

Ordinary Meeting of Council

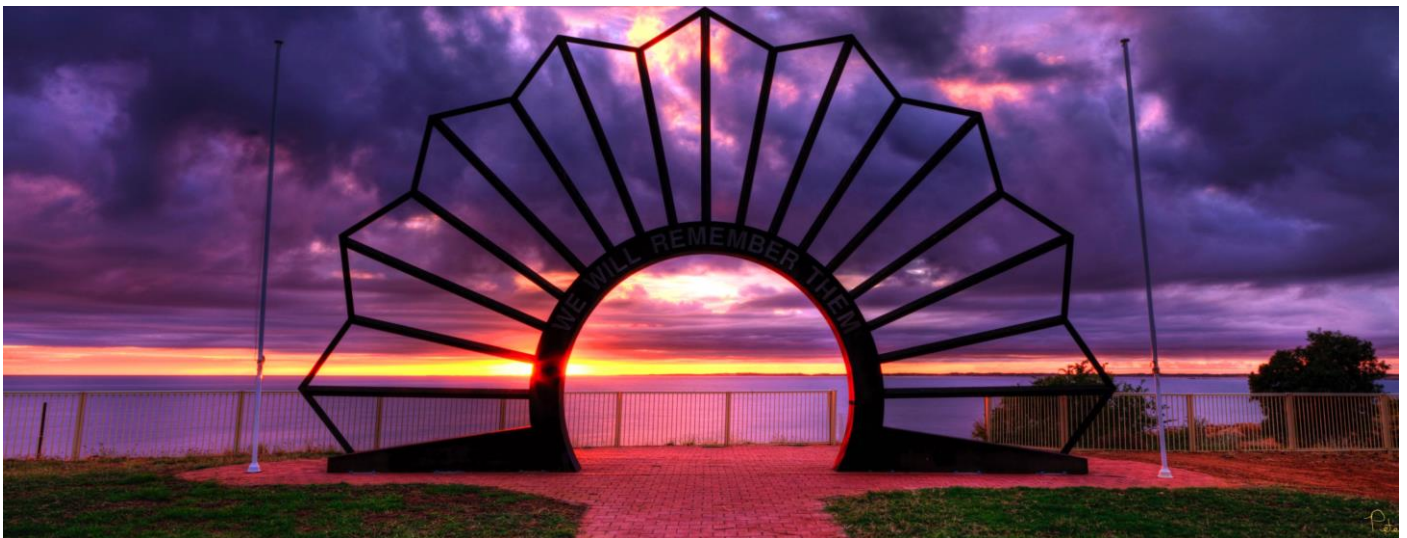
Onslow



MINUTES

14 August 2018

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.

**MINUTES ORDINARY MEETING OF COUNCIL
14 AUGUST 2018**



**SHIRE OF ASHBURTON
ORDINARY MEETING OF COUNCIL**

MINUTES

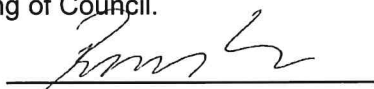
**Council Chambers,
Onslow Shire Complex,
Second Avenue, Onslow
14 August 2018
1.00 pm**

MINUTES ORDINARY MEETING OF COUNCIL
14 AUGUST 2018

SHIRE OF ASHBURTON
ORDINARY MEETING OF COUNCIL

The Chief Executive Officer recommends the endorsement of these minutes at the next Ordinary Meeting of Council.

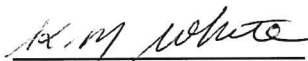
CEO:



Date: 22-08-2018

These minutes were confirmed by Council as a true and correct record of proceedings of the Ordinary Meeting of Council on the 19/9/2018

Presiding Member:



Date: 19-9-2018

DISCLAIMER

The resolutions contained in the Minutes 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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**MINUTES ORDINARY MEETING OF COUNCIL
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1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 1.00 pm.

1.1 ACKNOWLEDGEMENT OF COUNTRY

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

2. ANNOUNCEMENT OF VISITORS

There were no members of the public in the gallery for this meeting.

3. ATTENDANCE

3.1 PRESENT

Elected Members:	Cr K White Cr D Dias Cr M Lynch Cr D Diver Cr L Thomas Cr R de Pledge	Shire President, (Presiding Member) Onslow Ward Paraburdoo Ward Tom Price Ward Tom Price Ward Tableland Ward Ashburton Ward
Staff:	Mr R Paul Ms K Fisher Ms A Serer Ms L Reddell Ms J Smith Mrs M Lewis	Chief Executive Officer Finance Manager Director Strategic & Community Development Director Development & Regulatory Services Executive Officer CEO & Councillor Support Officer
Guests:	Nil	
Members of Public:	There were no members of the public in attendance at the commencement of the meeting.	
Members of Media:	There were no members of the media in attendance at the commencement of the meeting.	

3.2 APOLOGIES

There were no apologies for this meeting.

3.3 APPROVED LEAVE OF ABSENCE

Cr P Foster Tom Price Ward
Cr L Rumble Paraburdoo Ward
Cr M Gallanagh Pannawonica Ward

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4. QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Meeting of Council held on 18 July 2018, the following question was taken on notice and a written response follows.

4.1.1 Jessica Chan (Paraburdoo)

Q1 "Why is Council making decisions to close the vehicular crossover between Fortescue and Anzac Place without undertaking community consultation or without ascertaining the actual usage of the cross over point?"

Response:

At the Ordinary Meeting of 22 May 2018, Council resolved as follows:

"That with respect to the vehicular crossover in the northern car park of the Paraburdoo Shopping Centre referred to in the report, Council:

- 1. Notes this report;*
- 2. Supports the closing of the vehicular crossover in the northern car park of the Paraburdoo Shopping Centre; and*
- 3. Instructs the Chief Executive Officer to make a budget provision of \$11,000 in the 2018/19 Budget to decommission the vehicle crossover in the northern car park of the Paraburdoo Shopping Centre."*

The basis of the decision was concern that vehicles are crossing the footpath at speed is creating an unsafe environment for the pedestrians on the path. Council has included the \$11,000 in the 2018/19 Budget. It is open to Council to seek community views prior to undertaking any works with respect to closing of the vehicular crossover in the northern car park of the Paraburdoo Shopping Centre.

4.2 PUBLIC QUESTION TIME

The following question was asked:

4.2.1 David Spooner (Tom Price):

Q1. "I would like to address to possible banning the growing of weed trees (Leucaena Acaia) within the Shire of Ashburton. Listed as an invasive weed within WA, these trees are spreading rapidly around Tom Price and may invade the nearby National Park. Please consider a ban so these trees may be contained. Thank you."

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Response:

At the Ordinary Meeting of 21 September 2017, Council resolved as follows:

“That with respect to weed management within the Shire, Council:

- 1. Assist the Department of Primary Industries and Regional Development and the Pilbara Mesquite Management Committee with the development of a management plan and associated on ground activity that will address non-compliances under the Biosecurity and Agriculture Management Act 2007 from the presence of declared weeds on land under the management of the Shire of Ashburton; and*
- 2. Develop in consultation with the CSIRO Land & Water Division, the Department of Biodiversity, Conservation and Attractions and the Department of Primary Industries and Regional Development, a management and community education/engagement plan for addressing control measures around priority and emerging environmental weeds such as Leucaena, Stinking Passion Fruit Bush, Ruby Dock and Kapok Bush; and*
- 3. Ensure that Leucaena in particular and other environmental weeds on Council managed land is removed as part of ongoing awareness and monitoring programs.”*

The Officer’s report to Council noted that while Leucaena is an environmental weed within the Pilbara, it is not a declared weed and as such, the Shire has no power to require private land owners to remove it from their properties. While there is provision under the *Biosecurity and Agriculture Management Act 2007* to enable a Local Government to enact a Local Law to declare ‘pest plants’ within a municipality, the introduction of a local law was not recommended on the basis of discussion with the CSIRO which indicated that Leucaena was not a priority for research or control in the Pilbara.

Council also considered a similar request in relation to Leucaena in September 2015, where it was resolved to seek the assistance of the Pilbara Regional Council (PRC) to develop a regional Leucaena management group and develop a Local Law. Subsequent advice from the PRC however indicated that there was insufficient interest from other Pilbara Local Governments to develop a regional project and no further action was taken. It is worth noting that even had a Local Law been introduced, the Shire would have no power to effect the removal of Leucaena in Karijini National Park or on other Crown land, as the Crown is not bound by the *Local Government Act 1995*.

In relation to the resolution from September 2017, the Shire is:

- drafting a community education and engagement plan to address control measures around priority and environmental weeds in the Shire, such as Leucaena;

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- using its best endeavours to control *Leucaena* on Shire managed land; and
- working with Rio Tinto to address management of *Leucaena* on land managed by them in and around Tom Price.

5. APPLICATIONS FOR LEAVE OF ABSENCE

<p>Council Decision</p> <p>MOVED: Cr D Dias SECONDED: Cr D Diver</p> <p>That Council approve the Application for Leave of Absence received from:</p> <p>Cr Gallanagh for the Council Meetings to be held on 19 September 2018 in Pannawonica and 23 October 2018 in Tom Price.</p> <p style="text-align:right">CARRIED 6/0</p> <p style="text-align:center">Councillors White, Dias, Thomas, Diver, Lynch and de Pledge voted for the motion</p>
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6. DECLARATION BY MEMBERS

6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

All Councillors noted that they had given due consideration to all matters contained in the Agenda presently before the meeting.

6.2 DECLARATIONS OF INTEREST

Councillors to Note

A member who has 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.

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

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

Declarations of Interest provided:

Item Number/ Name	Type of Interest	Nature/Extent of Interest
9.3 CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW OCCASIONAL COMMITTEE		
Rob Paull	Financial	The nature of my interest is that I am employed as the CEO with the Shire of Ashburton and receive remuneration along with accommodation and vehicle The extent of my interest is financial Interest pursuant to Section 5.60A of the <i>Local Government Act 1995</i> .

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Item Number/ Name	Type of Interest	Nature/Extent of Interest
12.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID		
Rob Paull	Indirect Financial	The nature of my interest is that my spouse is employed by Muzzy's Hardware in Tom Price and the extent of my interest is that my spouse is earning an income from Muzzy's Hardware Tom Price.
18.1 CONFIDENTIAL ITEM - DEPARTMENT OF JOBS, TOURISM, SCIENCE AND INNOVATION REFERRAL OF HAMERSLEY IRON PTY LIMITED'S DRAFT APPLICATION FOR KOODAIDERI RAILWAY CORRIDOR		
Cr Dias	Financial	The nature of my interest is I am an employee of Hamersley Rio Tinto Pty Ltd and my wife is an employee of Rio Tinto Ltd. My wife and I both have shares individually and collectively in Rio Tinto Ltd. The extent of my interest is Direct Financial.
Cr Diver	Financial	The nature of my interest is I am employed by Rio Tinto The extent of my interest is I receive a salary, I also receive subsidised utilites (water/power) and rent as part of my salary package.
Cr De Pledge	Financial	The nature of my interest is I am a shareholder with Rio Tinto Pty Ltd. The extent of my interest is I have shares to value of less than \$10000.
Cr Lynch	Financial	The nature of my interest is I am an employee of Rio Tinto and a tenant. The extent of my interest is I am paid a salary by Pilbara Iron.

The CEO read out aloud to the meeting the following correspondence from the Department of Local Government, Sport and Cultural Industries:

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“Dear Mr Paull

I refer to your correspondence dated 7 August 2018 and advise that, in accordance with authority delegated by the Minister for Local Government, the Deputy Director General – Regulation has approved your application, under section 5.69(3)(a) of the *Local Government Act 1995* (the Act).

This approval allows disclosing members Cr Elect Rory De Pledge, Cr Diver and Cr Lynch to fully participate in the discussion and decision making relating to the belowmentioned item at the Shire's Ordinary Council Meeting of 14 August 2018:

18.1 CONFIDENTIAL ITEM - DEPARTMENT OF JOBS, TOURISM, SCIENCE AND INNOVATION REFERRAL OF HAMERSLEY IRON PTY LIMITED'S DRAFT APPLICATION FOR KOODAIDERI RAILWAY CORRIDOR

Subject to the following conditions:

1. *The approval is only valid for the 14 August Ordinary Council Meeting when agenda item 18.1 is considered;*
2. *The abovementioned Councillors must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided;*
3. *The CEO is to provide a copy of the Department's letter of approval to the abovementioned Councillors;*
4. *The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;*
5. *The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to the Department, to allow the Department to verify compliance with the conditions of this approval; and*
6. *The approval granted is based solely on the interests disclosed by the abovementioned Councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.*

Should you require further information in relation to this matter, please contact Mr Troy Hancock, Senior Legislation Officer via the details provided above.”

*Michael Connolly
DEPUTY DIRECTOR GENERAL - REGULATION*

13 August 2018

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7. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

The Presiding Member congratulated Councillor Rory de Pledge on being elected as Council Member to the Ashburton Ward and welcomed him to the Shire of Ashburton.

8. PETITIONS / DEPUTATIONS / PRESENTATIONS

There were no Petitions, Deputations or Presentations for this meeting.

8.1 PETITIONS

8.2 DEPUTATIONS

8.3 PRESENTATIONS

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 UNCONFIRMED MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 18 JULY 2018 (ATTACHMENT 9.1)

Officer Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr D Dias

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 18 July 2018 at the Clem Thompson Sports Pavilion, Stadium Road, Tom Price as previously circulated on 26 July 2018, (Attachment 9.1) be confirmed as a true and accurate record.

CARRIED 6/0

Councillors White, Dias, Thomas, Diver, Lynch and de Pledge voted for the motion

9.2 UNCONFIRMED MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD ON 26 JULY 2018 (ATTACHMENT 9.2)

Officer Recommendation and Council Decision

MOVED: Cr M Lynch

SECONDED: Cr D Diver

That the Unconfirmed Minutes of the Special Meeting of Council held on 26 July 2018 at the Council Chambers, Onslow Shire Complex, Second Avenue, Onslow, as previously circulated on 31 July 2018 (Attachment 9.2) be confirmed as a true and accurate record.

CARRIED 6/0

Councillors White, Dias, Thomas, Diver, Lynch and de Pledge voted for the motion

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**9.3 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE
HELD ON 14 AUGUST 2018 (MINUTES PRESENTED TO COUNCIL)**

**Declaration of Interest
Prior to consideration of this Agenda Item**

Rob Paull declared a financial interest

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

Committee Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr M Lynch

That the Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 14 August 2018 at Council Chambers, Onslow Shire Complex, Second Avenue, Onslow be received (Minutes provided under separate cover).

CARRIED 6/0

Councillors White, Dias, Thomas, Diver, Lynch and de Pledge voted for the motion

9.3.1 CONFIDENTIAL ITEM - CHIEF EXECUTIVE OFFICER PROBATION AND PERFORMANCE REVIEW

Committee Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr M Lynch

That the Chief Executive Officer's Performance Review Occasional Committee recommend to Council that with respect to the Chief Executive Officer's Performance Review, Council:

- 1. Receives the Performance Review report and endorses the overall performance rating for Mr Paull as the Shire of Ashburton's CEO, for the interim review period 8 January to 8 July 2018, as 'Meets Performance Requirements';**
- 2. Affirms the contract of employment between Council and Mr. Paull; and**
- 3. Schedules the first annual review of performance to be completed by January 2019.**

CARRIED BY ABSOLUTE MAJORITY 6/0

Councillors White, Dias, Thomas, Diver, Lynch and de Pledge voted for the motion

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**9.4 SHIRE OF ASHBURTON PARABURDOO COMMUNITY HUB (CHUB)
COMMITTEE MEETING HELD ON 14 AUGUST 2018 (MINUTES
PRESENTED TO COUNCIL)**

Committee Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr M Lynch

That the Minutes of the Shire of Ashburton Paraburdoo Community Hub (Chub) Committee Meeting held on 14 August 2018 at Council Chambers, Onslow Shire Complex, Second Avenue, Onslow be received (Minutes provided under separate cover).

CARRIED 6/0

Councillors White, Dias, Thomas, Diver, Lynch and de Pledge voted for the motion

9.4.1 PARABURDOO COMMUNITY HUB PROJECT UPDATE AUGUST 2018

Committee Recommendation and Council Decision

MOVED: Cr R de PLEDGE

SECONDED: Cr M Lynch

That the Paraburdoo Community Hub (CHUB) Committee recommend to Council that with respect to the Paraburdoo Community Hub Project, Council:

- 1. Notes the progress report;**
- 2. Approves the following variation requests in regard to RFT 17/17 Construction of Paraburdoo Community Hub:**
 - a. Multipurpose Centre – change specification: current water filter specified will not have large enough capacity, upgrade to enable 50mm inlet - \$1,212.20;**
 - b. Multipurpose Centre –installation of permanent ladder from lower to upper roof levels to enable access for maintenance etc - \$1,963.50;**
 - c. Neighbourhood Centre - Install 15amp plug to group area - \$526.63; and**
- 3. Support the provision of floor-mounted bar tables to the Clubroom as provided in ATTACHMENT 7.1C along with modifications to the Clubroom Kitchen generally as provided in ATTACHMENT 7.1D modified to relocate cool room approximately 1m closer to the bar area with the CEO requested to provide under separate cover to Committee members updated kitchen area plans that show the proposed commercial kitchen appliances and facilities.**
- 4. Authorises the Chief Executive Officer, in consultation with the Paraburdoo Community Hub Committee and Paraburdoo Ward**

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Councillors, to obtain detailed designs and quotations for the upgrade of the Clubroom and Clubroom Kitchen specification, and issue a variation to the contractor for any agreed changes.

CARRIED 6/0

Councillors White, Dias, Thomas, Diver, Lynch and de Pledge voted for the motion

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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."*

There are no En Bloc items.

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11. OFFICE OF THE CEO REPORTS

11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS STATUS REPORT FOR JULY 2018

MINUTE: 411/2018

FILE REFERENCE:	GV04
AUTHOR'S NAME AND POSITION:	Michelle Lewis CEO & Councillor Support Officer
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	30 July 2018
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. 395/2018) - Ordinary Meeting of Council 18 July 2018

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, Strategic and Community Development and Development & Regulatory Services.

ATTACHMENT 11.1

Consultation

Chief Executive Officer
Executive Management Team

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

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“Role of council

(1) *The council —*

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

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

- (a) oversee the allocation of the local government’s finances and resources; and*
- (b) determine the local government’s policies.”*

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

Financial Implications

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 and Council Decision

MOVED: Cr D Diver

SECONDED: Cr M Lynch

That Council receive the “Council Decisions Status Reports” for the month of July 2018 as per ATTACHMENT 11.1.

CARRIED 6/0

Councillors White, Dias, Thomas, Diver, Lynch and de Pledge voted for the motion

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**11.2 USE OF COMMON SEAL AND ACTIONS PERFORMED UNDER
DELEGATED AUTHORITY FOR THE MONTH OF JULY 2018**

MINUTE: 412/2018

FILE REFERENCE:	GV21 CM02
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Officer Brooke Beswick Administration Assistant Planning
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	30 July 2018
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The purpose of this agenda item is to report to Council for information, use of the Common Seal, actions performed under delegated authority requiring referral to Council and a copy of the Tender Register, for the month of July 2018.

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 2018.

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 and Council Decision

MOVED: Cr D Diver

SECONDED: Cr R de Pledge

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.**

CARRIED 6/0

Councillors White, Dias, Thomas, Diver, Lynch and de Pledge voted for the motion

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11.3 APPOINTMENT OF COUNCILLORS TO VACANT COMMITTEE AND WORKING GROUP POSITIONS

MINUTE: 413/2018

FILE REFERENCE:	GV02
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Officer
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	5 August 2018
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 11.4 (Minute No. 245/2017) – Ordinary Meeting of Council 24 October 2017

Summary

Following the Extraordinary Election held on 20 July 2018, Council must appoint Councillors to any vacant positions on the various committees / working groups on which it is represented.

The purpose of this report is to fill vacant positions on committees that are the result of the resignation of former Councillor, Mr Glen Dellar.

Background

Former Councillor, Mr Glen Dellar left two positions vacant on various committees when his resignation became effective on 12 March 2018.

Being the first Ordinary Meeting of Council following the Local Government Extraordinary Election on 20 July 2018, Council is required to give consideration to appointing Councillors to the two vacant committee positions.

Comment

At the Ordinary Meeting of Council held on 24 October 2017 Mr Dellar was appointed to the Onslow Local Emergency Management Committee and the Onslow Local Recovery Committee.

At the Ordinary Meeting of Council held on 23 April 2018 Council adopted the formation of the Chief Executive Officer's Performance Review Occasional Committee in which all Councillors were appointed.

Therefore two committees positions are vacant, namely:

1. Onslow Local Emergency Management Committee – delegate.
2. Onslow Local Recovery Committee – delegate.

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Consultation

Chief Executive Officer
Executive Management Team

Statutory Environment

Local Government Act 1995, Part 5 Subdivision 2, Sections 5.8 to 5.18
Local Government (Administration) Regulations 1996 – Regulation 4.

A local government may establish (by an absolute majority) committees of three or more persons to assist the Council and to exercise the powers and discharge the duties of the Council. Council may also appoint Councillors to represent it on external committees such as those established by the State Government (e.g., Land Conservation District Committees).

A committee is to have as its member's persons appointed (absolute majority) by the local government to be members of the committee. At any given time each Councillor is entitled to be a member of at least one committee and if a Councillor nominates himself or herself to be a member of such a committee or committees, the local government is to include that Councillor in the persons appointed to at least one of those committees as the local government decides (section 5.10 Local Government Act 1995).

If at a meeting of the Council a local government is to make an appointment to a committee that has or will have a Councillor as a member and the President informs the local government of his or her wish to be a member of the committee, the local government is to appoint the President to be a member of the committee.

Where a person is appointed as a member of a committee the person's membership of the committee continues until:

- The person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;
- The person resigns from membership of the committee;
- The committee is disbanded; or
- The next ordinary election day, whichever happens first.

A committee member may resign from membership of the committee by giving the CEO or the committees presiding member written notice of the resignation.

Financial Implications

There are no financial implications relevant to this appointment process, but expenses will be incurred to facilitate attendance at some of the listed meetings.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 05 – Inspiring Governance
Objective 03 – Council Leadership

Risk Management

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

Policy Implications

Council Policy ELM01- Council and other Meetings.

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Voting Requirement
Absolute Majority Required

Officer Recommendation and Council Decision

MOVED: Cr M Lynch

SECONDED: Cr R de Pledge

That Council make the following appointment to Committees of Council:

1. Onslow Local Emergency Management Committee

Delegates: Crs White, Cr de Pledge and Director Development and Regulatory Services and Emergency Management Co-ordinator.

Deputies: All other Councillors.

Secretariat: Director Development and Regulatory Services or nominee.

Membership: Shire of Ashburton – Emergency Management Co-ordinator (Presiding Person).

Other representation as per determination of the delegate Councillors and the Director Development and Regulatory Services.

Quorum: Pursuant to S38 (4) of the Emergency Management Act 2005.

Purpose: Pursuant to S39 of the Emergency Management Act 2005.

Meeting Cycle: As required.

2. Onslow Local Recovery Committee

Delegates: Crs White, Cr de Pledge and Director Development and Regulatory Services and Emergency Management Co-ordinator.

Deputies: All other Councillors.

Membership: Shire of Ashburton – Emergency Management Co-ordinator (Presiding Person).

Other representation as per determination of the delegate Councillors and the Director Development and Regulatory Services.

Quorum: Not applicable.

Purpose: Pursuant to S36 (b) of the Emergency Management Act 2005.

Meeting Cycle: As required.

CARRIED BY ABSOLUTE MAJORITY 6/0

Councillors White, Dias, Thomas, Diver, Lynch and de Pledge voted for the motion

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12. CORPORATE SERVICES REPORTS

12.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID

Declaration of Interest

Prior to consideration of this Agenda Item

Rob Paull declared an indirect financial interest

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

MINUTE: 414/2018

FILE REFERENCE:	FM03
AUTHOR'S NAME AND POSITION:	Kerry Fisher Finance Manager
AUTHORISING OFFICER AND POSITION:	John Bingham Director Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	31 July 2018
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial, proximity or impartiality interests in the proposal. However, the Chief Executive Officer has an indirect financial interest due to his spouse being employed and receiving an income from 'Muzzy's Hardware (Tom Price).
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 July 2018 Finance Statements are presented with actuals only. A list of payments to suppliers for July is included with the attachments.

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.

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Comment

The July 2018 Finance Statements are presented with actuals for the month. Budget amounts and variance analysis are not disclosed due to the timing of the 2018/19 Budget Adoption and insufficient time for data entry into the Shire Financial Information system.

A budget amendments register and Capex Tracker are also not included.

Consultation

Chief Executive Officer
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. This month budget amounts are not disclosed as the budget has not been entered into Synergy.

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” risk and can be managed by routine procedures, and is unlikely to need specific application of resources.

The predominant strategic financial risk that the Council still faces is the pending formal objections to the valuation on the Wheatstone Plant and Barrow Island Plant. The formal objection to the Wheatstone plant refers to 2016/17 and 2017/18 valuations whilst the Barrow Island objection was made in November 2017. Wheatstone is Assessment No. A51628 and has an Unimproved Valuation (UV) of \$17,593,500 with rates levied for 2017/18 of \$6,728,933. Barrow Island is Assessment No. A6413 and has a UV of \$13,808,000 with rates levied for 2017/18 of \$5,281,104.

In Chevron’s objection their submitted opinion as to the correct UV’s for the two properties are: (i) Wheatstone \$6,572,500; and (ii) Barrow Island \$2,612,500. An objection has been lodged with the State Administrative Tribunal (SAT) with the full hearing to be held on 3 September 2018. Should the decision be unfavourable to Council the maximum quantum of liability will be around \$8.5M based on the abovementioned.

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To mitigate any risk with this formal objection that may lead to a State Administrative Tribunal appeal, the Council retains a cash backed Financial Risk Reserve with a forecast balance at the end of the financial year (subject to no adverse appeals) of \$13M. This major risk is categorised as potentially *extreme* on the Council's adopted risk management framework and thresholds due to the potential risk being greater than \$5M of current year and a comparable amount to future revenues.

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation 1

MOVED: Cr D Diver

SECONDED: Cr M Lynch

That with respect to the Monthly Financial Report to Council:

- 1. Receive the Financial Report for July 2018 ATTACHMENT 12.1A; and**
- 2. Receive the Schedule of Accounts and Credit Card payments made in July 2018 (approved by the Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds) ATTACHMENT 12.1B.**

CARRIED 6/0

Councillors White, Dias, Thomas, Diver, Lynch and de Pledge voted for the motion

Mr Rob Paull left the room at 1.24 pm due to his declaration of interest for Officers Recommendation 2.

Officers Recommendation 2

That with respect to the Monthly Financial Report to Council:

MOVED: Cr M Lynch

SECONDED: Cr D Diver

- 1. Receive the Financial Report for July 2018 associated with Muzzy's Hardware (Tom Price) ATTACHMENT 12.1C.**

CARRIED 6/0

Councillors White, Dias, Thomas, Diver, Lynch and de Pledge voted for the motion

Mr Rob Paull returned to the room at 1.25 pm, the Presiding Member advised Mr Paull of the outcome for this vote.

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13. STRATEGIC AND COMMUNITY DEVELOPMENT REPORTS

There were no Strategic and Community Development Reports for this meeting.

14. DEVELOPMENT AND REGULATORY SERVICES REPORTS

Development and Regulatory Services Report in Confidential Agenda items.

15. INFRASTRUCTURE SERVICES REPORTS

15.1 RFT 04/18 PANEL OF PRE-QUALIFIED SUPPLIERS OF PLANT AND EQUIPMENT

MINUTE: 415/2018

FILE REFERENCE: CM04.18

AUTHOR'S NAME AND POSITION: Jamie Muir
Acting Manager Technical Services

AUTHORISING OFFICER AND POSITION: Ian Hamilton
Director Infrastructure Services

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 29 June 2018

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 for Tender (RFT) for a Panel of Pre-Qualified Suppliers of Plant and Equipment (RFT 04/18) was advertised from 17 March 2018 and closed 4 April 2018. Eight compliant submissions were received in response to the RFT.

The evaluation panel has now completed its assessment of the submissions and has made a recommendation to appoint several suppliers across a range of categories.

Background

The Shire is seeking to establish a Panel of Pre-Qualified suppliers of Plant and Equipment hire to assist with various works, including but not limited to the townships of Onslow, Tom Price, Paraburdoo, and on rural roads for an initial period of 24 months from the appointment of the Panel, with the option of an extension for a further 12 months.

The required Plant and Equipment has been grouped into the following six categories. Tenders are requested to nominate for pre-qualification for one or more categories:

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1. Earthmoving
2. Cartage
3. Compaction Plant
4. Water Cart
5. Labour Hire
6. Ancillary Items

A minimum of four suppliers for Category 1 – 5 and a minimum of three suppliers for Category 6 will be appointed under each of the above categories. The Shire will scope out individual projects/programs of works. All pre-qualified suppliers will then be requested to quote on each individual project/ program of work. The request for quotation will be based on various criteria, set by the Shire, at the time of issuing the request. The Shire reserves the right to call tenders for individual major projects during the operating period of the Panel.

The basis of the panel tender is to call tenders for a particular activity and following assessment and appointment to the panel, the Shire will have access to a "panel of pre-qualified suppliers" of three or more per category, who will then be requested to quote on various Shire projects/works as they are scheduled.

It is considered that the opportunity to utilise a panel tender will suit the Shire as it will enable businesses from the various towns to compete for work in just their area, or across the entire Shire. It will also provide the organisation with a good level of efficiency and enable projects to be initiated and completed in a timely manner.

The current contract for the Supply of Plant and Equipment (RFT 03/16) expired in March 2018 and along with the Shire's current and projected program of works, it was determined that the ongoing need for Plant and Equipment to supplement the Shire's existing resources, necessitated a new RFT for a Panel of Pre-Qualified Suppliers of Plant and Equipment.

The selection criteria were varied under delegation (CEO 078) from that in FIN14 as the original selection criteria were not appropriate for this Contract. The advertised selection criteria were:

Qualitive Selection Criteria	Weighting
Relevant Experience	10%
Key Personnel	10%
Past Company performance	10%
Resources & Personnel	5%
Plant, Equipment and Materials	5%
Methodology/Quality and OHS Systems/life cycle Risk Management	10%
Price	50%
Total	100%

The Evaluation and Recommendation Report, including the overall evaluation scores and rankings, is attached.

CONFIDENTIAL ATTACHMENT 15.1

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Comment

As stated in the RFT document, the appointment to the panel is non-exclusive, meaning the Shire reserves the right to seek services outside of the panel for any given project or call for tenders for individual major projects during the operating period of the panel.

Appointment to the panel will be for a period of 24 months from the appointment of the Panel, with the option of an extension for a further 12 months at the discretion of the principal, subject to satisfactory performance and review by the Shire, from the date of issuing a Letter of Appointment.

Each appointed supplier will be requested to quote for each scheduled program of works. Shire Officers will then evaluate each quotation against a pre-determined set of criteria that is dependent upon the specific program of works (e.g. timeframe, price, etc.) and award an individual contract to the supplier to complete the required works.

The evaluation panel recommended that the following amount of suppliers were appointed to each category:

CATEGORY		NO OF SUPPLIERS
1	Earthmoving	4
2	Cartage	4
3	Compaction Plant	4
4	Water Cart	4
5	Labor Hire	4
6	Ancillary	3

CONFIDENTIAL ATTACHMENT 15.1

It is further recommended that Council appoint the following suppliers to each category:

CATEGORY		SUPPLIER
1	Earthmoving	1 – Maramara Pty Ltd
		2 – Gumala
		3 – Alltrack
		4 - NTC Contracting
2	Cartage	1 – Maramara Pty Ltd
		2 – Alltrack
		3 – Young’s Earthmoving
		4 – NTC Earthmoving
3	Compaction Plant	1 - Maramara Pty Ltd
		2 – Gumala
		3 - NTC Earthmoving
		4 – Alltrack
4	Water Cart	1 – Maramara Pty Ltd
		2 – Alltrack
		3 – Young’s Earthmoving
		4 – NTC Earthmoving

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CATEGORY	SUPPLIER
5	Labor Hire
	1 - Maramara Pty Ltd
	2 - Young's Earthmoving
	3 - Alltrack
	4 - THEM Earthmoving
6	Ancillary
	1 - Drilline
	2 - THEM Earthmoving
	3 - Young's Earthmoving

*****Note - only 3 submissions were received for the Category "Ancillary Consultation".**

Director Infrastructure Services
Executive Management Team
Manager Technical Services
Manager Operations
Waste Management Coordinator

Statutory Environment

Local Government Act 1995 3.57

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

Division 3 — Panels of pre qualified suppliers

- 24AB. *Local government may establish panels of pre qualified suppliers*
A local government may establish a panel of pre qualified suppliers to supply particular goods or services to the local government in accordance with this Division.
- 24AC. *Requirements before establishing panels of pre qualified suppliers*
(1) A local government must not establish a panel of pre qualified suppliers unless —
- (a) it has a written policy that makes provision in respect of the matters set out in subregulation (2); and*
 - (b) the local government is satisfied that there is, or will be, a continuing need for the particular goods or services to be supplied by pre qualified suppliers.*
- (2) The matters referred to in subregulation (1)(a) are —*
- (a) how the local government will procure goods or services from pre qualified suppliers, including any process for obtaining quotations from them; and*
 - (b) how the local government will ensure that each pre qualified supplier on a panel of pre qualified suppliers will be invited to quote for the supply of the goods or services that the pre qualified suppliers will be expected to supply; and*
 - (c) how the local government will ensure clear, consistent and regular communication between the local government and pre qualified suppliers; and*
 - (d) any factors that the local government will take into account when distributing work among pre qualified suppliers; and*
 - (e) the recording and retention of written information, or documents, in respect of —*
 - (i) all quotations received from pre qualified suppliers; and*
 - (ii) all purchases made from pre qualified suppliers.*

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- 24AD. *Requirements when inviting persons to apply to join panel of pre qualified suppliers*
- (1) If a local government decides to establish a panel of pre qualified suppliers of particular goods or services, persons are to be publicly invited to apply to join the panel.*
 - (2) Statewide public notice of the invitation to apply to join a panel of pre qualified suppliers is to be given.*
 - (3) The local government must, before applications to join a panel of pre qualified suppliers for particular goods or services are publicly invited, determine in writing the criteria for deciding which applications should be accepted.*
 - (4) A notice under subregulation (2) is to include —*
 - (a) a brief description of the goods or services that persons on the panel of pre qualified suppliers will be expected to supply; and*
 - (b) particulars identifying a person from whom more detailed information about the proposed panel of pre qualified suppliers of particular goods or services may be obtained; and*
 - (c) information as to where and how applications to join the panel of pre qualified suppliers may be submitted; and*
 - (d) the date and time after which applications to join the panel of pre qualified suppliers cannot be submitted.*
 - (5) In subregulation (4)(b) a reference to detailed information about a proposed panel of pre qualified suppliers of particular goods or services includes a reference to —*
 - (a) the local government's written policy referred to in regulation 24AC(1)(a); and*
 - (b) such information as the local government decides should be disclosed to those interested in applying to join the panel; and*
 - (c) detailed specifications of the goods or services that pre qualified suppliers on the panel will be expected to supply; and*
 - (d) the criteria for deciding which applications to join the panel should be accepted; and*
 - (e) an explanation of how the panel will operate; and*
 - (f) whether or not the local government intends to purchase the goods or services exclusively from pre qualified suppliers on the panel; and*
 - (g) a statement to the effect that there is no guarantee that the local government will purchase goods or services from pre qualified suppliers on the panel; and*
 - (h) the period for which the panel will be established; and*
 - (i) the number of pre qualified suppliers the local government intends to put on the panel.*
 - (6) After a notice has been given under subregulation (2), a local government may vary the information referred to in subregulations (4) and (5) by taking reasonable steps to give each person who has sought detailed information about the proposed panel or each person who has submitted an application, as the case may be, notice of the variation.*

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

Financial Implications

Works programming is incorporated within the operations capacity of the Shire.

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027
Goal 02 - Economic Prosperity
Objective 1 – Strong Local Economies

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 “Moderate (6)” considering the potential impacts to service delivery. As the Risk Acceptance is “Medium”, the Director Infrastructure Services will monitor progress of this item.

Policy Implications

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

Voting Requirement

Absolute Majority Required

Officers Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr M Lynch

That with respect to Panel of Pre-Qualified Suppliers of Plant and Equipment, that Council:

- 1. Resolve that Report ATTACHMENT 15.1 is confidential in accordance with s5.23 (2) the Local Government Act 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. Authorise the Chief Executive Officer to appoint the following suppliers to the Panel of Pre-Qualified Suppliers of Plant and Equipment, for each category under RFT 04/18:**

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CATEGORY		SUPPLIER
1	Earthmoving	1 – Maramara Pty Ltd
		2 – Gumala
		3 – Alltrack
		4 - NTC Contracting
2	Cartage	1 – Maramara Pty Ltd
		2 – Alltrack
		3 – Young’s Earthmoving
		4 – NTC Earthmoving
3	Compaction Plant	1 - Maramara Pty Ltd
		2 – Gumala
		3 - NTC Earthmoving
		4 – Alltrack

CATEGORY		SUPPLIER
4	Water Cart	1 – Maramara Pty Ltd
		2 – Alltrack
		3 – Young’s Earthmoving
		4 – NTC Earthmoving
5	Labor Hire	1 - Maramara Pty Ltd
		2 - Young’s Earthmoving
		3 – Alltrack
		4 – THEM Earthmoving
6	Ancillary	1 – Drilline
		2 – THEM Earthmoving
		3 – Young’s Earthmoving

4. Authorise the Chief Executive Officer to enter into a contract with each prequalified supplier; and
5. Authorise the Chief Executive Officer to manage the contract, including the provision of a possible extension as per the conditions of RFT 04/18.

CARRIED BY ABSOLUTE MAJORITY 6/0

Councillors White, Dias, Thomas, Diver, Lynch and de Pledge voted for the motion

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15.2 RFQ 05/18 WASTE HAULAGE SERVICES

MINUTE: 416/2018

FILE REFERENCE: CMQ05.18

AUTHOR'S NAME AND POSITION: Brenton Hall
Operations Manager Infrastructure Services

AUTHORISING OFFICER AND POSITION: Ian Hamilton
Director Infrastructure Services

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 26 July 2018

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 for Quotation (RFQ) 05/18 Waste Haulage Services was issued via the WALGA Preferred Supplier Program under contract Waste Collection Goods and Services C002/11 from 24 May 2018 to 7 June 2018.

Expressions were sought from twelve suppliers on the WALGA Panel, however only two submissions were received. The other ten suppliers declined to respond.

The evaluation panel has completed its assessment of the submissions and makes its recommendation.

Background

The Shire is seeking to engage a suitably qualified contractor for Waste Haulage Services for Tom Price, Paraburdoo and Onslow. The services sought are:

Portion A - Haulage of waste from the Onslow Waste Transfer Station in accordance with the Department of Water and Environmental Regulation Site Licence requirements;

Portion B - Removal of hazardous waste from its works depots and waste facilities in Tom Price, Paraburdoo and Onslow; and

Portion C - The provision of an annual household chemical collection held at its waste facilities in Tom Price, Paraburdoo and Onslow.

WALGA eQuotes were utilised as suppliers on the panel have been pre-qualified and appointed by WALGA to supply the goods or services to Local Governments. This follows a rigorous public procurement process that is fully compliant with legal and best practice purchasing requirements.

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The arrangements are established using aggregated or group purchasing to ensure superior value for money to Members. Tender threshold exemption applies to Preferred Supply Arrangements. Local Governments can purchase any value of goods or services from a preferred supplier without going to Tender.

Comment

Expressions were sought from twelve suppliers on the WALGA Panel, however only two submissions were received. The other ten suppliers did not forward a submission.

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

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

Rank	Tenderer	Score (/100)
1	Toxfree Australia Pty Ltd	89.0
2	Veolia Environmental Services (Australia) Pty Ltd	61.5

CONFIDENTIAL ATTACHMENT 15.2

Consultation

Director Infrastructure Services
Manager Technical Services
Manager Operations
Waste Management Coordinator

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.*
- (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; or*
 - (b) *the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program;*

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Financial Implications

The budgeted provision for the transportation of waste (Portion A) from Onslow to Tom Price is \$450,000. The tendered amount for Portion A is within the 2018/19 budget provision. This cost is for the transportation from Onslow to Tom Price only. This price will vary if the waste is taken from Onslow to Karratha. Should there be a need to transfer waste from Onslow to Karratha, a separate contractual arrangement will be required.

Portion B and C costs are budgeted within the 2018/19 Operating Budget for each waste site.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 03 – Unique Heritage and Environment

Objective 02 – Leading regional sustainability

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 "Moderate (6)" considering the potential impacts to service delivery. As the Risk Acceptance is "Medium", the Director Infrastructure Services will monitor progress of this item.

Policy Implications

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

Voting Requirement

Absolute Majority Required

Officers Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr R de Pledge

That with respect to RFQ 05/18 Waste Haulage Services, that Council:

- 1. Resolve that Report ATTACHMENT 15.2 is confidential in accordance with s5.23 (2) the Local Government Act 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 15.2.**
- 3. Award the contract for RFQ 05/18 Waste Haulage Services – Ashburton, Portion A, B and C to Toxfree Pty Ltd, for the supply of Waste Haulage;**
 - Portion A - Haulage of waste from the Onslow Waste Transfer Station to the Tom Price Waste site at a cost of \$353,310.88 GST excluded;**

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- **Portion B - Removal the Department of Water and Environmental Regulation (DWER) Site Licence requirements of hazardous waste from its works depots and waste facilities in Tom Price, Paraburdoo and Onslow at a cost of \$15,000 GST excluded; and**
- **Portion C - The provision of an annual household chemical collection held at its waste facilities in Tom Price, Paraburdoo and Onslow at a cost of \$23,800 GST excluded’;**

for the initial period of 1 year including the option to extend the initial term of the contract by two periods of one year;

- 4. Authorise the Chief Executive Officer to enter into a contract with Toxfree Pty Ltd; and**
- 5. Authorise the Chief Executive Officer to manage the contract, including the provision of possible extensions 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.**

CARRIED BY ABSOLUTE MAJORITY 6/0
Councillors White, Dias, Thomas, Diver, Lynch and de Pledge voted for the motion

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16. COUNCILLOR AGENDA ITEMS / NOTICES OF MOTIONS

There were no Councillor Agenda items or Notices of Motions for this meeting.

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

There was no New Business of an Urgent Nature for this 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 - DEPARTMENT OF JOBS, TOURISM, SCIENCE AND INNOVATION REFERRAL OF HAMERSLEY IRON PTY LIMITED'S DRAFT APPLICATION FOR KOODAIDERI RAILWAY CORRIDOR

Declaration of Interest

Prior to consideration of this Agenda Item

Cr Dias declared a financial interest

Cr Diver declared a financial interest

Cr Lynch declared a financial interest

Cr De Pledge declared a financial interest

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

Council Decision

MOVED: Cr L Thomas

SECONDED: Cr D Dias

That Council close the meeting to the public at 1.29 pm.

CARRIED 6/0

Councillors White, Dias, Thomas, Diver, Lynch and de Pledge voted for the motion

Cr Dias left the room at 1.29 pm due his Declaration of Interest and the decision of the Department of Local Government.

MINUTE: 417/2018

FILE REFERENCE:	ED56
AUTHOR'S NAME AND POSITION:	Rob Paull Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Department of Jobs, Tourism, Science and Innovation
DATE REPORT WRITTEN:	31 July 2018
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 14.5 (Minute No. 11618) – Ordinary Meeting of Council 21 August 2013.

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REASON FOR CONFIDENTIALITY

The Chief Executive Officer's Report is confidential in accordance with s5.23 (2) *the Local Government Act* 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.*

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr M Lynch

SECONDED: Cr D Diver

That with respect to the draft proposal for the Koodaideri railway corridor, that Council:

- 1. Advise the Department of Jobs, Tourism, Science and Innovation (JTSI) that Council reiterates its objection to the proposed Koodaideri railway corridor alignment, previously detailed to the Environmental Protection Agency in accordance with the Council's resolution of 21 August 2013 to the extent that it passes through the Wittenoom Asbestos Management Area (WAMA), because of significant concern relating to human health risks associated with asbestos exposure and appeal for the alignment of the railway corridor to be reconsidered to exclude access through the WAMA; and**
- 2. Advise JTSI that it is the Shire's position that the Shire should be not be required to bear any burden of any future compensation claims associated with asbestos exposure related to the Koodaideri project should the project be approved on the currently proposed alignment. It is the Shire's position that the responsibility for responding to any such future claims associated with the Koodaideri project should fall solely with the State Government and/or Hamersley Iron Pty Limited given the Shire's on-going objection to any development within the WAMA; and**
- 3. Require that should approval be issued by the State Government for the currently proposed Koodaideri railway corridor alignment, in spite of the serious human health risks related to potential asbestos exposure in the WAMA, that:**
 - a) the Shire be indemnified from any future asbestos related compensation claims made in association with the construction and on-going maintenance of the Koodaideri railway and associated assets; and**
 - b) as a condition of approval that HI be required to seal the Wittenoom-Roebourne Road and not support any HI private access road in place of sealing the Wittenoom-Roebourne Road.**

CARRIED 5/0

Councillors White, Thomas, Diver, Lynch and de Pledge voted for the motion

Cr Dias returned to the room at 1.33 pm. The Presiding Member advised Cr Dias of the outcome of the vote for this item.

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18.2 CONFIDENTIAL ITEM - INTRA-REGIONAL FLIGHT NETWORK PROPOSAL

MINUTE: 418/2018

FILE REFERENCE:	GR02
AUTHOR'S NAME AND POSITION:	Rob Paull Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	5 August 2018
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 11.4 (Minute No. 215/2017) – Ordinary Meeting of Council 15 August 2017

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):

- (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; and*
- (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;*

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the invitation from the City of Karratha to participate in the proposal for Intra-Regional Air Services, Council in line with its resolution of 15 August 2017 (Minute: 215/2017) decline to participate in a coordinated procurement process relating to the proposed aviation network.

Or

That with respect to the invitation from the City of Karratha to participate in the proposal for Intra-Regional Air Services, Council agrees to participate in a coordinated procurement process relating to the proposed aviation network.

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Council Decision

MOVED: Cr M Lynch

SECONDED: Cr D Diver

That with respect to the invitation from the City of Karratha to participate in the proposal for Intra-Regional Air Services, Council in line with its resolution of 15 August 2017 (Minute: 215/2017) decline to participate in a coordinated procurement process relating to the proposed aviation network.

CARRIED 6/0

Councillors White, Dias, Thomas, Diver, Lynch and de Pledge voted for the motion

Council Decision

MOVED: Cr M Lynch

SECONDED: Cr D Dias

That Council close the meeting to the staff at 1.38 pm pursuant to sub section 5.23 (2) (a) and (b) of the *Local Government Act 1995*.

CARRIED 6/0

Councillors White, Dias, Thomas, Diver, Lynch and de Pledge voted for the motion

Rob Paull, Lee Reddell, Anika Serer, Janyce Smith, Kerry Fisher and Michelle Lewis left the room at 1.38 pm due to Confidential Agenda Item 18.3. Minutes were taken by Cr M Lynch for Confidential Agenda Item 18.3.

Council Decision

MOVED: Cr D Diver

SECONDED: Cr R de Pledge

That Council Suspend Standing Orders at 1.40 pm.

CARRIED 6/0

Councillors White, Dias, Thomas, Lynch, Diver and de Pledge voted for the motion

Rob Paull was requested to re-enter the room at 2.16 pm to discuss Confidential Agenda Item 18.3 with the Councillors.

Council Decision

MOVED: Cr L Thomas

SECONDED: Cr R de Pledge

That Council resume Standing Orders at 2.24 pm.

CARRIED 6/0

Councillors White, Dias, Thomas, Lynch, Diver and de Pledge voted for the motion

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18.3 CONFIDENTIAL ITEM - DIRECTORATE STRUCTURE REVIEW

MINUTE: 419/2018

FILE REFERENCE:	GV31
AUTHOR'S NAME AND POSITION:	Rob Paull Chief Executive Officer
AUTHORISING OFFICER AND POSITION	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	6 August 2018
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 12.4 (Minute No. 110009) – Ordinary Meeting of Council 17 August 2011 Agenda Item 10.4 (Minute No. 11538) – Ordinary Meeting of Council 5 June 2013 Agenda Item 10.3 (Minute No. 11747) – Ordinary Meeting of Council 19 February 2014 Agenda Item 10.3 (Minute No. 222/2017) – Ordinary Meeting of Council 15 August 2017

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):

- (a) *a matter affecting an employee or employees; and*
- (b) *the personal affairs of any person; and*
- (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; and*
- (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;*

Voting Requirement

Absolute Majority Required

Officers Recommendation

That with respect to the Directorate Structure Review, Council:

1. Adopt a structure for the administration of the Shire of Ashburton with effect from 13 October 2018 as deemed appropriate.

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2. Agree with the recommendation of the Chief Executive Officer that with effect from 13 October 2018, appoint appropriate persons to their respective positions as 'Senior Employees' pursuant to Section 5.37(2) of the Local Government Act 1995.
3. With effect from 13 October 2018, amend policy ELM08 – Order of Business to reflect the new structure as referred to in 1 above
4. With effect from 13 October 2018, amend relevant Committees of Council, Working Groups and External Groups and replace the roles of the respective Director as required.
5. That with respect to the position of a new Director, Council:
 - a) Note the interim and permanent arrangements for the appointment of a new Director.
 - b) Accept the Chief Executive Officer's invitation to have two (2) Councillors participate in the selection of candidate/s for the permanent appointment of the new.
 - c) In relation to 2. above, Council nominates:

Councillor:; and

Councillor:

to participate in the selection of candidate/s for the permanent appointment of the new Director position.

Council Decision

MOVED: Cr D Diver

SECONDED: Cr de Pledge

That with respect to the Directorate Structure Review, Council:

1. **Adopt the following directorate structure for the administration of the Shire of Ashburton with effect from 1 September 2018:**
 - **Office of the CEO;**
 - **Corporate Services;**
 - **Property and Development Services;**
 - **Community Services; and**
 - **Infrastructure Services.**
2. **Agree with the recommendation of the Chief Executive Officer that with effect from 1 September 2018, appoint the following persons to their respective positions as 'Senior Employees' pursuant to Section 5.37(2) of the Local Government Act 1995 as follows:**
 - **Acting Director Community Services - Sarah Johnston; and**
 - **Acting Director Property and Development Services – Chantelle Bryce;**

until the appointment of a permanent Director Community Services and/or Director Property and Development Services has been filled.
3. **With effect from 1 September 2018, amend policy ELM08 – Order of Business to reflect the new directorates referred to in 1.above.**

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4. With effect from 1 September 2018, amend relevant Committees of Council, Working Groups and External Groups and replace the roles of the respective Director and to remove current delegates as follows:
- **Aboriginal Reference Committee**
Secretariat: Director Community Services or nominee.
 - **Ashburton Tourism Development Committee**
Secretariat: Director Community Services or nominee.
 - **Committee on Ageing**
Secretariat: Director Community Services or nominee.
 - **Paraburdoo Community Hub (CHUB) Committee**
Secretariat: Director Property and Development Services or nominee.
 - **Bush Fire Advisory Committee**
Secretariat: Director Infrastructure Services or nominee.
 - **Onslow Local Emergency Management Committee**
Delegates: Director Infrastructure Services
Secretariat: Director Infrastructure Services or nominee.
 - **Onslow Local Recovery Committee**
Delegates: Director Infrastructure Services
Membership: Director Infrastructure Services or nominee.
 - **Shire of Ashburton Inland Local Emergency Management Committee**
Delegates: Director Infrastructure Services
Secretariat: Director Infrastructure Services or nominee.
 - **Shire of Ashburton Inland Local Recovery Committee**
Delegates: Director Infrastructure
Secretariat: Director Infrastructure Services or nominee.
Membership: Other representation as per determination of the delegate Councillors and the Director Infrastructure Services.
 - **Pannawonica Local Emergency Management Committee**
Delegates: Director Infrastructure Services
Secretariat: Director Infrastructure Services or nominee.
Membership: Other representation as per determination of the delegate Councillors and the Director Infrastructure Services.
 - **Pannawonica Local Recovery Committee**
Delegates: Director Infrastructure Services
Secretariat: Director Infrastructure Services or nominee.
Membership: Other representation as per determination of the delegate Councillors and the Director Infrastructure Services.
 - **Partnership Governing Committee (Rio Tinto)**
Delegates: Director Community Services
Secretariat: Director Community Services or the nominee.

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- **Working Together Onslow (Chevron)**
Delegates: Director Community Services
Secretariat: Director Community Services or the nominee.
 - **Australia Day WA – Community Citizen of the Year Award Working Group**
Secretariat: Director Community Services or the nominee
 - **Onslow Senior Citizens Units Working Group**
Members: Director Property and Development Services or the Officer's Delegate
Secretariat: Director Property and Development Services or the nominee.
 - **Onslow Community Garden Management Committee**
Delegate: Director Community Services or the Officer's Delegate.
 - **Pilbara District Emergency Management Committee**
Delegates: Director Infrastructure Services or the Officer's Delegate
 - **Onslow Tourism and Progress Association**
Deputy: Chief Executive Officer or nominee.
5. Should the current Director Strategic and Community Development seek to conclude employment with Shire before the agreed final date of 31 August 2018, authorise the Chief Executive Officer to modify the effect dates of Items 1-4 above to be at his discretion.
6. That with respect to the position of Director Property and Development Services, Council:
- a) Note the interim and permanent arrangements for the appointment of a Director Property and Development Services as outlined in this Report;
 - b) Accept the Chief Executive Officer's invitation to have two (2) Councillors participate in the selection of candidate/s for the permanent appointment to the position of Director Property and Development Services; and
 - c) In relation to 2. above, Council nominates:

Councillor: President White; and

Councillor: Cr Dias and Cr Lynch according to availability;

to participate in the selection of candidate/s for the permanent appointment of a Director Property and Development Services position.
- CARRIED BY ABSOLUTE MAJORITY 6/0**
Councillors White, Dias, Thomas, Diver, Lynch and de Pledge voted for the motion

Reason for change: Council considered the structure as adopted would achieve the Council's strategic and operational objectives.

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Council Decision

MOVED: Cr D Dias

SECONDED: Cr L Thomas

That Council re-open the meeting to the staff at 2.26 pm.

CARRIED 6/0

Councillors White, Dias, Thomas, Diver, Lynch and de Pledge voted for the motion

Lee Reddell, Anika Serer, Janyce Smith, Kerry Fisher and Michelle Lewis re-entered the room at 2.26 pm. The Presiding Member advised staff of the outcome of the vote for this item.

19. NEXT MEETING

The next Ordinary Meeting of Council will be held on 19 September 2018, at the Barry Lang Centre, Pannawonica commencing at 1.00 pm.

20. CLOSURE OF MEETING

There being no further business to discuss the Presiding Member closed the meeting at 2.26 pm.