

Ordinary Meeting of Council

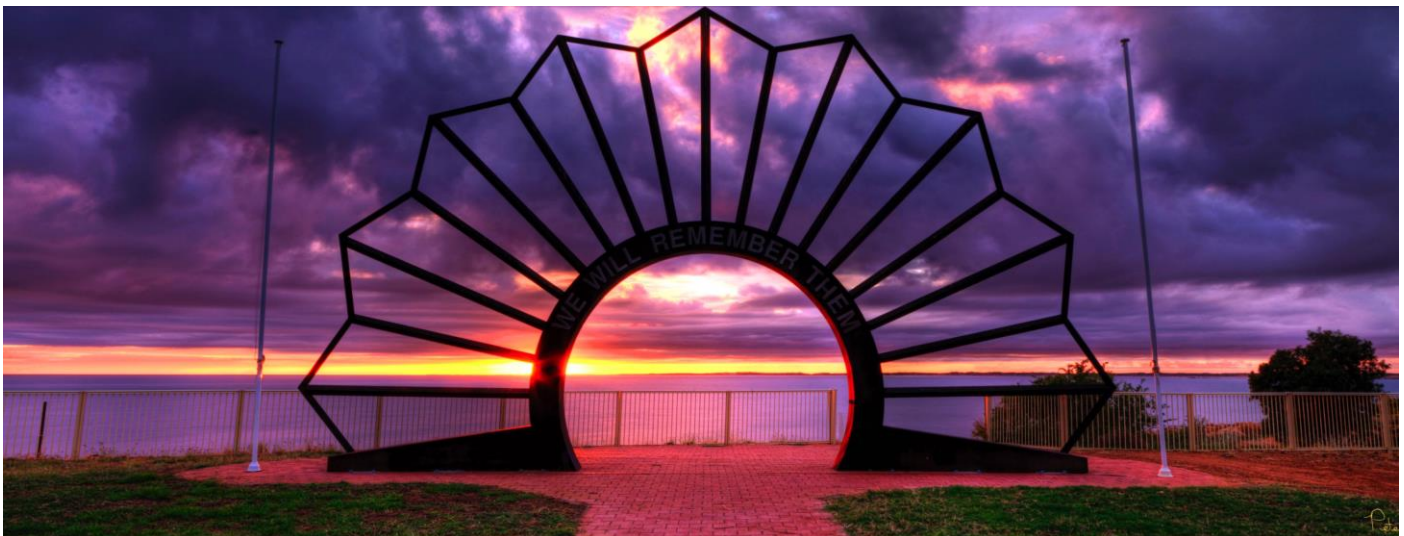
Onslow



Confirmed & Amended Minutes

18 December 2018

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



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

Our Vision

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



STRATEGIC DIRECTIONS

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



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



**SHIRE OF ASHBURTON
ORDINARY MEETING OF COUNCIL**

PUBLIC MINUTES

**Council Chambers, Onslow Shire
Complex, Second Avenue, Onslow
18 December 2018
1.00 pm**

MINUTES - ORDINARY MEETING OF COUNCIL 18 DECEMBER 2018


SHIRE OF ASHBURTON
ORDINARY MEETING OF COUNCIL

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

CEO: 

Date: 18 -12-2018

These minutes were confirmed by Council as a true and correct record of proceedings of the Ordinary Meeting of Council on the 18-12-2018.

Presiding Member: 

Date: 15-01-2019

DISCLAIMER

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

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**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL
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1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 1.02 pm.

1.1 ACKNOWLEDGEMENT OF COUNTRY

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

2. ANNOUNCEMENT OF VISITORS

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

3. ATTENDANCE

3.1 PRESENT

Elected Members:	Cr K White Cr L Rumble Cr D Dias Cr P Foster Cr M Lynch Cr D Diver Cr L Thomas Cr R de Pledge Cr M Gallanagh	Shire President, (Presiding Member) Onslow Ward Deputy Shire President, Paraburdoo Ward Paraburdoo Ward Tom Price Ward Tom Price Ward Tom Price Ward Tableland Ward Ashburton Ward Pannawonica Ward
Staff:	Mr R Paull Mr J Bingham Mrs S Johnston Mr B Cameron Mr A Mccoll Ms J Smith Mrs D Walkington	Chief Executive Officer Director Corporate Services Acting Director Community Services Director Property and Development Services Acting Director Infrastructure Services Executive Coordinator Administration Officer – Community Services
Guests:	Mr Ray De Jong Mr Alex White	Regional Leader – Parks and Visitor Services Pilbara Region/Exmouth District Valuer, Valuations and Property Analytics, Landgate
Members of Public:	There were no members of the public in attendance at the commencement of the meeting.	
Members of Media:	There were no members of the media in attendance at the commencement of the meeting.	

3.2 APOLOGIES

There were no apologies for this meeting.

3.3 APPROVED LEAVE OF ABSENCE

There were no approved Leave of Absences for this meeting.

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4. QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE
Nil

4.2 PUBLIC QUESTION TIME
There were no questions from the public.

5. APPLICATIONS FOR LEAVE OF ABSENCE
There were no applications received for Leave of Absence.

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

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Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.

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

Declarations of Interest provided:

Item Number/ Name	Type of Interest	Nature/Extent of Interest
9.2.4 UNCONFIRMED MINUTES OF THE SHIRE OF ASHBURTON AUDIT AND RISK COMMITTEE MEETING TO BE HELD ON 18 DECEMBER 2018 (ATTACHMENT 9.2 MINUTES TO BE PRESENTED TO COUNCIL)		
Cr Diver	Impartiality	The nature of my interest is my spouse is employed by the Shire of Ashburton. The extent of my interest is my spouse is the co-ordinator of the Tom Price Visitor Centre.
11.6 REVIEW OF COUNCIL POLICIES		
Cr Diver	Impartiality	The nature of my interest is my spouse is employed by the Shire of Ashburton (FIN12). The extent of my interest is my spouse is the co-ordinator of the Tom Price Visitor.
Cr Diver	Impartiality	The nature of my interest is I am a life member of 2 community clubs (REC08). The extent of my interest is at times I hold office bearer positions and apply for community grants.
Cr Foster	Impartiality	The nature of my interest is 1. Vice President, Nameless Jarndunmunha Festival Committee, 2. Chair, Tom Price Senior High School Board, 3. Chairperson, Tom Price Youth Support, 4. Secretary, Nintirri Association. The extent of my interest is 1. Office Bearer, Nameless Jarndunmunha Festival Committee, 2. Member, Tom Price Senior High School Board, 3. Office

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		Bearer, Tom Price Youth Support Association, 4. Office Bearer, Nintirri Association.
Cr Gallanagh	Impartiality	The extent of my interest is I am secretary of PVFRS impartiality. The extent of my interest is I am secretary is I am secretary of PVFRS impartiality.
Cr Dias	Impartiality	The nature of my interest is I am on The Lifestyle Centre – Paraburdoo Incorporated executive committee and hold the position of Vice President, Volunteer Fire Fighter with the Paraburdoo Volunteer Fire & Rescue Service and hold the position of Brigade Lieutenant and Club Treasurer. Member of the Paraburdoo Men’s Shed and I am on the PMS Committee, Parish member of St Teresa of Avila Catholic Church Paraburdoo and I hold the position of special minister at the church and my wife is the treasurer. The extent of my interest is impartiality.
12.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID		
Rob Paull	Indirect Financial	The nature of my interest is that my spouse is employed by Muzzy’s Hardware in Tom Price and the extent of my interest is that my spouse is earning an income from Muzzy’s Hardware Tom Price.
13.2 ROAD REGISTER UPDATE – REMOVAL OF MOUNT BROCKMAN ROAD AND PORTION OF CAMP ROAD, PARABURDOO		
Cr Diver	Financial	The nature of my interest is that I am employed by Rio Tinto. The extent of my interest is that I receive a salary, I also receive subsidized utilities (water / Power) and rent as part of my salary package.
Cr Dias	Financial	The nature of my interest is my wife and I are Hamersley Iron Pty Ltd and Rio Tinto employees respectively and both own shares in Rio Tinto Ltd individually and collectively. Our Primary residence is a house provided by Rio Tinto. We are potential recipients of all the lucrative company benefits offered to employees and shareholders. The extent of my interest is Direct Financial.
Cr Rumble	Financial	The nature of my interest is I am a shareholder of Rio Tinto. The extent of my interest is I have shares of greater value than \$10,000 in Rio Tinto.
Cr Lynch	Financial	The nature of my interest is I am an employee of Rio Tinto and a tenant. The extent of my interest is I am paid a salary by Pilbara Iron.
Cr Gallanagh	Financial	The nature of my interest is myself, my husband and son are all employed by Rio Tinto, have company housing and shares in Rio Tinto. The extent of my interest is myself, my husband and son

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		are all employed by Rio Tinto, have company housing and shares in Rio Tinto.
Cr Foster	Financial	The nature of my interest is my partner is employed by Rio Tinto and is a Rio Tinto shareholder and as a family we live in a Rio Tinto property paying rent. The extent of my interest is my partner receives an income from Rio Tinto, owns over \$10k in Rio Tinto shares and as a family we live in a Rio Tinto property paying rent.
Cr de Pledge	Financial	The nature of my interest is I am a shareholder with Rio Tinto Pty Ltd. The extent of my interest is I have shares to a value less than \$10,000.
14.1 EXECUTION OF EVERY CLUB GRANT AGREEMENT BETWEEN DEPARTMENT OF LOCAL GOVERNMENT, SPORT AND CULTURAL INDUSTRIES AND SHIRE OF ASHBURTON		
Cr Dias	Impartiality	The nature of my interest is I am on The Lifestyle Centre – Paraburdoo Incorporated executive committee and hold the position of Vice President, Volunteer Fire Fighter with the Paraburdoo Volunteer Fire & Rescue Service and hold the position of Brigade Lieutenant and Club Treasurer. Member of the Paraburdoo Men’s Shed and I am on the PMS Committee, Parish member of St Teresa of Avila Catholic Church Paraburdoo and I hold the position of special minister at the church and my wife is the treasurer. The extent of my interest is impartiality.

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

“Dear Mr Paull

I refer to your correspondence dated 12 December 2018 and advise that, in accordance with authority delegated by the Minister for Local Government, the Deputy Director General – Regulation has approved your application, under section 5.69(3)(a) of the Local Government Act 1995 (the Act).

This approval allows disclosing members Cr De Pledge, Cr Diver, Cr Lynch and Cr Rumble to fully participate in the discussion and decision making relating to the belowmentioned item at the Shire’s Ordinary Council Meeting of 18 December 2018:

13.2 ROAD REGISTER UPDATE - REMOVAL OF MOUNT BROCKMAN ROAD AND PORTION OF CAMP ROAD, PARABURDOO

Subject to the following conditions:

- 1. The approval is only valid for the 18 December Ordinary Council Meeting when agenda item 13.2 is considered;*
- 2. The abovementioned Councillors must declare the nature and extent of their*

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interests at the abovementioned meeting when the matter is considered, together with the approval provided;

3. *The CEO is to provide a copy of the Department's letter of approval to the abovementioned Councillors;*
4. *The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;*
5. *The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to the Department, to allow the Department to verify compliance with the conditions of this approval; and*
6. *The approval granted is based solely on the interests disclosed by the abovementioned Councillors, made in accordance with the application.*

Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.

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

*Yours sincerely
Troy Hancock
Senior Legislation Officer*

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

A plaque was presented to the Shire of Ashburton from the Tom Price Emergency Services Cadet Corps for continual commitment and support to the Tom Price Emergency Services Cadets.

8. PETITIONS / DEPUTATIONS / PRESENTATIONS

8.1 PETITIONS

There were no petitions presented to Council.

8.2 DEPUTATIONS

There were no deputations presented to Council.

8.3 PRESENTATIONS

1. Mr Ray De Jong Regional Leader – Parks and Visitor Services Pilbara Region/Exmouth District, addressed Council in regards to Agenda Item 11.5 – Department of Biodiversity, Conservation and Attraction's Proposed Annual Partial Closure of Karijini National Park.
2. Mr Alex White, telephone conference with Council in regards to Agenda Item 12.3 Landgate Response to Council Concerns Relating to 2018 Residential Revaluations of Pannawonica, Paraburdoo and Tom Price.

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9. CONFIRMATION OF MINUTES

9.0.1 UNCONFIRMED MINUTES ORDINARY MEETING OF COUNCIL HELD ON 20 NOVEMBER 2018 (ATTACHMENT 9.0.1)

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr P Foster

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 20 November 2018, as previously circulated on 28 November 2018, be confirmed as a true and accurate record.

CARRIED 9/0

Crs White, Rumble, Dias, de Pledge, Gallanagh, Thomas, Foster, Lynch and Diver voted for the motion

9.1 RECEIPT OF COMMITTEE MINUTES – ‘EN BLOC’

Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Diver

That Council adopts en block the following officer recommendations contained in the Agenda for the Ordinary Meeting of Council 18 December 2018.

Item No. Agenda Item

9.2.1 MINUTES OF THE WALGA STATE COUNCIL MEETING, HELD 7 SEPTEMBER 2018 (ATTACHMENT 9.2.1)

9.2.2 MINUTES OF THE TOM PRICE BUSH FIRE BRIGADE HELD 24 OCTOBER 2018 (ATTACHMENT 9.2.2)

9.2.3 UNCONFIRMED MINUTES FOR THE PILBARA REGIONAL COUNCIL ORDINARY MEETING OF COUNCIL HELD ON 7 DECEMBER 2018 (ATTACHMENT 9.2.3)

CARRIED 9/0

Crs White, Rumble, Dias, de Pledge, Gallanagh, Thomas, Foster, Lynch and Diver voted for the motion

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9.2 RECEIPT OF COMMITTEE AND OTHER MINUTES

9.2.4 UNCONFIRMED MINUTES OF THE SHIRE OF ASHBURTON AUDIT AND RISK COMMITTEE MEETING TO BE HELD ON 18 DECEMBER 2018 (ATTACHMENT 9.2 MINUTES TO BE PRESENTED TO COUNCIL)

Declaration of Interest

Prior to consideration of this Agenda Item

Cr Diver declared an impartiality interest

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That the Unconfirmed Minutes of the Shire of Ashburton, Audit and Risk Committee Meeting to be held on 18 December 2018 be received.

CARRIED 9/0

Crs White, Rumble, Dias, de Pledge, Gallanagh, Thomas, Foster, Lynch and Diver voted for the motion

9.3 RECOMMENDATIONS OF COMMITTEE

9.3.1 REVIEW OF 2017-18 INDEPENDENT AUDIT REPORT AND MANAGEMENT REPORTS

Committee Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That with respect to the Review of the 2017-18 Independent Audit Report and the Management Report, that the Audit and Risk Committee note receipt of the Management Report for the year ended 30 June 2018 and recommend that Council:

- 1. Note the presentation by the Auditor to the Committee;**
- 2. Accept the 2017/18 Annual Financial Report ATTACHMENT 7.1A;**
- 3. Accept the Independent Auditors Report to the Electors of the Shire of Ashburton for the year ended 30 June 2018 ATTACHMENT 7.1B; and**
- 4. Review the Audit Concluding Memorandum CONFIDENTIAL ATTACHMENT 7.1D, prior to the Audit and Risk Committee Meeting and request the CEO to provide an update as required in relation to the Key Audit Risks and Focus Areas.**

CARRIED 9/

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**Crs White, Rumble, Dias, de Pledge, Gallanagh, Thomas, Foster, Lynch and
Diver voted for the motion**

**9.3.2 REGULATION 17 - RISK AUDIT PROGRESS REPORT DECEMBER
2018**

Committee Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

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

- 1. Note the final updated Chief Executive Officer Report (as per ATTACHMENT 7.2) which describes how the suggested improvements / opportunities have been implemented, including actions completed.**

CARRIED 9/0

**Crs White, Rumble, Dias, de Pledge, Gallanagh, Thomas, Foster, Lynch and
Diver voted for the motion**

9.3.3 CORPORATE BUSINESS PLAN – QUARTERLY PROGRESS REPORT

Committee Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Rumble

That with respect to the Corporate Business Plan – Quarterly Progress Report, the Audit and Risk Committee recommend that Council:

- 1. Accept the second quarterly report for the 2018/19 Financial Year of the Shire of Ashburton Corporate Business Plan 2018 -2022; ATTACHMENT 7.3; and**
- 2. Request the Chief Executive Officer to continue providing Corporate Business Plan – Quarterly Progress Reports, with the next meeting to be the 12 March 2019 Audit & Risk Committee.**

CARRIED 9/0

**Crs White, Rumble, Dias, de Pledge, Gallanagh, Thomas, Foster, Lynch and
Diver voted for the motion**

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**9.3.4 OMBUDSMAN WESTERN AUSTRALIA - LOCAL GOVERNMENT
COLLECTION OF OVERDUE RATES FOR PEOPLE IN SITUATIONS OF
VUNERABILITY - GOOD PRACTICE GUIDANCE**

Committee Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Rumble

That with respect to the office of the Ombudsman Western Australia's Good Practice Guidance for Local governments regarding the collection of overdue rates for people in situations of vulnerability that Committee recommend Council note the Good Practice Guidance and ATTACHMENT 7.4.

CARRIED 9/0

Crs White, Rumble, Dias, de Pledge, Gallanagh, Thomas, Foster, Lynch and Diver voted for the motion

9.3.5 CONFIDENTIAL ITEM - UPDATE ON WITTENOOM LITIGATION

Committee Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That with respect to the Confidential Item – Update on Wittenoom Litigation and Appointment of Delegate on the Wittenoom Steering Committee, the Audit and Risk Committee recommend that Council:

- 1. Receive the Confidential Item – Update on Wittenoom Litigation report and remain confidential in accordance s5.23 (2)(b) & (d) of the Local Government Act 1995;**
- 2. In the case of Lee -v- CSR Limited & Ors, authorise the Chief Executive Officer in consultation with the President to accept a claim to a value greater than that provided in delegation DA04-1 WITTENOOM CLAIMS – LEGAL provided that the portion not greater than percent of the claim defined in DA04-1.**
- 3. Ensure that the Shire management continue to provide Wittenoom Litigation Progress Reports to the Audit and Risk Committee.**
- 4. That Council note that the minutes of the Wittenoom Steering Committee of 24 October 2018.**

CARRIED 9/0

Crs White, Rumble, Dias, de Pledge, Gallanagh, Thomas, Foster, Lynch and Diver voted for the motion

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10. AGENDA ITEMS ADOPTED "EN BLOC"

10.1 AGENDA ITEMS ADOPTED 'EN BLOC'

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

"Part 5 – Business of a meeting

Clause 5.6 Adoption by exception resolution:

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

There were no agenda items adopted en bloc.

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11. OFFICE OF THE CEO REPORTS

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

MINUTE: 471/2018

FILE REFERENCE: GV04

**AUTHOR'S NAME AND
POSITION:** Michelle Lewis
Council Support Officer

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

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

DATE REPORT WRITTEN: 5 December 2018

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

**PREVIOUS MEETING
REFERENCE:** Agenda Item 11.1 (Minute No.449/2018) - Ordinary
Meeting of Council 20 November 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, Community Services and Property and Development Services.

ATTACHMENT 11.1

Consultation

Executive Management Team

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

"Role of council

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

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

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 4 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Thomas

That Council receive the "Council Decisions Status Reports" for the month of November 2018 as per ATTACHMENT 11.1.

CARRIED 9/0
**Crs White, Rumble, Dias, de Pledge, Gallanagh, Thomas, Foster, Lynch and Diver
voted for the motion**

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

MINUTE: 472/2018

FILE REFERENCE: GV21
CM02

**AUTHOR'S NAME AND
POSITION:** Michelle Lewis
Councillor Support Officer

Brooke Beswick
Administration Assistant Planning

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

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

DATE REPORT WRITTEN: 5 December 2018

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

**PREVIOUS MEETING
REFERENCE:** Not Applicable

Summary

The purpose of this agenda item is to report to Council for information, use of the Common Seal, actions performed under delegated authority requiring referral to Council and a copy of the Tender Register, for the month of November 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 and can be managed by routine procedures, and is unlikely to need specific application of resources.

Policy Implications

ELM 13 – Affixing the Shire of Ashburton Common Seal

FIN12 – Purchasing and Tendering Policy

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Diver

That with respect to the Use of Common Seal and Actions Performed under Delegated Authority for the Month of November 2018, that Council receive the reports relating to:

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

CARRIED 9/0
**Crs White, Rumble, Dias, de Pledge, Gallanagh, Thomas, Foster, Lynch and Diver
voted for the motion**

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11.3 REVIEW OF THE LOCAL GOVERNMENT ACT 1995

MINUTE: 473/2018

FILE REFERENCE:	GV20
AUTHOR'S NAME AND POSITION:	Nicky Tyson Manager Governance & Corporate Strategy
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	3 December 2018
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The purpose of this report is to inform Council of Phase 2 in the development of a new Local Government Act for Western Australia.

As part of Phase 2, the Western Australian Local Government Association (WALGA) and the Department of Local Government Sport and Cultural Industries hosted a series of Local Government Act Review Forums across the state. These facilitated forums were held between 10 October and 15 November 2018.

A number of Shire of Ashburton staff and Councillors attended a facilitated forum on Thursday 15 November 2018 held at the Shire of East Pilbara.

The Department developed detailed Discussion Papers for each of the 11 themes with accompanying questionnaires and are accepting responses from Local Governments, individual Elected Members, Officers and the general community until 31 March 2019.

It is the Shire's intention to submit our responses to WALGA by Friday, 22 February 2019 so that an agenda item formulating sector positions on the Act review can be presented to the WALGA Zone meetings leading up to the Tuesday 26 March 2019 WALGA State Council meeting.

Background

The Minister for Local Government commenced a review of the *Local Government Act* with both a community and a local government consultation process in 2017. WALGA conducted a comprehensive consultation process with member local governments, resulting in the adoption of policy positions on Phase 1 of the *Local Government Act* by State Council in December 2017 and March 2018.

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The Minister for Local Government announced Phase 1 policy positions at the WALGA Annual General Meeting on 1 August 2018 and intends to introduce legislation prior to the end of the year. WALGA and Local Government Professionals have been consulted on the draft legislation.

It is anticipated an Amendment Bill dealing with matters raised under Phase 1 – gifts, training for Council members, behaviours, administrative efficiencies etc. - will soon be presented to Parliament.

The Minister for Local Government announced the consultation process for Phase 2 of the Act review in August 2018, with 11 themes arranged under the ‘Smart, Agile, Inclusive’ headings:

Smart

- *Administrative Efficiencies*
- *Local Laws*
- *Council Meetings*
- *Interventions*

Agile

- *Beneficial Enterprises*
- *Financial Management*
- *Rates*

Inclusive

- *Community Engagement*
- *Integrated Planning and Reporting*
- *Complaints Management*
- *Elections*

Comment

WALGA is offering an opportunity for member local governments’ submissions to consider, review, amend and add to the advocacy positions endorsed by State Council in March 2018 following the Phase 1 review process.

It is WALGA’s intention to provide a means for local governments to offer submissions on any aspect of the 11 themes discussed under the ‘Smart, Agile, Inclusive’ headings or any other matter of interest that can feed into the Act review process.

In addition to this opportunity, WALGA is planning a State-wide Forum on the future of Local Government proposed to be held on 30 January 2019. The forum will include a review of the information coming through from the Local Government Act forums and submissions. In addition there will be guest speakers presenting on the future of local government.

Further information regarding the State-wide forums will be communicated once available.

ATTACHMENT 11.3

Consultation

Elected Members

Executive Management Team

Manager Governance & Corporate Strategy

Department of Local Government Sport and Cultural Industries

WALGA

Shire of East Pilbara

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Statutory Environment

Local Government Act 1995

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 05 – Inspiring Governance

Objective 01 – Effective Planning for the Future

Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton’s Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be ‘Moderate’ risk that will be managed by policy, procedures and monitoring.

Policy Implications

No known policy implications at this stage, however upon the reform, any legislative changes will be reviewed and implemented as need be.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr L Rumble

SECONDED: Cr M Gallanagh

That with respect to the Review of the *Local Government Act 1995*, that Council:

- 1. Note the report and Discussion Papers ATTACHMENT 11.3 for each of the 11 themes; and**
- 2. Request the Chief Executive Officer to prepare a draft submission in relation to the development of a new Local Government Act for Western Australia and refer to Council for consideration at the February 2019 Ordinary Meeting.**

CARRIED 9/0

**Crs White, Rumble, Dias, de Pledge, Gallanagh, Thomas, Foster, Lynch and Diver
voted for the motion**

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11.4 ANNUAL REPORT FOR 2017/18 AND ANNUAL GENERAL MEETING OF ELECTORS

MINUTE: 474/2018	CM08
FILE REFERENCE:	
AUTHOR'S NAME AND POSITION:	Nicky Tyson Manager Governance & Corporate Strategy
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	28 November 2018
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.2 (Minute No. 282/2017) – Ordinary Meeting of Council 15 December 2017

Summary

The Audit and Risk Committee is requested to recommend that Council endorse the 2017/2018 Annual report and to select a date, time and venue for the Annual General Meeting of Electors.

Background

Pursuant to section 5.53 of the *Local Government Act 1995 (the Act)*, a local government is required to prepare an Annual Report for each financial year. The report is to contain:

- A report from the Shire President and the Chief Executive Officer;
- An overview of the Plan for the Future, including any major initiatives that are proposed to commence or continue in the next financial year;
- The 2017/18 Financial Report;
- The 2017/18 Auditor Report;
- Prescribed information in relation to payments made to employees; and
- Any other prescribed information.

ATTACHMENT 11.4

Comment

The draft Annual Report for 2017/18 is in the process of being finalised. The Audit and Risk Committee is also requested to give consideration to recommending to Council the date, time and location of the Annual General Meeting (AGM). The AGM must be held within 56 days from the date Council accepts the Annual Report and Financial Statements.

Should Committee recommend Council to accept the Annual Report at this meeting, the latest possible date for the AGM is Friday 8 February 2019.

Consultation

Executive Management Team

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Manager Governance & Corporate Strategy
Media Coordinator
Finance Team

Statutory Environment

Local Government Act 1995

5.27. Electors' general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

5.54. Acceptance of annual reports

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*
** Absolute majority required.*
- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available*

Financial Implications

The financial implications are detailed in the Annual Financial Report.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027
Goal 05 – Inspiring Governance
Objective 03 – Council Leadership
Objective 04 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Absolute Majority Required

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Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr R de Pledge

That with respect to the 2017/18 Annual Report and the Annual General Meeting of Electors, that Council:

- 1. Accept the 2017/18 Annual Report ATTACHMENT 11.4;**
- 2. Hold the Annual General Meeting of Electors on Tuesday 15 January 2019 commencing at 4.00pm at the Clem Thompson Sports Pavilion, Tom Price; and**
- 3. Advertise the 2017/18 Annual Report and Annual General Meeting of Electors giving at least 14 days local public notice in accordance with section 5.29 of the *Local Government Act 1995*.**

CARRIED BY ABSOLUTE MAJORITY 9/0

**Crs White, Rumble, Dias, de Pledge, Gallanagh, Thomas, Foster, Lynch and Diver
voted for the motion**

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**11.5 DEPARTMENT OF BIODIVERSITY, CONSERVATION AND
ATTRACTION'S PROPOSED ANNUAL PARTIAL CLOSURE OF
KARIJINI NATIONAL PARK**

Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That Council requested agenda item 11.5 - That Agenda item 11.5 DEPARTMENT OF BIODIVERSITY, CONSERVATION AND ATTRACTION'S PROPOSED ANNUAL PARTIAL CLOSURE OF KARIJINI NATIONAL PARK laid on the table at the Ordinary Meeting of Council 20 November 2018 'Be Raised from the Table.'

CARRIED 9/0

**Crs White, Rumble, Dias, de Pledge, Gallanagh, Thomas, Foster, Lynch and Diver
voted for the motion**

MINUTE: 475/2018

FILE REFERENCE:

PR1

**AUTHOR'S NAME AND
POSITION:**

Rob Paull
Chief Executive Officer

**AUTHORISING OFFICER AND
POSITION:**

Rob Paull
Chief Executive Officer

**NAME OF APPLICANT/
RESPONDENT:**

Not Applicable

DATE REPORT WRITTEN:

5 December 2018

**DISCLOSURE OF FINANCIAL
INTEREST:**

The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

**PREVIOUS MEETING
REFERENCE:**

Not Applicable

Summary

The Department of Biodiversity, Conservation and Attraction's (DBCA) Pilbara Region is seeking comment regarding a potential annual 3 month partial closure of Karijini National Park (KNP).

Background

The DBCA Pilbara Region is seeking comment regarding a potential annual 3 month partial closure of KNP. The DBCA has advised the temporary closure is in an effort to improve overall management effectiveness across the National Park during the months of December, January and February. Consideration is being given for such closures from the 2019-2020 summer season onwards, with regular ongoing reviews.

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Specifically the DBCA propose the "north-central sector" of KNP (including the entire lengths of the Banjima West and Banjima North roads, Karijini Eco Retreat, as well as Weano, Joffre, Knox and Kalamina recreation sites and associated access roads) be closed for the months of December, January and February of each year.

Correspondence from DBCA is included as **ATTACHMENT 11.5**.

Comment

Whilst the Shire would prefer KNP is not closed at any time of the year, there is an appreciation the periods chosen for the closure would have the least impact on local tourism.

The Shire understands the 'west side' of KNP is first to close for any weather events and generally, the waters on the west side are usually the first to dry up or become stagnant.

From statistics prepared by the Tom Price Visitor Centre, December, January and February are normally relatively quiet months as visitor figures to the Centre shows:

	2015/16	2016/17	2017/18
DECEMBER	1705	1613	1534
JANUARY	1418	1417	1515
FEBRUARY	1691	1511	1429
	4814 visitors	4541 visitors	4478 visitors

As a comparison, for the 'peak months of June, July and August, the Visitor Centre figures are as follows:

	2015	2016	2017	2018
JUNE	8386	8565	7042	9174
JULY	13,110	11,822	12,146	13,034
AUGUST	11,109	10,527	10,952	12,099
	32,605 visitors	30,914 visitors	30,140 visitors	34,307 visitors

Council is requested to consider correspondence from the DBCA and should it be deemed appropriate provide a suitable response. In relation to the Shire's position, it is considered that should a partial closure of KNP be sought, the selected months of December, January and February are most reasonable.

Further to this the period for closure could initially be for 2019/20 only so as to allow the Shire and DBCA to monitor any potential negative reaction from tourists and tourism operators during the closure. In this regard the DBCA could be requested to ensure it undertake consultations with all tourist operators (including transportation companies) for their views. Future support from Council should therefore be conditional upon the feedback from these parties.

Consultation

Councillors (via EMACCESS)
Executive Management Team
Tom Price Visitor Centre

Statutory Environment

There are no known statutory matters relevant to this matter.

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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 02 Economic Prosperity

Objective 01 – Strong Local Economies

Objective 02 – Enduring Partnerships with Industry and Government

Risk Management

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

Policy Implications

There are no known policy implications for this this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the Department of Biodiversity, Conservation and Attraction's proposed annual partial closure of Karijini National Park, that Council:

1. Thank the Department of Biodiversity, Conservation and Attraction's (DBCA) correspondence seeking Council's views on the annual partial closure of Karijini National Park (KNP).
2. Advise the DBCA that whilst preferring that the KNP not be closed for any period (partial or otherwise) that the selected months of December, January and February is considered to be the most reasonable period of closure and any partial closure of the KNP be subject to the following:
 - a) partial closure only for the months of December, January and February 2019/20 period (and subject to review);
 - b) that prior to any closure, the DBCA consult with all local tourist operators (including transportation companies) for their views;
 - c) that local tour operators including transportation companies do not oppose the partial closure of the KNP;
 - d) Council opposes the partial closure until all local tourist operators and transportation companies support the proposal; and
 - e) the DBCA monitor and advise the Shire of any negative reactions from the tourist industry and tourists in relation to the partial closure.

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Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Rumble

That with respect to the Department of Biodiversity, Conservation and Attraction's proposed annual partial closure of Karijini National Park, that Council:

- 1. Thank the Department of Biodiversity, Conservation and Attraction's (DBCA) correspondence seeking Council's views on the annual partial closure of Karijini National Park (KNP).**
- 2. That Council does not support KNP to be closed for any period as it is an iconic tourist attraction for the Shire of Ashburton and is of cultural significance.**
- 3. Advise the DBCA that whilst preferring that the KNP not be closed for any period (partial or otherwise) that the selected months of December, January and February is considered to be the most reasonable period of closure and any partial closure of the KNP be subject to the following:**
 - a) partial closure only for the months of December, January and February 2019/20 period (and subject to review);**
 - b) that prior to any closure, the DBCA consult with the Traditional Owners and all local tourist operators (including transportation companies) for their views;**
 - c) that local tour operators including transportation companies do not oppose the partial closure of the KNP;**
 - d) Council opposes the partial closure until all local tourist operators and transportation companies support the proposal; and**
 - e) the DBCA monitor and advise the Shire of any negative reactions from the tourist industry and tourists in relation to the partial closure.**

CARRIED 7/2

Crs White, Rumble, de Pledge, Gallanagh, Thomas, Foster, and Lynch voted for the motion

Cr Diver and Cr Dias voted against the motion

Reason for Change:

Council considered that the modification strengthens Council's resolve not to support the Park's closure and also seeks to ensure that the Traditional Owners are consulted as the Park is of cultural significance to the Traditional Owners and they may require access to the Park to conduct lore or other business as appropriate.

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11.6 REVIEW OF COUNCIL POLICIES

Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Rumble

That the meeting be adjourned at 2.29 pm.

CARRIED 9/0
**Crs White, Rumble, Dias, de Pledge, Gallanagh, Thomas, Foster, Lynch and Diver
voted for the motion**

Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Rumble

That the meeting resume at 2.38 pm.

CARRIED 9/0
**Crs White, Rumble, Dias, de Pledge, Gallanagh, Thomas, Foster, Lynch and Diver
voted for the motion**

Declaration of Interest

Prior to consideration of this Agenda Item

Cr Diver declared an impartiality interest

Cr Rumble declared an impartiality interest

Cr Foster declared an impartiality interest

Cr Gallanagh declared an impartiality interest

Cr Dias declared an impartiality interest

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

MINUTE: 476/2018

FILE REFERENCE: GV20

**AUTHOR'S NAME AND POSITION: Nicky Tyson
Manager Governance & Corporate Strategy**

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

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

DATE REPORT WRITTEN: 5 December 2018
DISCLOSURE OF FINANCIAL INTEREST: The author and authorising officer have no financial, proximity or impartiality interests in the proposal.

PREVIOUS MEETING REFERENCE: FIN12 - Agenda Item 13.3 (Minute No. 265/2017) – Ordinary Meeting of Council 21 November 2017

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Summary

Section 2.7(2) (b) of the *Local Government Act 1995* states that the making of policy is a role of the Council. A review of all due policies has been conducted to ensure accuracy and currency which reflect the Council's commitment to ensuring best practice principles as part of our Governance Framework. The policies attached have been reviewed by the Executive Management Team including the Chief Executive Officer, all Directors and relevant stakeholders.

The review included the need to define policy level; currency of the policy content; relevant statutory environments; policy owner; review timeframes; and formatting to align with the Shire's new Policy Manual template.

Background

The role of Council in setting policy is most effective when it is linked with a professional organisation that implements these policies through the development of appropriate management practices and work processes.

Council policy should set the standards for the administration to achieve and make strategic policy decisions that guide officers in their decision making processes. The Policy review process is now in its fifth year and highlights Council's focus on strategic governance as it provides clarity, ownership, and accountability to the Ashburton community and for the staff of the Shire.

Comment

Council policies which have undergone changes during their review are attached to this Agenda in final draft for consideration. All policy amendment details are kept in an internal Policy Register. All current policies are included in our 'Policy Manual' and uploaded onto the Shire's website.

A review of the four listed policies by the Executive Management Team and relevant stakeholders is now complete and recommendations to the policies are as summarised below:

NUMBER	POLICY	ACTION	DETAIL
EMP37	Salary Sacrifice	Adopt new policy	A new policy regarding the ability for staff to salary sacrifice. Sets the details and parameters.
FIN12	Purchasing Policy	Adopt with suggested changes	Significant changes to the policy in line with current requirements of the Shire.
FIN23	Disposal of Property	Adopt new policy	New policy created to assist the organisation and public to better understand our legislative requirements when disposing of property to greatly assist the disposal of any surrendered, seized and/or confiscated items at Onslow Airport.
REC08	Community Donations, Sponsorship and Funding Policy	Adopt with suggested changes	Policy has been reviewed and significant amendments made to align with current budgets constraints and the requirements of the community.

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ATTACHMENT 11.6

Consultation

Councillors (via EMACCESS)
Executive Management Team
Manager Governance & Corporate Strategy

Statutory Environment

The Local Government Act 1995 Section 2.7(2) (b) states that the making of a policy is a role of the Council.

Financial Implications

There are no known financial implications

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017- 2027
Goal 05 – Inspiring Governance
Objective 03 – Council Leadership
Objective 04 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

Multiple Policies amended as part of this policy review.

Voting Requirement

Absolute Majority Required

Officers Recommendation and Council Decision

MOVED: Cr M Gallanagh

SECONDED: Cr L Rumble

That with respect to the review of Policies EMP37 (*Salary Sacrifice*), FIN12 (*Purchasing Policy*), FIN23 (*Disposal of Property*) and REC08 (*Community Donations, Sponsorship and Funding Policy*), that Council:

- 1. Adopt all suggested Policy changes and the implementation of new policies as per ATTACHMENT 11.6 and change policy title of FIN23 Disposal of Property to FIN23 Disposal of Property (other than land)**

CARRIED BY ABSOLUTE MAJORITY 9/0

Crs White, Rumble, Dias, de Pledge, Gallanagh, Thomas, Foster, Lynch and Diver voted for the motion

Reason for change:

At the request of the Chief Executive Officer, the title of FIN23 was changed to clarify that the disposal of property did not include land.

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**11.7 RESPONSE TO CONCERNS RELATING TO THE NBN ROLLOUT
ACROSS THE SHIRE OF ASHBURTON**

MINUTE: 477/2018

IT02

FILE REFERENCE:

**AUTHOR'S NAME AND
POSITION:**

Michelle Lewis
Councillor Support Officer

**AUTHORISING OFFICER AND
POSITION:**

Robert Paull
Chief Executive Officer

**NAME OF APPLICANT/
RESPONDENT:**

Not Applicable

DATE REPORT WRITTEN:

7 December 2018

**DISCLOSURE OF FINANCIAL
INTEREST:**

The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

**PREVIOUS MEETING
REFERENCE:**

Agenda Item 16.1 (Minute Number 443/2018) –
Ordinary Meeting of Council 23 October 2018

Summary

Correspondence has been received from Senator The Hon Mathias Cormann, Minister for Finance and the Public Service and Senator The Hon Mitch Fifield MP, Minister for Communications and the Arts concerning Council's queries to the Federal Members of Parliament on 7 November 2018 regarding the rollout of the National Broadband Network (NBN) in the Shire of Ashburton, Particularly in Paraburdoo, Tom Price and Onslow.

Background

At the 23 October 2018 Ordinary Meeting Council resolved as follows:

- "1. Resolve that it is disappointed with the NBN roll-out across Paraburdoo and Tom Price with some properties still unable to access the service.*
- 2. Ask the Chief Executive Officer to write to the NBN Co asking how this is being addressed - as it is affecting resident and business customers across the two towns, for example Yanagin Place (no connections as I understand it), Pilkena St (some properties not all) and Croton St (some properties not all).*
- 3. Seek a response from NBN in relation to providing a more secure internet service for Onslow that does not rely upon Skymuster satellite connection.*
- 4. Invite an NBN representative to present to the November 2018 Ordinary Meeting of Council in Paraburdoo regarding the above concerns.*
- 5. That the President be requested to write to all relevant Federal Members of Parliament and the Minister for Communications expressing grave concern as to the impact that the*

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NBN Rollout is having on businesses in the Shire, in particular the Tom Price Medical Centre.”

Comment

Letters of response regarding the NBN services across the Shire of Ashburton have been received for Council’s consideration.

ATTACHMENT 11.7

Consultation

Executive Management Team
President, Cr Kerry White

Statutory Environment

There are no known statutory implications for this matter.

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 3 - Council Leadership
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”.

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Diver

That with respect to the concerns relating to the NBN rollout across the Shire of Ashburton, that Council:

- 1. Acknowledge receipt of the correspondence from Senator The Hon Mathias Cormann, Minister for Finance and the Public Service and Senator the Hon Mitch Fifield MP, Minister for Communications and the Arts (ATTACHMENT 11.7).**

**CARRIED 9/0
Crs White, Rumble, Dias, de Pledge, Gallanagh, Thomas, Foster, Lynch and Diver
voted for the motion**

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12. CORPORATE SERVICES REPORTS

12.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID

Declaration of Interest

Prior to consideration of this Agenda Item

Mr Rob Paull declared an indirect financial interest

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

MINUTE: 478/2018

FILE REFERENCE:	FM03
AUTHOR'S NAME AND POSITION:	Kerry Fisher Finance Manager
AUTHORISING OFFICER AND POSITION:	John Bingham Director Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	1 December 2018
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial, proximity or impartiality interests in the proposal. However, the Chief Executive Officer has an indirect financial interest due to his spouse being employed and receiving an income from 'Muzzy's Hardware (Tom Price).
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

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

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

Background

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

Comment

Asset depreciation expense will not be posted to the 2018/19 accounts until completion of the 2017/18 Annual Audit. A 2018/19 Capex Tracker is available as part of Monthly Reports.

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There are no budget recommendations for November 2018.

Consultation

Executive Management Team
Finance Team

Statutory Environment

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

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

(b) Is authorised in advance by resolution*

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

*requires an absolute majority of Council.

Financial Implications

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

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 4 – Exemplary Team and Work Environment

Risk Management

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

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 and for 2018/19 of \$6,502,047. Barrow Island is Assessment No. A6413 and has a UV of \$13,808,000 with rates levied for 2017/18 of \$5,281,104 and 2018/19 of \$5,167,600.

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 a hearing undertaken on 25 and 26 September 2018. A further two days have been scheduled for 30 November and 5 December 2018. It is unlikely therefore a decision will be forthcoming until January 2019 at the earliest. If the decision is unfavourable to Council the maximum quantum of liability will be around \$17.5M based on the abovementioned.

To help mitigate the risk with this formal objection Council retains a cash backed Financial Risk Reserve (FRR) with a forecast balance at the end of the financial year (subject to no adverse appeals) of \$12.5M.

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This major risk is categorised as potentially *extreme* on the Council's adopted risk management framework and thresholds due to the potential risk being greater than \$5M of current year and a comparable amount to future revenues.

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required for both recommendations

Officers Recommendation and Council Decision 1

MOVED: Cr D Diver

SECONDED: Cr M Lynch

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

- 1. Receive the Financial Report for November 2018 ATTACHMENT 12.1A; and**
- 2. Receive the Capital Expenditures Progress Tracker for November 2018 ATTACHMENT 12.1B;**
- 3. Receive the Budget Amendment Register as at 30 November 2018 ATTACHMENT 12.1C; and**
- 4. Receive the Schedule of Accounts and Credit Card payments made in November 2018 (approved by the Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds) ATTACHMENT 12.1D.**

CARRIED 9/0

**Crs White, Rumble, Dias, de Pledge, Gallanagh, Thomas, Foster, Lynch and Diver
voted for the motion**

Mr Paull left the room at 2.55 pm due to a declaration of interest for Officers Recommendation 2.

Officers Recommendation Council Decision 2

MOVED: Cr P Foster

SECONDED: Cr L Rumble

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

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

CARRIED 9/0

**Crs White, Rumble, Dias, de Pledge, Gallanagh, Thomas, Foster, Lynch and Diver
voted for the motion**

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Mr Paull re-entered the room at 2.56 pm. The Presiding Member advised Mr Paull of the outcome of the vote for this item.

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12.2 GROSS RENTAL VALUATION (GRV) RATING OF TRANSIENT WORKFORCE ACCOMMODATION

MINUTE: 479/2018

FILE REFERENCE: RV01

AUTHOR'S NAME AND POSITION: John Bingham
Director Corporate Services

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 3 December 2018

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial, proximity or impartiality interests in the proposal.

PREVIOUS MEETING REFERENCE: Agenda Item 12.5 (Minute No. 350/2018) – Ordinary Meeting of Council 23 April 2018

Summary

At the 23 April 2018 Ordinary Meeting of Council (OMC) Shire officers were authorised to undertake an analysis of 34 Transient Workforce Accommodation (TWA) camps identified in the District with a view to making an application to the Minister of Local Government, Sport and Cultural Industries (DLGSCI) to spot rate the camps using a Gross Rental Value (GRV).

On 27 November 2018 Mr. Troy Hancock, Senior Legislation Officer at the DLGSCI advised the Shire that the application had been approved. This report informs Council of the TWA's approved by the Minister and recommends the Shire write to the property holders advising them of the impact of the decision.

Background

At the 23 April 2018 OMC Council authorised Shire officers to apply to the Minister for a determination to spot rate TWA's located on mining and miscellaneous tenement leases using a GRV. After consultation with property holders twenty five of the thirty four identified TWA's were assessed as being eligible for the application. The application was prepared and sent to the Ministers office on 3 May 2018.

Table 1 – Twenty-five TWA's included in the Application to the Minister

No.	Camp Name	Camp Owner	No. of Beds	VGO Indicative GRV
1	Blacksmith	Flinders Mines	25	35,000
2	Bonnie Doon	FMG Pilbara PL	90	25,000
3	Brockman 2 Village	RTIO Hammersley Iron PL	611	1,040,000
4	Brockman 4 Operations Village	RTIO Hammersley Iron PL	755	1,275,000
5	Bungaroo Camp	BCI Minerals	20	25,000

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6	Cardo Camp Red Hill	API Management	50	510,000
7	Cowra	BHP	300	550,000
8	Dally Village (Solomon Hub)	FMG Pilbara PL	800	1,900,000
9	Delphine	FMG Pilbara PL	50	50,000
10	Edge	FMG Pilbara PL	60	80,000
11	Eliwana	FMG Pilbara PL	100	85,000
12	Homestead Village	RTIO Hammersley Iron PL	79	105,000
13	Jerriwah	RTIO Hammersley Iron PL	414	700,000
14	Jundunmunnah Village	RTIO Hammersley Iron PL	605	1,030,000
15	Kangi (Solomon Hub)	FMG Pilbara PL	1,776	4,250,000
16	Kurra Kulli Village	RTIO Hammersley Iron PL	118	200,000
17	Mesa A Village (Waramboo)	RTIO Robe River Iron Assoc.	585	1,000,000
18	Mt Elvire	API Management	20	50,000
19	Mt Minnie	WA Limestone	60	100,000
20	Nammuldi Village	RTIO Hammersley Iron PL	833	1,280,000
21	Paulsens Mine Camp	Northern Star Resources	166	340,000
22	Ti Tree Village	RTIO Robe River Iron Assoc.	49	85,000
23	Weelamurra (Hope Downs)	RTIO Robe River Iron Assoc.	0	920,000
24	West Pilbara Village	RTIO Hammersley Iron PL	288	500,000
25	Yandi Spinifex	BHP	1,200	2,250,000
	TOTAL		9,054	18,385,000

TWA's also identified but excluded from the application to the Minister are those in the Strategic Industry sector. Also at the 23 April 2018 OMC Council resolved to *defer* spot rating for these camps until a review can be undertaken to determine their basis of rating.

Table 2 – Strategic Industry TWA's

No.	Camp Name	Camp Owner	No. of Beds	VGO Indicative GRV
1	Gorgon Butler Park	Chevron TAPL Pty Ltd	4,002	5,000,000
2	Gorgon Production Camp	Chevron TAPL Pty Ltd	206	280,000
3	Varanus Island Camp	Quadrant Energy	142	320,000
4	Wheatstone Village	Chevron TAPL Pty Ltd	6,664	4,500,000
	TOTAL		10,014	10,100,000

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The remaining TWA's identified in the district during this application process are those located in the Shires town-sites, including one located outside the Tom Price towns-site (Punurunha Village - Marandoo).

These TWA's are currently rated GRV Commercial / Industrial and it is intended they be grouped alongside those recently approved by the Minister under a new rating category: 'GRV – Transient Workforce Accommodation'.

- 1) Pannawonica Town – Wandoo (RTIO Robe River Iron Associates);
- 2) Paraburdoo Town – Rocklea Palms (RTIO Hammersley Iron PL);
- 3) Punurunha Village – Marandoo (RTIO Hammersley Iron PL);
- 4) Tom Price Town – VIP Lodge (RTIO Hammersley Iron PL); and
- 5) Tom Price Town – Windawarri (RTIO Hammersley Iron PL).

Comment

On 27 November 2018 Mr. Troy Hancock, Senior Legislation Officer at the DLGSCI advised the Shire's application to spot rate the camps using a GRV had been approved.

ATTACHMENT 12.2A

Of the twenty five TWA's included in the application three had not been approved due to their status of being temporary, closed or not in use:

1. Mt Elvire – it is a temporary camp;
2. Blacksmith – the associated mine is closed; and
3. The Bungaroo Camp – it is a mobile camp that is currently not in use and is awaiting removal.

The approved TWA's are now being progressed for Gazettal after which Landgate will formally establish valuations for each property and advise the Shire accordingly for purposes of interim rating, as is this case with all interim valuations. The process of establishing valuations will include new GRV valuations for the TWA's as well as changes to the existing UV valuations upon the camps are located. This means the camps will be 'excised' from the mining tenement valuations – an adjustment predicted to be between 0% and 5% according to sources at Landgate.

Further the process is likely to take several months to complete, due to the size, complexity and significant financial impact the interim rating will have on property holders. Once the interim valuations are received from Landgate a report outlining the financial implications of interim rates for the TWA's will be prepared for Council. At this stage therefore no further action or resolution is required by Council in relation to interim rating.

Pending notification from Landgate however it is recommended the Shire correspond with property holders and inform them of the Minister's determination and the impact of the decision in relation to interim rates for 2018/19, effective from 26 November 2018. A full list of TWA's is attached.

ATTACHMENT 12.2B

Consultation

Executive Management Team

Finance Team

Landgate

Department of Local Government, Sport and Cultural Industries

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Statutory Environment

Local Government Act 1995 section 6.26 (2) (a) (i) under which the Shire is able to rate unoccupied land where a person (or company) is the owner of that land by way of Mining Tenement or similar.

Local Government Act 1995 section 6.28 which specifies that when determining the method of valuation of land, the Minister is to have regard to the general principle that the basis for a rate on any land is to be (a) where the land is used predominantly for rural purposes, the UV of the land; and (b) where the land is used for non-rural purposes, the GRV of the land.

Department of Local Government Rating Policy: Valuation of Land – Mining under which an application is to be made for spot rating TWA's and other structures located on Mining Tenements and other land outside the Town's boundaries.

Financial Implications

When the Minister is making a determination in regard to a change in valuation method, the Act does not specify financial impact as a basis for the determination. Total general rates are determined by the extent of any budgeted deficiency, the overall impact of a change in the basis of valuation of one or more properties within the district has no impact on the total budgeted rate yield required to be levied by the Shire.

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

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

Policy Implications

In November 2017 Council reformulated FIN16 - "GRV Rating of Improvements on Mining Tenements and Petroleum Licence Sites Policy" into a new policy FIN21 - 'Rating'. The focus of FIN21 – 'Rating' is the application of GRV valuations to TWA's as well as those UV properties predominantly used for non-rural purposes and located outside a town-site boundary. This report recommends an implementation of the principles contained in FIN21 – 'Rating'.

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Voting Requirement
Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr D Dias

SECONDED: Cr R de Pledge

That with respect to the Ministers determination for Gross Rental Value (GRV) spot rating of Transient Workforce Accommodation, that Council:

- 1. Receive and accept the Ministers determination for GRV spot rating of Transient Workforce Accommodation as detailed in correspondence received from Senior Legislation Officer, Mr. Troy Hancock on 27 November 2018 (ATTACHMENT 12.2A);**
- 2. Authorise the Chief Executive Officer (or authorised officer) to correspond with property holders to inform them of the Minister's determination and the pending interim rates for 2018/19, effective from 26 November 2018; and**
- 3. Direct the Chief Executive Officer (or authorised officer) to prepare a report to Council outlining the financial implications of interim rates for the Transient Workforce Accommodation as soon as Landgate advises the Shire of valuations for each campsite.**

CARRIED 9/0

**Crs White, Rumble, Dias, de Pledge, Gallanagh, Thomas, Foster, Lynch and Diver
voted for the motion**

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**12.3 LANDGATE RESPONSE TO COUNCIL CONCERNS RELATING TO
2018 RESIDENTIAL REVALUATIONS OF PANNAWONICA,
PARABURDOO AND TOM PRICE**

MINUTE: 480/2018

FILE REFERENCE: GV04

AUTHOR'S NAME AND POSITION: John Bingham
Director Corporate Services

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

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

DATE REPORT WRITTEN: 6 December 2018

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

PREVIOUS MEETING REFERENCE: Agenda Item 16.2 (Minute 444/2018) – Ordinary Meeting of Council 23 October 2018

Summary

At the 23 October Ordinary Meeting of Council Councillor White put forward a Notice of Motion due to concerns relating to Landgate 2018 residential revaluations for Pannawonica, Paraburadoo and Tom Price. This report informs Council of Landgate's response addressing Councillor White's concerns.

Background

At the 23 October Ordinary Meeting, Council resolved as follows:

"That with respect to the Notice of Motion – concerns relating to Landgate 2018 Residential Revaluations of Pannawonica, Paraburadoo and Tom Price, that Council:

Request the Chief Executive Officer to write to Landgate seeking evidence of what information, assessments and submissions (if any) it utilised in determining the 2018 residential revaluations that resulted in the following average decreases to the Districts townsites:

- *Pannawonica (55%);*
- *Paraburadoo (55%); and*
- *Tom Price (45%)".*

A copy of the correspondence sent to Landgate on 31 October 2018 is attached.

ATTACHMENT 12.3A

Comment

In response to the Shire's request to provide rationale with reference to the change in Residential Gross Rental Values between 2015 and 2018 General Valuations Mr. Alex White, Valuer at Landgate responded via letter on 6 December 2018.

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ATTACHMENT 12.3B

A snapshot of his response is as follows:

- Residential rental information is sourced from:
 - Department of mines, Industry Regulation and Safety who provide a list of residential properties currently leased.
 - Local Real Estate Agents.
 - Internally generated “Mail-out” to all property owners within the Shire.
- Date of valuation: 1 August 2017;
- Regulation Period (sample period for new rentals): 1 September 2016 to 31 August 2017;
- Paraburdoo (55% reduction):
 - Twenty seven rents collected from Hamersley Iron and private owners.
 - 3 x 1 property rented for \$250 per week.
 - 4 x 2 property rented for \$350 per week.
- Tom Price (45% reduction):
 - Thirty-three rents collected with difference in construction types to Paraburdoo.
 - 3 x 1 property rented for \$300 to \$350 per week.
 - 4 x 2 property rented for \$500 to \$550 per week.
- Pannawonica (55% reduction):
 - ‘*Closed company town*’ – majority of rents collected not considered to fair market transaction and therefore heavily subsidised.
 - 3 x 1 property rented for \$200 per week.
 - ‘*In equity, with the market movements in the neighboring towns, Pannawonica, was reduced in co-ordination with the changes in value to the surrounding towns. It is considered that Pannawonica is subject to similar levels of market volatility as the surrounding towns and has access to fewer services.*’

Mr. White has kindly made himself available for the 18 December 2018 Ordinary Meeting of Council at 1.05pm via teleconference to provide comment and answer any questions Councillors may have.

Consultation

President, Councillor White
Executive Management Team

Statutory Environment

Section 6.2 of the *Local Government Act 1995* requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a Budget for its Municipal Fund for the financial year ending on the next following 30 June.

The *Local Government Act 1995 [Section 5.63 (1) (b)]* specifically excludes the need for Elected Members to “Declare a Financial Interest” in imposing a rate, charge or fee.

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Financial Implications

The level of rates for the 2018/19 Budget were impacted by Landgate's 2018 residential property revaluations when determining the rate in the dollar for GRV Residential / Community.

Strategic Implications

Shire of Ashburton 10 year Community Strategic Plan 2017 - 2027

Goal 5 - Inspiring Governance

Objective 3 - Council Leadership

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".

Policy Implications

ELM10 Financial Sustainability Policy

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Gallanagh

That with respect to its concerns relating to Landgate 2018 Residential Revaluations of Pannawonica, Paraburdoo and Tom Price, that Council:

- 1. Receive the correspondence from Mr. Alex White, Valuer at Landgate, and acknowledge the rationale put forward therein.**

CARRIED 9/0
**Crs White, Rumble, Dias, de Pledge, Gallanagh, Thomas, Foster, Lynch and Diver
voted for the motion**

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13. PROPERTY AND DEVELOPMENT SERVICES REPORTS

**13.1 AWARD OF TENDER RFT 14/18 CONSERVATION WORKS – OLD
ONSLow CEMETERY**

MINUTE: 481/2018

FILE REFERENCE: PR35118

AUTHOR'S NAME AND POSITION: Janelle Fell
Development Land and Asset Compliance Specialist

AUTHORISING OFFICER AND POSITION: Brian Cameron
Director Property and Development Services

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

DATE REPORT WRITTEN: 29 November 2018

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

PREVIOUS MEETING REFERENCE: Agenda Item 16.1 (Minute No.11859) - Ordinary Meeting of Council 17 September 2014

Summary

In accordance with the Wheatstone State Development Agreement, \$1M was reserved in a Social Infrastructure Fund for Old Onslow's conservation and tourism development. Works detailed in the Old Onslow Conservation and Tourism Development Project Implementation Plan were completed under budget with \$418,821 remaining, allowing further conservation works to be undertaken as defined in the Old Onslow Conservation and Tourism Development Project Implementation Plan 2 (PIP 2).

Subsequently, Tender submissions were sought from suitably qualified and experienced companies to undertake the Cemetery Conservation Works in accordance with the Old Onslow Cemetery Conservation Management Plan. Two submissions were received (one submission found non-compliant) in response to the Request for Tender (RFT), which have been assessed by the Evaluation Panel. Council consideration of the Tender assessment outcome is now requested to accept the Tender from Hi Constructions Australia Pty Ltd.

Background

Old Onslow is 45 kilometres south-west of Onslow. The Class A Reserve 35118, with Management Order to the Shire of Ashburton, has the purpose of "historical site and buildings". Old Onslow is entered in the Heritage Council of Western Australia's Register of Heritage Places and is managed as a conservation reserve and historic site.

As part of the Wheatstone State Development Agreement, \$1M was set aside in a Social Infrastructure Fund for Old Onslow conservation and tourism development. Approximately \$600,000 of this funding was used to undertake works in accordance with the Old Onslow Conservation and Tourism Development Project Implementation Plan. The works were

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completed under budget with a surplus of \$418,821, which allows further conservation works to be undertaken under the Old Onslow Conservation and Tourism Development PIP 2. Old Onslow is a unique and special place of heritage significance to the Pilbara and particularly the Onslow Community.

The Old Onslow Conservation and Tourism Activation Project focuses on increasing visitor numbers to Onslow and Old Onslow, while ensuring suitable heritage protection and increasing visitors appreciation of Old Onslow's history.

Tenders were called in November 2018 seeking a suitably qualified and experienced company to undertake the Cemetery Conservation Works in accordance with the Old Onslow Cemetery Conservation Management Plan.

The Request for Tender was advertised in accordance with FIN12, closing on 6 December 2018 with two submissions received. Assessment by the Evaluation Panel resulted in Hi Constructions Australia Pty Ltd ranked number One as the organisation best demonstrated their capabilities when evaluating their qualitative criteria responses having experience in projects of a similar nature, an adequate site team, sufficient capacity to undertake the works and offered a cost conscious approach.

The selection criteria were based upon FIN 14 Tender Evaluation Criteria Policy. The advertised selection criteria were:

Criteria		Weighting
(a)	Relevant Experience	10%
(b)	Key Personnel	10%
(c)	Past Performance	10%
(d)	Resources	5%
(e)	Plant, Equipment and Materials	5%
(f)	Methodology/Quality and OHS Systems/Life Cycle/Risk Management	10%
(g)	Price	50%

After initial compliance assessment, only Hi Constructions Australia Pty Ltd's Tender Submission was found to be compliant with the specified requirements. The evaluation panel then assessed the submissions against the selection criteria and value for money. The Evaluation and Recommendation Report, including the Scope, overall evaluation scores and rankings, is attached as a confidential item.

CONFIDENTIAL ATTACHMENT 13.B

Comment

PIP 2 leverages work already completed at Old Onslow and offers five distinct stages of activity, in order of priority as agreed to by the Onslow Social Infrastructure Working Group (SIWG) which comprises representatives from the Department of Jobs, Tourism, Science and Innovation, Chevron Australia Pty Ltd and the Shire of Ashburton. If scoping identifies additional funding is required for an earlier stage, later stages may be reduced/removed as necessary to meet the constraints of the budget, as approved by the SWIG.

1. Cemetery Conservation Works (budget \$280,000 ex GST)

- Commission a Conservation Management Plan (CMP) for the site that aligns with the existing documentation *Old Onslow Conservation Management Plan 2016* for the Police Station Complex and the State Heritage Office's guide to Conservation

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Management Strategies and identifies all required works to conserve the Cemetery. This strategy will inform the works to be subsequently undertaken and should encompass both conservation and interpretation works. (*completed*)

The Conservation Management Plan is a necessary prerequisite to any conservation works and ongoing and future planning of the Old Onslow Cemetery. It is recommended Council accept and implement the Cemetery Conservation Works.

- Undertake Conservation Works informed by the CMP (RFT to be awarded under this cover)

ATTACHMENT 13.1A

- 2. Erection of Heritage Street Signs** (budget \$50,000 ex GST)
Commission the design of heritage styled street signs to illustrate the original layout of the streets at Old Onslow where appropriate. Investigations will need to be undertaken to determine the correct layout and direction for each sign, as well as impact on the environment. Suggested locations include:
 - A. Corner of Denzil and Merrow Streets
 - B. Corner of Merrow and Campbell Streets
 - C. Corner of Campbell and Cranley Streets
 - D. Corner of Denzil and Cranley Streets
 - E. MacArthur Street

- 3. Content Generation and Activation of the Old Onslow App** (budget \$10,000 ex GST)
Under the previous Old Onslow Conservation and Tourism Development Project Implementation Plan, IT Vision developed the Old Onslow app. Content for the app is now required and should include:
 - Procuring appropriate technology and personnel to digitize information
 - Undertaking digitizing including scanning, tagging and prioritising information to be added to the app
 - Upload content to the app
 - Providing digital content to key stakeholders including the Goods Shed Museum
 - App activation, such as marketing, to encourage people to download and use the app

- 4. Pedestrian and Vehicle Access** (budget \$30,000 ex GST)
Currently, visiting vehicles at Old Onslow can drive and park between the Police Station Complex and the Old Goal. The existing track between the two buildings will be restricted to pedestrian access only to protect the buildings and footings. Appropriate visitor parking will be designated.

- 5. Additional Main Roads Signage** (budget \$30,000 ex GST)
The previous interpretation phase of the project saw directional and interpretative signage installed onsite. However the existing signage, directing visitors to Old Onslow from Onslow Road, could be improved. Tourism signage should be installed along the route from Onslow Road to Old Onslow directing travelers to the site and informing them of the historic nature of the site.

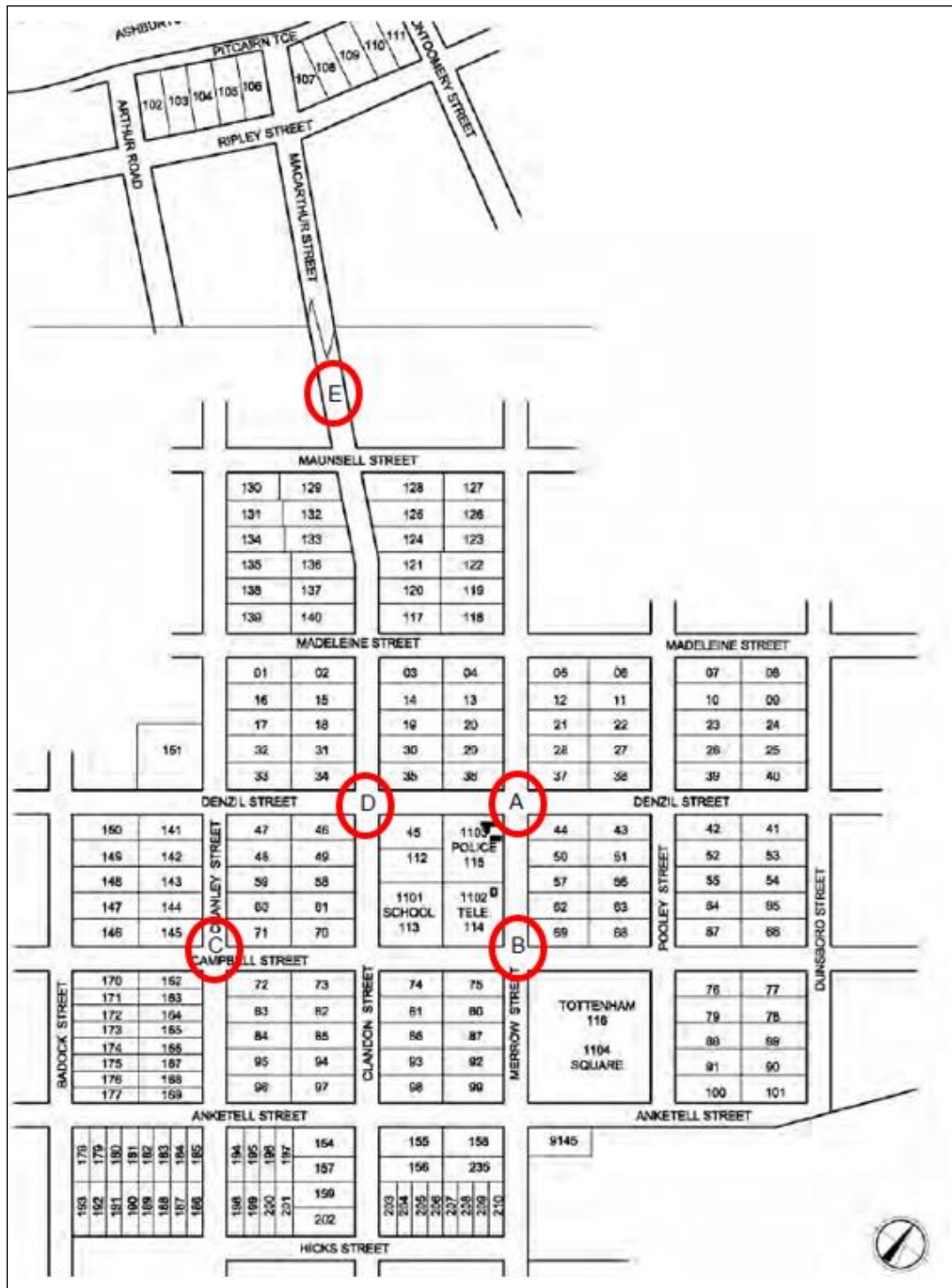
The remaining \$418,821.50 consists of \$18,821.50 contingency. As the first priority, a CMP was completed as a prerequisite to any conservation works at the Old Onslow Cemetery. The

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CMP provides guidelines to ensure the retention of the significance through a range of policies and conservation works recommendations. The Conservation Works are defined in the CMP in accordance with the Burra Charter and are summarised as:

Gravesites and memorial plots

- Spinifex/planting removal
- Soil build-up removal
- Restore remaining elements



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Headstones and Plinths

- Clean
- Restore/reconstruct insitu
- Monitor inscriptions after water wash
- Restore inscriptions
- If deemed appropriate, conserve inscriptions

Pedestal Monument

- Realign

Gravesite surrounds

- Conserve base materials and fixings, railings palisades and kerbs

Ironwork/Metalwork (including number markers)

- Reconstruct, clean and conserve

Fence and Gate

- Restore gate

Cemetery Grounds

- Establish a minimal track
- Restore/reconstruct perimeter fencing (new fencing should be minimalist and rustic)
- Retain and restore tram line uprights

Consultation

Goods Shed Museum
Department of Jobs, Tourism, Science and Innovation
Chevron Australia Pty Ltd
Manager Building and Facilities Maintenance

Statutory Environment

Section 3.57 'Tender for providing goods or services' of the *Local Government Act 1995*.

The *Heritage Act 2018* and associated requirements including the Shire of Ashburton's *Municipal Heritage Inventory*.

Financial Implications

\$418,822 is allocated in the 2018/19 budget for Old Onslow Conservation PIP 2. The budget for Stage One – Cemetery Conservation Works is \$280,000.

To date, 9,328.76 has been expended on preparation of the Old Onslow Cemetery Conservation Management Plan and advertising costs for the RFT.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027
Goal 02 – Economic Prosperity
Objective 2 – Enduring Partnerships with Industry and Government
Objective 3 – Well Managed Tourism

Goal 03 – Unique Heritage and Environment
Objective 3 – Celebration of History and Heritage

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Goal 05 – Inspiring Governance
Objective 2 – Community Ownership

Risk Management

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

Policy Implications

ENG09 – Asset Management Policy
FIN12 – Purchasing Policy
PLA04 – Old Onslow Townsite

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Diver

That with respect to Award Tender RFT 14/18 Conservation Works – Old Onslow Cemetery, that Council:

- 1. Resolve that Report ATTACHMENT 13.1B 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 13.B;**
- 3. Accept the Lump Sum Tender of \$138,500.00 (excludes GST) from Hi Constructions Australia Pty Ltd for RFT 14/18 Conservation Works – Old Onslow Cemetery;**
- 4. Authorise the Chief Executive Officer to execute and manage the Contract for Conservation Works - Old Onslow Cemetery, including variations to the scope of works and contract value, providing this does not exceed the project budget or reduce the overall scope; and**
- 5. Accept the Old Onslow Cemetery Conservation Management Plan ATTACHMENT 13.1A.**

CARRIED 9/0

**Crs White, Rumble, Dias, de Pledge, Gallanagh, Thomas, Foster, Lynch and Diver
voted for the motion**

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13.2 ROAD REGISTER UPDATE - REMOVAL OF MOUNT BROCKMAN ROAD AND PORTION OF CAMP ROAD, PARABURDOO

Declaration of Interest

Prior to consideration of this Agenda Item

Cr Diver declared a financial interest

Cr Dias declared a financial interest

Cr Rumble declared a financial interest

Cr Lynch declared a financial interest

Cr Gallanagh declared a financial interest

Cr Foster declared a financial interest

Cr de Pledge declared a financial interest

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

Crs Gallanagh, Foster & Dias left the room at 2.59 pm due to a declaration of interest for financial interests in Agenda Item 13.2.

Crs Diver, Rumble, Lynch and de Pledge remained in the meeting in line with the approval given by the Deputy Director General of the Department of Local Government, Sport and Cultural Industries as noted at item 6.2.

Note: This agenda item was originally referred to the 20 November 2018 Ordinary Meeting (as Item 13.2) however it was not considered during this meeting and was withdrawn by the Chief Executive Officer.

MINUTE: 482/2018

FILE REFERENCE:

GV20
RD.0045
RD.RIO.3

AUTHOR'S NAME AND POSITION:

Janelle Fell
Development Land and Asset Compliance Specialist

AUTHORISING OFFICER AND POSITION:

Brian Cameron
Director Property and Development Services

NAME OF APPLICANT/RESPONDENT:

Rio Tinto

DATE REPORT WRITTEN:

8 November 2018

DISCLOSURE OF FINANCIAL INTEREST:

The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

PREVIOUS MEETING REFERENCE:

Agenda Item 15.6 (Minute No. 153/17) Ordinary Meeting of Council 26 April 2017

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Summary

At the April 2017 Ordinary Meeting of Council, Council endorsed ENG13 Road Management Policy to establish a policy relating to the management of roads within the Shire's boundaries. This Policy is intended to apply only to those roads and road reserves for which the Shire of Ashburton is the responsible authority.

Mt Brockman Road on Hamersley Station and the unsealed section of Camp Road which continues through to Ratty Springs Road, Paraburdoo are on the Shire's Asset Register and Unsealed Road Hierarchy Plan however are not gazetted or maintained by the Shire.

Rio Tinto has requested both roads be removed from the Shire's Asset Register to avoid confusion for users. Conditional in the Policy, any updates to the Road Register require a resolution by Council.

Background

To holistically manage its entire road network, ENG13 Road Management Policy and the broader Road Management Framework was endorsed by Council in 2017. An audit of the Road Register was undertaken to determine the validity of the roads contained on it, firstly from a legal perspective; then to assess the broader network where the functionality of a road may be compromised by external activities such as mining and should be closed or responsibility transferred.

The criteria for determining consideration for inclusion on the Road Register are as follows:

- is gazetted;
- provides primary access to at least one full-time occupied property (i.e. the property is otherwise land-locked and without any road frontage);
- has previously been constructed by, or regularly maintained by the Shire;
- provides clear benefit to several property owners (not just one);
- connects into and forms part of the wider network of Public Roads;
- serves a defined purpose or function for the public (i.e. there would be consequences if public access was removed and / or the needs for public use cannot be readily accommodated with alternatives); and
- Provides for a social or economic benefit such as tourism.

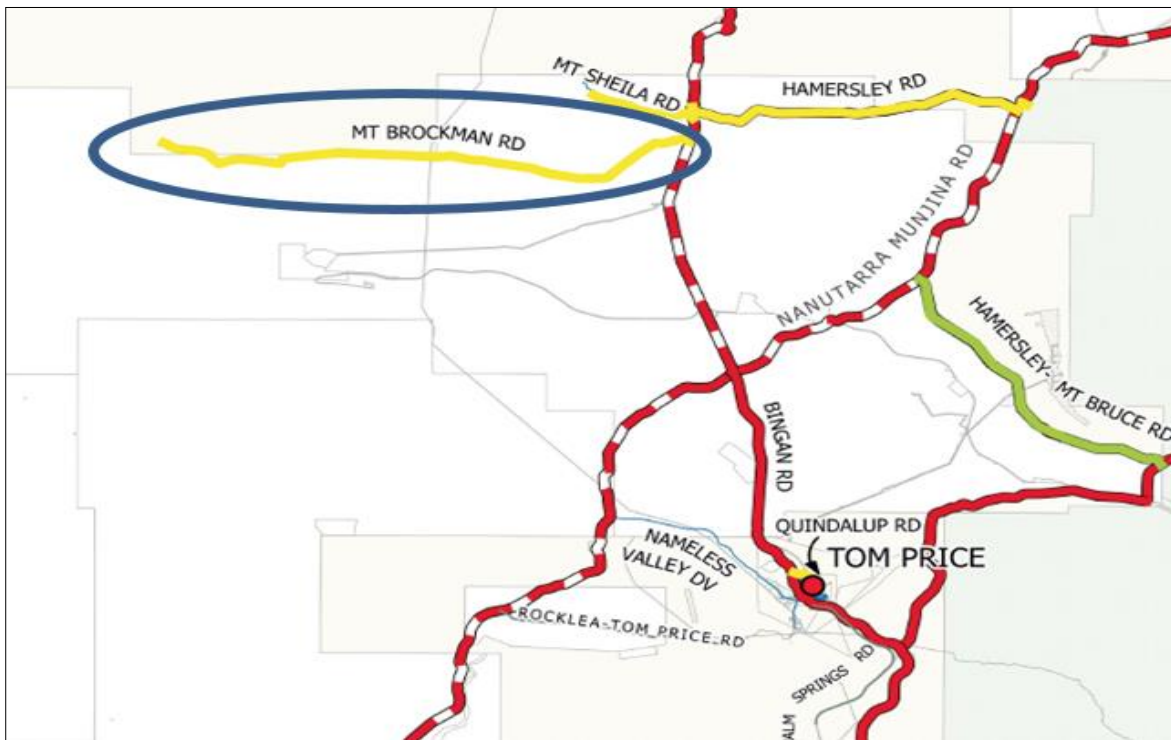
Comment

Rio Tinto has requested Mt Brockman Road, being 48.13km of road that runs west from the Hamersley Station Homestead toward the old Mount Brockman Homestead continuing through the boundary of the station, be removed from the Shire's Road Register to remove any confusion as to the ownership of the road. The Mt Brockman Road alignment serviced the Mt Brockman Homestead and is no longer in use for that purpose.

The official survey for the land that Mt Brockman Road is constructed through (Lot 556 on DP 404911) has no defined road parcel shown on the approved cadastral survey. The constructed road is not dedicated as it has not been excised or excluded from the current pastoral lease. Historical surveys being original Pastoral lease plans have no mention of this road.

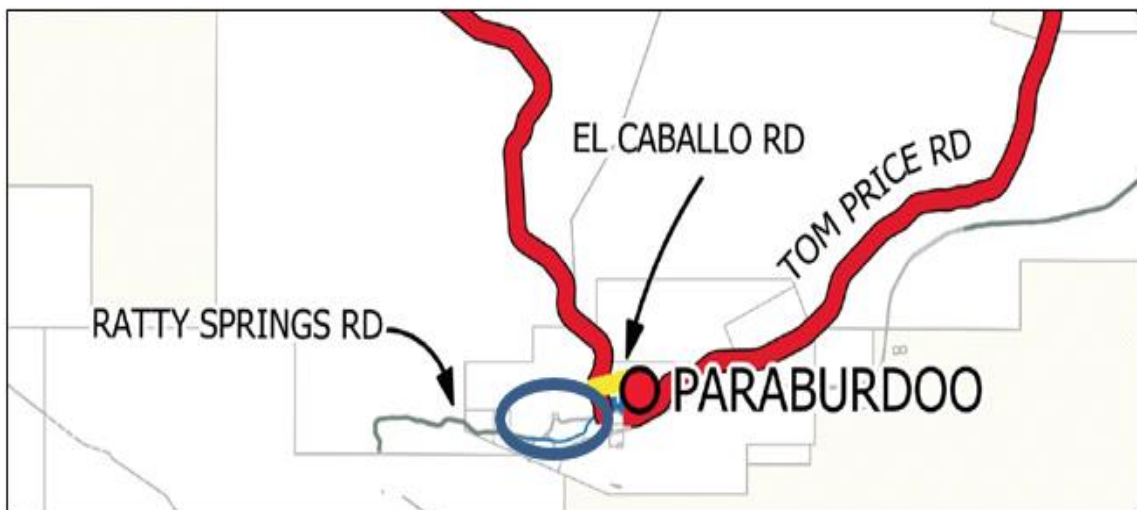
The name "Mt Brockman Road" was approved in 1979/80 for location purposes however, there is no evidence with Landgate or Department of Planning, Lands and Heritage of dedication to a public road. Mt Brockman Road is on the Shire's Asset Register as Asset Number 8110039 and depicted on the unsealed road hierarchy plan as a local road (hatched blue below).

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Similarly, the 4.575km unsealed section of Camp Road which continues through to Ratty Springs Road in Paraburadoo, is within Hamersley Iron's Land Administration Act lease (N104474) area and predominantly services Hamersley Iron's mining operations in the area however, sits on the Shire's Road Register and Asset Register.

The unsealed section identified as Camp Road is on the Shire's Asset Register as Asset Number 8110217 and depicted on the unsealed road hierarchy plan as a local road (hatched blue below).



Maintenance has not been undertaken by the Shire on either Mt Brockman Road or Camp Road for over eight years. All works to the unsealed roads have been undertaken by Rio Tinto. Rio Tinto will continue to work with third parties who may utilise the roads and confirm arrangements for ongoing access as required.

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The roads will no longer attract Financial Assistance Grant Scheme funding for the Shire, estimated as a reduction of approximately 5%, based on the removal of 52.705km.

Consultation

Contract Project Manager
Manager Asset Management
Rio Tinto
Department of Planning, Lands and Heritage

Statutory Environment

Local Government Act 1995
Main Roads Act 1930
Land Administration Act 1997

Financial Implications

A rationalisation of the Road Register (removing roads) will reduce the value of road assets on the balance sheet and will reduce grant funding received (approximately 5%); and correspondingly, reduce road maintenance costs.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027
Goal 04 – Quality Services and Infrastructure
Objective 01 – Quality public Infrastructure

Risk Management

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

Policy Implications

ENG13 Road Management Policy
ENG09 Asset Management Policy

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr R de Pledge

That with respect to the Road Register Update – Removal of Mt Brockman Road and Portion of Camp Road, Paraburdoo, that Council endorses:

- **Mt Brockman Road on Lot 556 on DP404911; and**
- **The unsealed portion of Camp Road on Lot 35 on DP241590,**

be removed from the Shire's Asset Register.

CARRIED 6/0

Crs White, Rumble, de Pledge, Thomas, Foster, and Lynch voted for the motion

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Crs Gallanagh, Foster & Dias re-entered the room at 3.01 pm. The Presiding Member advised Crs Gallanagh, Foster & Dias of the outcome of the vote for this item.

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14. COMMUNITY SERVICES REPORTS

14.1 EXECUTION OF EVERY CLUB GRANT AGREEMENT BETWEEN DEPARTMENT OF LOCAL GOVERNMENT, SPORT AND CULTURAL INDUSTRIES AND SHIRE OF ASHBURTON

Declaration of Interest

Prior to consideration of this Agenda Item

Cr Dias & Cr Rumble declared an impartiality interest

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

MINUTE: 483/2018

FILE REFERENCE: GS02

AUTHOR'S NAME AND POSITION: Sarah Johnston
Acting Director Community Services

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 1 December 2018

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The Every Club program is a support program delivered by Sport and Recreation (WA) and is aimed at supporting sport and active recreation clubs in Western Australia.

Through the program the department agrees to provide a total of \$35,000 for the Sustainable Ashburton Clubs project over 2 years.

Objectives of this funding are to:

- Deliver club support models/opportunities that are considered best fit for the specific region;
- Advocate and support well-run sport and recreation clubs in regional communities;
- Provide education, training and professional development for club volunteers and community organisations; and
- Engage with other key stakeholders; State Sporting Associations, Regional Sporting Associations, local governments and broader community organisations.

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The grant agreement is now presented for Council's consideration. It is recommended that Council endorse the agreement and authorise the Chief Executive Officer to execute the grant agreement.

Background

Since 2001, sport and recreation clubs in Western Australia have had access to information and advice on how to start up a club or run and grow their club. Every Club is the latest initiative and will provide every club in the State with access to best practice resources on how to make their club succeed.

WA community, sporting and recreation clubs are run by passionate volunteers, who are always looking for ways to improve their clubs but don't always know where to start.

Comment

The Sustainable Clubs Ashburton Program aims to upskill and build capacity and increase the sustainability of sport clubs and group across the Shire of Ashburton.

Project objectives:

- Build capacity of clubs, together with the participation pathways to ensure recreational opportunities for regional communities;
- Acknowledge and recognise the contribution of athletes and volunteers;
- Provide education, training and professional development for club volunteers and community organisations to create support the operation and governance of sport and recreation clubs;
- Engage with other key stakeholders; State Sporting Associations, Regional Sporting Associations. Local Governments and broader community organisations.

Consultation

Executive Management Team

Club Development Officers

Regional Manager Pilbara Department of Local Government, Sport and Cultural Industries

Statutory Environment

Local Government Act 1995 – S 9.49 (A) Execution of Documents

Financial Implications

Department Funding and Payment schedule

The Department agrees to provide a total of \$35,000 for this project, over two financial years 2018/2020. Note the second financial year funding and objectives are negotiated on completion of the first year.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 1 – Vibrant and Active Communities

Objective 1 – Connected, caring and engaged communities

Objective 2 – Sustainable services, clubs, associations and facilities

Objective 4 – A rich cultural life

Risk Management

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

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The perceived level of risk is considered to be “Low” risk and can be managed by routine procedures, and the delivery and support of the Community Services team.

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That with respect to the execution of Grant Agreement between the Department of Local Government, Sport and Cultural Industries, that Council:

- 1. Endorse the agreement between Department of Local Government, Sport and Cultural Industries and Shire of Ashburton; and**
- 2. Authorise the Chief Executive Officer to execute the Grant Agreement.**

CARRIED 9/0
**Crs White, Rumble, Dias, de Pledge, Gallanagh, Thomas, Foster, Lynch and Diver
voted for the motion**

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15. INFRASTRUCTURE SERVICES REPORTS

15.1 AWARD OF TENDER RFT 11.18 - ASPHALT AND BITUMEN RE-SEALS

MINUTE: 484/2018

FILE REFERENCE: CM11.18

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

AUTHORISING OFFICER AND POSITION: Alan Mccoll
Acting Director Infrastructure Services

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 1 December 2018

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

A Request for Tender 11.18 Asphalt and Bitumen Re-seals 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 19 September 2018 to 3 October 2018. Three conforming tenders were received via TenderLink in response to the RFT.

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

Background

The Shire of Ashburton has approximately 173 km of sealed roads at a value of \$77M, these assets need to be preserved at their predicted intervention levels to ensure the ongoing sustainability of our road network system. If these levels are not met the asset deteriorates at an accelerated rate leaving a large financial liability for the future, and example of this is Doradeen Road Tom Price, it has passed its useful preservation intervention level, and now requires full reconstruction at a cost of \$240,000. The preservation of the asset is required to preserve the integrity from further deterioration and provide a safe environment for road users.

The Shire of Ashburton seeks to engage a suitably qualified and experienced contractor for the application of dense grade hot-mixed asphalt and bitumen spray sealing in the town site of Tom Price and Paraburdoo, to complete the Shire of Ashburton's annual resealing program.

The Shire is seeking to engage a Contractor who is able to undertake all aspects of the project including, Asphalt resurfacing and Bitumen resealing together with site traffic management.

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
(a)	Relevant Experience	10%
(b)	Tenderers Resources	20%
(d)	Methodology demonstrated understanding	20%
(f)	Price	50%

After initial compliance assessment, the submission was deemed compliant for further assessment. The evaluation panel then assessed the submission against the selection criteria and value for money. The Evaluation and Recommendation Report, including the Scope, including the overall evaluation scores and rankings, is attached as a confidential item.

CONFIDENTIAL ATTACHMENT 15.1

Comment

The tenders have been assessed with the below scores and rankings. Complete details of the tenders and assessment are provided in **CONFIDENTIAL ATTACHMENT 15.1**.

Rank	Tenderer	Score (/100)
1	Roads 2000 Pty Ltd	85.0
2	Fulton Hogan Industries	75.3
3	AAA Asphalt Services	67.7

The evaluation panel concluded that Roads 2000 Pty Ltd are suitable and provided a value for money submission in relation to RFT CM11/18.

Consultation

Director Infrastructure Services
Manager Technical Services
Manager Operations

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:*

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- (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

The provision for this portion of the 2018-19 Works Prog Asset Renewal, Reseals is \$850,000 excluding GST. This Tender process has provided significant savings.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 04 – Quality Services and Infrastructure

Objective 01 – Quality public infrastructure

Objective 02 – Accessible and safe towns

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Moderate" (consequences "extreme", likelihood "rare"). This level of risk is being driven by the fact that high risk work is proposed to be undertaken in a rural environment, and the fact that prolonged interruption of services may result from delays to the works. It is considered that the likelihood of a risk event occurring is "rare" but it will be managed by specific monitoring and response procedures by the Acting Manager Technical Services.

Policy Implications

FIN12 Purchasing Policy. This Policy outlines how the Shire of Ashburton will deliver best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance whereby establishing efficient, effective, economical and sustainable procedures in all purchasing activities. This Policy was used to undertake the procurement process through a publicly advertised RFT. The evaluation criteria for Council procurement is three Procurement categories, Plant, Services and Infrastructure. This RFT utilised evaluation criteria not contained within a category under FIN12 as it was not suitable for the requirements. Alternative criteria were used under DA 06-2.

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Voting Requirement
Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr L Thomas

SECONDED: Cr R de Pledge

That with respect to Tender RFT CM11.18 – Asphalt Re-Sheeting Works – Tom Price, that Council:

- 1. Resolve that Report ATTACHMENT 15.1 is confidential in accordance with s5.23 (2) the Local Government Act because it deals with matters affecting s5.23 (2): (c) “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;”**
- 2. Note the attached Evaluation Report, CONFIDENTIAL ATTACHMENT 15.1 Award the contract to roads 2000 for \$578,239.31 excluding GST;**
- 3. Authorise the Chief Executive Officer to enter into a contract with the appointed Contractor; and**
- 4. Authorise the Chief Executive Officer to manage the Contract, including any variations to the design specifications and contract value, providing this does not exceed the project budget or reduce the overall scope.**

CARRIED 9/0

**Crs White, Rumble, Dias, de Pledge, Gallanagh, Thomas, Foster, Lynch and Diver
voted for the motion**

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15.2 AWARD OF TENDER RFT 12.18 SUPPLY AND DELIVERY OF DOG TRAILER WITH LIVING QUARTERS

MINUTE: 485/2018

FILE REFERENCE: CM12.18

AUTHOR'S NAME AND POSITION: Mark Reid
Fleet Manager

AUTHORISING OFFICER AND POSITION: Alan Mccoll
Acting Director Infrastructure Services

DATE REPORT WRITTEN: 10 December 2018

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

A Request for tender (RFT) for the was issued via issued via the e – tendering portal known as TenderLink and also advertised in the West Australian Newspaper on Saturday 10 November 2018 and closed on Tuesday 27 November 2018.

Two conforming tenders were received via TenderLink In response to the RFT.

- 1: Bell Ireland Pty Ltd (T/A D-trans)
- 2: Acero Constructions Pty Ltd

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

Background

The 2018/19 Budget provides for a new to fleet (not replacement plant) Dog trailer with Living Quarters, this plant is to be utilised within the Shire's Rural Road Maintenance Program. This is an approved 2018/19 Capital Expenditure under General Ledger account 124957 job19037.

This dog trailer will join the Shires existing trailers in providing accommodation and service requirements for our Remote Rural Road Maintenance Team.

The selection criteria were as per the criteria in FIN12 Purchasing Policy for Category 1: PLANT (Generally vehicles, machinery, small and large plant).

The selection criteria was:

Criteria		Weighting
(a)	Timing	10%
(b)	Quality/Lifecycle/ Maintenance	40%
(c)	Price	50%

The evaluation panel then assessed the submissions against the selection criteria and value

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for money.

The evaluation spreadsheet, including the scope, overall evaluation scores and rankings, is attached as a confidential item.

CONFIDENTIAL ATTACHMENT 15.2

Comment

The submissions have been assessed with the below scores and rankings:

Rank	Tenderer	Score (/100)
1	Acero Constructions Pty Ltd	90
2	Bell Ireland Pty Ltd (T/A D-Trans)	72.1

The evaluation panel concluded that Acero Constructions PTY LTD are the most suitable and value for money submission in relation to this RFT.

Consultation

Fleet Manager
Works Coordinator
Fleet Mechanic

Statutory Environment

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

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

The budgeted provision for this machine is \$160,000.00 excluding GST for the 2018/19 financial year.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

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Goal 04 – Quality Services and Infrastructure

Objective 01 – Quality public infrastructure

Risk Management

This item has been evaluated against the Shire of Ashburton’s Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be “Moderate” (consequences “extreme”, likelihood “rare”). This level of risk is being driven by the fact that high risk work is proposed to be undertaken in an urban environment, and the fact that prolonged interruption of services may result from delays to the works. It is considered that the likelihood of a risk event occurring is “rare” but it will be managed by specific monitoring and response procedures.

Policy Implications

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

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr L Rumble

SECONDED: Cr L Thomas

That with respect to RFT 12 .18 – Supply and Delivery of a Dog trailer with living Quarters, that Council:

- 1. Resolve that Report ATTACHMENT 15.2 is confidential in accordance with s5.23 (2) the *Local Government Act* because it deals with matters affecting s5.23 (2)(c):**

“a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;”

- 2. Note the attached Evaluation report CONFIDENTIAL ATTACHMENT 15.2;**
- 3. Award the contract to Acero Constructions Pty Ltd for \$ 123,144.excluding GST; with an allowance for cost variation of up to but not exceeding \$10,000.00. Variation may be required to modify some of the accessories fitted to the trailer body.**
- 4. Authorise the Chief Executive Officer to enter into a contract with the appointed Contractor; and**
- 5. Authorise the Chief Executive Officer to manage the contract, including any variations to the design specifications and contract value, providing this does not exceed the project budget or reduce the overall scope.**

CARRIED 9/0

**Crs White, Rumble, Dias, de Pledge, Gallanagh, Thomas, Foster, Lynch and Diver
voted for the motion**

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16. COUNCILLOR AGENDA ITEMS / NOTICES OF MOTIONS

There were no Councillor Agenda Items/Notice of Motions for this meeting.

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

There were no 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.*

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL
18 DECEMBER 2018**

There were no Confidential Matters for this meeting.

19. NEXT MEETING

The next Ordinary Meeting of Council will be held on 15 January 2019, at the Clem Thompson Sports Pavilion, Stadium Road, Tom Price commencing at 1.00 pm.

20. CLOSURE OF MEETING

There being no further business to discuss the Presiding Member closed the meeting at 3.04 pm.