

# Ordinary Meeting of Council

Tom Price



## Agenda

18 July 2018

Clem Thompson Sports Pavilion  
Stadium Road  
Tom Price  
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.

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# 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



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

**AGENDA - ORDINARY MEETING OF COUNCIL  
18 JULY 2018**



**SHIRE OF ASHBURTON  
ORDINARY MEETING OF COUNCIL**

**AGENDA**

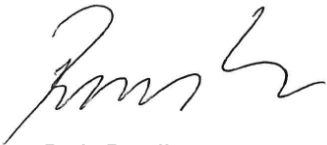
**Clem Thompson Sports Pavilion, Stadium  
Road, Tom Price  
18 July 2018  
1.00 pm**

**AGENDA - ORDINARY MEETING OF COUNCIL  
18 JULY 2018**

**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 18 July 2018 at the Clem Thompson Sports Pavilion, Stadium Road, Tom Price 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.*

# AGENDA - ORDINARY MEETING OF COUNCIL

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**AGENDA - ORDINARY MEETING OF COUNCIL  
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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 and present.

**2. ANNOUNCEMENT OF VISITORS**

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

**3. ATTENDANCE**

**3.1 PRESENT**

<b>Elected Members:</b>	Cr K White Cr L Rumble Cr D Dias Cr P Foster Cr D Diver Cr L Thomas	Shire President, (Presiding Member) Onslow Ward Deputy Shire President, Paraburdoo Ward Paraburdoo Ward Tom Price Ward Tom Price Ward Tableland Ward
<b>Staff:</b>	Mr R Paull Mr J Bingham Ms A Serer Ms L Reddell Mr I Hamilton Mr A Davis Mrs D Walkington Mrs M Lewis	Chief Executive Officer Director Corporate Services Director Strategic & Community Development Director Development & Regulatory Services Director Infrastructure Services Principal Town Planner Administration Officer CEO & Councillor Support Officer
<b>Guests:</b>		
<b>Members of Public:</b>	There were _____ members of the public in attendance at the commencement of the meeting.	
<b>Members of Media:</b>	There were _____ members of the media in attendance at the commencement of the meeting.	

**3.2 APOLOGIES**

Cr M Gallanagh Pannawonica Ward  
Cr M Lynch Tom Price Ward

**3.3 APPROVED LEAVE OF ABSENCE**

**4. QUESTION TIME**

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

**4.2 PUBLIC QUESTION TIME**

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**5. APPLICATIONS FOR LEAVE OF ABSENCE**

Application has been received from Cr Gallanagh for leave of absence for the Council Meetings being held on 18 July 2018 and 14 August 2018.

**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.
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.

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3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
  - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
  - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the *Local Government Act*, with or without conditions.

### Declarations of Interest provided:

Item Number/ Name	Type of Interest	Nature/Extent of Interest
<b>12.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID</b>		
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.
<b>13.2 REQUEST FOR TENDER (RFT 02/18) ARCHITECTURAL AND CIVIL DESIGN SERVICES – TOM PRICE CHILDCARE CENTRE</b>		
Cr Rumble	Financial	The nature of my interest being I am a Shareholder Rio Tinto. The extent of my interest being that I have Share value greater than \$10,000.
Sarah Johnston	Financial Indirect Financial Impartiality	The nature of my interest is both financial and impartiality. The extent of my interest is I am employed at the Shire of Ashburton under a funding agreement in a role funded by Rio Tinto Iron Ore. My husband is an employee, a shareholder of Rio Tinto (Shares more than \$10,000 in value) and as a family we live in a Rio Tinto Iron Ore House on a rental agreement.
Cr Dias	Financial	The nature of my interest is my wife and I are Hamersley Iron and Rio Tinto employees respectively and both own shares in Rio Tinto individually and collectively. Our primary residence is a house provided by Rio Tinto. The extent of my interest is Direct Financial.

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Cr Foster	Financial	The nature of my interest is my partner is employed by Rio Tinto and owns Rio Tinto shares. The extent of my interest is my partner receives an income from Rio Tinto, owns shares and we live in a Rio Tinto property as part of employment paying reduced rent and utilities.
Cr Diver	Financial	The nature of my interest is I am an employee of Rio Tinto. The extent of my interest is I receive a salary from Rio Tinto, I also receive a subsidy for House Rental, Utilites (power and water) from Rio Tinto as part of my salary package.
<b>15.1 REQUEST FROM RIO TINTO TO WIDEN AND UPGRADE THE MUNJINA – ROY HILL ROAD</b>		
Cr Rumble	Financial	The nature of my interest being I am a Shareholder Rio Tinto. The extent of my interest being that I have Share value greater than \$10,000.
Cr Dias	Financial	The nature of my interest is my wife and I are Hamersley Iron and Rio Tinto employees respectively and both own shares in Rio Tinto individually and collectively. Our primary residence is a house provided by Rio Tinto. The extent of my interest is Direct Financial.
Cr Foster	Financial	The nature of my interest is my partner is employed by Rio Tinto and owns Rio Tinto shares. The extent of my interest is my partner receives an income from Rio Tinto, owns shares and we live in a Rio Tinto property as part of employment paying reduced rent and utilities.
Cr Diver	Financial	The nature of my interest is I am an employee of Rio Tinto. The extent of my interest is I receive a salary from Rio Tinto, I also receive a subsidy for House Rental, Utilites (power and water) from Rio Tinto as part of my salary package.

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**7. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

**8. PETITIONS / DEPUTATIONS / PRESENTATIONS**

**8.1 PETITIONS**

**8.2 DEPUTATIONS**

**8.3 PRESENTATIONS**

**9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**9.1 ORDINARY MEETING OF COUNCIL HELD ON 19 JUNE 2018 (ATTACHMENT 9.1)**

**Officer Recommendation**

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 19 June 2018 at the Ashburton Hall, Ashburton Avenue, Paraburdoo as previously circulated on 3 July 2018, (**ATTACHMENT 9.1**) be confirmed as a true and accurate record.

**ITEMS TO BE ACTIONED FROM 19 JUNE 2018 COMMITTEE MEETINGS**

**9.2 SHIRE OF ASHBURTON PILBARA REGIONAL WASTE MANAGEMENT FACILITY COMMITTEE MEETING HELD ON 19 JUNE 2018** (Minutes provided to Councillors on 19 June 2018)

**9.2.1 PILBARA REGIONAL CLASS IV WASTE MANAGEMENT FACILITY, ONSLOW - PROJECT PROGRESS REPORT, APRIL 2018**

**Officer Recommendation and Committee Decision**

That the Pilbara Regional Class IV Waste Management Facility Committee recommend to Council to note the April 2018 Project Progress Update for the Pilbara Regional Waste Management Facility project in Onslow.

**9.2.2 PILBARA REGIONAL CLASS IV WASTE MANAGEMENT FACILITY, ONSLOW - PROJECT PROGRESS REPORT, MAY 2018**

**Officer Recommendation and Committee Decision**

That the Pilbara Regional Class IV Waste Management Facility Committee recommend to Council to note the May 2018 Project Progress Update for the Pilbara Regional Waste Management Facility project in Onslow.

**9.2.3 PILBARA REGIONAL CLASS IV WASTE MANAGEMENT FACILITY, ONSLOW - WASTE TRANSFER STATION – ONSLOW**

**Officer Recommendation and Committee Decision**

That the Pilbara Regional Class IV Waste Management Facility Committee recommend to Council to:

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1. Retain the existing Onslow Waste Transfer Station (WTS), once the PRWMF is operational, as a community drop off facility to continue to provide a convenient and cost-effective service to the community;
2. Assess the cost saving measures for the WTS including reduced hours and potential plant and labour sharing across other activities including the PRWMF; and
3. Request the Chief Executive officer to engage with local commercial waste generators and contractors as part of the Shire's PRWMF community consultation process to obtain views on the potential future service offerings at the WTS and PRWMF for commercial waste.

**9.2.4 PILBARA REGIONAL CLASS IV WASTE MANAGEMENT FACILITY, ONSLOW  
- LAND TENURE**

**Officer Recommendation and Committee Decision**

That the Pilbara Regional Class IV Waste Management Facility Committee recommend to Council to note the update from Department of Planning Lands and Heritage in relation to the Shire's request for a Management Order, for the purpose of Waste Management, for the PRWMF project in Onslow.

**9.2.5 PILBARA REGIONAL CLASS IV WASTE MANAGEMENT FACILITY, ONSLOW  
- PUBLIC WORKS EXEMPTION**

**Officer Recommendation and Committee Decision**

That the Pilbara Regional Class IV Waste Management Facility Committee recommend to Council to:

1. Accept the development of the PRWMF as public works under the Public Works Act 1902 and therefore exempt from development approval; and
2. Once all of the relevant State level environmental approvals have been issued for the development of the PRWMF, request the Chief Executive Officer to arrange for a 'section 6' report for 'noting' under the Planning and Development Act 2005 to show consistency with the purpose and intent of the Scheme.

**9.2.6 PILBARA REGIONAL CLASS IV WASTE MANAGEMENT FACILITY, ONSLOW  
- COMMUNITY AND STAKEHOLDER ENGAGEMENT STRATEGY**

**Officer Recommendation and Committee Decision**

That the Pilbara Regional Class IV Waste Management Facility Committee recommend to Council to:

1. Adopt the Community and Stakeholder Engagement Strategy as addressed in the report;
2. Accept the Frequently Asked Questions and publishes them on the Shire's website; and
3. Accept the community consultation poster and displays in strategic locations.

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**9.2.7 PILBARA REGIONAL CLASS IV WASTE MANAGEMENT FACILITY, ONSLOW  
- REVIEW OF FINANCIAL MODEL**

**Officer Recommendation and Committee Decision**

That the Pilbara Regional Class IV Waste Management Facility (PRWMF) Committee recommend to Council to engage a suitably qualified firm to provide Peer Review of work to be undertaken for the project in the following areas:

- Financial Modelling;
- Detailed Designs;
- Construction Procurement; and
- Operational Procurement.

**9.3 SHIRE OF ASHBURTON AUDIT AND RISK COMMITTEE MEETING  
HELD ON 19 JUNE 2018** (Minutes provided to Councillors on 19 June 2018)

**9.3.1 REGULATION 17 - RISK AUDIT PROGRESS REPORT - JUNE 2018**

**Officer Recommendation and Committee Decision**

That the Audit and Risk Committee with respect to the Review of Risk Management, Legislative Compliance and Internal Controls, Council:

1. Accept the Report (as per ATTACHMENT 7.1) which describes how the suggested improvements/opportunities will be implemented, including actions completed.
2. Request the Chief Executive Officer to address and use best endeavours to complete all actions identified in ATTACHMENT 7.1 by September 2018.

**9.3.2 LOCAL GOVERNMENT ROAD INVENTORY DATA**

**Officer Recommendation and Committee Decision**

That the Audit and Risk Committee recommend to Council with respect to the Local Government Road Inventory Data, Council:

1. Notes this report, and
2. Requests an updated report when the Local Government Grants Commission respond to the Shire's letter.

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**9.3.3 INTERIM AUDIT 2017/18**

**Officer Recommendation and Committee Decision**

That the Audit and Risk Committee recommend to Council with respect to the Interim Audit conducted on 17 and 18 May 2018, Council:

1. Note that the Committee conducted a phone interview with the Auditor in relation to the Report for the Interim Audit and the findings of the Audit;
2. Receive the Report for the Interim Audit;
3. That the Chief Executive Officer provide a schedule of issues identified in the Interim Audit Report to addressed and presented to the next Audit and Risk Committee Meeting; and
4. The Chief Executive Officer to arrange appropriate training and guidance for elected members and relevant staff in relation to the preparation of primary and annual returns.

**9.3.4 2018-22 INFORMATION AND COMMUNICATIONS TECHNOLOGY STRATEGY**

**Officer Recommendation and Committee Decision**

That the Audit and Risk Committee recommend to Council with respect to the 2018-2022 Information and Communications Technology Strategy, Council:

1. Receive the report Information and Communications Technology as an informing strategy of the Shire's Integrated Planning and Reporting Framework.

**9.3.5 CONFIDENTIAL ITEM - UPDATE ON WITTENOOM LITIGATION**

**Officer Recommendation and Committee Decision**

That the Audit and Risk Committee receive the "Confidential Item – Update on Wittenoom Litigation" report and that it remain confidential in accordance s5.23 (2)(b) & (d) of the *Local Government Act 1995*.

**9.4 SHIRE OF ASHBURTON PARABURDOO COMMUNITY HUB (CHUB)  
COMMITTEE MEETING HELD ON 19 JUNE 2018** (Minutes provided to Councillors on 19 June 2018)

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**9.4.1 PARABURDOO COMMUNITY HUB PROJECT UPDATE - JUNE 2018**

**Officer Recommendation and Committee Decision**

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. Tap to playgroup area \$511.50;
  - b. Softfall and fencing extension to playgroup area \$2,968.08;
  - c. Upgrade kitchenette \$4,188.86;
  - d. Upgrade tapware to showers throughout \$1,600;
  - e. Box gutters to plantroom (pending);
  - f. Concrete path/drain pit changes to pool entry (latent condition – estimated cost \$3,000).
3. Note Karingal's request for an area to be set aside for a future community garden, nominating the area between the neighbourhood centre and bowling club (currently grassed and unused) to be reviewed after completion of construction of the CHUB;
4. Approves the naming of the facility, subject to approval by funding stakeholders in accordance with the terms of financial agreements to be:
  - a. Request concept elevations showing the name 'Paraburdoo Sports, Fitness and Community Complex' and alternatives;
  - b. There will be 'Wings' which will also be identified on the central directional map (eg Wing A and 'Name'):
    - Wing A – Quentin Broad Swimming Pool (also sign on facility).
    - Wing B – Lifestyle Centre (also sign on facility).
    - Wing C – Multipurpose Hall.
    - Wing D – Function Room & Pavilion.
    - Wing E – Karingal Neighbourhood Centre (also sign on facility).
    - Wing F – Squash Courts.
    - Wing G – Outdoor Netball Courts.
    - Wing H – Softball Diamond.

**9.5 MINUTES OF PILBARA REGIONAL COUNCIL ORDINARY MEETING HELD ON 25 JUNE 2018 (ATTACHMENT 9.5)**

**Officer Recommendation**

That the Unendorsed Minutes of the Pilbara Regional Council Ordinary Meeting of Council held at LGIS (Boardroom), 170 Railway Parade West Leederville WA 6007 on 25 June 2018 (**ATTACHMENT 9.5**) be received.

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

**10.1 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 CHIEF EXECUTIVE OFFICE REPORTS**

**11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS STATUS  
REPORT FOR JUNE 2018**

<b>FILE REFERENCE:</b>	GV04
<b>AUTHOR'S NAME AND POSITION:</b>	Michelle Lewis CEO & Councillor Support Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Rob Paull Chief Executive Officer
<b>NAME OF APPLICANT/ RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	04 July 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 11.1 (Minute No. 385/2018) - Ordinary Meeting of Council 19 June 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:*

*"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 June 2018 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 JUNE 2018**

<b>FILE REFERENCE:</b>	GV21
<b>AUTHOR'S NAME AND POSITION:</b>	Janyce Smith Executive Officer  Brooke Beswick Administration Assistant Planning
<b>AUTHORISING OFFICER AND POSITION:</b>	Rob Paull Chief Executive Officer
<b>NAME OF APPLICANT/ RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	04 July 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The authors and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	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 June 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**

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 EQUAL EMPLOYMENT OPPORTUNITY MANAGEMENT PLAN 2018-2021**

<b>FILE REFERENCE:</b>	PE05
<b>AUTHOR'S NAME AND POSITION:</b>	Rachel Cassidy Acting Manager Organisational Development
<b>AUTHORISING OFFICER AND POSITION:</b>	Rob Paull Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	15 June 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

The purpose of this agenda item is to provide an overview as to the Shire's requirements under the *Equal Opportunity Act 1984* and provide the opportunity for Council to adopt an Equal Employment Opportunity Management Plan to assist the Shire of Ashburton in achieving compliance.

**Background**

In accordance with Section 145(1) and 145(2) of the *Equal Opportunity Act 1984* there is a requirement for the Shire Administration to develop an Equal Employment Opportunity Management Plan (EEOMP) outlining goals and strategies in key areas to eliminate discrimination in the workplace.

**ATTACHMENT 11.3**

**Comment**

The creation, adoption and implementation of the EEOMP aims to ensure that the Shire not only meet its regulatory requirements, but also the executive's vision to actively support and commit to a workplace free from inequality, discrimination (including against those with disabilities), bullying, harassment and prejudice.

In ensuring that the Shire's culture is reflective of the commitments in the plan, it is also considered that this will have positive impacts on employment relations matters such as morale, employee effectiveness, recruitment and turnover.

**Consultation**

Chief Executive Officer  
Executive Management Team  
All Organisational Development Staff

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### Statutory Environment

*Equal Opportunity Act 1984.*

#### ***‘145. Preparation and implementation of management plans***

- (1) Each authority shall prepare and implement an equal opportunity management plan in order to achieve the objects of this Part.*
- (2) The management plan of an authority shall include provisions relating to —*
  - (a) the devising of policies and programmes by which the objects of this Part are to be achieved;*
  - (b) the communication of those policies and programmes to persons within the authority;*
  - (c) the collection and recording of appropriate information;*
  - (d) the review of personnel practices within the authority (including recruitment techniques, selection criteria, training and staff development programmes, promotion and transfer policies and patterns, and conditions of service) with a view to the identification of any discriminatory practices;*
  - (e) the setting of goals or targets, where these may reasonably be determined, against which the success of the management plan in achieving the objects of this Part may be assessed;*
  - (f) the means, other than those referred to in paragraph (e), of evaluating the policies and programmes referred to in paragraph (a);*
  - (g) the revision and amendment of the management plan; and*
  - (h) the appointment of persons within the authority to implement the provisions referred to in paragraphs (a) to (g).’’*

### Financial Implications

Financial implications from the adoption and implementation of the EEOMP are thought to be minor in nature and mainly attributed to training requirements. As such, any relevant costs would be considered through the adoption of the annual budget which includes relevant training general ledger accounts.

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary team and work environment

Desired Outcome – Highly functioning Shire team that effectively manages the Shire resources to build strong communities

### Risk Management

Without this EEOMP the Shire does not adhere to the requirements outlined in the Equal Opportunity Act 1984. This non-compliance may contribute towards possible financial, reputational and compliance risk for the Shire.

Given this assessment, the overall risk rating is considered to be ‘moderate’.

### Policy Implications

The Council’s decision will provide direction for relevant Shire Operational Directives and Procedures to ensure that the Shire addresses their requirements as provided for in the EEOMP and *Equal Opportunity Act 1984*.

### Voting Requirement

Simple Majority Required

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**Officers Recommendation**

That Council with respect to the Shire of Ashburton Equal Employment Opportunity Management Plan 2018 - 2021, (as presented in **ATTACHMENT 11.3**) adopt the EEOM.

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**11.4 ADOPTION OF GRATUITY POLICY EMP35**

<b>FILE REFERENCE:</b>	PE05
<b>AUTHOR'S NAME AND POSITION:</b>	Rachel Cassidy Acting Manager Organisational Development
<b>AUTHORISING OFFICER AND POSITION:</b>	Rob Paull Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	22 June 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

The purpose of this agenda item is to provide an overview as to the Shire's requirements under section 5.50 of the *Local Government Act 1995* and regulation 19A of the Local Government Administration Regulations 1996 and provide the opportunity for Council to adopt a Gratuity Policy to assist the Shire of Ashburton in achieving compliance.

**Background**

In accordance with Section 5.50 of the *Local Government Act 1995* there is a requirement for Council to adopt a Policy in relation to payments to employees in addition to contract or award.

Regulation 19A of the *Local Government Administration Regulations 1996* provides for further guidance.

**Comment**

The creation, adoption and implementation of the Gratuity Policy aims to ensure that the Shire not only meet its regulatory requirements, but is also able to provide consistent and transparent advice to Councillors, staff and community members in regards to areas covered under the policy. The draft policy as presented to Council reflects the recommended actions provided by WALGA.

**ATTACHMENT 11.4**

**Consultation**

Chief Executive Officer  
Executive Management Team  
Policy Review Team  
WALGA Employment Relations

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### Statutory Environment

#### Local Government Act 1995

##### ***“5.50. Payments to employees in addition to contract or award***

*(1) A local government is to prepare a policy in relation to employees whose employment with the local government is finishing, setting out —*

- (a) the circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee; and*
- (b) the manner of assessment of the additional amount, and cause local public notice to be given in relation to the policy.*

*(1a) A local government must not make any payment of the kind described in subsection (1)(a) unless the local government has adopted a policy prepared under subsection (1).*

*(2) A local government may make a payment —*

- (a) to an employee whose employment with the local government is finishing; and*
- (b) that is more than the additional amount set out in the policy prepared under subsection (1) and adopted by the local government, but local public notice is to be given in relation to the payment made.*

*(3) The value of a payment or payments made to a person under this section is not to exceed such amount as is prescribed or provided for by regulations.*

*(4) In this section a reference to a payment to a person includes a reference to the disposition of property in favour of, or the conferral of any other financial benefit on, the person.*

#### Local Government Administration Regulations 1996

##### ***19A. Payments to employee in addition to contract or award — s. 5.50(3)***

*(1) The value of a payment or payments made under section 5.50(1) and (2) to an employee whose employment with a local government finishes after 1 January 2010 is not to exceed in total —*

- (a) if the person accepts voluntary severance by resigning as an employee, the value of the person's final annual remuneration; or*
- (b) in all other cases, \$5 000.*

*(2) In this regulation —*

*“final annual remuneration” in respect of a person, means the value of the annual remuneration paid, or payable, to the person by the local government which employed that person immediately before the person's employment with the local government finished.”*

### Financial Implications

Financial implications from the adoption and implementation of the Gratuity Policy, if any, are thought to be minor in nature due to the policy only confirming the current requirements under section 5.50 of the *Local Government Act 1995* and Regulation 19A of the *Local Government Administration Regulations 1996*.

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 05 – Inspiring Governance

Objective 04 – Exemplary team and work environment

Desired Outcome – Highly functioning Shire team that effectively manages the Shire resources to build strong communities

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#### **Risk Management**

Without this Policy in place the Shire does not adhere to the requirements outlined in the *Local Government Act 1995* and the *Local Government Administration Regulations 1996*. This non-compliance may contribute towards possible financial, reputational and compliance risk for the Shire.

Given this assessment, the overall risk rating is considered to be 'moderate'.

#### **Policy Implications**

The Council's decision will provide direction for staff to ensure that the Shire addresses their requirements as provided for in the attached Gratuity Policy, section 5.50 of the *Local Government Act 1995* and the *Local Government Administration Regulations 1996*.

#### **Voting Requirement**

Simple Majority Required

#### **Officers Recommendation**

That Council with respect to draft *Shire of Ashburton Gratuity Policy EMP35* (EMP35) presented in **ATTACHMENT 11.4**:

1. Adopt EMP35 ;and
2. Give public notice of adopted EMP35 in accordance with the *Local Government Act 1995* for a period of not less than 7 days.

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**11.5 RFT 07/18 – REFURBISHMENT WORKS OF STAFF HOUSING - TOM PRICE AND PARABURDOO, WA**

<b>FILE REFERENCE:</b>	CM07.18
<b>AUTHOR'S NAME AND POSITION:</b>	Erina Rau Acting Staff Housing Officer  Nicky Tyson Procurement Coordinator
<b>AUTHORISING OFFICER AND POSITION</b>	Rob Paull Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	11 July 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The authors and authorising officers have no financial, proximity or impartial interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

A Request for Tender (RFT) for Refurbishment Works of Staff Housing - Tom Price and Paraburdoo, WA (RFT 07/18) 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 23 May 2018 and closed 13 June 2018.

Four compliant submissions were received for this tender.

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

**Background**

The Shire's housing refurbishment program was initiated to ensure all Shire owned housing was up to a live-able standard. During a site visit from the Shire President last financial year, it was acknowledged that these remaining four houses required refurbishment. The Shire places utmost interest in the health & wellbeing of Shire employees, hence these remaining houses required immediate action.

Having a refurbished Shire house is a valuable tool to attract potential employees to work at the Shire. By engaging professional and skilled contractors, it can be expected that the housing refurbishment works are completed to the highest quality and any ongoing maintenance costs can be reduced.

The selection criteria were amended under Delegated Authority (DA 06-2) as the criteria in FIN12 Purchasing Policy were not suitable for the requirements of this Request for Tender.

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The advertised selection criteria were:

Criteria	Weighting
Relevant Experience	20%
Key Personnel	10%
Past Performance	30%
Methodology/Quality & OHS Systems/Life Cycle/Risk Management	10%
Price	30%

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

### CONFIDENTIAL ATTACHMENT 11.5

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

#### Comment

A previous tender was issued for works on the below properties in late 2017 (RFT 25/17) however it was ascertained that the scope of works for 25/17 was not exhaustive. The Chief Executive Officer declined to award the tender due to a significant adjustment in scope, and re advertised the works via this new tender (RFT 07/18) incorporating external consultancy to ensure efficiency, adequacy and value for money.

This tender incorporates the below properties:

- 787 Larnook Street, Tom Price (Internal Refurbishment)
- 604 Boolee Street, Tom Price (Internal Refurbishment)
- 710 Yiluk Street, Tom Price (Internal Refurbishment)
- 556 Margaret Ave, Paraburdoo (Internal Refurbishment)

These four properties are scheduled to be completed within the 18/19 financial year.

The tenders have been assessed with the below scores and rankings. Complete details of the tenders and assessment are provided in **CONFIDENTIAL ATTACHMENT 11.5**.

Rank	Tenderer	Score (%)
1	Byblos Constructions Pty Ltd	72.0
2	Bennco Group	64.3
3	Pindan	59.1
4	Neowest	0

Neowest was ineligible to respond as they did not undertake a compulsory site inspection of all four properties as required by section 1.7 - Tender Briefing / Site Inspection of the Conditions of Tendering.

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### **Consultation**

Director Corporate Services  
Technical Officer – Onslow  
Staff Housing Officer  
Procurement Coordinator

### **Statutory Environment**

*Local Government Act 1995* Section 5.23(2)(c)  
Part 4 of the Local Government (Functions and General) Regulations 1996

### **Financial Implications**

Works programming is incorporated within the operations capacity of the Shire and the Budgeted provision for the refurbishment works to staff housing in Tom Price and Paraburdoo in the 2018/19 budget. The 2017/18 Current Budget provision for Staff Housing Refurbishments is \$1,551,284 with \$761,622 already committed to work completed at 17 Lilac Street Tom Price, 178 Cassia Street Tom Price, 758 Mungarra Street Tom Price and 602 Boolee Street Tom Price. The unspent balance of \$789,662 is to be carried forward to 2018/19 as a provision for this tender.

The total cost of this tender is \$597,962.20 including GST for all four properties. Housing staff will manage this project to ensure the scope of works is adhered to. It is not anticipated that any variations will be required as the works as have been fully scoped as per **CONFIDENTIAL ATTACHMENT 11.5**.

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2017 - 2027  
Goal 2 – Enduring Partnerships  
Objective 01 – Strong Local Economies  
Objective 02 – Enduring Partnerships with Industry and Government

### **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'. The level of risk is being driven by the compliance requirements and the timing of several project schedules. It is considered that the likelihood of a risk event occurring is "Unlikely" but it will be managed by specific monitoring and response procedures, overseen by the relevant staff.

### **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 publically advertised RFT.

### **Voting Requirement**

Absolute Majority Required

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**Officers Recommendation**

That with respect to Tender RFT 07/18 – Refurbishment Works of Staff Housing - Tom Price and Paraburdoo, WA; Council:

1. Resolve that Report **ATTACHMENT 11.5** 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 11.5**;
3. Award the contract for RFT 07/18 – Refurbishment Works of Staff Housing - Tom Price and Paraburdoo, WA to Byblos Constructions;
4. Authorise the Chief Executive Officer to enter into a contract with Byblos Constructions; and
5. 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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**11.6 TOM PRICE ROYAL FLYING DOCTOR SERVICE (RFDS) AIRSTRIP -  
CONFIRMATION OF COUNCIL POSITION**

<b>FILE REFERENCE:</b>	TT08
<b>AUTHOR'S NAME AND POSITION:</b>	Rob Paull Chief Executive Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Rob Paull Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	6 July 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 15.1 (Minute No. 269/2017) – Ordinary Meeting of Council 21 November 2017

**Summary**

At the Ordinary Meeting of held on 21 November 2017, Council resolved to require the Shire to undertake several actions associated with the establishment of a Royal Flying Doctors Services (RFDS) Air Strip for Tom Price. One of the actions was for a progress report “... *back to Council by no later than July 2018.*”

The Shire has had several changes in senior staff whereby the matters associated with the resolution have not been actioned. A direction from Council to continue with the actions from the above resolution is sought.

**Background**

The issue of a RFDS Air Strip for Tom Price for Tom Price has been addressed by Council on several occasions over the last 8-10 years. The following seeks to identify the resolutions as relevant to the RFDS Air Strip for Tom Price:

At the Ordinary meeting of 15 February 2012, Council resolved as follows:

- 1. Council will support the development of a RFDS airport of Tom Price owned and operated by others.*
- 2. Direct the CEO to lobby resource companies, state government departments, etc. to construct own and operate an RFDS air strip in Tom Price.*

At the Ordinary Meeting of 17 October 2012, Council resolved as follows:

*“That Council:*

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1. *Rescinds previous decision from August 2012 Meeting (Minute 11272)*
  - i. *Council will support the development of a RFDS air strip for Tom Price if owned and operated by others and;*
  - ii. *Direct the CEO to lobby resource companies, state government departments etc to construct own and operate an RFDS air strip in Tom Price."*

*Alternate Motion:*

1. *Council supports, without bias, that it is the desire of the residents of Tom Price to have their own Royal Flying Doctor Air Strip, for which to service their needs.*
2. *Council authorises the Chief Executive Office to source the required capital funding for the Royal Flying Doctor Air Strip and investigate means to offset maintenance costs.*
3. *On the basis of 2. above and should capital funds be located, then Council agree in principle to accept ownership responsibility of the airstrip.*
4. *A Business Plan is to be brought back to Council for approval."*

Further to item 4 of the above resolution, an agenda item that detailed construction and maintenance costs for both a sealed and unsealed airstrip, and the proposed design parameters was considered and endorsed by Council (Agenda Item 14.9 (Minute No. 11680) – Ordinary Meeting of Council 16 October 2013) where Council resolved as follows:

*"That Council notes the Aerodrome Management Services Pty Ltd report outlining the design parameters and detailed cost estimation for the Tom Price Royal Flying Doctor Service Airstrip for use in the preparation of the business plan."*

More recently, at the Ordinary Meeting of held on 21 November 2017 Council resolved as follows:

*"That in respect to the proposed Tom Price Royal Flying Doctor (RFDS) Airstrip Project, Council:*

1. *Council continues to support without bias, that it is the desire of the residents of Tom Price to have their own Royal Flying Doctors Services Air Strip, for which to service their needs.*
2. *Council authorises the Chief Executive Officer to source the required capital funding for the Royal Flying Doctors Services Air Strip and investigate means to offset maintenance costs.*
3. *On the basis of 2 above, should capital funds be located, then Council agree in principle to accept ownership and responsibility of the airstrip.*
4. *A business plan is to be brought back to Council for approval.*
5. *Re-engage with Rio Tinto to negotiate access and tenure to the subject site on Bingarn Road.*
6. *Undertake a site selection and feasibility study to determine the preferred site should part 5 above not be successful, subject to obtaining funds from other sources.*
7. *Request a progress report back to Council by no later than July 2018."*

Prior to the last state election the WA State Labor Party committed \$2.5M towards the construction of the Project. It is noted that the *Western Australia State Budget 2018-19 Budget Papers* make no mention of any State funding Royal Flying Doctors Services Air Strip for Tom Price.

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#### **Comment**

The Shire has had several changes in senior staff whereby the matters associated with the resolution of 21 November 2018 have not been actioned.

Council's position of continuing to support "... *without bias, that it is the desire of the residents of Tom Price to have their own Royal Flying Doctors Services Air Strip, for which to service their needs*" is noted.

On the basis of changes in staffing, Council is requested to extend the opportunity for the Shire to undertake the necessary assessments and investigations as provided for in the resolution of 21 November 2017.

#### **Consultation**

Shire President

#### **Statutory Environment**

At this stage of the Project, it is difficult to determine the statutory environment applicable. Other than compliance with the Civil Aviation and Safety Authority, a number of Acts and Regulations may be applicable, including Native Title and Environment Protection depending on the selected site.

#### **Financial Implications**

From advice provided in the 21 November 2017 Shire report on this matter, it is understood that the cost estimate to design and construct a sealed airstrip on the subject land is approximately \$3M with annual operational and maintenance costs estimated at \$90,000 (inclusive of resealing). An unsealed (gravel) airstrip is estimated to cost \$2.4M with annual operational and maintenance costs estimated at \$133,000.

#### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 1 – Vibrant and Active Communities

Objective 3 – Quality education, healthcare, childcare, aged care and youth services

Goal 4 – Quality Services and Infrastructure

Objective 1 – Quality public infrastructure

#### **Risk Management**

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be 'High' should the Project be abandoned based on damage to Council's reputation. It is proposed that a Communications Plan be developed and implemented should Council decide to withdraw its support and reject the funding offer from the WA State Government.

#### **Policy Implications**

ENG09 Asset Management Policy

#### **Voting Requirement**

Simple Majority Required

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**Officers Recommendation**

That with respect to the proposed Tom Price Royal Flying Doctor Airstrip Project, Council:

1. Note Minute No. 269/2017 (from the Ordinary Meeting of Council 21 November 2017) in relation to the establishment of a Royal Flying Doctors Services Air Strip for Tom Price;
2. Request the Chief Executive Officer to make appropriate arrangements to undertake items 2-6 of Minute No. 269/2017; and
3. Request the Chief Executive Officer to report back to Council by no later than February 2019.

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**12. CORPORATE SERVICES REPORTS**

**12.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID**

<b>FILE REFERENCE:</b>	FM03
<b>AUTHOR'S NAME AND POSITION:</b>	Kerry Fisher Finance Manager
<b>AUTHORISING OFFICER AND POSITION:</b>	John Bingham Director Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	4 July 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	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).
<b>PREVIOUS MEETING REFERENCE:</b>	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 June 2018 are presented with comments on variances for Actuals to 2017/18 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.

**Comment**

Capital expenditure continues to remain lower than budget year to date due to the profile of budgeted amounts across monthly periods as well as project delivery. The notes in the 'Report on Significant Variances' identify and provide further commentary on the material variances for each project as well as operational revenue and expenditure at program level.

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GL/Job No.	General Ledger Description	Current Budget	Variation Amount	Revised Budget	Reason
130104	Transfer to Reserve	0	45,455	45,455	Water Corporation Grant received for the Onslow water tank art project to be restricted into the Unspent Grants Reserve at year end.
130100	Contributions and Reimbursements	3,001,352	(45,455)	2,955,897	Reduction of Income received for the Water Corporation funds received.

**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**

Noting that end of year (balance day) adjustments and accruals are yet to be fully completed and distributed through the operating statements and balance sheet, a conservative predicted end of year position (net current assets) at 30 June 2018 is \$11.5M, which it is emphasised incorporates carried over (to 18/19) works in progress capital projects commenced - or to be commenced - requiring carried over municipal funds, totaling \$5.8M.

The \$5.7M effective surplus position includes the early receipt of \$2.3M in June of the 2018/19 Federal Assistance Grant. The remaining \$3.4M can be contextualised as being savings across 44 completed capital projects as well as across the \$53M budgeted operating expenditure and \$59M budgeted operating income statements.

## **AGENDA - ORDINARY MEETING OF COUNCIL 18 JULY 2018**

### **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.

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 \$6.5M. 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 policy implications for this matter.

### **Voting Requirement**

Absolute Majority Required

**AGENDA - ORDINARY MEETING OF COUNCIL  
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**Officers Recommendation 1**

That with respect to the Monthly Financial Report to Council:

1. Receive the Financial Report for June 2018 **ATTACHMENT 12.1A**; and
2. Approve Budget variations for the 2017/18 Budget as outlined below:
  - a. Increase Reserve Account 130104, Transfer to Reserves by \$45,455 from \$0 to \$45,455; and
  - b. Decrease Income Account 130100, Contributions and Reimbursements by \$45,455 from \$3,001,352 to \$2,955,897.
3. Receive the Capital Expenditures Progress Tracker for June 2018 **ATTACHMENT 12.1B**;
4. Receive the Budget Amendment Register as at 30 June 2018 **ATTACHMENT 12.1C**; and
5. Receive the Schedule of Accounts and Credit Card payments made in June 2018 (approved by the Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds) **ATTACHMENT 12.1D**.

**Officers Recommendation 2**

That with respect to the Monthly Financial Report to Council:

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

**AGENDA - ORDINARY MEETING OF COUNCIL  
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**12.2 SPECIAL MEETING OF COUNCIL TO: ADOPT THE 2018/19 DRAFT BUDGET AND CONSIDER RFT 09/18 – CONSTRUCTION OF ONSLOW SPORTS CLUB AND V SWANS OFFICES, ONSLOW**

<b>FILE REFERENCE:</b>	GV04
<b>AUTHOR'S NAME AND POSITION:</b>	John Bingham Director Corporate Services
<b>AUTHORISING OFFICER AND POSITION:</b>	Rob Paull Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	4 July 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 13.2 (Minute No.197/2017) – Ordinary Meeting of Council 18 July 2017

**Summary**

A Special Meeting of Council (SMC) is recommended to be held via teleconference to adopt the 2018/19 Budget and to consider RFT 09/18 – Construction of Onslow Sports Club and V Swans Offices, Onslow.

**Background**

In consideration of the 2018/19 Draft Budget, Councillors have been offered the opportunity to be party to both workshops and agenda item reports as follows:

- Fees and Charges;
- Grants and Contributions;
- Capital Expenditure;
- Elected Members Allowances;
- Salaries and Wages;
- Rating Strategy 2018; and
- Updated Long Term Financial Plan 2017-32.

A workshop for 2018/19 Draft Budget is now scheduled for the July Ordinary Meeting of Council.

RFT 09/18 – Construction of Onslow Sports Club and V Swans Offices, Onslow has also been discussed with Councillors and forms part of the 2018/19 Draft Budget.

At the time of preparing this Agenda, the call for Tenders had only just closed and it was not possible to provide a report on RFT09/18 to this Ordinary meeting.

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### **Comment**

In order to address the 2018/19 Budget and RFT 09/18, it is recommended that Council hold a Special Meeting of Council on Thursday 26 July 2018 commencing at 7.00 pm via teleconference. It should be noted that the timing of the adoption of the Budget will depend on when Ministerial approval is received from DLGSCI for the 2018/19 Proposed Differential Rates. The recommended date of the Special Meeting takes this approval into account.

### **Consultation**

President, Cr White  
Chief Executive Officer  
Executive Management Team

### **Statutory Environment**

Regulation 14A enables Council to conduct a meeting by teleconference if a person is in a suitable place and Council has approved of the meeting by absolute majority.

### **Financial Implications**

Meeting costs will be met from existing budget provisions.

### **Strategic Implications**

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

### **Risk Management**

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "High". As a high risk item the Director Corporate Services is monitoring the issue closely.

Adoption of the 2018/19 Budget will enable Council to proceed with the deployment of its programs and services.

### **Policy Implications**

There are no policy implications for this matter.

### **Voting Requirement**

Absolute Majority Required

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**Officers Recommendation**

That with respect to a Special Meeting of Council at the Council Chambers, Onslow Shire Complex, Second Avenue, Onslow that Council convenes on Thursday 26 July 2018 at 7.00 pm for the purpose of determining the 2018/19 Annual Budget and its components and also, approves the use of instantaneous communications for the Special Meeting in the following locations:

Location	Councillors
Council Chambers, Onslow Shire Complex, Second Avenue, Onslow.	Cr K White
Tom Price Council Chambers, Central Road, Tom Price	Cr D Diver Cr M Lynch Cr P Foster Cr L Thomas
Ashburton Hall, Ashburton Avenue, Paraburdoo	Cr L Rumble Cr D Dias
Place of residence, Unit 6/7 Fogerthorpe Crescent, Maylands WA 6051.	Cr M Gallanagh

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18 JULY 2018**

**12.3 OFFICES, FACILITIES AND WASTE SERVICES CLOSURE - 2018/19**

<b>FILE REFERENCE:</b>	CR05
<b>AUTHOR'S NAME AND POSITION:</b>	Cindy Derschow Libraries Services and Administration Manager
<b>AUTHORISING OFFICER AND POSITION:</b>	John Bingham Director Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	04 July 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE</b>	Not Applicable

**Summary**

The purpose of this report is to propose dates for Shire Offices to be closed over the Christmas and New Year period 2018/19, as well as the Waste Collection Services and Tip opening hours over the Christmas, New Year and Australia Day period 2018 /19.

**Background**

Previously Council has been in the practice of permitting the closure of its offices and having altered Waste Collection and Tip opening hours for the Christmas and New Year period. This report is to inform Council of the proposed closure / adjusted dates and, seek approval to facilitate the advertising of office arrangements over the Christmas period to the public.

**Comment**

Approval is sought for the closure of the offices in the various towns of the Shire for the period of 4pm Friday 21 December 2018 to 9am Wednesday 2 January 2019.

Experience over the past years have indicated that there is little requirement from the general public for administrative staff assistance over the Christmas / New Year period. Suitable after hours contact phone numbers will be made available to the general public should assistance be required.

The proposed dates for opening / closure of the Shire Offices and Facilities over the 2018 Christmas and New Year period is listed in **ATTACHMENT 12.3A**.

Waste Collection services and Tip opening / closing times for the 2018 Christmas, New Year and Australia Day period 2018/19 are listed in **ATTACHMENT 12.3B**.

**Consultation**

Executive Management Team  
Waste Co-ordinator  
Facilities Manager

## **AGENDA - ORDINARY MEETING OF COUNCIL**

### **18 JULY 2018**

#### **Statutory Environment**

Section 2.7 and 3.1 *Local Government Act 1995*

#### **Financial Implications**

There are no known meaningful financial implications relative to this matter in excess of officer time and minor administrative costs. Officers will be required to take a combination of either public holidays, time in lieu or annual leave during the period of closure.

#### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 05 – Inspiring Governance

Objective 04 – Exemplary team and work environment

#### **Risk Management**

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

#### **Policy Implications**

There are no policy implications for this matter.

#### **Voting Requirement**

Simple Majority Required

#### **Officers Recommendation**

That with respect to the opening and closure times for Shire Offices, Facilities and Waste Services over the 2018 Christmas, New Year and Australia Day period, Council:

1. Approve the Shire Offices and Facilities in each of the four townsites and Tom Price Library being closed from 4pm Friday 21 December 2018 until re-opening on 9am Wednesday 2 January 2019 as per **ATTACHMENT 12.3A**; and
2. Approve the Waste Collection Services and Tip opening and closing hours for the period from Monday 24 December 2018 to Saturday 26 January 2019 as per **ATTACHMENT 12.3B**.

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**12.4 DEBTORS WRITE OFF - TOM PRICE SKIP BINS**

<b>FILE REFERENCE:</b>	RV12 RV13
<b>AUTHOR'S NAME AND POSITION:</b>	Florinda Paddon Finance Officer- Accounts Receivable
<b>AUTHORISING OFFICER AND POSITION:</b>	John Bingham Director Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	03 July 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

Tom Price Skip Bins owed \$191,199.47 for use of the Tom Price Rubbish Tip. The Shire followed policy and procedure according to FIN13 - Debtors Management General in attempting to recover outstanding amounts.

RSM Australia Partners was appointed liquidator on 22 September 2016. Following on from this a 'Notice of Declaration of Dividend' was issued advising of a \$28.86 cents in the dollar dividend paid into the Shire's bank account. On 22 June 2018 Council received a dividend payment of \$55,180.18. This report recommends Council write off the balance owing of \$136,019.29.

**Background**

Tom Price Skip Bins began using the Tom Price Rubbish Tip in June 2007. By December 2014 a debt of \$743,476.09 had been accumulated. At this stage in managing their account the Shire noticed repayments were smaller and less frequent. On 12 February 2015, the Finance Manager cancelled access to credit due to the inability of the debtor to manage the debt re-payments.

From 26 February 2015 to 26 July 2017 Tom Price Skip Bins made a total payment of \$377,256 out of the outstanding balance of \$568,455.47, leaving an unpaid balance of \$191,199.47. Shire Officers attempted to recover the debt through legal avenues with success. On 25 November 2016, the Shire received correspondence from RSM Australia Partners advising Tom Price Skip Bins had entered liquidation.

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#### **Comment**

The following timeline shows key events and action taken to recover the debt:

- June 2012
  - Credit limit for Tom Price Skip Bins was limited to \$80,000.
- February 2015
  - Credit facility removed with access to the tip provided on a cash only basis.
- February 2015 to July 2016
  - November Regular instalments received from the debtor of \$1,500 to \$10,000.
- November 2016
  - Received notification from RSM Australia Partners (RSM) as appointed liquidators.
- June 2018
  - Correspondence received from RSM advising a final dividend to unsecured creditors of \$28.86 cents will be paid to the Shire.

#### **ATTACHMENT 12.4**

#### **Consultation**

Executive Management Team  
Finance Team

#### **Statutory Environment**

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

#### **Financial Implications**

The total amount of arrears is \$136,019.19 and the Council has provisions within the 2017/18 budget, to account for the recommended write-off, such that the Budget does not need to be amended at this time. This resolution resolves a long standing debt that has been unresolved since 2015 and removes a provision of \$200,000 in the Council's accounts.

#### **Strategic Implications**

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

#### **Risk Management**

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

Council has already altered its procedures regarding credit management for landfill fees following similar occurrences with 'bad debtors' over the preceding year.

#### **Policy Implications**

Policy FIN13 Debt Recovery - General is applicable. This case highlights a period for the Shire when debtor management was somewhat lax in its controls i.e. large amounts of credit being issued (up to \$743,476 for Tom Price Skip Bins) with relatively long timelines for the debt recovery process to be initiated including reminders, credit suspension and legal action. To counteract this, a major policy review was undertaken in December 2016. The aim was to reduce the debt recovery process from the original 35 days (send reminder), 60 days (2<sup>nd</sup> reminder) and 90 days (legal action taken) down to 35 days (first and final notice), 42 days (Final Demand issue) and 49 days (Credit suspended and legal action taken).

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Also the maximum approved credit limit of \$50,000 was put in place. The new policy is intended to have a meaningful impact and improve the Shire's debt management in to the future. Going forward the likelihood of a recurrence of a large debtor write off such as this for Tom Price Skip Bins is greatly diminished.

**Voting Requirement**

Absolute Majority Required

**Officers Recommendation**

That with respect to the debt totalling \$136,019.29 inclusive GST, Council approve the write off of the outstanding owed by Debtor Number 280 against invoices for the Tom Price Rubbish Tip, effective 30 June 2018.

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**12.5 CONSIDERATION OF SUBMISSIONS - DIFFERENTIAL RATES 2018/19**

<b>FILE REFERENCE:</b>	GV04
<b>AUTHOR'S NAME AND POSITION:</b>	John Bingham Director Corporate Services
<b>AUTHORISING OFFICER AND POSITION:</b>	Rob Paull Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	10 July 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 18.1 (Minute No. 210/2017) – Ordinary Meeting of Council 18 July 2017

**Summary**

Following the 19 June 2018 Ordinary Meeting of Council public notice was given (i) for Councils intention to adopt the 2018/19 Proposed Differential Rates; (ii) to advertise the Objects and Reasons for the Proposed Differential Rates; and (iii) to invite submissions for at least 21 days from Friday 22 June until midday of Friday 13 July 2018.

This report comments on those submissions received before the deadline of 12.00pm Friday 13 July 2018 and recommends Council consider the Officers comments prior to imposing Differential Rates for 2018/19.

**Background**

The following 2018/19 Proposed Differential Rates were advertised in The West Australian on Friday 22 June as well as exhibited on public notice boards in accordance with Section 1.7 of the *Local Government Act 1995*:

**ATTACHMENT 12.5A**

Rate Description	Code	2017/18 Rate in the \$	2017/18 Rate Yield \$	2018/19 Rate in the \$	2018/19 Rate Yield (plus 2%)	General Minimum	Lesser Minimum
GRV Residential/Community		0.051853	4,494,142	0.100357	4,584,025	920.00	690.00
GRV Commercial/Industrial/Tourism		0.051954	1,092,642	0.064633	1,114,495	1150.00	NA
UV Mining/Industrial		0.382467	28,360,843	0.369571	28,928,060	1150.00	NA
UV Pastoral		0.060154	404,808	0.060976	412,904	1150.00	NA
UV Tourism		0.162455	56,047	0.165704	57,168	1150.00	NA
<b>TOTAL</b>			<b>34,408,482</b>		<b>35,096,652</b>		

The rate revenue level is based on an increase in the rating yield of 2 per cent on 2017/18 levels. The proposed rates model will yield \$35,096,652.

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### *Valuations*

The valuations used in the proposed rates model at the June Ordinary Meeting of Council (OMC) have since been revised given recent notifications from the Valuer Generals Office (VGO).

Rate Category	June OMC Valuation	1/7/17 Valuations	Var. \$
GRV Residential/Community	44,707,072	44,862,963	155,891
GRV Commercial/Industry/Tourism	16,457,512	16,501,712	(44,200)
UV Mining/Industrial	77,080,652	77,459,487	378,835
UV Pastoral	6,650,147	6,650,147	0
UV Tourism	345,000	345,000	0
<b>Total Valuation</b>	<b>145,240,383</b>	<b>145,955,645</b>	<b>490,526</b>

### **Comment**

#### *Submissions*

As at midday Friday 13 July 2018, one submission has been received.

#### 1. McMahon Mining Title Services Pty Ltd ('McMahon')

McMahon requests the Shire consider a separate Unimproved Valuations (UV) category with a lower rate in the dollar for Exploration / Prospecting Licences. Primarily the distinction would recognise the greater impact of Mining Leases on road infrastructure and resources compared to Exploration / Prospecting Licences. In other words, as McMahon notes, the activities of the latter are 'normally of low intensity and short duration and are not characterised by the same traffic volumes or weights or demands on Shire infrastructure and resources'.

In McMahon's submission it goes on to state:

'In 2018/19, the Department will increase the rent rate by 1.5% for exploration licences and 6% for prospecting licences and all other mining tenements to fund the Exploration Incentive Scheme (EIS). This rent increase will automatically result in an inflation in valuation and increase in rates even before any further increase in the rate in the dollar or minimum is applied by the Shire.

The EIS is aimed at generating exploration activity and the lower rent increase for exploration licences is intended to protect the junior sector in finding the deposits of the future. Further increase in rates on top of the automatic increase, may result in double dipping and diminish these intended effects.

We ask that you consider this automatic increase in your rates modelling and give consideration to whether the rates for mining tenements can be reduced for the 2018/19 year, noting that the rate in the dollar and minimum remain one of the highest across the country.'

A copy of McMahon's submission is attached.

### **ATTACHMENT 12.5B**

With respect to the separate UV category request in McMahon's submission it is acknowledged for the purposes of reviewing the Council's future Rating Strategy, consideration be given to the introduction of a new category for Exploration / Prospecting.

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As for the Department of Mines, Industry Regulation and Safety's intention to increase rent rates to fund the EIS it should be noted that the Department has confirmed no such decision has yet been made. Further Council's proposed rate in the dollar for UV Mining / Industrial is in fact lower than the adopted 2017/18 level i.e. 2017/18 at \$0.382467 compared to proposed 2018/19 of \$0.369571 - thereby addressing McMahon's request for Council to consider a reduction in 2018/19 on 2017/18 levels.

### *Proposed Rating 2018/19*

The advertised 2018/19 rate model was developed based on Councils Rating Strategy, Long Term Financial Plan and the five rating principles as set out in the Department of Local Government Sport and Cultural Industries (the '*Department*') Differential Rating Policy. Also given strong consideration in this year's modelling was the significant fluctuations in re-valuations for Gross Rental Valuation (GRV) properties i.e. primarily downward trending valuations provided by the VGO across residential and commercial properties.

As a result a community engagement approach, as required by the *Local Government Act 1995* and Department Policy, has been undertaken to facilitate consultation and notify property holders of Council's intention to impose rates for 2018/19. This process includes:

- Public Notice in the West Australian (Friday 22 June 2018 ) and Pilbara News providing 21 days to receive submissions up to and including midday Friday 13 July 2018;
- Local public notice placed on library and Shire Office notice boards;
- Individual correspondence sent to three property owners in the Tourism rating category (i.e. due to the category having less than 30 properties);
- Copy of the Notice of Intention to Levy Differential Rates 2018/19 placed on the Shire's website; and
- Workshop and information session with elected members on 22 May 2018 and 19 June 2018 outlining the process and important factors for consideration as abovementioned.

With a proposed 2% increase the Shire compares favourably to other neighbouring Pilbara Shires with increases ranging from 1% to 3% across the district:

Local Government	18/19 Proposed / Adopted Rate Increase
Shire of Broome	1.78%
<b>Shire of Ashburton</b>	<b>2%</b>
City of Karratha	1% for GRV and 2% Other
Shire of East Pilbara	3%
Town of Port Hedland	3.5%

The following table highlights other neighbouring Pilbara Shire rate in the dollar levels for 2018/19:

Shire	Ashburton	East Pilbara	Karratha	Port Hedland
GRV Residential/Community	0.100357	0.057426	0.115175	0.093483
GRV Commercial/Industrial/Tourism	0.064633	0.018998	0.097836	0.093483
UV Mining/Industrial	0.369571	0.182830	0.136414	0.371665
UV Pastoral	0.060976	0.068077	0.101606	0.107558
UV Tourism / Tourism Accom.	0.165704	NA	0.097836	0.223154
UV Transient Workers Accom.	NA	0.068077	0.379455	0.326058

Two options are recommended to Council when imposing Differential Rates for 2018/19:

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#### Option 1

Impose a 2% increase to each rating category.

#### Option 2

Impose a 2% increase to UV properties and a 1% increase to GRV Residential / Commercial and GRV Commercial / Industrial / Tourism to acknowledge the significant valuation fluctuations and subsequent impact these may have on the rates burden for some of the property holders in each rating category.

#### **Consultation**

Executive Management Team

Finance Manager

Management Reporting Coordinator

Rates Officer

#### **Statutory Environment**

The *Local Government Act 1995* following sections apply:

- S 6.32 provides Council with the power to apply rates to property;
- S 6.33 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;
- S 6.35 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;
- S 6.36 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;
- S 6.47 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);
- S 5.63 (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 of Local Government and Communities 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, if an application is / was required.

#### **Financial Implications**

The proposed Differential Rates will raise rate revenue of \$35,096,652. This amount represents the net funding requirement of the Shire's operational and capital activities after taking into account all other forms of revenue.

Capital Works program \$69.3M

Operating Expenditure \$55M

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As was the case in 2017/18 it is proposed a transfer to the Financial Risk Reserve will be made from the General Rate Revenue in accordance with the Rating Strategy recommendations. This transfer is due to a current State Administration Tribunal appeal for the 2015/16 and 2017/18 UV valuations of two large properties within the district. If the appeal is successful it could significantly reduce rate income and reserves this year and indeed require back rates to be refunded. The result of this appeal will be known in early September 2018. Thus, the Financial Risk Reserve will create a buffer to shield the Council's income from the effects of a potentially large single valuation reduction, which would have a significant impact on forecast revenues, and severely undermine a balanced Budget approach and pose an extreme financial risk under Council's risk matrix.

#### **Strategic Implications**

Shire of Ashburton 10 year Strategic Community Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 1 – Effective Planning for the Future

#### **Risk Management**

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "High". As a high risk item the Director Corporate Services is monitoring the issue closely.

#### **Policy Implications**

There are no policy implications for this matter.

#### **Voting Requirement**

Simple Majority Required

#### **Officers Recommendation 1**

That with respect to the proposed 2018/19 Differential Rates Council:

1. Acknowledge the submission received and endorse the Officer comments addressing the concerns contained within the report;
2. Respond in writing to the submission received regarding the decision of Council to impose Differential Rates for 2018/19;
3. Endorse the proposed rate increase of 2% for the 2018/19 financial year as advertised with the following rates in the dollar and minimum levels:

Rate Code Description	Rate in the \$	General Minimum	Lesser Minimum
GRV Residential/Community	0.100357	920.00	690.00
GRV Commercial/Industrial/Tourism	0.064633	1150.00	NA
UV Mining/Industrial	0.369571	1150.00	NA
UV Pastoral	0.060976	1150.00	NA
UV Tourism	0.165704	1150.00	NA

4. Request the Chief Executive Officer seek Ministerial approval for UV Tourism and UV Mining / Industrial Differential rating categories in accordance with section 6.33 of the Local Government Act 1995; and

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5. Acknowledge the proposed Differential Rates align with Council's Rating Strategy, Long Term Financial Plan and the principles as stated in the Department of Local Government Sport and Cultural Industries Rating Policy.

**Officers Recommendation 2**

That with respect to the proposed 2018/19 Differential Rates Council:

1. Acknowledge the submission received and endorse the Officer comments addressing the concerns contained within the report;
2. Respond in writing to the submission received regarding the decision of Council to impose Differential Rates for 2018/19;
3. Endorse the proposed rate increase of: (i) 2% for UV Mining / Industrial, UV Pastoral and UV Tourism; and (ii) 1% for GRV Residential / Community and GRV Commercial / Industrial / Tourism for the 2018/19 financial year at the following rates in the dollar and minimum levels:

Rate Code Description	Rate in the \$	General Minimum	Lesser Minimum
GRV Residential/Community	0.097656	920.00	690.00
GRV Commercial/Industrial/Tourism	0.062416	1150.00	NA
UV Mining/Industrial	0.369571	1150.00	NA
UV Pastoral	0.060976	1150.00	NA
UV Tourism	0.165704	1150.00	NA

4. Request the Chief Executive Officer seek Ministerial approval for UV Tourism and UV Mining / Industrial Differential rating categories in accordance with section 6.33 of the Local Government Act 1995; and
5. Acknowledge the proposed Differential Rates align with Council's Rating Strategy, Long Term Financial Plan and the principles as stated in the Department of Local Government Sport and Cultural Industries Rating Policy.

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**13. STRATEGIC AND COMMUNITY DEVELOPMENT REPORTS**

**13.1 RFT 09/18 – CONSTRUCTION OF ONSLOW SPORTS CLUB AND V SWANS OFFICES, ONSLOW**

A report on RFT 09/18 – Construction of Onslow Sports Club and V Swans Offices, Onslow was anticipated for this Council meeting. However as noted in Item 12.2, it is recommended that RFT 09/18 be reported to the Special Council Meeting on 26 July 2018.

Reference to Item 13.1 in this Agenda is required as Item 13.2 had already been referred to the Minister for of Local Government, Sport and Cultural Industries in relation to the Minister determining which Council members will be permitted to vote on Item 13.2.

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**13.2 REQUEST FOR TENDER (RFT 08/18) ARCHITECTURAL AND CIVIL  
DESIGN SERVICES – TOM PRICE CHILDCARE CENTRE**

<b>FILE REFERENCE:</b>	CS22.1
<b>AUTHOR'S NAME AND POSITION:</b>	Sarah Johnston Strategic Partnership Manager
<b>AUTHORISING OFFICER AND POSITION:</b>	Anika Serer Director Strategic and Community Development
<b>NAME OF APPLICANT/ RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	29 June 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has financial, indirect and impartiality interests due to being employed at the Shire of Ashburton under a funding agreement in a role funded by Rio Tinto Iron Ore, with the author's spouse an employee and a Shareholder of Rio Tinto. The authorising officer has no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 13.2 (Minute No. 354/2018) – Ordinary Meeting of Council 23 April 2018

**Summary**

A Request for Tender (RFT) for Architectural and Civil Design Services - Tom Price Childcare Centre (RFT 08/18) 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 on 24 May; and closed on 14 June 2018.

Ten conforming tenders were received via Tenderlink in response to the RFT.

The evaluation panel has now completed its assessment of the tender submissions and made their recommendation.

**Background**

A Memorandum of Understanding (MOU) between Rio Tinto (RTIO) and Shire of Ashburton has been in place since July 2012, to work together to revitalise existing and develop new civic, sporting and community facilities and programs in the towns that RTIO has a significant presence. The Tom Price Childcare Centre is a priority project outlined in the Community Infrastructure and Services Plan.

At the Ordinary Meeting of Council on 23 April 2018, Council nominated Lot 400 South Road, Tom Price as the preferred location for the lot and authorised the Chief Executive Officer to undertake the design of the new facility in consultation with appropriate stakeholders such as RTIO and Nintirri to develop a business case for further consideration.

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An RFT for the architectural design services for the Tom Price Childcare facility was developed to seek the provision of architectural and appropriate specialised sub-consultancy services for the preparation of Schematic Design, Design Development, Contract Documentation, Construction and Completion Phase of the proposed facility. Additionally the scope required:

1. A subdivision concept plan for the amalgamated Lots 400 Poinsettia Street and 46 South Road, which incorporates:
  - 1.1 the childcare facility;
  - 1.2 a lot for the proposed future co-located Emergency Services facility, with a minimum design of nine appliance bays, three offices, training room and appropriate amenities. A minimum lot size of 3500m<sup>2</sup>;
  - 1.3 the balance of the R30 zoned land into residential lots at a minimum size of 600m<sup>2</sup>; and
  - 1.4 a road network linking East Street to South Road to maintain traffic and pedestrian Permeability.
2. A new childcare facility incorporating sufficient space to create capacity of a “95 long day” care places and 30 “out of school hours” care places.

A copy of RFT 08/18 Architectural and Civil Design Services – Tom Price Childcare Centre is attached for reference.

#### **ATTACHMENT 13.2A**

The selection criteria was amended from the FIN12 Purchasing Policy to better meet the requirements of the project. This was approved under Delegation DA06-2 by the Acting Director Strategic and Community Development. The advertised selection criteria were:

<b>Criteria</b>		<b>Weighting</b>
(a)	Relevant Experience	25%
(b)	Key Personnel	20%
(c)	Design and Methodology Risk Management	15%
(d)	Price	40%

After an initial compliance assessment, all 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.

#### **CONFIDENTIAL ATTACHMENT 13.2B**

Hodge Collard Preston provided a thorough submission addressing all of the required scope of works. The cost submission provided by Hodge Collard Preston is attached as a confidential item.

#### **CONFIDENTIAL ATTACHMENT 13.2C**

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### Comment

The tenders have been assessed with the below scores and rankings. Complete details of the assessment are provided in **CONFIDENTIAL ATTACHMENT 13.2B**

Rank	Tenderer	Score (/100)
1	Hodge Collard Preston	79.7
2	Eastman Poletti	73.6
3	Sandover Pinder	71.1
4	Slavin	63.8

### Consultation

Executive Management Team  
Economic and Land Development Manager

### 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;*

### Financial Implications

At the Ordinary Meeting of 23 April 2018, Council approved a budget variation of \$575,341 from the Rio Partnership Reserve for the purpose of architectural services and preliminary works for the Tom Price Childcare Centre project. The recommended tender submission is within this budget allocation.

It is noted that the project is not currently funded for construction.

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 01 Vibrant and Active Communities

Objective 03 – Quality education, healthcare, childcare, aged care and youth services.

Goal 04 – Quality services and infrastructure

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Objective 01 – Quality public infrastructure  
Objective 03 – Well planned towns

#### **Risk Management**

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

The low level of risk is being driven by the "minor" consequence of time and/or cost impacts and the "Unlikely" likelihood that a time and/or cost risk could occur. The "Low" risk rank is considered acceptable with adequate controls, managed by routine procedures and subject to annual monitoring by the Operational Manager.

#### **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 publically advertised RFT.

#### **Voting Requirement**

Absolute Majority Required

#### **Officers Recommendation**

That with respect to the Tom Price Childcare Project – Architectural and Civil Design Services Tender, Council:

1. Resolve that Report **ATTACHMENT 13.2B and 13.2C** 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 13.2B**;
3. Award the contract for RFT 08/18 – Architectural and Civil Design Services – Tom Price Childcare Centre to Hodge Collard Preston as outlined in the tender requirements and submission;
4. Authorise the Chief Executive Officer to enter into a contract with Hodge Collard Preston; and
5. Authorise the Chief Executive Officer to manage the contract, including the provision of possible extensions or 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 is managed within the allocated budget for this work.

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**14. DEVELOPMENT AND REGULATORY SERVICES REPORTS**

**14.1 TRANSFER OF CONTROL OF BUSHFIRES AND BUSHFIRE BRIGADES TO THE DEPARTMENT OF FIRE AND EMERGENCY SERVICES**

<b>FILE REFERENCE:</b>	ES02 ES04
<b>AUTHOR'S NAME AND POSITION:</b>	Morgwn Jones Emergency Management Coordinator
<b>AUTHORISING OFFICER AND POSITION:</b>	Lee Reddell Director Development and Regulatory Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	18 June 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	<p>The author has previously worked for the Department of Fire and Emergency Service on secondment from December 2017 until February 2018 and is currently on secondment until August 2018.</p> <p>The authorising officer has no financial, proximity or impartiality interests in the proposal.</p>
<b>PREVIOUS MEETING REFERENCE:</b>	Shire of Ashburton Bush Fire Advisory Committee Meeting 30 May 2018

**Summary**

The Department of Fire and Emergency Services (DFES) has been working with Pilbara Local Government Authorities since August 2015 to develop a Memorandum of Understanding for the 'Management and Control of Bushfire Brigades and Bushfire and Emergency Services in the Pilbara Region of Western Australia' (MOU) whereby the control of bushfires and bushfire brigades will be transferred to DFES.

The MOU provides for additional management support and control of bushfires within the region which is likely to be of benefit to residents. Under the proposed MOU, the Shire of Ashburton (the 'Shire') will retain a support role in relation to bushfire management.

The purpose of this report is for Council to consider becoming a signatory to the DFES MOU.

**Background**

At the Ordinary Meeting of Council 19 July 2016, the Tom Price Volunteer Bush Fire Brigade (the 'Brigade') and other stakeholder members of the Shire's Bush Fire Advisory Committee recommended to Council that the Shire not become a signatory of the DFES MOU for the Management and Control of Bushfire Brigades and Bushfire and Emergency Services in the Pilbara Region of Western Australia, as there was perceived to be no apparent benefit to the operations of the Brigade. Council resolved to support the Brigade and did not consent to becoming a signatory of the MOU at that time.

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Since that decision, there has been ongoing discussions between the Shire, the Brigade, DFES Regional Office and other Local Governments that became signatories to the MOU in 2016 to gauge its level of effectiveness. From all reports the MOU is working well in the City of Karratha and the Shire of Exmouth.

The Shire of East Pilbara has recently also become a signatory to the DFES MOU and any subsequent MOU between DFES and the Shire of Ashburton would be subject to the same conditions.

### **ATTACHMENT 14.1A**

In addition, DFES recently announced the formation of the new Rural Fire Division (RFD). This will result in a transfer of the Office of Bush Fire Risk Management (OBRM) who were a sub-department of the Office of Emergency Management (OEM) to DFES. The RFD's primary focus is Bush Fire Mitigation, Bush Fire Risk Management Planning and the creation of Centre of Excellence in relation to Prescribed Burning Practices.

### **ATTACHMENT 14.1B**

On a recent visit to Tom Price the Fire and Emergency Services Commissioner however confirmed that there will only be two Volunteer Liaison Officers being appointed to the RFD to cover the whole State in order to liaise with Local Government Bush Fire Brigades, with the Pilbara Regional Office to continue to provide all support functions to Volunteer Bush Fire Brigades in the Pilbara.

The Brigade feels the RFD will be of little benefit to the Brigade operationally and that they wish to continue to work with DFES staff based in the Pilbara. This would allow for the continuity of current services and working relationships.

On 27 May 2018 the Brigade held a General Meeting and moved a motion recommending that the Shire's Bush Fire Advisory Committee request that Council reopen discussions with DFES in regards to becoming a signatory to the MOU and if appropriate, sign on for an initial period of 12 months.

It is noted that the period of the draft MOU refers to a period of three years, however the Brigade would prefer it be limited to 12 months initially in order to provide an opportunity to review and revisit the MOU after that period without being locked in for three years, should it eventuate that the transfer of powers provided for under the MOU does not suit the Brigade.

### **ATTACHMENT 14.1C**

This motion was accepted and endorsed by the Bush Fire Advisory Committee at their meeting held on 30 May 2018.

### **ATTACHMENT 14.1D**

#### **Comment**

If Council agrees to become a signatory of the MOU, the Shire will still be required to undertake the following activities:

Retain all currently appointed Fire Control Officers (FCO);

The Shire will continue to manage all other emergency management functions (preparation, prevention, recovery) which includes:

- maintenance and updating of all fire management plans;
- firebreak/property inspections;

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- firebreak installation and maintenance;
- responding to fire complaints (infringements for burning rubbish, over grown blocks etc);
- maintenance of policies and local laws relating to bushfires;
- fireworks permits and permits to burn in accordance with Part III – Prevention of Bush Fires of the *Bush Fires Act 1954*

This will have little or no effect on Pastoralists and their Bush Fire Management practices as the Shire is still responsible for all activities in accordance with Part III 'Prevention of Bush Fires' of the *Bush Fires Act 1954*.

- Make existing personnel with fire management skills available to support bush fire operations in the district and or region.

All other activities identified in the Concept of Operations as per **ATTACHMENT 14.1E**

A universal approach to bush firefighting across the Pilbara is expected to provide benefits to the area. This has been highlighted in the 2017-2018 fire season where a number of significant bush fire incidents across the Pilbara led to DFES assuming control either by mutual agreement under Section 13 of the *Bush Fires Act 1954* or in accordance with the MOU (in other Shires) and the Concept of Operations.

Transfer of the Chief Bush Fire Control Officer (CBFCO) role to DFES will require minimal administration works by Shire officers to effect the changes if the Shire does become a signatory to the MOU, including:

1. Writing to the Fire and Emergency Services Commissioner to request the appointment of a CBFCO as per the provisions of the *Bushfire Act 1954*;
2. Publishing the appointment of the CBFCO in a paper circulating within the District; and
3. Amending the Delegations and Authorisations Register to reflect the change to the CBFCO position.

It is recommended that Council resolve to approve becoming a signatory to the MOU for an initial period of twelve months as per the request from the Brigade. This should be a sufficient period of time to allow the Brigade and the Shire to gauge the effectiveness of the MOU following the 2018-2019 fire season.

Signing the MOU will allow for a regional approach that is consistent and collaborative in respect to bush fire operations and administration of local bush fire brigades.

As per Section 9 of the MOU, the MOU may be terminated by;

- a) Mutual agreement of both parties in writing at any time; or
- b) At any time for any reason by either party by giving one months' notice in writing to the other party.

#### **Consultation**

Bush Fire Advisory Committee  
Director Development & Regulatory Services  
Emergency Management Coordinator  
Tom Price Volunteer Bush Fire Brigade  
DFES Regional Superintendent Pilbara

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#### **Statutory Environment**

Section 38A of the *Bush Fires Act 1964* enables the Local Government to request the Fire and Emergency Services Commissioner to designate a person employed by the Department as the Chief Bush Fire Control Officer for that Local Government

*Emergency Management Act 2005*

*Emergency Services Levy Act 2001*

*Local Government Act 1995*

*Fire and Emergency Services Act 1998*

#### **Financial Implications**

The Brigade is funded via the Emergency Services Levy (Local Government Grants Scheme). DFES has advised that there will be no additional cost to the ESL based on them assuming Management of fires as per the MOU. LGGS Budgets and acquittals will be managed by the Department of Fire and Emergency services.

It is not expected that there will be any additional costs to the Shire as a result of signing the MOU, except those associated with advertisement of CBFCO appointment which will be minimal.

#### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 4 – Distinct and Well Served Places

Objective 2 – Accessible and Safe Towns

#### **Risk Management**

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

#### **Policy Implications**

ENG08 - Shire of Ashburton Bush Fire Policy

#### **Voting Requirement**

Simple Majority Required

#### **Officers Recommendation**

That with respect to the transfer of control of bushfires and bushfire brigades to the Department of Fire and Emergency Services, Council:

1. Sign the Memorandum of Understanding for the Management and Control of Bushfire Brigades and Bushfire and Emergency Services in the Pilbara Region of Western Australia, as per the conditions contained in the MOU at **ATTACHMENT 14.1A**, with the exception of Condition 7, instead requiring that a review be carried out after 12 months in consultation with the Tom Price Volunteer Bush Fire Brigade, with the suitability of a further extension being considered at that time.
2. Request the Fire and Emergency Services Commissioner appoint a Chief Bush Fire Control Officer under Section 38A of the *Bush Fires Act 1954*; and
3. Publish this appointment in accordance with Section 38(2A) of the *Bush Fires Act 1954*.

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**14.2 DEVELOPMENT APPLICATION 18/18 - CONSTRUCTION OF NEW CLUBHOUSE FACILITIES FOR THE ONSLOW SPORTS CLUB AT LOT 644 THIRD AVENUE, ONSLOW**

<b>FILE REFERENCE:</b>	RC30686
<b>AUTHOR'S NAME AND POSITION:</b>	Andrew Davis Principal Town Planner
<b>AUTHORISING OFFICER AND POSITION:</b>	Lee Reddell Director Development and Regulatory Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Eames Architects
<b>DATE REPORT WRITTEN:</b>	18 June 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Item 13.3 (Minute 324/2018) Ordinary Council Meeting 13 March 2018

**Summary**

The Shire has received an application for development approval for the Onslow Sports Club (**ATTACHMENT 14.2A**), comprising the demolition of the existing clubroom and associated sealed areas (replacing these with a new clubhouse, kitchen, and ablution buildings). These proposed works will also include modifications to the existing car parking area, fencing, bin storage, and landscaping.

The buildings subject to this application have been relocated from Chevron's Brolga accommodation facilities located in the Ashburton North Strategic Industrial Area.

This item is presented for Council consideration as the land comprises a Crown reserve (Reserve 30686) held by the Shire of Ashburton (the Shire) under a Management Order for the purpose of 'Recreation' and relates to a Business Plan and Concept Design endorsed by Council at its Ordinary Meeting on 13 March 2018. The submitted application generally corresponds with the limited detail contained within the concept plan and is recommended for approval.

**Background**

Reserve 30686 comprises Lots 644 on Deposited Plan 214895 and Lot 555 on Deposited Plan 66576. Lot 644 is developed with the existing Onslow Sports Club, the football oval, bowling green, tennis courts, and a portion of the land surrounding the swimming pool. Lot 555 is developed as the skate park and is not relevant to this proposal.

The Shire's Town Planning Scheme No. 7 (TPS7) reserves the land for 'Parks, Recreation and Drainage'. The proposed use fits within the TPS7 definition of 'Club Rooms' that are defined as, 'buildings, structures and associated land used for the meeting of sports clubs and organisations'. This use is consistent with the intent of the Scheme Reserve and therefore can be considered for approval.

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The use is also consistent with the Management Order that makes Crown Reserve 30686 available for 'Recreation' with power to lease for up to 21 years with the Minister's approval. The land subject to this application is leased to the Onslow Sports Club with the current lease extending to 2021 with a five year option to extend.

The land is within the 'Onslow Coastal Hazard Area – Special Control Area' and subject to additional development controls set out in TPS7, Appendix 12. Appendix 12 groups land uses together in order to control certain development elements, including finished floor levels (FFL). Other Appendix 12 provisions relevant to this application include:

3. *(ix) Entertainment, Recreation and Culture use and development may have a minimum finished floor level of 2.5m AHD.*
6. *A planning approval issued for land located within the Onslow Coastal Hazard Area shall include a condition requiring that a notification be placed on the certificate of title stating: VULNERABLE COASTAL AREA - This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years.*

It is noted that the submitted site plans show a FFL of 3.34m AHD, meeting the minimum floor levels. It is recommended that a condition be included on any approval requiring the necessary notification on the Certificate of Title.

Surrounding land uses include the 'Residential' zoned land to the northeast on Third Avenue that, while largely vacant, is developed with the St Johns Ambulance depot (being relocated adjacent to the Onslow Hospital), and the Thalanyji community facilities located to the northwest. Other residential development to the southwest on Paterson Place is located more than 150 metres from the development site and unlikely to be adversely affected by the ongoing use of the land for the Onslow Sports Club.

The application proposes the demolition of the existing Sport's Club buildings and the erection of four new buildings to replace the old facilities, being:

- New Clubhouse building (250m<sup>2</sup>);
- New kitchen building;
- Separate male and female toilet buildings.

As described in the application material, the external walls to the new buildings comprise a mixture of white, sandstone, stainless steel and black accents. The finishes have been selected to be durable and graffiti resistant to ensure longevity of the development and structures. The proposed finishes are considered to be of a sufficiently high standard, are appropriate in the context of the area and can be supported.

In addition to the buildings, the following development is also proposed:

- New roofing covering the area between the buildings to create an alfresco dining area;
- Modifications to car parking area to accommodate:
  - 12 car bays (in addition to the 11 bays adjacent to the tennis courts)
  - 2 motorcycle bays
  - 1 disabled parking bay
- New landscaping;
- New fencing;
- Bin storage area.

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With regard to the landscaping, the Site Layout Plan proposes the removal of three palms and two other mature trees to accommodate the proposed development. To offset the removal of these mature trees, the Site Layout Plan indicates that three new trees are proposed on the northern boundary providing shade to the car parking area. The submitted Landscape Concept Plan also proposes additional landscaped areas at the Clubhouse entry. It is recommended that a fully detailed landscaping plan be required as a condition of any approval to ensure the development is appropriately landscaped with acceptable species.

In addition to the elements described above, the plans also indicate a number of possible uses such as a potential marquee area, temporary fencing for occasional liquor licence area, new gates to bowling green and tennis court, and removal of bollards for licenced areas. These elements are included for context only and do not form part of this application.

With regard to car parking, for the use 'Club Rooms', TPS7 sets a minimum requirement of one parking bay per four metres of meeting area. Based on the 250m<sup>2</sup> floorspace for the clubroom building, this results in a minimum of 63 parking bays to be provided. Notwithstanding this requirement, TPS7 clause 6.17.5 states:

*Where the Local Government is satisfied that the circumstances of a development justify such action and there will not be any resultant lowering of safety standards, it may permit a reduction in the number of carparking spaces required by subclause 6.17.1.*

Accordingly this application, while marginally increasing the floorspace available for Club patrons and visitors, is unlikely to significantly increase patronage beyond its current usage. Further, as the Club currently operates without creating adverse car parking conditions for the local area, due primarily to the walkable catchment area and the additional public parking available at the nearby football oval and swimming pool, requiring 63 parking bays would be excessive and unnecessary. It is therefore appropriate to support the proposal with only the 13 car and two motorcycle bays located in front of the site, in addition to the existing 11 car bays in front of the tennis courts.

Council has already considered this development in concept form at its Ordinary Meeting on 13 March 2018 in relation to Item 13.3 – Endorsement of Onslow Sports Club Business Case, where it resolved:

1. *Resolve that Report ATTACHMENT 13.3B 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. *Approve the Onslow Sports Club Concept Design (ATTACHMENT 13.3A) and Onslow Sports Club Business Case (CONFIDENTIAL ATTACHMENT 13.3B); and*
3. *Authorise the Chief Executive Officer to apply for funding from the Onslow Community Development Fund based on 1.and 2. Above; and*
4. *Shire to ensure that project management, architect design along with the planning application are undertaken as soon as possible so as to achieve a November 2018 completion.*

This application for development approval is consistent with the Concept Design.

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#### **Comment**

A review of Shire property files does not provide conclusive evidence of the date of construction of the existing Onslow Sports Club, however the existing buildings, while generally performing their function adequately, are arguably due for a major upgrade. The availability of suitable buildings repurposed from Chevron's decommissioned Brolga Workforce Accommodation Camp provides an excellent opportunity to upgrade the Club facilities.

With regard to the parking requirement, the relaxation in the number of required bays is considered an appropriate response as the construction of a large carpark on the site will reduce the amount of active open space, while creating a large heat-sink that will remain predominantly unused. There are a number of details related to the application that require further detail, however it is understood that these will be addressed by the developer following their appointment via a tender process. These issues include:

- detailed landscaping plans;
- storm water disposal;
- waste management;
- car parking layout and management;
- signage;
- Construction management (dust, noise, and waste).

It is proposed that these matters be addressed through conditions of development approval to ensure adequate standards for construction and operation.

#### **Consultation**

Chief Executive Officer  
Director Development & Regulatory Services  
Facilities Manager  
Acting Manager Environmental Health  
Manager Operations – Infrastructure Services

#### **Statutory Environment**

*Shire of Ashburton Town Planning Scheme No 7*  
*Planning and Development Act 2005*  
*Planning and Development (Local Planning Schemes) Regulations 2015*

#### **Financial Implications**

The Shire has committed funding towards this project in accordance with the Business Plan adopted at its Ordinary Meeting on 13 March 2018.

#### **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  
Goal 2 – Economic Prosperity  
Objective 1 – Strong local economies  
Objective 2 – Leading regional sustainability  
Goal 4 – Quality services and infrastructure  
Objective 2 – Accessible and safe towns  
Objective 3 – Well-planned towns  
Goal 5 – Inspiring governance  
Objective 1 – Effective planning for the future

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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**

There are no policy implications for this matter.

#### **Voting Requirement**

Simple Majority Required

#### **Officers Recommendation**

That with respect to application 18/18 for the use and development of Club Rooms, Council approve the development submitted on 5 May 2018 subject to the following conditions:

1. The development plans, as dated marked and stamped "Approved", together with any requirements and annotations detailed thereon by the Shire, are the plans approved as part of this application and shall form part of the planning approval issued.
2. **Prior to commencement of works**, a detailed Landscaping Plan for the subject site and/or the road verge(s) adjacent to the site shall be submitted to and approved by the Shire. The plan is to include details of (but not limited to):
  - a. The location, number and type of proposed trees and shrubs including planter and/or tree pit sizes and planting density;
  - b. Any lawns to be established or maintained;
  - c. Any existing vegetation and/or landscaped areas to be removed and/or retained and/or replanted on site;
  - d. Reticulation design and location; and
  - e. Any verge treatments.

The approved landscaping and reticulation plan shall be fully implemented within the first available planting season after the initial occupation of the development and maintained thereafter to the satisfaction of the Shire. Any species which fail to establish within the first two planting seasons following implementation shall be replaced in consultation with and subject to the Shire's requirements.

3. **Prior to commencement of works**, a Waste Management Plan shall be submitted to and approved by the Shire. The plan shall include the location of bin storage areas and bin collection areas enclosure/s. The approved Waste Management Plan shall be implemented to the satisfaction of the Shire.
4. A minimum of 12 sealed car parking spaces as shown on the Approved plans must be provided on site as part of this approval prior to occupation of the development.
5. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Shire.
6. Goods or materials must not be permanently stored within the parking or landscaping area, or within access driveways.
7. All areas of outdoor storage must be screened from public view.

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8. All piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters and bin storage areas shall be located so as to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street, with design plans for the location, materials and construction for screening of any proposed external building plant being submitted and approved by the Shire prior to the submission of an application for a building permit.
9. All signs or emblems to be affixed to the development as indicated on the approved plans.
10. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Shire.
11. The constructed buildings must achieve a minimum finished floor level of 2.5m Australian Height Datum to the satisfaction of the Shire.
12. A Notification under Section 70A of the Transfer of Land Act 1983 shall be prepared and lodged with the Registrar of Titles for endorsement on the Certificate prior to the occupation of development. The notification shall advise of the existence of a hazard or other factor affecting use or enjoyment of the land to the satisfaction of the Shire and at the applicant's cost. The memorial shall state as follows:

*VULNERABLE COASTAL AREA —This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years*

**ADVICE NOTES**

- a. This Determination Notice is not a Building Permit or Health Approval, nor authorises such works. All separate applications and approvals must be obtained prior to the commencement of construction on site.
- b. With regard to external bin store referenced in Condition 3, the external enclosure must be of an adequate size to contain all waste bins, at least 1.8 m high, fitted with a gate and graded to a 100mm diameter industrial floor waste with a hose cock, all connected to sewer. The minimum provisions for internal bin storage is a concrete wash-down pad of at least 1m<sup>2</sup> graded to a 100mm diameter industrial floor waste with a hose cock, all connected to sewer.
- c. Conditions 11 and 12 have been applied in accordance with Scheme Amendment 24 that relates to potential for storm surge and flooding in Onslow, and was published in the Government Gazette on the 1<sup>st</sup> of August 2014.
- d. The installation of outdoor lighting shall be in accordance with the requirements of Australian Standard AS 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting".
- e. The development shall comply with the noise pollution provisions of the *Environmental Protection Act 1986*, and more particularly with the requirements of the *Environmental Protection (Noise) Regulations*.

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**15. INFRASTRUCTURE SERVICES REPORTS**

**15.1 REQUEST FROM RIO TINTO TO A SPEED REDUCTION FOR THE  
MUNJINA – ROY HILL ROAD**

<b>FILE REFERENCE:</b>	RD.0295
<b>AUTHOR'S NAME AND POSITION:</b>	Ian Hamilton Director Infrastructure Services
<b>AUTHORISING OFFICER AND POSITION:</b>	Rob Paull Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	26 June 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in this report.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

Rio Tinto (RTIO) initially requested Shire support for RTIO to widen and upgrade the Shire of Ashburton sections of Munjina - Roy Hill Road (MRHR) for their Koodaideri project. However, RTIO has altered the initial request for Council support to introduce a speed reduction on the MRHR as part of its safety assessment and the amount of heavy traffic on the road.

**Background**

RTIO has requested Council support to introduce a speed reduction on the MRHR as part of its safety assessment and the amount of heavy traffic on the road.

**ATTACHMENT 15.1A**

**Comment**

The road is classified as a Restricted Access Vehicle (RAV) Network 10 road and is currently being used for RAV access by Process Minerals International (PMI). The current speed limit is 110 kph. PMI utilise the road for hauling ~8Mta of iron ore in super quads from their mining tenement, north to Port Headland. RTIO requires RAV access to facilitate movement of materials, plant and equipment for the construction of the Koodaideri Project in early 2019.

The request is based primarily on safety reasons. RTIO advise that it will construct a dedicated access road from the Great Northern Highway turn off to the mine site at Koodaideri. The road alignment and design is still being finalised but the road will sit within *Mining Act 1978* tenure close to the proposed rail alignment (within 100m). The length of road that the restriction would apply is approximately 38 kms.

**ATTACHMENT 15.1B**

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The private road would reduce the interactions with the heavy traffic on the MRHR and be easier to construct than the upgrade to the current road. RTIO is seeking a speed limit of 80 kph for a temporary period until the construction of the 'private road' is completed.

Despite the new 'private' road, RTIO will still need to utilise the MRHR during the construction phase of the project, particularly during the first 12 months (2019). RTIO has advised that it will work closely with PMI and both the Shire of Ashburton and East Pilbara to ensure the MRHR road is maintained in a suitable condition, within its current footprint, in order to provide safe access to Koodaideri. In this regard, it is appropriate for the Shire to develop an agreement for the maintenance of the road by RTIO.

#### **Consultation**

Rio Tinto, Superintendent Tenure, State Agreements and Approvals  
Manager, Technical Services, Shire of Ashburton

#### **Statutory Environment**

*Road Traffic Act 1974*

#### **Financial Implications**

Shire Officer time will be required in liaising with RTIO pertaining to future maintenance. This can be accommodated within existing budget allocations.

#### **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 Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Moderate" in light of the public risk and potential impacts to Shire reputation. As a medium risk matter, the Manager Technical Services will monitor progress of this item.

#### **Policy Implications**

There are no policy implications for this matter.

#### **Voting Requirement**

Simple Majority Required

#### **Officers Recommendation**

That with respect to a request from Rio Tinto for Council support to implement a speed reduction on the Munjina – Roy Hill Road, that Council:

1. Support the request from Rio Tinto to introduce a speed reduction on the Munjina – Roy Hill Road to 80 kph as part of their safety assessment and the amount of heavy traffic on the road until RTIO has completed an alternative 'private road' as part of its Koodaideri Project.
2. Notes any speed reduction is to be determined by Main Roads Western Australia for the Munjina – Roy Hill Road; and
3. To develop an agreement for the maintenance of the Munjina – Roy Hill Road by Rio Tinto.

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**16. COUNCILLOR AGENDA ITEMS / NOTICES OF MOTIONS**

**16.1 NOTICE OF MOTION - KARIJINI NATIONAL PARK AS A COUNCIL  
ICON AND FUNDING FOR ROAD MAINTENANCE**

<b>FILE REFERENCE:</b>	NP.KJNI
<b>AUTHOR'S NAME AND POSITION:</b>	Rob Paull Chief Executive Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Rob Paull Chief Executive Officer
<b>NAME OF APPLICANT/ RESPONDENT:</b>	Cr Thomas
<b>DATE REPORT WRITTEN:</b>	6 June 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

The purpose of this agenda item is to report to Council on the Notice of Motion raised by Cr Lorraine Thomas and received by the Shire more than 14 days prior to the preparation of the Agenda with regards to matters associated with the Karijini National Park.

**Background**

In accordance with CI 5.3(1) of the *Shire of Ashburton Standing Orders Local Law 2013*, Cr Thomas provided the Chief Executive Officer with a Notice of Motion more than 14 clear working days prior to the 19 June 2018 Ordinary Meeting.

Cr Thomas's Notice of Motion is as follows:

*"1. That Council's position be that Karijini National Park is a significant and iconic attraction for Western Australia.*

*2. That based on the significance of the Karijini National Park, Council requests the Chief Executive Officer to write to Department of Biodiversity, Conservation and Attractions (DBCA) and the Minister for DBCA requesting appropriate funding level for Karijini National Park for:*

- Banyjima Drive to be sealed;*
- all other roads, including Mt Bruce Road, to be suitably maintained for public access for all types of vehicles'; and*
- safety issues for National Park users to be adequately addressed."*

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#### **Comment**

Karijini National Park is an icon location for the residents of the Shire and tourists from all corners of the globe. The Park is the traditional home of the Banyjima, Kurrama and Innawonga Aboriginal people.

Access within the Park is vital for all users. As addressed in the draft Notice of Motion, it is not unreasonable for the State to ensure appropriate funding for:

- Banyjima Drive to be sealed;
- all other roads, including Mt Bruce Road, to be suitably maintained for public access for all types of vehicles'; and
- safety issues for National Park users to be adequately addressed.

#### **Consultation**

Cr White

Cr Thomas

Executive Management Team

#### **Statutory Environment**

CI 5.3 of the *Shire of Ashburton Standing Orders Local Law 2013* states:

#### **5.3 Motions of which previous notice has been given**

- (1) *Unless the Act, Regulations or this local law otherwise provide, a Member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.*
- (2) *A notice of motion under subclause (1) is to be given at least 14 clear working days before the meeting at which the motion is moved.*
- (3) *A notice of motion is to relate to the good governance of the district.*
- (4) *The CEO -*
  - a) *may, with the concurrence of the Mayor/President, may exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of any of this local law or any other written law;*
  - b) *will inform Members on each occasion that a notice has been excluded and the reasons for that exclusion;*
  - c) *may, after consultation with the Member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and*
  - d) *may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.*
- (5) *A motion of which notice has been given is to lapse unless:*
  - a) *the Member who gave notice of it, or some other Member authorised by the originating Member in writing, moves the motion when called on; or*
  - b) *the Council on a motion agrees to defer consideration of the motion to a later stage or date.*
- (6) *If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.*

It is considered that the Notice of Motion as presented complies with CI (1) – (3) and the report to Council is in compliance with CI (4)(d) of the Standing Orders.

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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 2 – Economic Prosperity

Objective 1 – Strong local economies

#### **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**

ELM23 Notice of Motion Procedural Policy

A relevant extract of the Policy is as follows:

*"The procedures for Lodgement of Notice of Motion with the CEO or Council are to be as per Standing Orders Local Law 2012 (Clause 5.3) however to ensure good governance and efficient processes are upheld, the following procedure shall be adhered to by Elected Members when considering/lodging Notice of Motions.*

*Prior to lodgement the Councillor is to liaise with the CEO and/or Shire President to discuss the merits, wording and options of the proposed Notice of Motion and its desired intentions. The nominating Councillor may then decide, following that liaison, whether to proceed with or to abandon their proposed Notice of Motion."*

In discussions with the President, the draft Notice of Motion was acceptable to be referred to Council.

#### **Voting Requirement**

Simple Majority Required

#### **Officers Recommendation**

That with respect to Cr Thomas's Notice of Motion:

1. That Council's position be that Karijini National Park is a significant and iconic attraction for Western Australia.
2. That based on the significance of the Karijini National Park, Council requests the Chief Executive Officer to write to Department of Biodiversity, Conservation and Attractions (DBCA) and the Minister for DBCA requesting appropriate funding level for Karijini National Park for:
  - Banyjima Drive to be sealed;
  - all other roads, including Mt Bruce Road, to be suitably maintained for public access for all types of vehicles'; and
  - safety issues for National Park users to be adequately addressed.

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**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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**19. NEXT MEETING**

The next Ordinary Meeting of Council will be held on 14 August 2018, at the Council Chambers, Onslow Shire Complex, Second Avenue Onslow, commencing at 1.00 pm.

**20. CLOSURE OF MEETING**

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