

Ordinary Meeting of Council

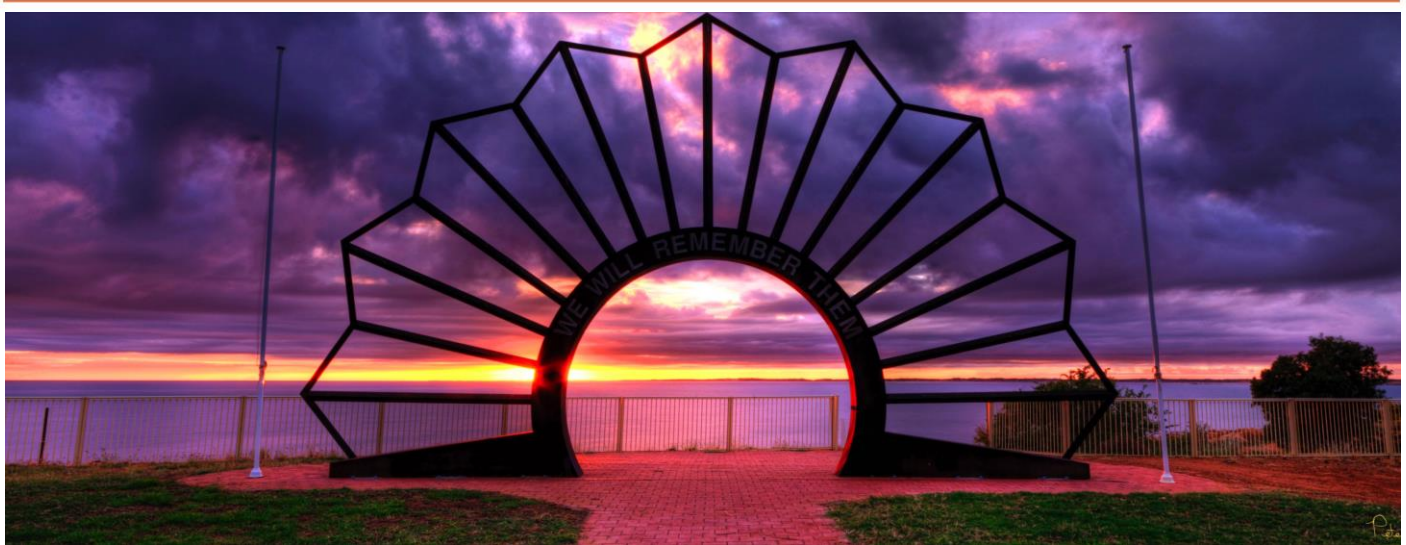
Onslow



PUBLIC AGENDA

21 May 2019

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



The Shire of Ashburton 10 year Strategic Community Plan (2017-2027) provides focus, direction and represents the hopes and aspirations of the Shire.

Our Vision

We will embrace our unique Pilbara environment and lifestyle through the development of vibrant, connected and active communities that have access to quality services, exceptional amenities and economic vitality.



STRATEGIC DIRECTIONS

1. Vibrant and Active Communities
2. Economic Prosperity
3. Unique Heritage and Environment
4. Quality Services and Infrastructure
5. Inspiring Governance



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



**SHIRE OF ASHBURTON
ORDINARY MEETING OF COUNCIL
PUBLIC AGENDA**

**Council Chambers, Onslow Shire Complex
Second Avenue, Onslow
21 May 2019
1.00 pm**

**PUBLIC AGENDA - ORDINARY MEETING OF COUNCIL
21 MAY 2019**

**SHIRE OF ASHBURTON
ORDINARY MEETING OF COUNCIL**

Notice is hereby given that an Ordinary Meeting of Council of the Shire of Ashburton will be held on 21 May 2019 at Council Chambers, Onslow Shire Complex, Second Avenue Onslow commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.



Rob Paull
CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

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1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at _____ pm.

1.1 ACKNOWLEDGEMENT OF COUNTRY

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

2. ANNOUNCEMENT OF VISITORS

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

3. ATTENDANCE

3.1 PRESENT

Elected Members:	Cr K White Cr L Rumble Cr D Dias Cr M Lynch Cr D Diver Cr R de Pledge Cr M Gallanagh	Shire President, (Presiding Member) Onslow Ward Deputy Shire President, Paraburdoo Ward Paraburdoo Ward Tom Price Ward Tom Price Ward Ashburton Ward Pannawonica Ward
Staff:	Mr R Paull Mrs S Johnston Mr B Cameron Mr J Bingham Mr J Muir Ms J Smith Ms A Del Rio Ms K Nicholson	Chief Executive Officer Acting Director Community Services Director Property & Development Services Director Corporate Services Acting Director Infrastructure Services Executive Coordinator Manager Economic Development and Tourism Governance & Executive Support Officer
Guests:		
Members of Public:	There were _____ members of the public in attendance at the commencement of the meeting.	
Members of Media:	There were _____ members of the media in attendance at the commencement of the meeting.	

3.2 APOLOGIES

Cr L Thomas Tableland Ward

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

4.2 PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

That Council approve the application for leave of absence from Cr White for the Ordinary Meeting of Council being held on 16 July 2019.

6. DECLARATION BY MEMBERS

6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

Councillors are requested to give due consideration to all matters contained in the Agenda presently before the meeting.

6.2 DECLARATIONS OF INTEREST

Councillors to Note

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

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

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

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

NOTES ON DECLARING INTERESTS (FOR YOUR GUIDANCE)

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

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

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the *Local Government Act 1995* but they should not be relied on without advice, unless the situation is very clear.

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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		

- 7. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**
- 8. PETITIONS / DEPUTATIONS / PRESENTATIONS**
 - 8.1 PETITIONS**
 - 8.2 DEPUTATIONS**
 - 8.3 PRESENTATIONS**

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9. CONFIRMATION OF MINUTES

9.0 UNCONFIRMED MINUTES ORDINARY MEETING OF COUNCIL HELD ON 23 APRIL 2019 (ATTACHMENT 9.0)

Officer Recommendation

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 23 April 2019, as previously circulated on 30 April 2019 (**ATTACHMENT 9.0**) be confirmed as a true and accurate record, subject to the following amendment:

8.2 DEPUTATIONS – correction on page 12 and 13 of the Unconfirmed Minutes 23 April 2019 for the spelling of Chris Thompson to Kris Thomson.

9.0.1 UNCONFIRMED MINUTES OF THE ASHBURTON TOURISM DEVELOPMENT COMMITTEE TO BE HELD ON 21 MAY 2019 (ATTACHMENT 9.0.2 TO BE PRESENTED TO COUNCIL)

Officer Recommendation

That the Unconfirmed Minutes of the Ashburton Tourism Development Committee Meeting to be held on 21 May 2019, (**ATTACHMENT 9.0.2 TO BE PRESENTED TO COUNCIL**) be received.

9.1 RECEIPT OF COMMITTEE MINUTES – ‘EN BLOC’

9.2 RECEIPT OF COMMITTEE AND OTHER MINUTES

9.3 RECOMMENDATIONS OF COMMITTEE

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10. AGENDA ITEMS ADOPTED "EN BLOC"

10.1 AGENDA ITEMS ADOPTED 'EN BLOC'

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

"Part 5 – Business of a meeting

Clause 5.6 Adoption by exception resolution:

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

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11. OFFICE OF THE CEO REPORTS

11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS STATUS REPORT FOR APRIL 2019

FILE REFERENCE:	GV04
AUTHOR'S NAME AND POSITION:	Michelle Lewis Council Support Officer
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	5 May 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 11.1 (Minute No 544/2019) - Ordinary Meeting of Council 23 April 2019

Summary

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

Background

The best practice in governance supports the regular review of Council decisions to ensure that they are actioned and implemented in a timely manner.

Comment

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

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

ATTACHMENT 11.1

Consultation

Executive Management Team

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

"Role of council

(1) The council —

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- (a) governs the local government's affairs; and*
- (b) is responsible for the performance of the local government's functions.*

- (2) *Without limiting subsection (1), the council is to —*
- (a) oversee the allocation of the local government's finances and resources; and*
 - (b) determine the local government's policies."*

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

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027
Goal 5 – Inspiring Governance
Objective 4 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation

That Council receive the "*Council Decisions Status Reports*" for the month of April 2019 as per **ATTACHMENT 11.1**.

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**11.2 USE OF COMMON SEAL AND ACTIONS PERFORMED UNDER
DELEGATED AUTHORITY FOR THE MONTH OF APRIL 2019**

FILE REFERENCE:	GV21 CM02
AUTHOR'S NAME AND POSITION:	Michelle Lewis Councillor Support Officer Brooke Beswick Administration Assistant Planning
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	5 May 2019
DISCLOSURE OF FINANCIAL INTEREST:	The authors and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The purpose of this agenda item is to report to Council for information, use of the Common Seal, actions performed under delegated authority requiring referral to Council and a copy of the Tender Register, for the month of April 2019.

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 2019.

Comment

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

**ATTACHMENT 11.2A
ATTACHMENT 11.2B**

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
Delegated Authority Register

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Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 4 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

ELM 13 – Affixing the Shire of Ashburton Common Seal

FIN12 – Purchasing and Tendering Policy

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the Use of Common Seal and Actions Performed under Delegated Authority for the month of April 2019, that Council receive the reports relating to:

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

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11.3 USE OF COMMON SEAL AND ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF MARCH 2019

Due to lack of quorum, this matter was laid on the table at the Ordinary Meeting of Council 23 April 2019.

Officers Recommendation

That Item 11.3 *“Use of Common Seal and Actions performed under Delegated Authority for the month of March 2019”* be raised from the table.

FILE REFERENCE:	GV21 CM02
AUTHOR’S NAME AND POSITION:	Michelle Lewis Council Support Officer Brooke Beswick Administration Assistant Planning
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	1 April 2019
DISCLOSURE OF FINANCIAL INTEREST:	The authors and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The purpose of this agenda item is to report to Council for information, use of the Common Seal, actions performed under delegated authority requiring referral to Council and a copy of the Tender Register, for the month of March 2019.

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 2019.

Comment

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

**ATTACHMENT 11.3A
ATTACHMENT 11.3B**

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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

Delegated Authority Register

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 4 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

ELM 13 – Affixing the Shire of Ashburton Common Seal

FIN12 – Purchasing and Tendering Policy

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the Use of Common Seal and Actions Performed under Delegated Authority for the month of March 2019, that Council receive the reports relating to:

1. The use of the Common Seal as per **ATTACHMENT 11.3A**; and
2. Actions performed under delegated authority for the month as per **ATTACHMENT 11.3A**; and
3. The Tender Register as per **ATTACHMENT 11.3B**.

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12. CORPORATE SERVICES REPORTS

12.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID

FILE REFERENCE:	FM03
AUTHOR'S NAME AND POSITION:	Mike Costarella Acting Manager Finance and Administration
AUTHORISING OFFICER AND POSITION:	John Bingham Director Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	6 May 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

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

The Financial Reports for April 2019 are presented with comments on variances for Actuals to 2018/19 Budget amounts. A Capex Tracker is also presented.

Background

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

**ATTACHMENT 12.1A
ATTACHMENT 12.1B
ATTACHMENT 12.1C**

Comment

A 2018/19 Capex Tracker is available as part of the Monthly Reports. There following budget variations are recommended for April 2019:

GL/Job No.	General Ledger Description	Current Budget	Variation Amount	Revised Budget	Reason
CU002	Uniforms – Existing Staff	17,000	3,000	20,000	There has been a greater uptake of the use of uniform allowance than originally forecast.
042103	Organisational Change	135,000	(3,000)	132,000	This account allocates funds for travel, HR matters including legal and consultancy costs etc. Actuals are less than forecast.

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GL/Job No.	General Ledger Description	Current Budget	Variation Amount	Revised Budget	Reason
113140	Celebrate WA - Expense	0	12,000	12,000	Expenditure related to Celebrate WA Day event in Onslow on Saturday 1 June 2019.
080329	Celebrate WA - Income	0	(12,000)	(12,000)	Funding grant related to Celebrate WA Day event in Onslow on Saturday 1 June 2019
081787	Donations- Education Gen	7,490	14,000	21,490	Policy REC08 transfer of funds from Education to Clubs/ Community
111220	Contribution- Clubs/ Community	28,405	(14,000)	14,405	Policy REC08 transfer of funds from Education to Clubs/ Community

Regional Development Australia (RDA) Pilbara advocacy on behalf of Shire of Ashburton

RDA Pilbara is a national network of Committees made up of local leaders who work with all levels of government, business and community groups to support the economic development of their regions. RDA provides advocacy to both the federal and state governments. This advocacy role would allow RDA Pilbara to promote the Shire of Ashburton and seek funding to support infrastructure investment and economic diversification.

RDA Pilbara is seeking funding from the Shire of Ashburton, to facilitate targeted promotion of the local government area (LGA) and support for funding and investment. RDA Pilbara are requesting \$25,000 to be used specifically for travel to Canberra and targeting projects put forward by the Shire of Ashburton to promote economic prosperity in the region. It is noted that with the demise of the Pilbara Regional Council, the level of external advocacy available to the Shire has significantly diminished.

Should Council consider to engage RDA Pilbara's advocacy support, further discussion between both parties will be necessary to determine what advocacy issues the Shire would like to progress. The letter of request from RDA is attached.

ATTACHMENT 12.1E

S5.95 of the *Local Government Act 1995* provides the limits on right to inspect local government information. In particular s5.95 (2) refers to the inspection of information **relating to "any debt owed to the local government"**. S5.95 states (in part) the following:-

Limits on right to inspect local government information

- (1) *A person's right to inspect information referred to in section 5.94 does not extend to the inspection of information —*
 - (a) *which is not current at the time of inspection; and*
 - (b) *which, in the CEO's opinion, would divert a substantial and unreasonable portion of the local government's resources away from its other functions.*

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- (2) *A person's right to inspect information referred to in section 5.94 does not extend to the inspection of information referred to in paragraph (m), (n), (p) or (u) of that section if the information relates to any debt owed to the local government by a person other than the first-mentioned person.*

Following on from this the Rate Debtors Report for April 2019 is provided as a Confidential Attachment.

CONFIDENTIAL ATTACHMENT 12.1F

Consultation

Executive Management Team
Finance Team

Statutory Environment

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

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

(b) Is authorised in advance by resolution*

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

*requires an absolute majority of Council.

Financial Implications

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

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027
Goal 5 – Inspiring Governance
Objective 4 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Absolute Majority Required

Officers Recommendation

That with respect to the *Monthly Financial Report*, Council:

1. Receive the Financial Report for April 2019 **ATTACHMENT 12.1A**; and
2. Approve budget variations for the 2018/19 Budget as outlined below;

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- a. Increase Expenditure Job no. CU002, Uniforms – Existing Staff by \$3,000, from \$17,000 to \$20,000;
 - b. Decrease Expenditure Account GL 042103, Organisational Change by \$3,000, from \$135,000 to \$132,000;
 - c. Increase Expenditure Account GL 113140, Celebrate WA Exp. by \$12,000, from \$0 to \$12,000;
 - d. Increase Income Account GL 080329, Celebrate WA Inc. by \$12,000, from \$0 to \$12,000;
 - e. Increase Expenditure Account GL 081787, Donations Education by \$14,000, from \$7,490 to \$21,490;
 - f. Decrease Expenditure Account GL 111220, Contributions, Clubs and Community by \$14,000, from \$28,405 to \$14,405; and
 - g. Note that the Budgeted Surplus position carried forward (Net Current Assets position) forecast as at 30 June 2019 is \$1,350,000.
3. Receive the Capital Expenditures Progress Tracker for April 2019 **ATTACHMENT 12.1B**; and
 4. Receive the Budget Amendment Register as at 30 April 2019 **ATTACHMENT 12.1C**; and
 5. Receive the Schedule of Accounts and Credit Card payments made in April 2019 (approved by the Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds) **ATTACHMENT 12.1D**; and
 6. Note the request from RDA Australia as provided in **ATTACHMENT 12.1E** and consider the request for \$25,000 (advocacy) in the 2019/20 Engage the advocacy support of Regional Development Australia Pilbara and allocate \$25,000 from the 2019/20 Budget. **ATTACHMENT 12.1E**; and
 7. Resolve that Report **CONFIDENTIAL ATTACHMENT 12.1F** is confidential in accordance with s5.23 (2) the *Local Government Act 1995* because it deals with matters affecting s5.23 (2)(e):

“.. a matter that if disclosed, would reveal —
(ii) information that has a commercial value to a person; or
(iii) information about the business, professional, commercial or financial affairs of a person.

and;
 8. Receive the information included in the **CONFIDENTIAL ATTACHMENT 12.1F**.

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12.2 PROPOSED DIFFERENTIAL RATES 2019/20

FILE REFERENCE:	RV07
AUTHOR'S NAME AND POSITION:	John Bingham Director Corporate Services
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	05 May 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item (Minute No.389/2018) – Ordinary Meeting of Council 19 June 2018 Agenda Item (Minute No.405/2018) – Ordinary Meeting of Council 18 July 2018

Summary

At the May 2019 Ordinary Meeting of Council (OMC) updates to the 2018 Rating Strategy were workshopped and supported by Council. This report follows on from that meeting and recommends Council endorse the Objects and Reasons for the Proposed Differential Rates for the 2019/20 financial year and advertise the proposed Differential General Rates and General Minimum payments for public comment per Section 6.36 of the *Local Government Act 1995* (the Act).

Background

The power to raise local government property rates is set out under *the Act*. Council, using a defined process outlined within *the Act*, determines the level of rates annually. In adopting its annual budget Council must consider its current Plan for the Future (comprised of the Strategic Community Plan (SCP) and Corporate Business Plan (CBP)) under Section 5.56 of *the Act*. Within this basic context and subject to the provisions of *the Act*, Council is free to use its rating powers to raise rate revenue at the level it determines appropriate.

Determining the appropriate level for rate revenue requires Council to assess the current and future service needs and aspiration of the community and its capacity and willingness to contribute to those services. The two property valuations available under *the Act* are Gross Rental Valuation (GRV) and Unimproved Valuation (UV). Council has the option to adopt a uniform general rate however it has chosen an alternative rating structure by applying a differential rate in the dollar to each valuation type. Additionally Council imposes a general minimum payment to ensure all properties pay at least a minimum contribution regardless of the property valuation.

Under *the Act*, the Minister for Local Government, Sport and Cultural Industries (DLGSCI) is required to approve the imposition of a differential general rate which is twice the lowest differential general rate imposed by the local government.

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In 2018/19 Council proposed differential rates which were subject to this provision (Section 6.33 of *the Act*). In 2019/20 the proposed differential rates are again intended to be subject to the same provision and therefore an application to the Minister will be required.

Pursuant to Section 6.36 of *the Act* Council is required to give a minimum period of 21 days' notice of the proposed differential rates and minimum payments as well as consider any submissions received. Council considers and responds to these submissions after receiving the Officers report on these submissions and the proposed differential rates and minimum payments can then be imposed with or without Council's modification.

Comment

In proposing the differential rates for 2019/20 a review of the following has been undertaken:

1. Councils capability and sustainability to deliver assets and services required by the community;
2. Ratepayers capacity and willingness to contribute to those services;
3. 2019 Rating Strategy;
4. 2018-22 Corporate Business Plan (CBP);
5. 2017-32 Long Term Financial Plan (LTFP);
6. 2019/20 Draft Budget including Capital Works Program and Revenue / Expenditure requirements; and
7. DLGSCI Financial Health Index.

The Shire seeks to maintain a smooth and predictable approach to the movement in rates revenue, referenced to movements in expenditure over the period. To achieve its overall financial strategy, the Shire plans to increase rate revenue by the CPI inflator used in the plan of 2%. A review of the LTFP assumptions, risks, uncertainties and sensitivity has identified rising operating costs (employee costs and utilities), reduced revenue (grants, contributions, fees and charges) and an asset renewal funding gap.

Rising Costs

The Shire of Ashburton is currently impacted by an uptick in major resource industry investment in the Pilbara region (e.g. mining projects such as Eliwana \$1.7B, Iron Bridge \$3.6B, South Flank \$3.4B and Koodaideri \$3.5B) and activity costs are on the rise, especially for labour, materials and transportation. For example attracting and retaining qualified staff is a significant challenge for the Shire and requires new additional incentives and subsidies to maintain a successful workforce.

Utilities have increased over 5% in 2018/19 with further increases forecast for 2019/20 i.e. electricity charges forecast to increase by 3-5% and water by 4-5%. Additionally as the Shire continues to meet community demands to build and maintain facilities e.g. Paraburdoo Community Hub, insurance costs are forecast to increase.

The Shire also faces increasing costs for its exposure to liability for claims related to asbestos mining in Wittenoom. Over \$1M was paid in claims in 2018/19 and this is expected to increase in 2019/20 with more significant claims on the horizon in both existing and new jurisdictions e.g. the NSW Dust Diseases Tribunal.

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Reduced revenue streams

Limitations on available revenue streams from grants and contributions to fund much needed infrastructure projects e.g. Royalties for Regions, Roads to Recovery and Regional Road Group, require the Shire to find more own source funding revenue from areas such as rates to ensure essential infrastructure facilities and services are provided to support the local community.

The Shire's revenue stream from fees and charges at Onslow Airport (e.g. Passenger Tax comparisons for 2016/17 at \$6.7M, 2017/18 at \$5M and 2018/19 at \$1.6M) continues to trend downwards due to a reduction in scheduled flights. Despite the fact the Shire has plans to undertake a significant commercial activity in 2020, upon completion of its Class IV Waste Management Facility, the level of reliable revenue from Fees and Charges to fund operations and capital investment will be subdued compared to prior years.

Financial Ratios

In its management report for the year ended 2017/18, the Shire's auditors noted the following concern in relation to Financial Ratios:

Table 1 – Asset Sustainability Ratio trend 2016-2018

Ratio	2018	2017	2016
Asset Sustainability	0.43	0.73	0.75

'This ratio has significantly deteriorated from the last year, has been trending downwards over the longer term and is below the Department of Local Government, Sport and Cultural Industries target level of 0.90 since 2016. Our analysis of this ratio over the longer term noted the deterioration was due to:

- *Decrease in the capital renewal expenditures over the years; and*
- *The higher depreciation expense for the year since 2016.'*

In 2018/19 the Shire reviewed and updated its Asset Management Plans for roads, footpaths and drainage. Following on from this assets in these groups with a condition requiring repair, renewal or replacement have been identified. As a result the proposed 2019/20 Capital Expenditure program includes additional works and expenditure to address this asset renewal funding gap and halt further deterioration in the ratio.

GRV – Transient Workforce Accommodation

A new rating category of 'GRV – Transient Workforce Accommodation' (TWAs) is proposed for the 2019/20 rating structure. The application to the Minister for change of valuation method for the TWAs was approved on 27 November 2018 and endorsed by Council at the 18 December 2018 OMC (Minute 479/2018).

It is intended to differentially rate the TWAs for properties that have a predominant land use of transient workforce accommodation.

The Objects and Reasons for the GRV Transient Workforce Accommodation rate in the dollar applied is to reflect the financial impact and costs to infrastructure and facilities available to FIFO workers in the same manner they are available to other residents of the Shire. TWA properties have the potential to have a greater impact on Council assets and services than other properties due to the high density number of occupants in a relatively small land parcel e.g. bus coaches of FIFO workers using local roads. Therefore a higher differential rate is proposed compared to other GRV rating categories.

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Rating Structure

The proposed General Rating structure for the 2019/20 Proposed Differential Rates is:

- GRV Properties
 - GRV - Residential / Community
 - GRV - Commercial / Industrial / Tourism
 - GRV - Transient Workers Accommodation

- UV Properties
 - UV - Mining / Industrial
 - UV - Pastoral
 - UV - Tourism

NB: The rating structure retains a minimum for each category with GRV–Residential / Community applying a Lesser Minimum for those properties located in the Wittenoom town-site. With the recent introduction of the Wittenoom Closure Bill 2019, rating of properties will go ahead until such time the Bill is enacted and the Shire is informed by the Valuer General Office (VGO) the properties are no longer rateable.

Valuations

The following table no.2 highlights the Shire’s Rate Book land valuations as at 1 May 2019.

Table 2 – Property Valuations as at 1 May 2019

Rate Category	1 July 2018 Assessed Valuation	1 May 2019 Rate book Valuation	Movement \$	Movement %
GRV-Residential / Community	44,707,072	44,871,543	164,471	0.04%
GRV-Commercial / Industrial	16,457,512	13,165,432	(3,292,080)	(20)%
GRV-TWAs	0	19,869,360	19,869,360	NA
UV-Mining / Industrial	73,851,853	77,442,465	3,590,612	4.8%
UV-Pastoral	6,650,147	6,650,147	0	0%
UV-Tourism	345,000	345,000	0	0%
Total Valuation	142,011,584	162,343,947	20,332,363	14.3%

On 28 February 2019 the State Administrative Tribunal handed down its ruling between Chevron Australia Pty Ltd (Chevron) and the Valuer General's Office (VGO) in relation to the former’s objection to the valuation of the Wheatstone Plant for rating purposes. As a result property valuations were reduced by 18% for two high value properties in the UV Mining / Industrial rating category.

2019/20 Proposed Rates

After taking into account all other forms of revenue in 2018/19, rates revenue provided around one third of the Shire’s net funding requirements (i.e. \$35.3M rates of \$110M overall revenue) for the operational and capital works activities. For 2019/20 the following proposed rating model is recommended for consideration by Council:

To raise \$37.6M in rates revenue aligning with the updated 2017-32 LTFP:

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- a. 2% increase on the 2018/19 rates in the dollar to the following rating categories:
- GRV – Residential / Community
 - GRV – Commercial / Industrial
 - UV - Pastoral
 - UV – Tourism
- b. Maintain the 2018/19 rate in the dollar for UV Mining / Industrial at \$0.369571; and
- c. The introduction of a new \$0.131844c rate in the dollar for GRV – TWAs.

Revenue generated from the proposed model factors in forecast rising costs and declining revenue streams for 2019/20 as well as funding maintenance and delivery of assets and services required by the community as outlined in the Shire's CBP.

The proposed model will require an application to the Minister for UV rating only as S 6.33 of *the Act* requires Council to gain Ministerial approval where a Differential Rate is more than twice the lowest differential rate to be applied.

Table 3 – UV - Mining Differential Rate to lowest differential rate for 2018/19 and 2019/20

Differential Rate	2018/19	2019/20
UV – Mining / Industrial to Lowest Rate in \$	6.1x	6.1x

As abovementioned the SAT ruling in February 2019 has had a significant negative impact on property valuations for UV Mining / Industrial. For 2019/20 it would be reasonable to increase the rate in the dollar and maintain revenue levels to offset this valuation reduction. Despite this rationale however it is recommended the 2018/19 rate in the dollar of \$0.369571 be maintained at the same level for 2019/20 to not impose a rate burden on other ratepayers.

The highest GRV rate in the dollar for the proposed model is not more than twice the lowest differential (i.e. GRV - Commercial / Industrial at \$.065926) and therefore an application to the Minister under S6.33 of *the Act* should not be required.

Table 4 – GRV – TWAs Differential Rate to lowest differential rate for 2018/19 and 2019/20

Differential Rate	2018/19	2019/20
GRV - TWA to Lowest Rate in \$	NA	1.99x

Shire correspondence sent in December 2017 to potential TWA owners requesting information be provided about their camp infrastructure stated the following:

It is important to note there is no intention for a change in the basis of valuation to result in any additional general rate revenue for the Shire.

The proposed model ensures by rating the TWAs at \$0.131851c in the dollar, additional rate revenue for the Shire is not generated beyond annual inflationary pressures with, as forecast at the time, the rate burden shifting from GRV Commercial / Industrial and UV Mining / Industrial.

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Table 5 – Proposed Model for Differential Rates 2019/20

Rate Category	2018/19 Rate Yield \$	2019/20 plus 2% on 18/19	2019/20 Indicative Valuations \$	2019/20 Proposed Rate in \$	2019/20 Minimum Payment \$
GRV-Residential / Community	4,597,786	4,701,080	44,889,998	0.102364	1,010.00
GRV-Commercial / Industrial	1,105,558	913,593	13,165,432	0.065926	1,262.50
GRV-TWAs	0	2,619,670	19,869,360	0.130000	1,262.50
UV-Mining / Industrial	29,129,338	28,976,485	77,442,465	0.351990	1,262.50
UV-Pastoral	411,028	419,897	6,650,147	0.062196	1,262.50
UV-Tourism	57,168	58,311	345,000	0.169018	1,262.50
Total Valuation	35,300,878	37,689,036	162,362,402		

NB: The rating structure retains a Lesser Minimum for Wittenoom properties and for 2019/20 this level is set at \$727.50.

Concessions

For the 2018/19 Budget Council exercised its legislative power under Section 6.47 of *the Act* and granted a concession to GRV - Residential / Community. A concession of 30% was granted, upon application, for all properties within the town-sites of Onslow, Paraburdoo and Tom Price with two or less Residential / Community properties. It is recommended to extend this concession into 2019/20 for GRV Residential / Community properties with two options being available to Council.

- *Concession Option 1*

A 30% concession for property holders *with up to three GRV Residential / Community properties* within the town-sites of Onslow, Paraburdoo and Tom Price.

If granted the forecast cost to the Shire for this concession would be \$242,288.

- *Concession Option 2*

A 30% concession for property holders *with up to five GRV Residential / Community properties* within the town-sites of Onslow, Paraburdoo and Tom Price.

If granted the forecast cost to the Shire for this concession would be \$278,916.

Effectively for a GRV Residential / Community property with a valuation of \$25,480 rates calculated for 2018/19 were \$2,557.10 - with a 30% concession of \$767.13 applied rates payable were \$1,789.97.

Rates payable for 2019/20 would be \$1,826.92 or 2% increase.

It is important to note that Council cannot set a separate rate in the dollar for individual properties. Rates are a form of tax and are not a fee for service. Once the rates are levied, if ratepayers are not satisfied with their land valuations they are able to lodge an objection with the VGO.

Minimums

Section 6.35 of *the Act* provides Council the power to apply a minimum payment greater than the general rate. For 2019/20 it is proposed the 2015 Rating Strategy recommendations be retained i.e. 'increase the level of minimum payments from the current level of \$560 to one that reflects the net cost of basic services and facilities'.

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The overall increase for the five years to 2019/20 is 55% from the 2015/16 level with the increase to be phased in over time to provide relief to ratepayers. Table 6 highlights the rating strategy for minimum increases over the five year period:

Table 6 – Rating Strategy - Minimums

Year	General Minimum	Lesser Minimum	GRV Commercial & Industrial
15/16	650.00	487.50	812.50
16/17	740.00	555.00	925.00
17/18	830.00	622.50	1,037.50
18/19	920.00	690.00	1,150.00
19/20	1,010.00	757.50	1,262.50

Section 6.35 (3) of *the Act* requires the general minimum is imposed on not less than: (a) 50% of the total number of separately rated properties in the district; or (b) 50% of the number of properties in each category referred to in subsection (6). The proposed model currently complies with this requirement.

Objects and Reasons

A Statement of Intention to Levy Differential Rates is published by the Shire in accordance with Section 6.36 of *the Act* to advise its objectives and reasons for implementing differential rates.

The following is a summary:

- Gross Rental Values apply to the following differential general rate categories - Transient Workers Accommodation, Commercial, Industrial, Tourism, Residential and Community;
- Unimproved Values apply to the following differential general rate categories - Mining, Industrial and General;
- UV revaluation was undertaken this year and movements are expected to be in line with inflationary expectations; and
- UV Mining / Industrial properties have a higher rate applied to reflect the additional financial impact mining and related industries have on Shire infrastructure and services to other land use types. The higher level of rate revenue from these properties will contribute toward current and future costs identified in the LTFP such as civil infrastructure for services and facilities.

The Objects and Reasons Notice of Intention to Levy Differential Rates 2019/20 is attached.

ATTACHMENT 12.2A

Notice of Intention to Levy Differential Rates 2019/20

It is intended for the proposed differential general rates and general minimum rates to be placed on public notice boards at the Shire Administration offices and libraries, the Pilbara News and West Australian on Thursday 23 May 2019 as well as on the Shires' website. The notice will invite submissions for 21 days as is required by Section 6.36 of *the Act* with a deadline for receiving the submissions at noon Friday 14 June 2019. A report on the submissions will then be prepared for Council.

Notice of Intention to Levy Differential Rates 2019/20 for proposed model is attached.

ATTACHMENT 12.2B

The proposed rates model to impose differential rates for 2019/20 is recommended to Council.

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Consultation

Councillor Workshop
Executive Management Team
Finance Team
Moore Stephens (Consultant)

Statutory Environment

The following sections of *the Act* apply:

- S6.32 provides Council with the power to apply rates to property;
- S6.33 provides Council with the power to apply differential general rates although Ministerial approval is required where a Differential Rate is more than twice the lowest differential rate to be applied;
- S6.35 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;
- S6.36 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;
- S6.47 indicates that a local government may resolve to waive or grant a concession for a rate or service charge (absolute majority required). In addition, Regulation 69A of the Local Government (Financial Management) Regulations 1996 also specifies that a local government cannot use its powers under section 6.47 LGA based on whether or not the land is occupied by a person who owns the land (so called absentee owner clause);
- S5.63 (1) (b) specifically excludes the need for Elected Members to 'Declare a Financial Interest' in imposing a rate, fee or charge.

Local Government (Financial Management) Regulations 1996 Part 5.

The Department prepared a Rating Policy in March 2016 giving guidance on Legislation (the Act S 6.33 and Financial Regulations 52A), the five key principles and the steps involved in submitting an Application to the Minister.

Financial Implications

Recommendation 1 (Proposed Model no.1) of the proposed Differential Rates will raise general rate revenue of \$37,689,036.

Strategic Implications

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

Shire of Ashburton Corporate Business Plan 2018-22
Goal 4 – Quality Services and Infrastructure
Objective 4.1 – Quality Public Infrastructure
Outcome – Adequate, accessible and sustainable public infrastructure

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "High". The high level of risk is being driven by the low number of high value properties in the UV Mining / Industrial category and the uncertainty of the valuations remaining at current levels as well as the possibility of properties ceasing to be rateable. As high risk items, the Director Corporate Services is monitoring the issues closely.

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Policy Implications

- ELM10 – ‘Financial Sustainability Policy’ applies as it establishes the financial sustainability framework for the Council.
- FIN10 – Wittenoom Townsite, Wittenoom Gorge and Yampire Gorge Rates and Services Policy applies as it states Council is to cease waving rates for Wittenoom properties.
- FIN21 – Rating ensures the Shire applies the rating principles under *the Act* to any separately identifiable rateable portion of land within the district and to establish guidelines for the GRV rating of property whose predominant use is non-rural including but not limited to TWAs and other selected capital improvements on mining tenements and petroleum licenses.
- *The Department Rating Policy 2016* applies providing Council guidance on the five rating principles including:

(i) *Objectivity*

The land on which the differential rates apply use the following characteristics:

- a. The zoning of the land; and
- b. The predominant use (as determined by the Shire of Ashburton).

The Shire does not rate land based on its status being vacant.

There has been no change to boundaries of the district within the past five years. Section 6.33 (1) of *the Act* and Financial Management 52A have been complied with. UV Mining / Industrial is more than twice the lowest differential of GRV Pastoral.

(ii) *Fairness and Equity*

Council has reviewed its expenditure and considered budgetary efficiency measures as part of its budget deliberations. A workshop is due to be held at the June 2019 OMC for Executives and Councillors with a view to finalizing the 2019/20 Draft Budget. Once approval of the Differential Rates is received from the Minister a Special Council Meeting will be scheduled to adopt.

Council has taken a number of efficiency measures and service improvements in the 2018/19 financial year and these continue into 2019/20 both reducing operating costs and maintaining services for the community. The following are noted in the Objects and Reasons:

- Organisational re-structure including new Business Improvement function.
- Engagement of external Call Centre improving customer service.
- Outsourcing of payroll function reducing risk and cost.
- Consolidation of fleet numbers via car-pooling and staff salary sacrificing options reducing cost.
- Procurement Policy enhancements strengthening systems and processes in alignment with Office of Auditor General.

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- Undertaking of Staff Survey improving culture. Staff housing strategy development.
- Rent relief program to improve staff retention.
- Development of Asset Management plans for roads, drainage and footpaths.
- Completion of Paraburdoo Community Hub featuring sports and recreation facilities.
- Records Management archiving.
- Workplace Health and Safety audit, policy review and practices improvements.
- Reductions in consultancy costs.
- Engagement with local suppliers.
- Implementation of new finance processes improving internal controls.
- Ministerial approval of Transient Workforce Accommodation to align rating structure with Departments five rating principles; and
- Tourism Strategy development to promote the region's economic development.

The Objects and Reasons explain why each differential rate is proposed and set to the proposed amount.

UV – Tourism has fewer than 30 ratepayers and it is intended to contact each individually in writing of the Departments Rating Policy: Differential General Rates, the objects and reasons, the differential general rate that will apply and a comparison to the previous year. A 21 day submission period for these property holders will apply.

(iii) Consistency

Properties that are used for the same purpose are rated in a similar way. The proposed differential general rates align with the rating strategy in the CBP and LTFFP as the proposed increase is 2% for all categories except GRV – TWAs and UV Mining – Industrial. GRV – TWAs is a newly established category and is therefore not subject to a 2% increase whilst the proposed rate in the dollar for UV – Mining / Industrial remains the same as 2018/19. The updated LTFFP factors in these proposals as part of the rating strategy.

Table 9 provides a comparison with neighboring local governments in the region indicating a 2% increase for 2018/19 is within close proximity of current proposals:

Table 9 – Proposed Rating Increases

Local Government	Proposed Rate (19/20)
Shire of Broome	1.75%
Shire of Ashburton	2%
City of Karratha	2%
Shire of East Pilbara	TBC
Town of Port Hedland	4%*

* Applies to GRV Residential / Commercial and Pastoral only.

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(iv) Transparency and Administration Efficiency

A determination of this report's recommendations is to advertise and give public notice from Wednesday 22 May 2019 in the following ways:

At Council office notice boards and libraries;

- The Shire's website; and
- State wide and local newspapers.

Submissions will close on Friday 14 June 2019.

It is intended the public notice will include detail of each differential general rate to be imposed, advise ratepayers of where a copy of the objects and reasons can be found, invite submissions from ratepayers on the proposed differential general rates and advise the closing time for receiving submissions.

At the June 2019 Ordinary Meeting, Council will consider the submissions prior to resolving to make application to the Minister for approval.

Voting Requirement

Simple Majority Required (pursuant to s6.36 of the *Local Government Act 1995*).

Officers Recommendation

That with respect to the Proposed Differential Rates 2019/20, that Council:

1. Endorse the new rating category 'GRV - Transient Workforce Accommodation' for the 2019/20 financial year; and
2. Advertise its intention (ATTACHMENT 12.2B), in accordance with S 6.36 of the Local Government Act 1995, to adopt the following rates in the dollar and minimum rates for the 2019/20 financial year noting:
 - a) The introduction of \$0.131845 rate in the dollar for 'GRV - Transient Workforce Accommodation';
 - b) No change to the rate in the dollar for UV Mining / Industrial; and
 - c) An average rate increase for all other rate categories of 2%:

Rate Code Description	Rate in the \$	General Minimum	Lesser Minimum
GRV-Residential / Community	0.102364	1010.00	727.50
GRV-Commercial / Industrial / Tourism	0.065926	1262.50	NA
GRV-Transient Workforce Accommodation	0.131845	NA	NA
UV Mining / Industrial	0.369571	1262.50	NA
UV-Pastoral	0.061891	1262.50	NA
UV-Tourism	0.168910	1262.50	NA

3. Exercise its authority per Section 6.47 of the Local Government Act 1995, and grant the residential concession option as reflected in the Shire Report; and

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4. Adopt the Objects and Reasons for Proposed Differential Rates 2019/20 (**ATTACHMENT 12.2A**); and
5. Receive submissions for at least 21 days from Thursday 23 May 2019 until midday of Friday 14 June 2019; and
6. Consider a report on any submissions received at its Ordinary Meeting of Council on 18 June 2019 prior to adopting the schedule of proposed Differential Rates 2019/20; and
7. Has considered its revenue and expenditure requirements to ensure operational efficiency; and
8. Acknowledge that the proposed Differential Rates align with the Rating Strategy and the adopted Long Term Financial Plan (2017-2033 and updated in 2018).

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13. PROPERTY AND DEVELOPMENT SERVICES REPORTS

**13.1 PROPOSED COMMUNITY LEASE BETWEEN THE SHIRE OF
ASHBURTON AND PARABURDOO JUNIOR FOOTBALL CLUB INC. -
RESERVE 39572 (CHUB)**

FILE REFERENCE:	RC39572
AUTHOR'S NAME AND POSITION:	Janelle Fell Manager Land and Asset Compliance
AUTHORISING OFFICER AND POSITION:	Brian Cameron Director Property and Development Services
NAME OF APPLICANT/ RESPONDENT:	Paraburdoo Junior Football Club Inc.
DATE REPORT WRITTEN:	6 May 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.6 (Minute No. 460/2018) – Ordinary Meeting of Council 20 November 2018

Summary

Paraburdoo Junior Football Club Inc. has requested to lease a storage cage within the Paraburdoo Sports, Fitness and Community Complex.

Council endorsement is sought to negotiate and execute a Community Lease Agreement.

Background

The new multipurpose hall is sited on Reserve 39572, which has the purpose "Public Recreation" with the Power to Lease for any term not exceeding 21 years. The multipurpose hall is known as the Paraburdoo Sports, Fitness and Community Complex (Complex). Practical Completion with Pindan Contracting Pty Ltd for Design and Construction of the facility was reached in March 2019.

Four storage cages are located in the western end of the Complex. Council endorsed occupancy of the storage cages at the November 2018 OCM to Paraburdoo Saints Football and Sporting Club Inc., Paraburdoo Netball Association Incorporated (Netball), Paraburdoo Amateur Swimming Club (Inc.) and Paraburdoo Cricket Club (yet to be incorporated).

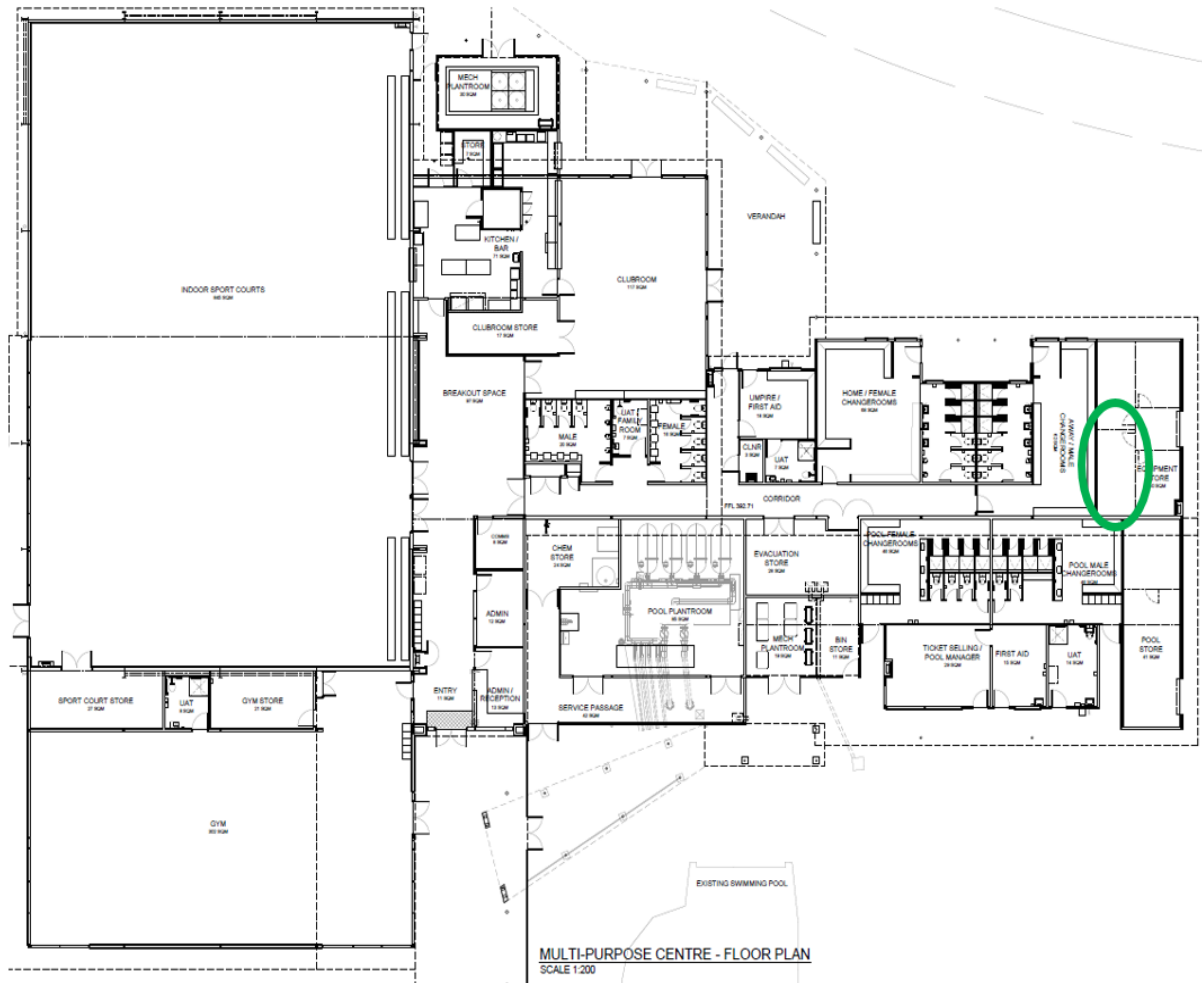
Comment

Paraburdoo Netball Association Incorporated have taken up occupancy of the shed located between the Karingal Neighbourhood Centre and the netball courts.

As Paraburdoo Cricket Club is yet to be incorporated, Paraburdoo Saints and Football Sporting Club Inc. has provided storage space within their leased storage cage.

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Paraburdoo Junior Football Club Inc. has requested storage space for their equipment. A cage is available within the Complex due to Netball occupying the shed as hatched green below.



The proposed terms of the Lease Agreement are:

Lease/Licence	Term	Further Term	Rent (per REC05)	Maintenance Costs	Lessees Outgoings
Lease – Storage	5 years	5 years	\$100 p.a. plus GST	Lessee must maintain the Lease Premises in good condition and state of repair. The Shire is responsible for fair wear and tear and damage which will be reinstated from the proceeds of insurance.	<ul style="list-style-type: none"> • Cost of installation of meter, wiring or other device • Cleaning of Lease Area

ATTACHMENT 13.1

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Paraburdoo Junior Football Club Inc. will be required to maintain insurance for their property and public liability insurance for the term of their Agreement. In accordance with section 79 of the Land Administration Act 1997, approval of the Lease will be sought from the Minister for Planning, Lands and Heritage.

Consultation

Executive Management Team
Community Development Officer - Paraburdoo

Statutory Environment

Local Government Act 1995 Section 3.58 - Disposing of Property. *Local Government (Function and Regulations) 1996* (F & G) Regulation 30 - "Dispositions of property to which section 3.58 does not apply". Under Regulation 30(2)(b) F & G if land is disposed to an organisation that has objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions; then the disposition is exempt. Section 5.42 – Delegation of some powers and duties to the CEO.

Local Government Act 1995 - Section 9.49A – Affixing the Common Seal states in part:

"9.49A. Execution of documents

- (1) *A document is duly executed by a local government if —*
 - (a) *the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
 - (b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
- (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) *The common seal of the local government is to be affixed to a document in the presence of —*
 - (a) *the mayor or president; and*
 - (b) *the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed."*

Land Administration Act 1997 Section 79 – Minister's power as to lease of Crown land.

Financial Implications

Policy REC05 states the annual lease fee for users.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 1 Vibrant and Active Communities

Objective 1 - Connected, Caring and Engaged Communities

Objective 2 – Sustainable Services, Clubs, Associations and Facilities

Goal 04 Quality Services and Infrastructure

Objective 1 – Quality Public Infrastructure

Goal 05 Inspiring Governance

Objective 2 – Community Ownership

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Risk Management

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

Policy Implications

REC05 Community Leases and Licence Agreement of Shire Assets (Facilities, Buildings and Land)

EML13 Affixing of the Shire of Ashburton Common Seal

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the Proposed Community Lease Between the Shire of Ashburton and Paraburdoo Junior Football Club Inc. - Reserve 39572 (CHUB), that Council:

1. Authorise the Chief Executive Officer to negotiate the terms of a Lease Agreement between the Shire of Ashburton and Paraburdoo Junior Football Club Inc.;
2. Authorise the Chief Executive Officer to seek formal approval from the Minister for Planning, Lands and Heritage of the Lease Agreement; and
3. Subject to approval from the Minister for Planning, Lands and Heritage, authorise the Shire President and the Chief Executive Officer to affix the Common Seal to, and execute the Lease Agreement between the Shire of Ashburton and Paraburdoo Junior Football Club Inc. (A100254SM).

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13.2 REQUEST FOR EXCISION OF PORTION OF RESERVE 39923 FOR AMALGAMTION WITH LOT 1193 PINDARI PLACE, TOM PRICE

FILE REFERENCE:	PR39923 PIN.1193
AUTHOR'S NAME AND POSITION:	Janelle Fell Manager Land and Asset Compliance
AUTHORISING OFFICER AND POSITION:	Brian Cameron Director Property and Development Services
NAME OF APPLICANT/RESPONDENT:	Nathan Bower
DATE REPORT WRITTEN:	5 May 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

A request has been received from the owner of Lot 1193 Pindari Place, Tom Price to excise portion of the adjoining Lot 280 on Deposited Plan 15095, that is held as a managed Crown reserve with a Management Order to the Shire of Ashburton for the purpose 'Drainage'.

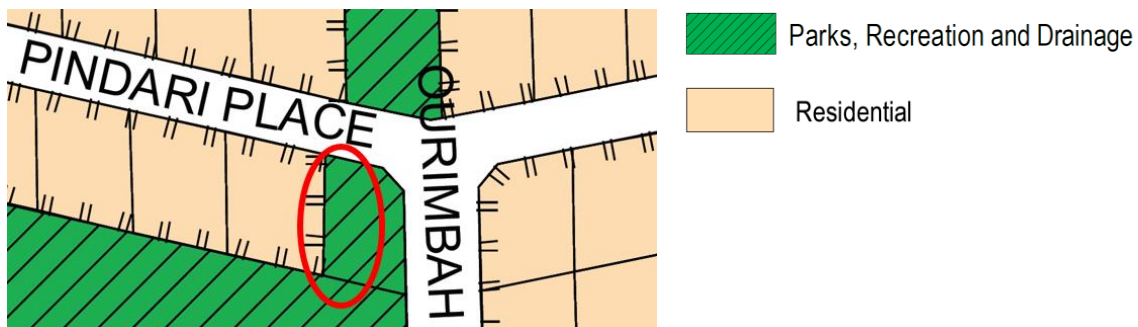
If approved, the excised portion of land will be purchased by the owner of Lot 1193 and amalgamated with this Lot.

Background

Reserve 39923, being Lot 280 on Plan 15095, is a 732.795² Crown Reserve located on the corner of Ourimbah Street and Pindari Place, Tom Price, with Management Order issued to the Shire of Ashburton for its care, control and management. The Reserve was created as a 20A reserve under the superseded *Town Planning and Development Act 1928* for the purpose of "Drainage".

ATTACHMENT 13.2

The *Shire of Ashburton Town Planning Scheme No. 7 (TPS7)* reserves Lot 280 for 'Parks, Recreation and Drainage', with Lot 1193 being zoned 'Residential' with an applied density code of 'R20'.



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In March 2019, it was brought to the Shire's attention that fencing and structures installed on Reserve 39923 did not align with the cadastral boundary, as depicted below in red Staff contacted the owner of Lot 1193, advising that the unauthorised development would need to be removed and the land returned to its former state.

As an alternative, the owner could request that the Shire surrender that portion of land, allowing it to be purchased from the Crown and amalgamated with Lot 1193. The landowner has elected to explore the second option, with the goal of purchasing the portion of Lot 280.

Requesting 'Power to Lease' on the Management Order is not considered viable as the reserve purpose of "Drainage" does not allow for ancillary residential development and, a commercial arrangement to allow disposal by way of lease would not be supported by the Department of Planning, Lands and Heritage.



Boundary encroachments include boundary fence, driveway, road base for caravan park up, mobile equipment (trailers) and a chicken pen.

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Comment

Lot 1193's owner proposes to address the boundary encroachment through a boundary rationalisation to encompass the current use within the freehold lot. It is proposed approximately ~7.7m (north boundary) x ~34.5m (east and west boundaries) x ~4.0m (south boundary) (subject to survey) be excised from Reserve 39923 for amalgamation into Lot 1193 on Plan 15095.

Reserve 39923 is zoned parks, recreation and drainage. A scheme amendment will ultimately be required for the excised portion, however as the TPS7 zoning for the reserve is unlikely to affect use and development of the excised portion of land, this created zoning anomaly could be rectified at the next full Scheme review.

Upon consent to excise portion from the Minister for Lands, Reserve 39923 will be reduced with the excised portion becoming unallocated Crown land. The Application will then seek to purchase this portion of land following a formal valuation by the Valuer Generals office. The land would be amalgamated into Lot 1193. The Applicant has agreed to cover all costs, including purchase of the land from the Crown, survey costs, and any modifications to the drainage function of the remaining reserve.

The current structures/development have not impeded the flow of water with the water run-off route visible, running diagonal then adjacent to the southern boundary, through the undulating Reserve. The land proposed for excision from the Reserve for amalgamation into Lot 1193 is higher than the drainage channel and therefore does not affect drainage. Should an extreme weather event undermine the Applicant's development, the Applicant will be responsible for reinstatement and any modifications to the drainage function.

Consultation

Executive Management Team
Senior Ranger
Principal Planner
Infrastructure Services – Manager Operations East
Landgate – Valuer General's Office

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Statutory Environment

S51 Land Administration Act 1997: Cancelling, changing etc. reserves, Minister's powers as to.

Subject to ss42, 43 and 45, the Minister may by order cancel, change the purpose of or amend the boundaries of, or the locations or lots comprising, a reserve.

Shire of Ashburton Town Planning Scheme No. 7.

Financial Implications

There are no known significant financial implications in relation to this matter as the Applicant has agreed to cover all costs associated with the excision and purchase, including survey and any modification to the drainage function of the remaining reserve.

Landgate's Valuations & Property Analytics team have advised an indicative purchase (by the Applicant) price for the 200m² is estimated at \$7,000.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027
Goal 4 – Distinctive and Well Serviced Places
Objective 01 – Quality Public Infrastructure

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to Request for Excision of Portion of Reserve 39923 for Amalgamation with Lot 1193 Pindari Place, Tom Price, Council:

1. Resolve in accordance with s51 of the *Land Administration Act 1997*, to request the Minister for Planning, Lands and Heritage to:
 - a. Excise approximately 207m² from Reserve 39923 generally in accordance with the attached plan, dated 7 May 2019 to enable its purchase and amalgamation with Lot 1193 on Deposited Plan 15095, **ATTACHMENT 13.2**; and
 - b. Request a new Management Order for the balance of Reserve 39923.

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**13.3 OUTCOME OF PUBLIC ADVERTISING AND ADOPTION OF THE
BUSINESS PLAN FOR THE PILBARA REGIONAL WASTE
MANAGEMENT FACILITY**

FILE REFERENCE:	WM09
AUTHOR'S NAME AND POSITION:	Janelle Fell Manager Land and Asset Compliance
AUTHORISING OFFICER AND POSITION:	Brian Cameron Director Property and Development Services
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	7 May 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 9.4.4 – Ordinary Meeting of Council 12 March 2019

Summary

At the Ordinary Meeting of Council held on 12 March 2019, Council resolved to:

1. *Endorse advertising of the Business Plan for public comment for a period of no less than six weeks with any submission to be considered by Council;*
2. *Endorse the Chief Executive Officer to proceed with the undertaking as proposed if no submissions are received.*

The *Business Plan for the Pilbara Regional Waste Management Facility (Business Plan)* was advertised in The Pilbara News on Wednesday 20 March 2019 and The West Australian on Saturday 20 March 2019 with submissions to be received by 7 May 2019. No submissions of objection or comment were received.

Background

In accordance with Section 3.59 of the *Local Government Act 1995* "Commercial Enterprises by Local Government", before entering into a major land transaction, the Shire must prepare a Business Plan which is to include an overall assessment of the major land transaction. The Business Plan must include an overall assessment of the major trading undertaking or major land transaction, including details of:

- a) its expected effect on the provision of facilities and services by the local government; and
- b) its expected effect on other persons providing facilities and services in the district; and
- c) its expected financial effect on the local government; and
- d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and
- e) the ability of the local government to manage the undertaking or the performance of the transaction; and
- f) any other matter prescribed for the purposes of this subsection.

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The advertised *Business Plan* includes preliminary costs and benefits, feasibility studies, options analysis and a strategic assessment. In relation to the consideration of the *Business Plan*, Council at the Ordinary Meeting of 12 March 2019 resolved as follows:

“That with respect to the Business Plan for the Pilbara Regional Waste Management Facility (‘Business Plan’), the Pilbara Regional Waste Management Committee recommend, that Council:

- 1. Endorse advertising of the draft Business Plan (CONFIDENTIAL ATTACHMENT 8.2) as generally outlined in this Report for public comment for a period of no less than six weeks with any submissions to be referred to Council for consideration; and*
- 2. Should no submissions be received, authorise the Chief Executive Officer in consultation with the President to approve the draft Business Plan as generally advertised”.*

Whilst the resolution of Council allowed the President and the Chief Executive Officer to approve the *Business Plan* should no submissions be received, it is considered prudent for Council to formally resolve to adopt the *Business Plan*.

Comment

The *Business Plan* was advertised in The Pilbara News on Wednesday 20 March 2019 and The West Australian on Saturday 20 March 2019 with submissions to be received by 7 May 2019. No submissions of objection or comment were received.

Consultation

Executive Management Team
Public advertising

Statutory Environment

Local Government Act 1995 s3.59 “Commercial Enterprises by Local Government”

Financial Implications

There are no known significant financial implications in relation to this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 2 – Economic Prosperity

Objective 1 – Strong Local Economies

Objective 2 – Enduring Partnerships with Industry and Government

Goal 3 – Unique Heritage and Environment

Objective 2 – Leading Regional Sustainability

Goal 4 – Quality Services and Infrastructure

Objective 1 – Quality Public Infrastructure

Goal 5 – Inspiring Governance

Objective 1 – Effective Planning for the Future

Risk Management

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

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Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to outcome of public advertising of the *Business Plan for the Pilbara Regional Waste Management Facility (Business Plan)*, Council:

1. Notes that no submissions were received during and after the advertising period of the *Business Plan*; and
2. Adopts the *Business Plan* as advertised.

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14. COMMUNITY SERVICES REPORTS

14.1 APPLICATION ACCEPTANCE OF COMMUNITY SUPPORT GRANT ALLOCATIONS ROUND TWO, 2018/19 ANNUAL FINANCIAL YEAR

FILE REFERENCE:	GS01
AUTHOR'S NAME AND POSITION:	Sarah Johnston Acting Director Community Services
AUTHORISING OFFICER AND POSITION:	Rob Paul Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	4 May 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author is a member of the Paraburdoo Drive In committee, has children that attend the Paraburdoo Primary School and has children that play in the Paraburdoo Teeball Association. The authorising officer has no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 14.1 (Minute No 440/2018) – Ordinary Meeting of Council 23 October 2018

Summary

The Shire recently promoted and invited applications for Community Support Grants and Community Lease/Licence Grants. The submissions were specifically for Community Support Grants as per *REC08 Community Donations, Sponsorship and Funding Policy (REC08)*, with applications closing 31 March 2019.

Thirty One (31) applications were received for Community Support Grants. These grants are provided as in-kind and/or financial assistance to enable community groups and clubs to deliver quality programs, community events and services.

The applications were assessed and workshopped at the 23 April 2019 Ordinary Meeting and Council is requested to approve the Community Support Grants.

Background

There are two funding rounds each year, one opening in July and closing in August and one opening in February and closing in March. At the close of March round thirty one (31) Community Support Grant applications were received, fifteen (15) from Tom Price, twelve (12) from Paraburdoo, one (1) from Pannawonica and three (3) from Onslow.

Comment

The Community Support Grant funding was promoted directly to clubs and organisations via email, public notice boards, Inside Ashburton, Onslow Pipeline and the Shire of Ashburton website and Facebook page.

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Applications received in Round 2 of the Community Support Grants 2018/19 annual financial year and are summarised in Table 14.1A.

TABLE 14.1A COMMUNITY SUPPORT GRANTS – GENERAL ROUND TWO

Name of Organisation	Name of Project	CASH being requested \$	IN-KIND being requested \$
ONSLow			
Onslow Sports Club	Lawn Bowls	2,500.00	0.00
Onslow Sports Club	Onslow Sports Club Fishing Competition	2,500.00	0.00
Onslow Sports Club	NAIDOC Darts	2,500.00	0.00
PANNAWONICA			
Pannawonica KindygyM Inc.	Renewal of Foam flooring	1,825.20	0.00
PARABURDOO			
Paraburdoo Saints Football and Sporting Club	First Aid Equipment Upgrade	1,500.00	0.00
Paraburdoo Netball Association	Court hire outdoor/indoor once available	0.00	2,500.00
Paraburdoo Bowling Club	Chris Grover	2,500.00	0.00
The Lifestyle Centre Paraburdoo Incorporated	Gym equipment	2,500.00	0.00
Paraburdoo Primary School	Paraburdoo Primary School Produce Garden Project	2,500.00	0.00
Paraburdoo Primary School P&C Association	Outdoor fan installation for ECC	2,500.00	0.00
Paraburdoo Basketball	Becoming Incorporated and starting up Basketball in Paraburdoo	2,500.00	0.00
Paraburdoo Amateur Swimming Club	PASC Training and event Resources	2,303.62	0.00
Paraburdoo Tee Ball Association	Equipment and hire fees	1,100.00	1,400.00
Paraburdoo Motorcycle Club Inc.	To cover the cost of St John Ambulance – First Aid Responder to be on standby for the 2019 Season at the Paraburdoo Motorcycle Track	2,500.00	0.00
Paraburdoo Drive In Inc.	Community Screening Night	1,500.00	0.00
Paraburdoo Squash and Racquets Club	RO Water System	2,500.00	0.00

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TOM PRICE			
Name of Organisation	Name of Project	CASH being requested \$	IN-KIND being requested \$
Tom Price Pony & Horse Club Inc.	Club and Rider Development	1,609.08	0.00
Tom Price Netball Association	2019 North West Championships Broome	2,500.00	0.00
Ashburton Little Athletics Centre Incorporated	Laptop for Recording Individual Athletes Personal Best Times	750.00	0.00
North Tom Price Primary School Parents and Citizens Association	Lego Wall of Fun	1,600.00	0.00
The Nintirri Centre Inc.	Sustainability Project for Outdoor Yard	2,500.00	0.00
Tom Price Soccer Club	Soccer Country Week	2,500.00	0.00
Mountain View Sporting Club Inc.	Playground upgrade	2,500.00	0.00
Tom Price Amateur Basketball Association	Tom Price 3 on 3 COMP basketball	2,000.00	2,000.00
Fortescue National Football League	FNFL Season 2019	2,500.00	500.00
Ashburton Women's Football Association	AWFA Marquees & Benches	1,137.50	0.00
Tom Price Needle, Sewing and Quilting Club	Furniture update	2,750.00	0.00
Tom Price Primary School	Pre-Primary Community Garden	500.00	1,500.00
Scorchers Cricket Club Inc.	November T20 Charity Cricket Match	1,500.00	1,000.00
Tom Price Women's Softball Association	Tom Price team to attend Northwest Softball Competition in South Hedland	2,000.00	200.00
Stealers Softball Tom Price Inc.	2019 Stealers Women's Softball Season	1,303.00	1,260.00

All applicants in Table 14.1A have been assessed on the criteria outlined in REC08 Community Donations, Grants and Funding Policy, general conditions and criteria and compliance information provided in **ATTACHMENT 14.1**.

Table 14.1B outlines the allocation of support workshopped with Council on 23 April 2019, the recommendations for general community support grant applications being allocated from account 081877 (Sponsorships and Grants).

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Table 14.1B COMMUNITY SUPPORT GRANTS – GENERAL ROUND TWO

Name of Organisation	Council Workshop Recommendation
ONSLow	
Onslow Sports Club	0.00
Onslow Sports Club – NAIDOC Darts	2,500.00
Onslow Sports Club – Fishing Competition	2,500.00
SUB TOTAL	5,000.00
PANNAWONICA	
Pannawonica KindygyM Inc.	1,825.20
SUB TOTAL	1,825.20
PARABURDOO	
Paraburdoo Saints Football and Sporting Club	0.00
Paraburdoo Netball Association	0.00
Paraburdoo Bowling Club	0.00
The Lifestyle Centre Paraburdoo Incorporated	0.00
Paraburdoo Primary School	0.00
Paraburdoo Primary School P&C Association	0.00
Paraburdoo Basketball	0.00
Paraburdoo Amateur Swimming Club	2,303.62
Paraburdoo Tee Ball Association	2,500.00
Paraburdoo Motorcycle Club Inc.	2,500.00
Paraburdoo Drive In Inc.	0.00
Paraburdoo Squash and Racquets Club	0.00
SUB TOTAL	7,303.62
TOM PRICE	
Tom Price Pony & Horse Club Inc.	1,609.08
Tom Price Netball Association	0.00
Ashburton Little Athletics Centre Incorporated	0.00
North Tom Price Primary School Parents and Citizens Association	0.00
The Nintirri Centre Inc.	0.00
Tom Price Soccer Club	2,500.00
Mountain View Sporting Club Inc.	0.00
Tom Price Amateur Basketball Association	2,000.00
Fortescue National Football League	0.00
Ashburton Women's Football Association	1,137.50
Tom Price Needle, Sewing and Quilting Club	2,500.00
Tom Price Primary School	0.00
Scorchers Cricket Club Inc.	2,500.00
Tom Price Women's Softball Association	0.00
Stealers Softball Tom Price Inc.	0.00
SUB TOTAL	12,246.58
TOTAL	26,375.40

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Funding has been allocated for the annual Community Support Grants to the value of \$75,000.00 in the 18/19 budget, account 081877. \$31,410.85 was allocated in round two of 2018/19 which is included with the proposed round two expenditure, as per the breakdown outlined in table 14.1C.

Table 14.1C COMMUNITY SUPPORT GRANTS – BUDGET BREAKDOWN

Budget Total			75,000.00
Town	Round 1	Round 2 (proposed)	Total
ONSLOW	5,000.00	5,000.00	10,000.00
PANNAWONICA	5,000.00	1,825.20	6,825.20
PARABURDOO	9,910.85	7,303.62	17,214.47
TOM PRICE	11,500.00	12,246.58	23,746.58
Total	31,410.85	26,375.40	57,786.25
Balance Unspent			17,213.75

Consultation

Councillor Workshop
Executive Management Team
Shire of Ashburton Councillors
Club Development Officers – Community Services

Statutory Environment

There are no known statutory requirements for this matter.

Financial Implications

The following budget allocations are provided in the 18/19 budget: 081877 Community Support Grants \$75,000.00 with an expenditure year to date of \$31,410.85

The 18/19 Budget provide \$11,895.36 for small assistance donations to clubs and groups across the four towns.

Council initiated donations to Schools payments will be made in the month of May as per the following breakdown in line with the provision in REC08.

SCHOOL	AMOUNT
Tom Price Senior High School	1,319.00
Tom Price North Primary School	1,190.40
Tom Price Primary School	1,191.90
Paraburdoo Primary School	1,135.00
Pannawonica Primary School	1,096.40
Onslow Primary School	1,082.10
TOTAL	7,014.80

Strategic Implications

Shire of Ashburton Strategic Community Plan 2017-2027
Goal 01 – Vibrant and Active Communities
Objective 02 – Sustainable services, clubs, associations and facilities

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Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. 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

Officers Recommendation

That with respect to the acceptance of Community Support Grant Allocations, round two, 2018/19 financial year, that Council:

1. Approve the recommendations for General Community Support Grant applications being allocated from account GL 081877 (Sponsorships and Grants) as follows:

Name of Organisation	Council Workshop Recommendation
ONSLOW	
Onslow Sports Club – NAIDOC Darts	2,500.00
Onslow Sports Club – Fishing Competition	2,500.00
SUB TOTAL	5,000.00
PANNAWONICA	
Pannawonica Kindygyrn Inc.	1,825.20
SUB TOTAL	1,825.20
PARABURDOO	
Paraburdoo Amateur Swimming Club	2,303.62
Paraburdoo Tee Ball Association	2,500.00
Paraburdoo Motorcycle Club Inc.	2,500.00
SUB TOTAL	7,303.62
TOM PRICE	
Tom Price Pony & Horse Club Inc.	1,609.08
Tom Price Soccer Club	2,500.00
Tom Price Amateur Basketball Association	2,000.00
Ashburton Women's Football Association	1,137.50
Tom Price Needle, Sewing and Quilting Club	2,500.00
Scorchers Cricket Club Inc.	2,500.00
SUB TOTAL	12,246.58
TOTAL	26,375.40

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15. INFRASTRUCTURE SERVICES REPORTS

15.1 AWARD OF RFT 03.19 – STORM WATER NETWORK CLEANING IN TOM PRICE AND PARABURDOO

FILE REFERENCE:	RD03
AUTHOR'S NAME AND POSITION:	Shane Godfrey Technical Officer
AUTHORISING OFFICER AND POSITION:	Jamie Muir Acting Director Infrastructure Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	6 May 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in this report.
PREVIOUS MEETING REFERENCE:	Agenda Item 15.3 (Minute No. 427/2018) – Ordinary Meeting of Council September 2018

Summary

A request for Tender RFT 03.19 Stormwater network cleaning in Tom Price and Paraburdoo (RFT 03.19) was issued to the WALGA Preferred Supplier Program via eQuotes from 01 April 2019 and closed 16 April 2019. The request was issued to all contractors on the panel.

These works are essential maintenance to ensure that our complex network of storm water drains can accommodate current storm water levels but also to determine any upgrades required within the system.

Three conforming tenders were received in response to RFT 03.19. The evaluation panel has completed its assessment of the submissions and makes its recommendation. Council is requested to issue RFT 03.19 to the preferred tenderer as recommended.

Background

The Shire of Ashburton has a network of over 5000 metres of urban stormwater drainage in Tom Price, Paraburdoo and Onslow. The stormwater drainage network forms a significant part of the Shire's asset management portfolio. Regular cleaning and extraction of debris from these assets helps ensure that they reach intended useful life and that they continue to provide their intended level of service.

The primary purpose of the urban stormwater network is to prevent flooding and provide a safe environment for pedestrian and vehicular traffic. The prevention of flooding of private properties is considered the highest priority. In order to fulfil these functions, stormwater assets must be in a structurally sound condition. If a pipe was to collapse, the ground or roadway above would also collapse and the pipe would no longer be able to fulfil its intended purpose. The stormwater drainage system must also not develop excessive infiltration or blockages, which would also impair its ability to carry stormwater.

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There are many reasons why stormwater systems no longer meet intended performance standards and community expectations, including:



- The initial design was inadequate;
- The structural integrity of the stormwater pipe has been compromised;
- Concrete spalling, encrustation, sedimentation, or root intrusion; and
- Development of land has increased and drainage infrastructure hasn't been expanded to cater for the expansion.

The works associated with RFT 03.19 involve the inspection of the pipes via CCTV cameras, high pressure water jetting as necessary and providing reports as to the condition of the asset and any other works completed. CCTV camera inspections are carried out by a small all-terrain vehicle, inserted into the stormwater pipes, which controlled remotely, allows the operator to inspect and record the conditions of the pipes.




As the camera traverses the pipe, the operator undertakes a visual inspection while viewing the images, reports defects and provides photographs as a permanent record.

In addition to providing photographs and video the contractor provides a detailed report of the asset details which can be used to ascertain the condition rating of the asset in its current state. The condition rating of the drains will be used to identify any assets that may need replacement or maintenance in the near future.

The condition rating ranges from 1 – Very good condition with no maintenance required through to 5 – Very Poor where failure has either occurred or is imminent. Below are examples of conditions ratings that were recorded when the Shire undertook storm water network cleaning in Onslow as indicated:

Extent	Example Image	Condition Score
Pipe is fully servicable with no debris		1 – Very Good
Minor maintenance is required		2 - Good

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Extent	Example Image	Condition Score
Pipe is operational but displays efficiency deficiencies. Routine maintenance and/or minor refurbishment is required		3 - Fair
Major or serious deterioration is evident. Stormwater pipe is not operating. Major maintenance or rehabilitation is required		4 - Poor
Stormwater pipe has failed or is about to fail. Asset is unservicable. Renewal is required immediately or within the next 12 months		5 – Very Poor

Scheduling of the Works

All the drainage assets in Tom Price and Paraburdoo are scheduled to be included in the works and not just the poorly rated drains. This will give vital information in regard to current asset condition and enable the compilation of future drainage management programs and Asset Management Plans.

Selection Criteria

RFT 03.19 was issued via the WALGA Preferred Supplier Program Three conforming tender submissions were received in response to RFT 03.19.

The selection criteria was based upon Council’s FIN12 Purchasing Policy. The advertised selection criteria were:

Criteria	Weighting
Relevant Experience	20%
Resources, Plant and Equipment	20%
Methodology/Quality and OHS Systems/Life Cycle/Risk Management	20%
Price	40%

Only tenders that met the initial compliance criteria are deemed compliant for assessment against the selection criteria and value for money. The evaluation and recommendation report, including the overall evaluation scores and rankings, is provided.

CONFIDENTIAL ATTACHMENT 15.1

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Comment

The evaluation panel concluded, Perth Pressure Jet Services (T/A Cleanflow Environmental Solutions) to be the most suitable and value for money submission in relation to RFT 03.19 with the scoring as follow:

Rank	Tenderer	Score (%)
1	Perth Pressure Jet Services (T/A Cleanflow Environmental Solutions)	74.0
2	Drainflow Services	72.5
3	Solo Resources	61.3

Consultation

Executive Management Team
Manager Rural Roads & Operations East
Manager Operations East
Manager Governance
Financial Support Officer
Technical Administration Officer
Technical Officer

Statutory Environment

Local Government Act 1995 Section 3.57. Tenders for providing goods or services:

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services; and*
- (2) *Regulations may make provision about tenders.*

Local Government Act 1995 Section 5.23. Meetings generally open to public:

- (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 —*
 - (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.*

Local Government (Functions and General) Regulations 1996:

- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if:*
 - (a) *the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; and*
 - (b) *the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program.*

Financial Implications The budgeted provision for the stormwater jetting project in the 2018/2019 financial year is:

- Tom Price \$133,333; and
- Paraburdoo \$133,334.

The budget provision for this project was allocated via a Budget Variation in the September 2018 Ordinary Meeting of Council (reference Minute: 427/2018).

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027
Goal 4 – Quality Services and Infrastructure
Objective 01 – Quality Public Infrastructure

Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Framework. The perceived level of risk from the Risk Matrix is "Minor (3)" considering the potential impacts to natural environment and project items, time and cost. As the Risk Acceptance is "Medium", the Director Infrastructure Services will monitor progress of this item.

Policy Implications

ENG09 – Asset Management Policy.

The purpose of this policy is to demonstrate the Shire's commitment to the responsible management of its infrastructure and to establish a framework to ensure that these assets are acquired, maintained and disposed of in such a manner that the agreed Level of Service delivery is achieved within the constraints of Asset life, cost effectiveness and financial and environmental sustainability.

Policy FIN12 Purchasing Policy.

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

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to RFT 03.19 Storm Water Network Cleaning in Tom Price and Paraburdoo, that Council:

1. Resolve that Report **CONFIDENTIAL ATTACHMENT 15.1** is confidential in accordance with s5.23 (2) the *Local Government Act 1995* because it deals with matters affecting s5.23 (2)(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;"
2. Note the attached Evaluation report **CONFIDENTIAL ATTACHMENT 15.1**.
3. Award RFT 0319 Storm Water Network Cleaning in Tom Price and Paraburdoo to Perth Pressure Jet Services (T/A Cleanflow Environmental Solutions) and authorise the Chief Executive Officer to enter into a contract with the appointed contractor; and
4. Authorise the Chief Executive Officer to manage the contract, including the provision of possible variations, providing the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract and managed within the overall budget for the project.

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15.2 AWARD OF RFT 04.19 ONSLOW CLASS IV LANDFILL PROJECT - EARLY WORKS FOR PILBARA REGIONAL WASTE MANAGEMENT FACILITY

FILE REFERENCE:	WM09
AUTHOR'S NAME AND POSITION:	Les Morgan Manager Projects and Assets
AUTHORISING OFFICER AND POSITION:	Jamie Muir Acting Director Infrastructure Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	8 May 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in this report.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

A request for Tender RFT 04.19 Onslow Class IV Landfill Project - Early Works ('RFT 04.19') was issued via the Shire's e-tendering portal known as TenderLink and also advertised via state wide public notice in The West Australian Newspaper from the 5 April 2019 to 30 April 2019. Five (5) conforming tenders were received via TenderLink in response to the RFT 04.19.

The evaluation panel recommendation was not available at time of preparing the Agenda and will be provided to Council under separate cover.

Background

The Pilbara Region has a lack of adequate waste infrastructure that has led to inefficient waste disposal practices and significantly increased costs for mining, government and other industries.

This shortage of infrastructure results in waste removed from the Pilbara region being transported 1400 kilometres to Perth on a daily basis via trucks specifically designed for this purpose. Due to their specialised nature, the trucks making this round trip of 2,800 kilometres have to return empty, thereby, making this a costly, inefficient and unsustainable practice.

The Shire has decided to meet this challenge by establishing a Pilbara Regional Waste Management Facility (PRWMF) that will be located approximately 36km south of the town of Onslow and will be able to accept Class III and IV waste, including waste from the mining, industrial, and oil and gas sectors across the wider Pilbara Region. The PRWMF has been designed to meet local needs and resolve wider economic problems and the costs of transporting waste.

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This report focuses specifically on the preliminary works required to enable reliable road access to the site of the PRWMF, for vehicles associated with its construction. Upon completion of the PRWMF these works will become the new facility's main access road.

Overview of the Works

The works contained in RFT 04.19 involve the construction of an access road to the site of the future PRWMF. As this accessed road will initially carry vehicles associated with the construction of the PRWMF, it will be unsealed at this point.

After completion of the PRWMF, any damage to the access road will be repaired and a bituminous seal applied to ensure all-weather access is provided to users of the new facility.

Selection Criteria

In line with FIN12 Purchasing Policy, the advertised selection criteria is as follows:

Criteria	Weighting
Relevant Experience	15%
Key Personnel	10%
Past Company Performance	10%
Resources, Plant and Equipment	10%
Methodology/Quality and OHS Systems/Life Cycle/Risk Management	15%
Price	40%

Only tenders that met the initial compliance criteria will be deemed compliant for assessment against the selection criteria and value for money. The evaluation and recommendation report, including the overall evaluation scores and rankings, will be provided under separate cover.

Consultation

Executive Management Team
Manager Rural Roads & Operations West
Manager Governance
Senior Procurement Officer
Financial Support Officer

Statutory Environment

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

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

Local Government Act 1995 Section 5.23. Meetings generally open to public

- (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 —*
 - (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;”*

Local Government (Functions and General) Regulations 1996

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150,000 unless sub-regulation (2) states otherwise.*

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Financial Implications

The budgeted provision for construction of the Pilbara Regional Waste Management Facility is \$10.8 million for the 2018/2019 financial year. This budget provision includes the works that are the subject of this report.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 4 – Quality Services and Infrastructure

Objective 01 – Quality Public Infrastructure

Strategic Direction - Provide and maintain affordable infrastructure that serves the current and future needs of the community, environment, industry and business.

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 'Moderate' (consequences 'extreme', however likelihood 'rare'). This level of risk is being driven by the position of a gas main under the site of the subject works and due to the significant financial penalties should the main be broken.

It is considered that the likelihood of a risk event occurring is 'rare', however, measures including the requirement for relatively high insurance levels by the engaged contractor, the construction of a concrete slab over the gas main for added protection and not using a vibrating roller in the vicinity of the gas main will significantly reduce Council's exposure to risk. Further to the above, this will be monitored and managed by specific procedures by the Manager Projects and Assets and the Director Infrastructure Services.

Policy Implications

Policy FIN12 Purchasing Policy.

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

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to *RFT 04.19 Onslow Class IV Landfill Project - Early Works*, Council consider the evaluation panel assessment (**CONFIDENTIAL ATTACHMENT 15.2** to be Provided Under Separate Cover) and resolve accordingly.

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

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

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

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

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

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

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**18.1 CONFIDENTIAL ITEM - WITTENOOM CLOSURE BILL 2019 AND
WITTENOOM – ROEBOURNE ROAD**

FILE REFERENCE: LS34

**AUTHORISING OFFICER AND
POSITION:** Rob Paull
Chief Executive Officer

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

DATE REPORT WRITTEN: 8 May 2019

**DISCLOSURE OF FINANCIAL
INTEREST:** The author and the authorising officer have no financial
proximity or impartiality interests in the proposal.

**PREVIOUS MEETING
REFERENCE:** Confidential Agenda Item 8.1 (Minute No. 35/2018) –
Audit and Risk Committee 18 December 2018

REASON FOR CONFIDENTIALITY

The Chief Executive Officer's Report is confidential in accordance with s5.23 (2) *the Local Government Act 1995* because it deals with matters affecting s5.23 (2):

(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.*

Officers Recommendation

That with respect to *Confidential Item - Wittenoom Closure Bill 2019 and Wittenoom – Roebourne Road*, Council consider the matters raised in the Report and resolve accordingly.

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19. NEXT MEETING

The next Ordinary Meeting of Council will be held on 18 June 2019, at the Ashburton Hall, Ashburton Avenue, Paraburdoo commencing at 1.00 pm.

20. CLOSURE OF MEETING

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