscaping (\$150,000) and Contingency and Shire project costs (\$100,000).

The Onslow Multipurpose Courts project is nearing completion and has a projected underspend of around \$300,000. As this project is also funded by BHP Billiton (and \$300,000 from Royalties for Regions) it is proposed to seek the additional \$300,000 required to complete the Skate Park project from this funding source.

Due to the short timeframe between closure of Tender submissions, evaluation and presentation of this report, the PIP is in the process of being completed for submission to the Working Group for approval of funding. It is expected this process will take about a week, at which time the contract to can be awarded.

Once the project is complete, consideration will need to be given for the ongoing maintenance costs of the Onslow Skate Park and this will be included in future budgets (including the 2016/17 budget from December 2016 onward).

### 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 04 - Distinctive and well serviced 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 “Medium” risk and will be managed by specific monitoring and response procedures.

## MINUTES - ORDINARY MEETING OF COUNCIL 21 JUNE 2016

### Policy Implications

AMP1 – Asset Management Policy

FIN12 – Purchasing and Tender

FIN04 – Buy Local – Regional Price Preference Policy

### Voting Requirement

Simple Majority Required

### Council Decision

**MOVED: Cr A Bloem**

**SECONDED: Cr G Dellar**

#### That Council:

- 1. Accepts the Lump Sum Tender of \$1,000,000 (GST Exclusive) from CONVIC for RFT 16/14 Design and Construction of the Onslow Skate Park;**
- 2. Approves the proposed increase in the project budget from \$1 million to \$1.3 million, subject to approval from the Onslow Macedon Infrastructure Working Group;**
- 3. Authorises the CEO to negotiate/execute Contract documentation upon approval of the funding outlined in (2) above, and manage the Contract including variations to the design specifications and contract value (providing this does not exceed the project budget or reduce the overall scope).**

**CARRIED 5/1**

**Crs Rumble, Gallanagh, Dellar, Thomas and Bloem voted for the motion.**

**Crs Fernandez voted against the motion.**

2.42pm - Crs White & Dias returned to the meeting room.

2.42pm – Cr White resumed the chair of the meeting.

**MINUTES - ORDINARY MEETING OF COUNCIL 21 JUNE 2016**

**Council Decision**

**MOVED: Cr G Dellar**

**SECONDED: Cr M Gallanagh**

**That Council close the meeting for a short break at 2.47pm.**

**CARRIED 8/0**

**Crs White, Rumble, Dias, Gallanagh, Dellar, Thomas, Bloem and Fernandez voted for the motion.**

**Council Decision**

**MOVED: Cr C Fernandez**

**SECONDED: Cr L Rumble**

**That Council re-open the meeting at 2.57pm.**

**CARRIED 8/0**

**Crs White, Rumble, Dias, Gallanagh, Dellar, Thomas, Bloem and Fernandez voted for the motion.**

## MINUTES - ORDINARY MEETING OF COUNCIL 21 JUNE 2016

### 18.2 AFFIXING THE COMMON SEAL TO THE PARABURDOO COMMUNITY HUB BUILDING FINANCIAL ASSISTANCE AGREEMENT WITH DEPARTMENT OF REGIONAL DEVELOPMENT

**MINUTE:** 12109

**FILE REFERENCE:** PA.DG.0615

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

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

**DATE REPORT WRITTEN:** 21 June 2016

**DISCLOSURE OF FINANCIAL INTEREST:** Insert disclosures here

**PREVIOUS MEETING REFERENCE:** Agenda Item 16.1 (Minute No. 12083) – Ordinary Meeting of Council 26 April 2016

#### **Officer Comment**

The Executive Manager, Strategic and Economic Development advised that whilst the Council Meeting was in progress she had received advice from the Department of Regional Development that Cabinet had approved the Shire's 26 April 2016 application for \$5m of Royalties for Regions funding to assist in the construction of the Paraburdoo CHUB. The State Government now requires the consideration and signing of the Financial Assistance Agreement for the \$5m grant, and to also apply the Shire's Common Seal to that agreement.

#### **Voting Requirement**

Simple Majority Required

#### **Council Decision**

**MOVED:** Cr C Fernandez **SECONDED:** Cr L Rumble

**That Council:**

1. Notes that the Department of Regional Development has advised that Cabinet has recently approved the Shire's application for a \$5m Royalties for Regions Grant to assist in the construction of the Paraburdoo Community Hub; and
2. As per Council Policy ELM13, endorses the Shire President and CEO to sign the Financial Assistance Agreement for the \$5m grant and apply the Shire's Common Seal.

**CARRIED 8/0**

**Crs White, Rumble, Dias, Gallanagh, Dellar, Thomas, Bloem and Fernandez voted for the motion.**

## 19. CONFIDENTIAL MATTERS

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

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

*(a) a matter affecting an employee or employees;*

*(b) the personal affairs of any person;*

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

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

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

*(I) a trade secret;*

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

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

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

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

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

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

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

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

*(h) such other matters as may be prescribed.*



## **MINUTES - ORDINARY MEETING OF COUNCIL 21 JUNE 2016**

### **20. NEXT MEETING**

The next Ordinary Meeting of Council will be held on 19 July 2016, at the Clem Thompson Sports Pavilion, Stadium Road, Tom Price, commencing at 1.00 pm.

### **21. CLOSURE OF MEETING**

The Shire President declared the meeting closed at 3.02pm.