

Ordinary Meeting of Council

Paraburdoo



Minutes

19 June 2018

Ashburton Hall
Ashburton Avenue
Paraburdoo
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**

MINUTES

**Ashburton Hall, Ashburton Avenue,
Paraburdoo
19 June 2018
1.00 pm**

MINUTES – ORDINARY MEETING OF COUNCIL 19 JUNE 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: 02-07-2018

These minutes were confirmed by Council as a true and correct record of proceedings of the Ordinary Meeting of Council on the 18.7.18

Presiding Member: 

Date: 18.7.18

DISCLAIMER

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

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MINUTES - ORDINARY MEETING OF COUNCIL 19 JUNE 2018

1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 1.05 pm.

1.1 ACKNOWLEDGEMENT OF COUNTRY

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

2. ANNOUNCEMENT OF VISITORS

The Presiding Member welcomed the Principle of the Paraburdoo Primary School, Ruth Proslmeyr and School Captain, Holly Dutch to the gallery

3.1 PRESENT

Elected Members:	Cr K White Cr L Rumble Cr D Dias Cr P Foster Cr D Diver Cr M Lynch	Shire President, (Presiding Member) Onslow Ward Deputy Shire President, Paraburdoo Ward Paraburdoo Ward Tom Price Ward Tom Price Ward Tom Price Ward
Staff:	Mr R Paull Mr J Bingham Ms A Serer Ms L Reddell Mr K Hannagan Mr B Hall Mr A Davis Ms J Smith Mrs S Flaman	Chief Executive Officer Director Corporate Services Director Strategic & Community Development Director Development & Regulatory Services Acting Director Infrastructure Services Deputy Director Infrastructure Services Principal Town Planner Executive Officer Communications and Administration Officer
Guests:	There were no guests.	
Members of Public:	There were two 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

Cr M Gallanagh Pannawonica Ward
Cr L Thomas Tableland Ward

3.3 APPROVED LEAVE OF ABSENCE

There were no Approved Leave of Absence for this meeting.

MINUTES - ORDINARY MEETING OF COUNCIL 19 JUNE 2018

3. QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTION TIME

The following questions have been asked.

4.2.1 Michael Harrison, Paraburdoo

Q1 *“Can we please get the Paraburdoo Cricket Nets at Peter Southerland Oval done up and fixed?”*

The Paraburdoo Cricket Club believe that the current nets are a safety hazard to our players and we believe someone is not far off getting injured at 9 training sessions.

We understand the Shire made an effort to do some work to the current pitches which was to re-mat them.

What would we like done:

- The current netting around the pitches needs to be fixed up or replaced as it has holes in it. This is a safety hazard as you can actually hit the ball into another player in the opposite net.*
- Netting needs to be put on the top of the nets to stop balls from flying out of them.*
- Rubber matting needs to be put inside the net to protect the ball from hitting the current exposed poles. A ball can bounce off a pole and come back and hit the batsman.*
- The 2 pitches need concrete added in the middle to make them full length. The current design can see a player rolling their ankle off the bowlers end where the concrete and matting ends. They also need to be widened to get a proper pitch width for the batsman.*
- The netting needs to be extended further so a ball can't come back and hit the bowler in the opposite net.*
- I understand we have asked a lot of questions, but I am more than happy to meet someone at the nets to discuss these issues. The Paraburdoo Saints Cricket Club would be very grateful if we get our own nets/facilities to the same standard as Tom Price have, because we would hate to have one of our players injured during training”.*

Response :

The Shire arranged for repairs to the surface at the end of 2017, and at that time a member of the Paraburdoo Saints Cricket Club had offered to undertake the required repairs to the nets. The Shire was not aware of any issues with the works completed, but thank you for bringing this to our attention. Further investigations will be carried out by Shire Staff in conjunction with the cricket net users, and a request made to Council for funding in future budgets should the previous solution be no longer viable.

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4.2.2 Holly Dutch, School Captain, Paraburdoo Primary School

Q1 *“On behalf of the students of the Paraburdoo Primary School, I would like to ask the Council if we could have a statue in Paraburdoo of Red Dog as a puppy as this was his birthplace in the Paraburdoo Pub”.*

Response: The President Cr White thanked Holly and the Paraburdoo Primary School for the question and advised that she would bring the matter to the attention of the Pilbara Development Commission (at their next meeting in Onslow on 21st - 22nd August 2018) as the Commission was integral in the establishment of the Red Dog statue at Dampier.

Ruth Proslmeyr and Holly Dutch left the meeting at the conclusion of their question.
--

5. APPLICATIONS FOR LEAVE OF ABSENCE

There were no Applications for Leave of Absence.

6. DECLARATION BY MEMBERS

6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

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

6.2 DECLARATIONS OF INTEREST Councillors to Note

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

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

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

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

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NOTES ON DECLARING INTERESTS (FOR YOUR GUIDANCE)

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

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

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the *Local Government Act 1995* but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
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
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.

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15.1 REQUEST FROM RIO TINTO TO WIDEN AND UPGRADE THE MUNJINA – ROY HILL ROAD		
Cr Rumble	Financial	The nature of my interest being I am a Shareholder. The extent of my interest being that I have Greater than \$10,000 in shares.
Cr Diver	Financial	The nature of my interest is that I am an employee of Rio Tinto. The extent of my interest is that I receive a salary from Rio Tinto, I also receive a subsidy for House Rental, Utilities (Power and Water) from Rio Tinto as part of my salary package.
Cr Dias	Financial	The nature of my interest being that I am an Employee and Share Holder of Hamersley Iron and Rio Tinto respectively. The extent of my interest being a direct financial.
Cr Foster	Financial	The nature of my interest is that my partner works for Rio Tinto, owns over \$10k shares and as a family we live in a Rio Tinto property paying rent. The extent of my interest is that my partner works for Rio Tinto, owns over \$10k shares and as a family we live in a Rio Tinto property paying rent.
Cr Lynch	Financial	The nature of my interest is that I am employed by Pilbara Iron. The extent of my interest is that I receive a salary and am a tenant of Pilbara Iron.
15.3 RFQ 37.18 PROJECT MANAGEMENT - TECHNICAL SERVICES		
Kevin Hannagan	Indirect Financial Impartiality	The nature of my interest is that I am an associate of Core Business Aust.

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 7 June 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 Doug Diver, Cr Linton Rumble and Cr Matthew Lynch to fully participate in the discussion and decision making relating to the belowmentioned item at the Shire's Ordinary Council Meeting of 19 June 2018: x 2 letters

MINUTES - ORDINARY MEETING OF COUNCIL 19 JUNE 2018

15.1 REQUEST FROM RIO TINTO TO WIDEN AND UPGRADE THE MUNJINA –ROY HILL ROAD

Subject to the following conditions:

- 1 The approval is only valid for the 19 June 2018 Ordinary Council Meeting when agenda item 15.1 is considered;*
- 2 The abovementioned Councillors must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided;*
- 3 The CEO is to provide a copy of the Department's letter of approval to the abovementioned Councillors;*
- 4 The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;*
- 5 The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to the Department, to allow the Department to verify compliance with the conditions of this approval; and*
- 6 The approval granted is based solely on the interests disclosed by the abovementioned Councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply."*

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

There were no announcements by the Presiding Member without discussion for this meeting.

8. PETITIONS / DEPUTATIONS / PRESENTATIONS

8.1 PETITIONS

There were no Petitions for this meeting.

8.2 DEPUTATIONS

There were no Deputations for this meeting.

8.3 PRESENTATIONS

There were no Presentations for this meeting.

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 22 MAY 2018 (ATTACHMENT 9.1)

Officers Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr P Foster

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 22 May 2018 at the Council Chambers, Onslow Shire Complex, Second Avenue Onslow (ATTACHMENT 9.1) be confirmed as a true and accurate record.

CARRIED 6/0

Councillors White, Rumble, Dias, Foster, Diver and Lynch voted for the motion

9.2 MINUTES OF THE SHIRE OF ASHBURTON ONSLOW LOCAL EMERGENCY MANAGEMENT COMMITTEE HELD ON 1 MAY 2018 (ATTACHMENT 9.2)

Officers Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr P Foster

That the Minutes of the Shire of Ashburton Onslow Local Emergency Management Committee held on 1 May 2018 at the Onslow VFES Complex, Onslow (ATTACHMENT 9.2) be received.

CARRIED 6/0

Councillors White, Rumble, Dias, Foster, Diver and Lynch voted for the motion

9.3 MINUTES OF THE PANNAWONICA LOCAL EMERGENCY MANAGEMENT COMMITTEE HELD ON 10 MAY 2018 (ATTACHMENT 9.3)

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Diver

That the Minutes of the Pannawonica Local Emergency Management Committee held on 10 May 2018 at the Pannawonica IMT Room, Pannawonica (ATTACHMENT 9.3) be received.

CARRIED 6/0

Councillors White, Rumble, Dias, Foster, Diver and Lynch voted for the motion

MINUTES - ORDINARY MEETING OF COUNCIL 19 JUNE 2018

9.4 SHIRE OF ASHBURTON PILBARA REGIONAL WASTE MANAGEMENT FACILITY COMMITTEE MEETING HELD ON 19 JUNE 2018 (ATTACHMENT 9.4)

Officers Recommendation and Committee Decision

MOVED: Cr M Lynch

SECONDED: Cr D Diver

That the Minutes of the Shire of Ashburton Pilbara Regional Waste Management Facility Committee Meeting held on 19 June 2018 at Ashburton Hall, Ashburton Avenue, Paraburdoo (ATTACHMENT 9.4 as provided to Council) be received.

CARRIED 6/0

Councillors White, Rumble, Dias, Foster, Diver and Lynch voted for the motion

9.5 SHIRE OF ASHBURTON AUDIT AND RISK COMMITTEE MEETING TO BE HELD ON 19 JUNE 2018 (ATTACHMENT 9.5)

Officers Recommendation and Committee Decision

MOVED: Cr P Foster

SECONDED: Cr D Diver

That the Minutes of the Shire of Ashburton Audit And Risk Committee Meeting held on 19 June 2018 at Ashburton Hall, Ashburton Avenue, Paraburdoo (ATTACHMENT 9.5 as provided to Council) be received.

CARRIED 6/0

Councillors White, Rumble, Dias, Foster, Diver and Lynch voted for the motion

9.6 SHIRE OF ASHBURTON PARABURDOO COMMUNITY HUB (CHUB) COMMITTEE MEETING HELD ON 19 JUNE 2018 (ATTACHMENT 9.6)

Officers Recommendation and Committee Decision

MOVED: Cr L Rumble

SECONDED: Cr D Dias

That the Minutes of the Shire of Ashburton Paraburdoo Community Hub (Chub) Committee Meeting held on 19 June 2018 at Ashburton Hall, Ashburton Avenue, Paraburdoo (ATTACHMENT 9.6 as provided to Council) be received.

CARRIED 6/0

Councillors White, Rumble, Dias, Foster, Diver and Lynch voted for the motion

MINUTES - ORDINARY MEETING OF COUNCIL 19 JUNE 2018

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 En Bloc items for this meeting.

MINUTES - ORDINARY MEETING OF COUNCIL 19 JUNE 2018

11. OFFICE OF THE CEO REPORTS

11.1 PROGRESS OF THE IMPLEMENTATION OF COUNCIL DECISIONS STATUS REPORT FOR MAY 2018

MINUTE: 385/2018

FILE REFERENCE:	GV04
AUTHOR'S NAME AND POSITION:	Michelle Lewis CEO & Councillor Support Officer
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	5 June 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. 364/2018) - Ordinary Meeting of Council 22 May 2018

Summary

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

Background

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

Comment

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

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

ATTACHMENT 11.1

Consultation

Chief Executive Officer
Executive Management Team

MINUTES - ORDINARY MEETING OF COUNCIL 19 JUNE 2018

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

“Role of council

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

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

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

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 4 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr L Rumble

SECONDED: Cr M Lynch

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

CARRIED 6/0

Councillors White, Rumble, Dias, Foster, Diver and Lynch voted for the motion

MINUTES - ORDINARY MEETING OF COUNCIL 19 JUNE 2018

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

MINUTE: 386/2018

FILE REFERENCE:	GV21 CM02
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Officer Brooke Beswick Administration Assistant Planning
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	5 June 2018
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

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

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Statutory Environment

Local Government Act 1995

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

Delegated Authority Register

Financial Implications

There are no known policy implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 4 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

ELM 13 – Affixing the Shire of Ashburton Common Seal

FIN12 – Purchasing and Tendering Policy

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr D Dias

That Council receive the reports relating to:

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

CARRIED 6/0

Councillors White, Rumble, Dias, Foster, Diver and Lynch voted for the motion

MINUTES - ORDINARY MEETING OF COUNCIL 19 JUNE 2018

11.3 RFQ 36.18 – LEGAL SERVICES WITTENOOM WALGA

MINUTE: 387/2018

FILE REFERENCE:	CMQ36.18
AUTHOR'S NAME AND POSITION:	Nicky Tyson Procurement Coordinator
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
DATE REPORT WRITTEN:	6 June 2018
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

A Request for Quote for Legal Services for Wittenoom was issued via the WALGA eQuotes on 16 May 2018 and closed on 30 May 2018.

Quotes were sought from four legal firms on WALGA Panel C017_12 – Legal Services with only two responses received. The evaluation panel has now completed its assessment of the submissions and makes their recommendation.

Due to the value of the tender, Delegation DA06-1 was not utilised by the Chief Executive Officer.

Background

The Shire has, for many years, been exposed to financial risk of litigation as a result of asbestos mining in Wittenoom. New claims continue to be made against the Shire at regular intervals and these are expected to continue into the future, at an unknown rate.

There has been no previous procurement process for services of this kind due to the unknown nature of the specifics and time frame of each individual case. However, with the liability expected to continue, the Shire seeks to establish a suitable and qualified firm for an ongoing period.

The Shire invited suitably experienced and qualified organisations to quote on providing professional services of legal representation for all Wittenoom related claims against the Shire of Ashburton. The Shire seeks to engage the consultant for a period of one year with the option of a further one year plus one year (potentially three years in total) at the sole discretion of the Shire.

WALGA eQuotes was utilised as suppliers on the panel have been pre-qualified and appointed by WALGA to supply the goods or services to Local Governments. This follows a rigorous public procurement process that is fully compliant with legal and better practice purchasing requirements. The arrangements are established using aggregated or group purchasing to ensure superior value for money to Members.

Tender threshold exemption applies to Preferred Supply Arrangements. Local Governments

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can purchase any value of goods or services from a Preferred Supplier without going to Tender.

The advertised selection criteria were:

Criteria		Weighting
(a)	Relevant Experience	40%
(b)	Capacity & Personnel	20%
(e)	Price	40%

After an initial compliance assessment, Castledine Gregory were deemed non-compliant due to their limited submission. The evaluation panel then assessed the remaining submission from Civic Legal against the selection criteria and value for money.

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

CONFIDENTIAL ATTACHMENT 11.3

Comment

The submissions have been assessed with the below scores and rankings. Complete details of the assessment are provided in **CONFIDENTIAL ATTACHMENT 11.3**.

Rank	Tenderer	Score (/100)
1	Civic Legal	80
2	Castledine Gregory	0.0

Consultation

Executive Management Team
Executive Officer
Special Projects Advisor
Procurement Coordinator
Executive Management Team

Statutory Environment

Local Government Act 1995 3.57

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

Wittenoom Asbestos Claims are the subject to Australian Common Law and the procedures of the Western Australian Supreme Court.

Financial Implications

Litigation generated by asbestos related, Wittenoom damages claims has cost the Shire a significant amount of money. These claims will continue to have a serious, but unknown impact on the Shire's financial resources well into the future.

On many occasions asbestos related diseases do not show up for 40 to 50 years and so although the mine closed in late 1966, claims continue to come before the court. Furthermore, because ready public access is still available to the contaminated areas, claims are expected to continue for many years to come

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

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Goal 5 – Inspiring Governance
Objective 4 – Council Leadership

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be 'High'. The high level of risk is being driven by the high costs associated.

Policy Implications

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

Voting Requirement

Absolute Majority Required

Officers Recommendation and Council Decision

MOVED: Cr L Rumble

SECONDED: Cr D Dias

That with respect to RFQ 36.18 – Legal Services Wittenoom, Council:

- 1. Resolve that Report ATTACHMENT 11.3 is confidential in accordance with s5.23 (2) the Local Government Act because it deals with matters affecting s5.23 (2):**
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;"**
- 2. Note the attached Evaluation Report, CONFIDENTIAL ATTACHMENT 11.3;**
- 3. Award the contract for RFQ 36.18 to Civic Legal at the schedule of rates provided for an initial period of one year with the option of a further one year plus one year (potentially three years in total);**
- 4. Authorise the Chief Executive Officer to enter into a contract with Civic Legal; and**
- 5. Authorise the Chief Executive Officer to manage the Contract, including the provision of possible extensions as outlined within RFQ 36.18 at the discretion of the Shire.**

CARRIED BY ABSOLUTE MAJORITY 6/0

Councillors White, Rumble, Dias, Foster, Diver and Lynch voted for the motion

12. CORPORATE SERVICES REPORTS

12.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID

Declaration of Interest

Prior to consideration of this Agenda Item

Rob Paull declared an indirect financial interest

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

MINUTE: 388/2018

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:	6 June 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 May 2018 are presented with comments on variances for Actuals to 2017/18 Budget amounts. A Capex Tracker is also presented.

Background

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

Comment

Capital expenditure continues to remain lower than budget year to date due to the profile of budgeted amounts across monthly periods as well as project delivery.

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The notes in the 'Report on Significant Variances' identify and provide further commentary on the material variances for each project as well as operational revenue and expenditure at program level.

There are no recommended budget variations.

Consultation

Chief Executive Officer
Executive Management Team
Finance Team

Statutory Environment

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

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

(b) Is authorised in advance by resolution*

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

*requires an absolute majority of Council.

Financial Implications

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

Strategic Implications

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

Risk Management

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

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

In Chevron’s objection their submitted opinion as to the correct UV’s for the two properties are: (i) Wheatstone \$6,572,500; and (ii) Barrow Island \$2,612,500. Should the objections lead to a State Administrative Hearing (SAT) appeal and the decision be unfavourable to Council the maximum quantum of liability will be around \$8.5M based on the abovementioned.

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To mitigate any risk with this formal objection that may lead to a State Administrative Tribunal appeal, the Council retains a cash backed Financial Risk Reserve with a forecast balance at the end of the financial year (subject to no adverse appeals) of \$6.5M. This major risk is categorised as potentially *extreme* on the Council's adopted risk management framework and thresholds due to the potential risk being greater than \$5M of current year and a comparable amount to future revenues.

The Valuer General Office (VGO) has advised the full SAT hearing will be held on 3 September 2018. The *State Administration Act 2004* (s.37 and s.38) provides Council the opportunity to become a joinder to proceedings. The Shire prepared the documents required for the application and filing with the SAT was made on 11 April 2018.

On 22 May 2018 SAT refused the Shire's application to join proceedings.

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision 1

CARRIED: Cr D Diver

SECONDED: Cr L Rumble

That with respect to the Monthly Financial Report to Council:

- 1. Receive the Financial Report for May 2018 ATTACHMENT 12.1A; and**
- 2. Receive the Capital Expenditures Progress Tracker for May 2018 ATTACHMENT 12.1B; and**
- 3. Receive the Budget Amendment Register as at 31 May 2018 ATTACHMENT 12.1C;**
- 4. Receive the Schedule of Accounts and Credit Card payments made in May 2018 (approved by the Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds) ATTACHMENT 12.1D.**

CARRIED 6/0

Councillors White, Rumble, Dias, Foster, Diver and Lynch voted for the motion

Mr Paull left the room at 1.36 pm due to his declaration of interest for Officers Recommendation 2

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Officers Recommendation and Council Decision 2

CARRIED: Cr P Foster

SECONDED: Cr D Diver

That with respect to the Monthly Financial Report to Council:

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

CARRIED 6/0

Councillors White, Rumble, Dias, Foster, Diver and Lynch voted for the motion

Mr Paull re-entered the room at 1.36 pm. The Presiding Member advised Mr Paull of the outcome of the vote for this item.

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12.2 PROPOSED DIFFERENTIAL RATES 2018/19

MINUTE: 389/2018

FILE REFERENCE:	RV07
AUTHOR'S NAME AND POSITION:	John Bingham Director Corporate Services
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	6 June 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 7.1 (Minute No.34/2017) – Special Meeting of Council 21 August 2017

Summary

At the May 2018 Ordinary Meeting of Council (OMC) updates to the 2017 Rating Strategy were workshoped and supported by Council.

This report follows on from that meeting and recommends Council endorse the Objects and Reasons for the Proposed Differential Rates for the 2018/19 financial year and advertise the proposed Differential General Rates and General Minimum payments for public comment per Section 6.36 of the *Local Government Act 1995 (the Act)*.

Background

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

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

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Under *the Act*, the Minister for Local Government, Sport and Cultural Industries is required to approve the imposition of a differential general rate which is twice the lowest differential general rate imposed by the local government. In 2017/18 Council proposed differential rates which were subject to this provision (Section 6.33 of *the Act*). In 2018/19 the proposed differential rates are again intended to be subject to the same provision and therefore an application to the Minister will be required.

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

Comment

Rating Structure

The 2017 Rating Strategy recommends a future rating structure to achieve strategic outcomes and ensure the Long Term Financial Plan (LTFP) rate revenue levels are met. In turn the Shires' rating structure seeks to apply the five rating principles included in the Department of Local Government Sport and Cultural Industries (*the Department*) March 2016 Rating Policy.

As recommended in the 2017 Rating Strategy it was intended for rating in 2018/19 to create a new 'GRV-Mass Accommodation' category for campsites and Transient Workforce Accommodation (TWA). Following on from this at the April 2018 OMC, after consultation with property holders and extensive research with the Valuer General's Office (VGO), Shire Records and Department of Mines, Council resolved to apply to the Minister for a determination to spot rate twenty-five identified TWAs in the district.

The effect of introducing the new 'GRV - Mass Accommodation' category is twofold. Firstly it aligns Council's rating structure with *the Departments* policy to consider the predominant use of land as the basis of rating i.e. GRV or non-rural. Secondly it addresses *the Departments* advisory note to the Shire on 23 August 2017 when approving the 2017/18 Differential Rates 'to give serious consideration to the impact on individual ratepayers and reduce its over-reliance on contributions from the UV Mining rate group'.

Early modelling using VGO indicative values with a rate in the dollar of \$0.28c show the 'GRV - Mass Accommodation' category proportion of overall Shire rating revenue around 18% reducing reliance on the UV Mining rate category proportion from 83% to 67%.

The application to the Minister for change of valuation method for TWAs was forwarded to the Department on 3 May 2018 after its preparation had been completed in accordance with *the Department's* Rating Policy: "Valuation of Land – Mining". As of 6 June 2018 *the Department* had not approved the application. Therefore the General Rating structure for the Proposed Differential Rates 2018/19 will remain as that used for 2017/18:

- GRV Properties
 - GRV - Residential / Community
 - GRV - Commercial / Industrial / Tourism

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

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NB: The rating structure retains a minimum for each category with GRV–Residential / Community applying a Lesser Minimum for those properties located in the Wittenoom town-site.

Valuations

Table 1 highlights property valuations pre-30 June have remained stable with expected fluctuations occurring throughout the 2017/18 financial year i.e. for GRV rated properties new businesses and houses, sub-divisions and revaluations and for UV rated properties the opening of new mines and dead tenements being handed back.

Table 1 – Property Valuations as at 1 June 2018

Rate Category	1 July 2017 Assessed Valuation	1 June 2018 Rate book Valuation	Movement \$	Movement %
GRV-Residential/Community	85,417,995	85,362,894	(55,101)	(0.06)%
GRV-Commercial/Industry/Tourism	20,092,834	20,548,404	455,570	2.27%
UV-Mining/Industrial	73,497,204	73,851,853	354,649	0.48%
UV-Pastoral	6,650,147	6,650,147	0	0%
UV-Tourism	345,000	345,000	0	0%
Non-Rateable	1,773,650	1,889,995	116,345	6.56%
Total Valuation	187,776,830	188,648,293	871,463	0.71%

GRV revaluation 2017/18

A general re-valuation of GRV properties was undertaken by the VGO in late 2017 with the new valuations coming into force on 1 July 2018. There has been significant decreases in value for properties across the Shire's two GRV categories.

Table 2 highlights the movement for each GRV category i.e. Residential / Community and Commercial / Industry / Tourism, whilst Table 3 and Table 4 analyse the movement for each GRV category by location i.e. Onslow, Pannawonica, Paraburdoo, Tom Price and Wittenoom for Residential / Community and Karijini, Nanutarra, Onslow, Pannawonica, Paraburdoo and Tom Price for Commercial / Industrial / Tourism.

Table 2 – GRV-Properties by Category - Indicative Valuations as at 1 July 2018

Rate Category	1 July 2017 Assessed Valuation	1 July 2018 Indicative Valuation	Movement \$	Movement %
GRV-Residential/Community	85,421,534	44,707,072	(40,714,462)	(47.67)%
GRV-Commercial/Industry/Tourism	20,652,404	16,457,512	(4,194,892)	(20.31)%
Total	106,073,938	61,164,584	(44,909,354)	(42.33)%

Table 3 – GRV-Residential / Community by Location - Indicative Valuations as at 1 July 2018

Location	1 July 2017 Assessed Valuation	1 July 2018 Indicative Valuation	Movement \$	Movement %
Onslow	21,421,970	11,903,429	(9,518,541)	(44.43)%
Pannawonica	6,895,590	3,076,852	(3,818,738)	(55.38)%
Paraburdoo	15,908,235	7,165,187	(8,743,048)	(54.96)%
Tom Price	41,175,320	22,541,185	(18,634,135)	(45.26)%
Wittenoom	20,419	20,419	0	0%
Total	85,421,534	44,707,072	(40,714,462)	(47.67)%

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Table 4 – GRV-Commercial / Industrial / Tourism by Location - Indicative Valuations as at 1 July 2018

Location	1 July 2017 Assessed Valuation	1 July 2018 Indicative Valuation	Movement \$	Movement %
Karrijini	358,880	202,800	(156,080)	(44.49)%
Nanutarra	182,150	223,750	41,600	22.84%
Onslow	8,609,275	5,541,560	(3,067,715)	(35.63)%
Pannawonica	2,101,040	1,941,784	(159,256)	(7.58)%
Paraburdoo	3,136,594	2,833,504	(303,090)	(9.66)%
Tom Price	6,264,465	5,714,114	(550,351)	(8.79)%
Total	20,652,404	16,457,512	(4,194,892)	(20.31)%

UV Valuations 2018/19

Properties rated on UV have their values assessed annually. Table 5 highlights the increase for UV Mining / Industrial based on four new tenement grants whilst Pastoral and Tourism remain unchanged.

Table 5 – UV Rating Categories - Indicative Valuations as at 1 July 2018

Rate Category	1 July 2017 Assessed Valuation	1 July 2018 Indicative Valuation	Movement \$	Movement %
UV-Mining / Industrial	73,497,204	77,080,652	3,583,448	5.10%
UV-Pastoral	6,650,147	6,650,147	0	0%
UV-Tourism	345,000	345,000	0	0%
Total	80,492,351	84,075,799	3,583,448	4.08%

2018/19 Proposed Rates

The 2017-2032 Long Term Financial Plan (LTFP) aims for a smooth and predictable approach when the Shire generates rates revenue. In order to do so the plan factors in a 2% increase each year to provide for the net funding requirement of the Shire's operational and capital activities after taking into account all other forms of revenue.

In 2017/18 the Shire raised \$34,408,482 in rate revenue – with a 2% increase the Shire is planning to raise \$35,096,652 in 2018/19.

Given the significant movement in valuations this year it is necessary the rate in the dollar for some rate categories correspondingly adjust to ensure this 2018/19 level of rate revenue is achieved.

Table 6 – Proposed Differential Rates Model 2018/19

Rate Category	2017/18 Rate Yield \$	2018/19 plus 2% on 17/18	2018/19 Indicative Valuations \$	2018/19 Proposed Rate in \$	2018/19 Minimum Payment \$
GRV-Residential/Community	4,494,142	4,584,025	44,707,072	0.100357	920
GRV-Commercial/Industry/Tourism	1,092,642	1,114,495	16,457,512	0.064633	1,150
UV-Mining/Industrial	28,360,843	28,928,059	77,080,652	0.369571	1,150
UV-Pastoral	404,808	412,905	6,650,147	0.060976	1,150
UV-Tourism	56,047	57,168	345,000	0.165704	1,150
Total Valuation	34,408,482	35,096,652	145,240,383		

NB: The rating structure retains a Lesser Minimum for Wittenoorn properties and for 2018/19 this level is set at \$690.

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For GRV rating categories an increase of 2% does not mean rates payable for property holders will be 2%. Where a property holder has experienced a decrease in valuation of more than the average there will be a corresponding decrease in rates payable. Conversely where a ratepayer experiences either a decrease in valuation of less than the average, or an increase in valuation, the owner would see an increase in rates payable.

Example No.1

– A property holder with a decrease in valuation of *more than the average*.

A Tom Price residential property had a valuation in 2017/18 of \$25,480 and paid rates of \$1,321.21.

The 2018/19 revaluation was \$11,700 – a decrease of 54%. A 2% increase in rates payable for this property is \$1,347.63. However with a proposed rate in the dollar of \$0.100357c the rates payable will be \$1,174.18 or 11.13% *reduction* on 2017/18.

Example No.2

– A property holder with a decrease in valuation of *less than the average*.

A Tom Price residential property had a valuation in 2017/18 of \$29,640 and paid rates of \$1,536.92. The 2018/19 revaluation was \$16,900 – a decrease of 43%. A 2% increase on 2017/18 in rates payable for this property is \$1,567.66. However with a proposed rate in the dollar of \$0.100357c the rates payable will be \$1,696.03 or 10.35% *increase* on 2017/18.

Example No.3

- A property holder with *an increase in valuation*.

A Tom Price business property had a valuation in 2017/18 of \$33,800 and paid rates of \$1,756.05. The 2018/19 revaluation was \$46,280 – an increase of 37%. A 2% increase on 2017/18 rates payable for this property is \$1,791.17. However with a proposed rate in the dollar of \$0.64633c the rates payable will be \$2,991.69 or 70.36% *increase* on 2017/18.

Of the 2,601 properties rated for GRV-Residential / Community in 2018/19 around 41% would benefit from a decrease on rates levied on their properties in 2017/18 or see a rate increase of 2% or less. The portion of properties rated GRV–Commercial / Industrial / Tourism who will benefit in the same manner is around 38%.

Table 7 highlights the broad range of impact the VGO revaluations have had on each GRV category.

Table 7 – Rates payable impact compared to 2017/18 - by category

Rate Category	No. of Properties	Less than 0%↓	Between 0%-2%↓	Between 2%-5%↑	Between 5%-10%↑	Between 10-20%↑	Greater than 20%↑
GRV-Residential Community	2,601	1,057	17	114	500	566	347
GRV-Commercial Industrial Tourism	184	69	1	4	5	51	54

Property valuations do not determine the cost of delivering the Shire's infrastructure and services, and therefore the amount of rates required. Rather they determine the relative contribution each property in a category is required to make.

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Therefore a decrease in a rate-payers property valuation does not equate to a decrease in infrastructure and services provided by Council nor a decrease in rates payable.

Overall the rate burden is spread across all ratepayers in the District in such a way that an increase in rate burden for any one ratepayer will result in a corresponding decrease for another ratepayer.

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

Minimums

Section 6.35 of *the Act* provides Council the power to apply a minimum payment greater than the general rate. For 2018/19 it is proposed the 2015 Rating Strategy recommendations be retained i.e. 'increase the level of minimum payments from the current level of \$560 to one that reflects the net cost of basic services and facilities'.

The overall increase for the five years to 2019/20 is 55% from the 2015/16 level with the increase to be phased in over time to provide relief to ratepayers. Table 8 highlights the rating strategy for minimum increases over the five year period.

Table 8 – Rating Strategy - Minimums

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

Concessions

In the 2017/18 Budget Council exercised its legislative power under Section 6.47 of *the Act* and granted one concession to GRV-Residential / Community:

- GRV Residential/Community – the concession to be equivalent to the difference payable between 2014/15 GRV Residential / Community properties rate in the dollar (i.e. 0.0590961), and 2015/16 valuations and the proposed 2016/17 rate in the dollar. The dollar value of the concession is estimated to be \$276,910. The reason being as a result of the significant increase and variation between GRV valuations resulting from the 2014/15 General Revaluation the concession ameliorates the effect of this significant increase in valuations.

For 2018/19 current global concessions applied to GRV-Residential / Community are to be discontinued in recognition that compensating for the intrinsic economic factors influencing land values cannot be maintained indefinitely.

Benchmarking

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

Table 9 – Proposed Rating Increases

Local Government	18/19 Proposed Rate Increase
Shire of Broome	1.78%
Shire of Ashburton	2%

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City of Karratha	2%
Shire of East Pilbara	3%
Town of Port Hedland	3%

Efficiency Gains

Council has taken a number of efficiency measures and service improvements in the 2017/18 financial year and these continue into 2018/19 both reducing operating costs and maintaining services for the community. The following are noted in the Objects and Reasons:

- 2018 Workforce Plan updated to align with Integrated Planning and Reporting Framework;
- Reductions in consultancy costs;
- Reductions in learning and development costs;
- Extending utility of plant and equipment by deferring replacements;
- Policy reviews including improvements to purchasing practices, quality of investments and use of internal directives;
- Engagement with local suppliers;
- Implementation of new processes and procedures improving internal controls;
- Independent review of Shire's Governance and Health;
- Development of comprehensive Asset Management Plans;
- Development and implementation of staff housing policy;
- Preparation and application to Minister of change to method of valuation for Transient Workforce Accommodation;
- Implementation of better processes to track electricity costs with contractual third parties;
- Upgrades to Waste facilities including new weighbridge, landfill cells and onsite plant;
- Improvement to Airport Runway and facilities;
- Construction of Airport Hangar;
- Upgrade to pools to improve safety and service levels;
- Upgrades to sports facilities including bowling clubs, tennis and squash courts, cricket pitches, bbq's and playgrounds;
- Additional rest stops for trucks;
- Enhancements to tourist attractions including information bays;
- Renovations to senior citizens units;
- Underground Power installation to town-site Onslow;
- Onslow Town-site lighting upgrade;
- Town-sites shade structure upgrade; and
- Road works and maintenance including installation of road signage and traffic control devices.

Objects and Reasons

A Statement is published by the Shire in accordance with Section 6.36 of *the Act* to advise its objectives and reasons for implementing differential rates. The following is a summary:

- Gross Rental Values apply to the following differential general rate categories - Commercial, Industrial, Tourism, Residential and Community;
- Unimproved Values apply to the following differential general rate categories - Mining, Industrial and General;
- Council is to discontinue granting concessions to GRV Residential / Community as noted above;

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- A full GRV revaluation was undertaken in August 2017 and is effective from 1 July 2018 with the next full revaluation to apply in 2021; and
- UV Mining/Industrial properties have a higher rate applied to reflect the additional financial impact mining and related industries have on Shire infrastructure and services to other land use types. The higher level of rate revenue from these properties will contribute toward current and future costs identified in the LTFFP such as civil infrastructure for services and facilities.

ATTACHMENT 12.2A

Notice of Intention to levy differential rates 2018/19

It is intended for the proposed differential general rates and general minimum rates to be placed on public notice boards at the Shire Administration offices and libraries, the Pilbara News and West Australian on Thursday 21 June as well as the Shires' website.

The notice will invite submissions for 21 days as is required by Section 6.36 of *the Act* with a deadline for receiving the submissions at noon Friday 13 July 2018. A report on the submissions will then be prepared for Council.

ATTACHMENT 12.2B

Consultation

Executive Management Team
Finance Team
Councillor Workshop

Statutory Environment

The *Local Government Act 1995* following sections apply:

- S 6.32 provides Council with the power to apply rates to property;
- S 6.33 provides Council with the power to apply differential general rates although Ministerial approval is required where a Differential Rate is more than twice the lowest differential rate to be applied;
- S 6.35 provides Council with the power to apply a minimum payment which is greater than the general rate which would otherwise be payable on that land and a lesser minimum in respect of any portion of the district;
- S 6.36 requires Council to give public notice of its intention to impose Differential Rates, inviting submissions within 21 days (or more is desired). Council is also required to consider any submissions received prior to imposing the proposed rate or minimum payment;
- S 6.47 indicates that a local government may resolve to waive or grant a concession for a rate or service charge (absolute majority required). In addition, Regulation 69A of the *Local Government (Financial Management) Regulations 1996* also specifies that a local government cannot use its powers under section 6.47 LGA based on whether or not the land is occupied by a person who owns the land (so called absentee owner clause);
- S 5.63 (1) (b) specifically excludes the need for Elected Members to 'Declare a Financial Interest' in imposing a rate, fee or charge.

Local Government (Financial Management) Regulations 1996 Part 5.

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

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Financial Implications

The proposed Differential Rates will raise general rate revenue of \$35,096,652. This aligns to the updated LTFP rate revenue level for 2018/19 of \$35,508,607. Attention has also been given to Financial Sustainability within the LTFP so that primary financial health indicators (i.e. financial ratios) fall within their respective target ranges.

This is an important consideration as *the Department's* Financial Health Index is seen as an ever increasingly important barometer of the Shires Governance and Administrative overall performance and accountability to its ratepayers and community.

Strategic Implications

Shire of Ashburton 10 year Strategic Community Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 1 – Effective Planning for the Future

Risk Management

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

Additionally a State Administrative Tribunal (SAT) ruling into the methodology of UV valuations is due in September 2018 which should the ruling be unfavourable to the Shire will potentially have a quantum of liability around \$8.5M. To mitigate this risk a Financial Risk Reserve is maintained. As high risk items, the Director Corporate Services is monitoring the issues closely.

Policy Implications

- ELM10 – 'Financial Sustainability Policy' applies as it establishes the financial sustainability framework for the Council.
- FIN10 – Wittenoom Townsite, Wittenoom Gorge and Yampire Gorge Rates and Services Policy applies as it states Council is to cease waving rates for Wittenoom properties.
- *The Department* Rating Policy 2016 applies providing Council guidance on the five rating principles including:
 - (i) Objectivity;
 - (ii) Fairness and Equity;
 - (iii) Consistency;
 - (iv) Transparency; and
 - (v) Administrative Efficiency.

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Voting Requirement

Absolute Majority Required

Council Decision

MOVED: Cr D Diver

SECONDED: Cr M Lynch

That Council Suspend Standing Orders at 1.37 pm.

CARRIED 6/0

Councillors White, Rumble, Dias, Foster, Diver and Lynch voted for the motion

Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Dias

That Council resume Standing Orders at 2.01 pm.

CARRIED 6/0

Councillors White, Rumble, Dias, Foster, Diver and Lynch voted for the motion

Officers Recommendation

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

1. (a) Advertise its intention, in accordance with S 6.36 of the *Local Government Act 1995*, to adopt the following rates in the dollar and minimum rates for the 2018/19 financial year noting an average rate increase for ratepayers of 2%:

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

2. Adopts the Objects and Reasons for Proposed Differential Rates 2018/19.
3. Receive submissions for at least 21 days from Thursday 21 June 2018 until midday of Friday 13 July 2018.
4. Consider a report on any submissions received at its Ordinary Meeting of Council on 18 July 2018 prior to adopting the schedule of proposed Differential Rates 2018/19.
5. Has considered its revenue and expenditure requirements to ensure operational efficiency.
6. Acknowledge the proposed Differential Rates align with the Rating Strategy and the Long Term Financial Plan.

MINUTES - ORDINARY MEETING OF COUNCIL 19 JUNE 2018

Alternate Recommendation

Moved: Cr M Lynch

SECONDED: Cr D Diver

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

1. (a) Advertise its intention, in accordance with *S 6.36 of the Local Government Act 1995*, to adopt the following rates in the dollar and minimum rates for the 2018/19 financial year noting an average rate increase for ratepayers of 2%:

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

(b) Note that ratepayers may not readily accept the GRV re-valuations undertaken by VGO / Landgate and that they have an opportunity to object to the re-valuations by submission to the VGO / Landgate.

2. Adopts the Objects and Reasons for Proposed Differential Rates 2018/19.
3. Receive submissions for at least 21 days from Thursday 21 June 2018 until midday of Friday 13 July 2018.
4. Consider a report on any submissions received at its Ordinary Meeting of Council on 18 July 2018 prior to adopting the schedule of proposed Differential Rates 2018/19.
5. Has considered its revenue and expenditure requirements to ensure operational efficiency.
6. Acknowledge the proposed Differential Rates align with the Rating Strategy and the Long Term Financial Plan.

CARRIED BY ABSOLUTE MAJORITY 6/0
Councillors White, Rumble, Dias, Foster, Diver and Lynch voted for the motion

Reason for Change

Council sought to identify that ratepayers have an option to object the valuations to VGO / Landgate.

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12.3 PROPOSED SCHEDULE OF FEES AND CHARGES 2018/19

MINUTE: 390/2018

FILE REFERENCE:	FM28
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:	5 June 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 13.5 (Minute No.189/2017) – Ordinary Meeting of Council 20 June 2017

Summary

The Shires proposed Fees and Charges are presented to Council for consideration for the Financial Year 2018/19. The proposal is required to be advertised prior to effect. It is proposed the new Fees and Charges will become effective from the start of the 2018/19 financial year (1 July 2018), dependent upon advertising requirements.

Background

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

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

Comment

The proposed Fees and Charges 2018/19 include the following assumptions and changes:

- An increase of 2% has been applied to most services to reflect CPI (note that rounding of figures does occur and therefore the increase may in fact be +/- 0.25%). Where the increase is not applied or is greater than 2% the justification is for economic reasons e.g. for advertising and membership fees at the Tom Price Visitor Centre no increase is proposed as not to discourage businesses and tourists whereas for the Car and Boat Wash Facility at the Ocean View Car Park there is a proposed increase by more than 2% due to the high use and cost of water;
- Any changes to Statutory Charges are per the relevant Act e.g. Dog Registration Fees per *Dog Act 1976*;

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- 'Like for like' charges previously separated in the schedule for each location have been merged into one e.g. the 2017/18 Fees and Charges Schedule had three listings for adult Pool Entry Fees i.e. one for Tom Price, Onslow and Paraburdoo. The proposed 2018/19 Fees and Charges Schedule includes one disclosure only to incorporate all locations;
- Where appropriate a review of charges has been undertaken to ensure businesses are not adversely affected as required by the Competition Policy guidelines e.g. photocopying services at the Tom Price Visitor Centre;
- Those *new* fees and charges forming part of the workshop discussion include the following:
 - All addresses for staff housing have been removed and replaced with one for each town-site:
 - Onslow \$420 per week;
 - Pannawonica \$300 per week;
 - Paraburdoo \$300 per week; and
 - Tom Price \$370 per week.
 - Transit House at King Avenue Paraburdoo – a new location added to the existing list;
 - Tom Price Visitors Centre – the recharge of electrical devices per device (mobile phones, tablets etc.);
 - Department of Parks and Wildlife – Park Passes per entry and per vehicle;
 - Ocean View Caravan Park – Excess Cleaning Charge per hour;
 - Other Caravan Parks:
 - Washing Machine / Dryer Fee per cycle; and
 - Community Facilities PA System hire per day and weekend;
 - Ranger Services
 - Application for more than two dogs per application; and
 - Dog Trap Bond – refund on return of trap.
 - Waste Services
 - Unsorted Waste / Sorted Waste / Putrescible Waste are all new descriptions to bring more clarity to those listed in 2017/18 as well as convert the basis of charge from m3 to tonnage.

The proposed 2018/19 Schedule of Fees and Charges has been workshopped prior to adoption and is subject to amendment if the Council so desires.

ATTACHMENT 12.3A

Once adopted by Council the intention to impose the 2018/19 Fees and Charges will be advertised in accordance with Section 6.19 of the *Local Government Act 1995 (the Act)*.

ATTACHMENT 12.3B

Consultation

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Executive Management Team
Finance Team
Councillor Workshop

Statutory Environment

The following sections of the Local Government Act 1995 apply:

- *Section 6.16 sets out the Councils power to impose and recover fees and charges including what fees and charges can be imposed i.e. use of facilities, providing services etc. It also states Fees and Charges are to be imposed when adopting the Annual Budget but may be imposed during the financial year as well as amended from time to time during the financial year.*
- *Section 6.17 addresses the level of funding to be set including consideration of costs to the local government based on such considerations as the importance of the service and the price at which the goods and services could be provided by an alternative provider.*
- *Section 6.19 states that once adopted the Shire must give local public notice of its intention to do so and the date from which it is proposed the fees and charges will be imposed.*
- *Section 1.7 requires a public notice to be given in a newspaper circulating in the district, exhibited on public notice boards at the local government's administration office as well as libraries.*

Financial Implications

Fees and Charges income for 2018/19 is based on year 2 of the Long Term Financial Plan 2017-2032. For 2018/19 this is \$9,178,923 - contributing 19% of revenue for the period. This is highly dependent on the level of mining (Waste fees) and oil and gas (Airport fees) activity. The level of uncertainty is considered to be medium with +/- \$1.7m to the value of non-operating grants and contributions per 1% movement in the value of the life of the plan.

Strategic Implications

Shire of Ashburton 10 year Strategic Community Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 1 – Effective Planning for the Future

Risk Management

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

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

Policy Implications

There are no known policy implications for this matter.

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Voting Requirement

Absolute Majority Required

Officers Recommendation

That with respect to the proposed Fees & Charges for the 2018/19 financial year, Council:

1. Pursuant to section 6.16 of the Local Government Act 1995 adopt the Fees & Charges Schedule as per the ATTACHMENT 12.3B and give local public notice of the changes with effect from the date of that notice.
2. Pursuant to section 53 of the Cemeteries Act 1986 adopt the Fees and Charges for all Cemeteries in the Shire of Ashburton as referenced in ATTACHMENT 12.3A with effect from the date of advertisement in the WA Government Gazette.
3. Pursuant to section 67 of the Waste Avoidance and Resources Recovery Act 2007, adopt the charges for the removal and deposit of domestic and commercial waste as referenced in ATTACHMENT 12.3A

AMENDMENT

MOVED: Cr D Diver

SECONDED: Cr L Rumble

That with respect to the proposed Fees & Charges for the 2018/19 financial year, Council:

- 1. Pursuant to section 6.16 of the Local Government Act 1995 adopt the Fees & Charges Schedule as per the ATTACHMENT 12.3B modified to amend GL 090928 and GL 090938 to reflect per year cost and not per week and give local public notice of the changes with effect from the date of that notice.**
- 2. Pursuant to section 53 of the Cemeteries Act 1986 adopt the Fees and Charges for all Cemeteries in the Shire of Ashburton as referenced in ATTACHMENT 12.3A with effect from the date of advertisement in the WA Government Gazette.**
- 3. Pursuant to section 67 of the Waste Avoidance and Resources Recovery Act 2007, adopt the charges for the removal and deposit of domestic and commercial waste as referenced in ATTACHMENT 12.3A.**

CARRIED BY ABSOLUTE MAJORITY

Councillors White, Rumble, Dias, Foster, Diver and Lynch voted for the motion

Reason for Change

Council wanted to clarify that GL 090928 and GL 090938 should reflect per year cost and not per week as printed in the Agenda.

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12.4 CORPORATE BUSINESS PLAN 2018-2022

MINUTE: 391/2018

FILE REFERENCE:	CM05
AUTHOR'S NAME AND POSITION:	Nicky Tyson Procurement Coordinator
AUTHORISING OFFICER AND POSITION:	John Bingham Director Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	5 June 2018
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Minute 11613 Ordinary Meeting Council 21 August 2013

Summary

The *Local Government (Administration) Regulations 1996* Division 3 explains that the 'Plan for the future' referred to under Section 5.56 of the *Local Government Act 1995* includes a four year Corporate Business Plan.

Council adopted its original Shire of Ashburton Corporate Business Plan (CBP) on 21 August 2013. In line with the guidelines and following the adoption of Councils Strategic Community Plan (SCP) in March 2017, this report is presented to Council for the next four year cycle 2018–2022.

While formal reporting of progress in relation to the (CBP) is to occur annually, via the Shire's Annual Report, it is recommended that progress reports are presented to Council on more regular basis i.e. quarterly.

Background

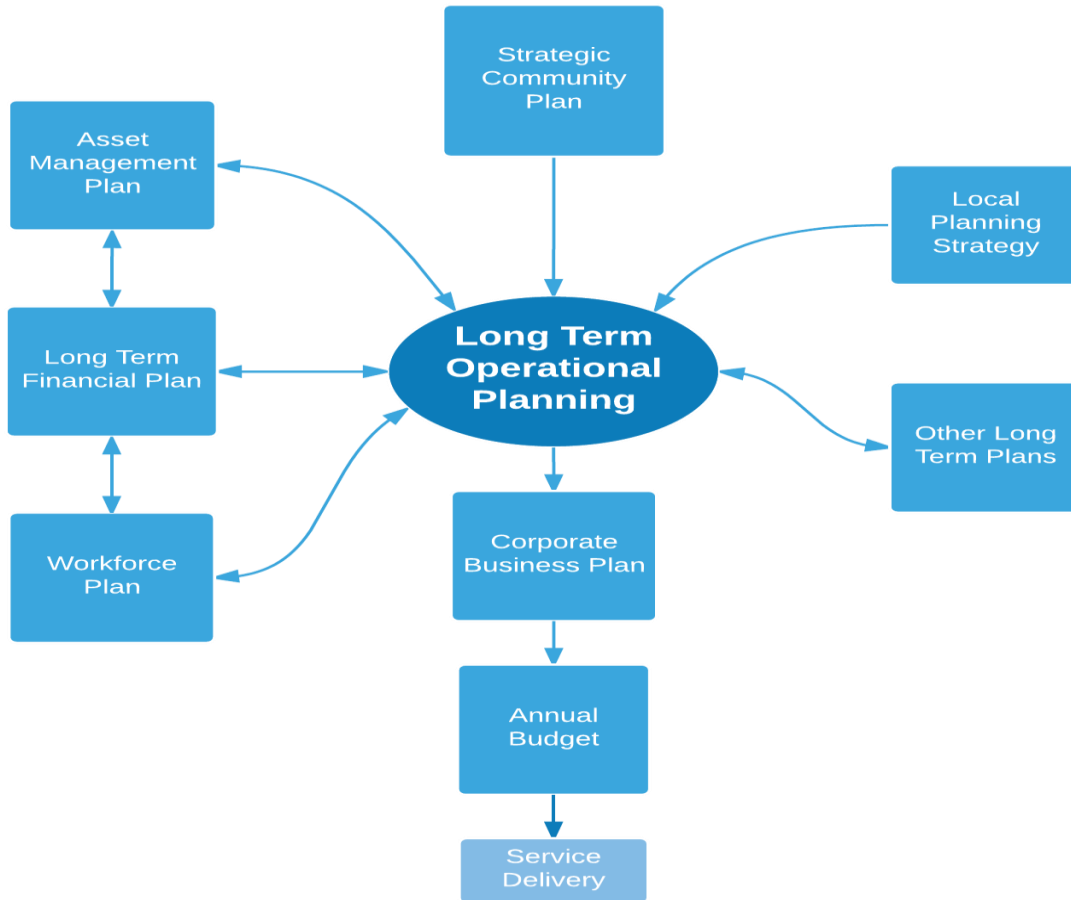
The CBP outlines the strategic and operational objectives to be achieved in the four year period. The CBP will demonstrate activities and projects that are fully resourced and have appropriate timelines and performance measures.

This is underpinned by a series of informing strategies and plans which include:

- 2017-32 Long Term Financial Plan;
- Workforce Plan reviewed every four years in conjunction with the CBP;
- Asset Management Plans for the life cycle of all assets including maintenance and replacement programs; and
- Any relevant issue specific strategies and plans for major projects or key developments.

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The Integrated Planning and Reporting Cycle and its component parts can be visualised as follows:



Comment

The CBP identifies five key strategic goals:

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

Achieving these goals requires the development of actions to address each strategy contained within the SCP. Careful operational planning and prioritisation is required to achieve the objectives and desired outcomes due to the limited resources available. This planning process is formalised by the development of our CBP. The CBP converts the SCP into action through the adoption of an Annual Budget.

The Draft Corporate Business Plan 2018-2022 is attached.

ATTACHMENT 12.4

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Consultation

Executive Management Team
Procurement Coordinator
Governance Officer
Moore Stephens Australia (Pty) Ltd

Statutory Environment

Local Government Act 1995

Section 5.56. Planning for the Future

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district

Local Government (Administration) Regulations 1996

Section 19DA Corporate Business Plans, requirements for (Act s 5.56)

Section 19DB (5) Corporate Business Plans, requirements for (Act s 5.56).

Financial Implications

Implementing the actions of the Report that have financial impacts will be processed through normal budgetary processes. Cost of consultancy for coordination and production of this document is \$10,670 (incl. GST).

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 4 – Exemplary Team & 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 'Moderate' risk that will be managed by policy, procedures and monitoring by Governance and the Chief Executive Officer.

Policy Implications

ELM11 - Integrated Planning Policy

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Voting Requirement

Absolute Majority Required

Officers Recommendation and Council Decision

MOVED: Cr L Rumble

SECONDED: Cr P Foster

That with respect to the Draft Corporate Business Plan 2018-22, Council:

- 1. Adopt the Draft Corporate Business Plan 2018-22 in accordance with Regulation 19DA of the Local Government (Administration) Regulations, 1996;**
- 2. Give public notice of the adopted Corporate Business Plan 2018-22 in accordance with Regulation 19DB (5) of the Local Government (Administration) Regulations 1996; and**
- 3. Request the Chief Executive Officer to provide Council with quarterly updates on the Corporate Business Plan as part of the Shire's Integrated Planning and Reporting Framework.**

**CARRIED BY ABSOLUTE MAJORITY 6/0
Councillors White, Rumble, Dias, Foster, Diver and Lynch voted for the motion**

MINUTES - ORDINARY MEETING OF COUNCIL 19 JUNE 2018

13. STRATEGIC AND COMMUNITY DEVELOPMENT REPORTS

13.1 OMISSION FROM COMMUNITY SUPPORT GRANT FUNDING ROUND – PARABURDOO – TEEBALL ASSOCIATION

MINUTE: 392/2018

FILE REFERENCE:	GS01
AUTHOR'S NAME AND POSITION:	Dee Walkington Administration Officer Strategic and Community Development
AUTHORISING OFFICER AND POSITION:	Anika Serer Director Strategic and Community Development
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	4 June 2018
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.1 (Minute No 369/2018) – Ordinary Meeting of Council 22 May 2018

Summary

The Shire recently promoted and invited applications for Community Support Grants and Community Lease/Licence Grants. The submissions were specifically for Community Support Grants as per REC08 Community Donations, Sponsorship and Funding Policy (REC08), with applications closing 31 March 2018.

These grants are provided as in-kind and / or financial assistance to enable community groups and clubs to deliver quality programs, community events and services. The applications were assessed and workshopped at the 23 April 2018 Ordinary Meeting of Council, and awarded at the Ordinary Meeting held on 22 May 2018.

The Paraburdoo Teeball Association submitted an application 26 March 2018. This application was duly recorded but due to an administrative error was not included in the presentation to Council. As the Association met all of the requirements for the funding round including deadlines, Council is requested to consider their application.

Background

The Paraburdoo Teeball Association submitted an application for a Community Support Grant on 26 March 2018 (prior to the close of the advertised funding round). Unfortunately due to an administrative error, the details of the application were not included in the Council workshop held on 23 April 2018 or the report recommending award of the grants on 22 May 2018.

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Comment

The Paraburdoo Teeball Association has applied for \$2,500 (maximum grant) to replace and acquire more safety and team equipment. This includes helmets, bases, etc. The total project cost is \$4,345.35, with the balance to be contributed by the Association.

The Association has not received a Community Support Grant or Small Assistance Donation (\$500) from the Shire this financial year.

At the Ordinary Meeting of Council on 22 May 2018, successful Paraburdoo applicants received \$13,958.47 (with the exception of the Golf Club who received \$2,022.70). As the application meets the criteria of the funding round, it is suggested that the Paraburdoo Teeball Association is also approved to receive a grant of \$1,358.47.

Consultation

Executive Management Team

Administration Officer – Strategic and Community Development

Statutory Environment

There are no known statutory impediments.

Financial Implications

The following budget allocations are provided in the 17/18 budget:

Community Support Grants	\$ 75,000
Small Assistance Donations	\$ 40,000

Following the award of the Community Support Grants in May, this budget allocation has been over committed by \$1,591. With the inclusion of an allocation to Paraburdoo Teeball Association (suggested \$1,358.47) a total of \$2,950 will be required to balance the Community Support Grants. A forecast surplus of \$3,987 has been identified in the Small Assistance Donations budget which can be utilised for this purpose. It should read \$13,987

Strategic Implications

Shire of Ashburton Strategic Community Plan 2017-2027

Goal 01 – Vibrant and Active Communities

Objective 02 – Sustainable services, clubs, associations and facilities

Risk Management

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

Policy Implications

REC08 Community Donations, Sponsorship and Funding Policy

Voting Requirement

Absolute Majority Required

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Officers Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr M Lynch

That with respect to the application from the Paraburdoo Teeball Association for a Community Support Grant Round, that Council:

- 1. Approve the variation of \$2,950 from the Small Assistance Donations code (GL 111222) to Sponsorships and Grants (GL 081877); and**
- 2. Approve \$1358.47 to be paid toward this request, as per the general allocation granted to successful Paraburdoo community groups in Round Two of the Community Support Grant Funding.**

**CARRIED BY ABSOLUTE MAJORITY 6/0
Councillors White, Rumble, Dias, Foster, Diver and Lynch voted for the motion**

Note

The Chief Executive Officer advised Council that the forecast surplus identified in the Small Assistance Donations of the Agenda should read \$13,987.00 and the report has been modified to reflect this figure.

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14. DEVELOPMENT AND REGULATORY SERVICES REPORTS

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

15. INFRASTRUCTURE SERVICES REPORTS

15.1 REQUEST FROM RIO TINTO TO WIDEN AND UPGRADE THE MUNJINA – ROY HILL ROAD

Declaration of Interest

Prior to consideration of this Agenda Item

Cr Foster declared a financial interest

Cr Dias declared a financial interest

Cr Diver declared a financial interest

Cr Lynch declared a financial interest

Cr Rumble declared a financial interest

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

Due to a lack of quorum this agenda item has not been considered during this meeting as per section 5.19 Local Government Act 1995.

FILE REFERENCE:	RD.0295
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Acting Director Infrastructure Services
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	7 May 2018
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in this report.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Rio Tinto (RTIO) has requested Shire support for RTIO to widen and upgrade the Shire of Ashburton sections of Munjina - Roy Hill Road (MRH) for their Koodaideri project. The report addresses the associated issues for Council to support their request on a conditional basis.

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Background

The Shire has received a request from RTIO to widen and upgrade the Shire of Ashburton sections of Munjina - Roy Hill Road (MRH) for their Koodaideri project. The widening, upgrade and future maintenance of the road is to be fully funded by RTIO.

Comment

The road is classified as a Restricted Access Vehicle (RAV) Network 10 road and is currently being used for RAV access by Process Minerals International (PMI). PMI utilise the road for hauling ~8Mta of iron ore in super quads from their mining tenement, north to Port Hedland. (RTIO) requires RAV access to facilitate movement of materials, plant and equipment for the construction of the Koodaideri Project in early 2019. They have also sought approval for widening of the section of road from the Shire of East Pilbara which has been approved with conditions. The attached plan shows the portion of road along with the Shire boundaries (approximately 10kms SoA).

ATTACHMENT 15.1

RTIO are proposing to upgrade the MRH road to make it safer by increasing the seal by 1.5 metres. The MRH road does not have a current road reserve. RTIO have been in touch with Department of Planning Lands and Heritage (DPLH) on the best way to be able to undertake the works they are proposing.

DPLH has suggested that in order to cover off the works the MRH should be dedicated under *Section 56 of the Land Administration Act (LAA)*. The dedication process requires the Local Government initiate a request to DPLH under s56 of the LAA. RTIO are keen for the road dedication process to proceed as it would formalise the road corridor and provide security of tenure on the road corridor to allow ongoing maintenance and improvements, without complications.

RTIO is keen to get Council's thoughts on the dedication of the road and how they could help initiate the process. As such Shire Officers have also discussed the likely timelines to dedicate the road. RTIO agree that this will be a long process but wish to seek Council's support in future dedication as this will assist them in getting required permits to undertake the works they are proposing.

Shire Officers have also discussed RTIO entering into a use and maintenance agreement for the road, similar to Shire of East Pilbara.

Consultation

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

Statutory Environment

Land Administration Act 1997

Section 56. Dedication of land as road

- (1) *If in the district of a local government —*
 - (a) *land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government; or*
 - (b) *in the case of land comprising a private road constructed and maintained to the satisfaction of the local government —*
 - (i) *the holder of the freehold in that land applies to the local government, requesting it to do so; or*

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(ii) those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;

Or

- (c) land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years, and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road.*
- (2) If a local government resolves to make a request under subsection (1), it must —*
- (a) in accordance with the regulations prepare and deliver the request to the Minister; and*
 - (b) provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.*
- (3) On receiving a request delivered to him or her under subsection (2), the Minister must consider the request and may then —*
- (a) subject to subsection (5), by order grant the request; or*
 - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
 - (c) refuse the request.*
- (4) On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.*
- (5) To be dedicated under subsection (3)(a), land must immediately before the time of dedication be*
- (a) unallocated Crown land or, in the case of a private road, alienated land; and*
 - (b) designated in the relevant plan of survey, sketch plan or document as having the purpose of a road.*
- (6) If land referred to in subsection (1)(b) or (c) is dedicated under subsection (3)(a), a person with an interest in that land (including a person who has the benefit of an easement created under section 167A of the TLA) is not entitled to compensation because of that dedication.*

Financial Implications

Shire Officer time will be required in liaising with RTIO and assessing designs etc. This can be accommodated within existing budget allocations.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 4 – Quality Services and Infrastructure

Objective 01 – Quality Public Infrastructure

Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Moderate" in light of the public risk and potential impacts to Shire reputation. As a medium risk matter, the Manager Technical Services will monitor progress of this item.

Policy Implications

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There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the request from Rio Tinto to widen and upgrade the Munjina – Roy Hill Road, that Council:

1. Support the request from Rio Tinto to widen and upgrade the Munjina – Roy Hill Road subject to:
 - a. The Chief Executive Officer entering in to appropriate arrangements with Rio Tinto to provide conditional approval to undertake works within the road reserve of the Munjina – Roy Hill Road for the purposes of:
 - (i) upgrading and widening the road with in approved Restricted Access Vehicle (RAV) Network 10 limits; and
 - (ii) developing an agreement for the maintenance of the road by Rio Tinto.
2. Request from the Chief Executive Officer, a further report concerning dedication process of the Munjina – Roy Hill Road.

Note

Council had six Councillors out of nine in attendance for this meeting with only three Councillors permitted to vote due to Declarations of Interests. Council therefore did not meet the 50% requirement for voting.

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15.2 RFT 05/18 – ASPHALT PATCHING – TOM PRICE

MINUTE: 393/2018

FILE REFERENCE:	CM05.18
AUTHOR'S NAME AND POSITION:	Jamie Muir Contract Project Manager
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Acting Director Infrastructure Services
DATE REPORT WRITTEN:	6 June 2018
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

A Request for Tender (RFT) 05.18 Asphalt Patching – Tom Price 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 16 May 2018 to 30 May 2018.

One Conforming tender was received via TenderLink in response to the RFT. The evaluation panel has now completed its assessment of the tender submission and makes their recommendation.

Due to the value of the tender, Delegation DA06-1 was not utilised by the Chief Executive Officer.

Background

The Shire of Ashburton seeks to engage a suitably qualified and experienced contractor to carry out asphalt patching repair works at various locations in Tom Price (Nameless Valley Drive, and several other local roads), to Main Roads Western Australia specifications.

There are several areas in the Shire where the bitumen road pavement has failed producing potholes and heaved pavement areas. These deformations can affect the ride quality and vehicle stability for road users. Shape loss is a greater concern in high speed environments (generally greater than 80 km/hr) and can pose significant risk if they are not treated promptly from degradation. The repair of these failures is required to preserve the integrity of the asset from further deterioration and provide a safe environment for road users.

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 overall evaluation scores and rankings, is attached as a confidential item.

CONFIDENTIAL ATTACHMENT 15.2

Comment

The tenders have been assessed with the below scores and rankings. Complete details of the tenders and assessment are provided in Confidential Attachment 15.2.

Rank	Tenderer	Score (/100)
1	AAA Asphalt Services	79

The evaluation panel concluded that AAA Asphalt Services are suitable and provided a value for money submission in relation to RFT 05/18.

Consultation

Executive Management Team
 Manager Technical Services
 Manager Operations
 Contract Project Manager

Statutory Environment

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

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

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

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
 - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*

Local Government (Functions and General) Regulations 1996

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150,000 unless sub-regulation (2) states otherwise.*
- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if:*
 - (a) *the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or*

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- (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 Progress, Tom Price Sealed Roads and Rural Access Roads GEN budget is \$225,000, excluding GST. This is subject to Council approval of the 2018/19 budget.

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 Contract Project Manager.

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.

Voting Requirement

Simple Majority Required

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Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Rumble

That with respect to Tender RFT 05/18 – Asphalt patching – Tom Price, Council:

- 1. Resolve that 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 - Award the contract to AAA Asphalt Services for \$224,382.90 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 6/0

Councillor White, Rumble, Dias, Foster, Diver and Lynch voted for the motion

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15.3 RFQ 37.18 PROJECT MANAGEMENT - TECHNICAL SERVICES

Declaration of Interest

Prior to consideration of this Agenda Item

Kevin Hannagan declared an indirect financial and impartiality interest

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

Kevin Hannagan left the room at 2.22 pm due to a Declaration of Interest for this agenda item.
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MINUTE: 394/2018

FILE REFERENCE:	PE01
AUTHOR'S NAME AND POSITION:	Brenton Hall Deputy Director Infrastructure Services
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	7 June 2018
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

A Request for Quote (RFQ 37.18 Project Management - Technical Services) was issued through the WALGA Preferred Supplier Program to enable the delivery of Infrastructure Services projects.

Five consultants from the WALGA Panel were invited to submit a submission. Three consultants declined to submit and two submissions were received. The evaluation panel has completed its assessment of the submissions and has made its recommendation.

Due to the value of the tender, Delegation DA06-1 was not utilised by the Chief Executive Officer.

Background

There is an ongoing business need to provide the delivery of capital projects. However, there are a number of unplanned vacant positions in critical areas which are impacting on service delivery.

The Manager Technical Services has submitted his resignation effective 22 June 2018. The Works Coordinator position is vacant due to a resignation (effective 29 May 2018) and

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Paraburdoo Town Maintenance Supervisor's position is vacant. Interviews have been held for Paraburdoo Town Maintenance Supervisor's and a candidate short listed. The Manager of Operations is also due to commence annual leave effective 25 June 2018. The new Director Infrastructure services commences 25 June 2018.

Effectively there will be four management/supervisor positions vacant in Infrastructure Services.

The Works Coordinator position will be managed by the short term use of a contractor for a period of 3 months. The incoming Director Infrastructure Services has requested that the Works Coordinator position not be filled permanently until such time as the incoming Director has settled into the role and considered the wider Infrastructure Services Organisational structure.

WALGA eQuotes was utilised as suppliers on the panel have been pre-qualified and appointed by WALGA to supply the goods or services to Local Governments. This follows a rigorous public procurement process that is fully compliant with legal and better practice purchasing requirements. The arrangements are established using aggregated or group purchasing to ensure superior value for money to Members. Tender threshold exemption applies to Preferred Supply Arrangements. Local Governments can purchase any value of goods or services from a Preferred Supplier without going to Tender.

Comment

An RFQ for the supply of Project Management –Technical Services was issued through WALGA's preferred supplier program.

After an initial compliance assessment, the two submissions were deemed compliant for further assessment. The evaluation panel then assessed the submissions against the selection criteria and they offer value for money. The Evaluation and Recommendation Report, including the overall evaluation scores and rankings, is attached as a confidential item.

Rank	Tenderer	Score (/100)
1	Core Business Australia - Project Manager (candidate 1)	85.4
2	Core Business Australia - Project Manager (candidate 2)	79.7
3	Core Business Australia - Project Manager (candidate 3)	79.1
4	Core Business Australia - Project Manager (candidate 4)	75.9
5	Talis Consultants - Project Manager (candidate 6)	66.0
6	Talis Consultants - Project Manager (candidate 1)	49.0
6	Talis Consultants - Project Manager (candidate 2)	49.0
6	Talis Consultants - Project Manager (candidate 3)	49.0
6	Talis Consultants - Project Manager (candidate 4)	49.0
6	Talis Consultants - Project Manager (candidate 5)	49.0

CONFIDENTIAL ATTACHMENT 15.3

Consultation

Executive Management Team
Procurement Coordinator

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Statutory Environment

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

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

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

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
 - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;”*

Local Government (Functions and General) Regulations 1996

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150,000 unless sub-regulation (2) states otherwise.*
- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if:*
 - (a) *the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or*
 - (b) *the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program;*

Financial Implications

The cost to provide the contract management services is in the vicinity of \$180, 000 and can be provided from the salaries budget and the project management costs will be attributed to each project the contractor is working on.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 4 – Quality Services and Infrastructure

Objective 1 – Quality Public Infrastructure

Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton’s Risk Management Framework. The perceived level of risk from the Risk Matrix is “Moderate (6)” considering the potential impacts to service delivery. As the Risk Acceptance is “Medium”, the Director Infrastructure Services will monitor progress of this item.

Policy Implications

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

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Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr L Rumble

SECONDED: Cr P Foster

That with respect to RFQ 37.18 Project Management -Technical Services, Council:

- 1. Note the attached Evaluation Report CONFIDENTIAL ATTACHMENT 15.3;**
- 2. Award the contract for Project Management – Technical Services to Core Business for the supply of up to 2 Project Managers - Technical Services (candidate 1 and 2) for a period of 3 months respectively as described in the Evaluation Report CONFIDENTIAL ATTACHMENT 15.3**
- 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 variations, providing the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract and managed within the overall budget for the project.**

CARRIED 6/0

Councillors White, Rumble, Dias, Foster, Diver and Lynch voted for the motion

Kevin Hannagan re-entered the room at 2.23 pm. The Presiding Member advised Mr Hannagan of the outcome of the vote for this item.

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16. COUNCILLOR AGENDA ITEMS / NOTICES OF MOTIONS

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

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr D Dias

That Council request the Notice of Motion “lay on the table”.

CARRIED 6/0

Councillors White, Rumble, Dias, Foster, Diver and Lynch voted for the motion

FILE REFERENCE: NP.KJNI

AUTHOR’S NAME AND POSITION: Rob Paull
Chief Executive Officer

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Cr Thomas

DATE REPORT WRITTEN: 6 June 2018

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

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

Background

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

Cr Thomas’s Notice of Motion is as follows:

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

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

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

Comment

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

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

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

Consultation

President Cr White

Cr Thomas

Executive Management Team

Statutory Environment

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

5.3 Motions of which previous notice has been given

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

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- b) *the Council on a motion agrees to defer consideration of the motion to a later stage or date.*
- (6) *If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.*

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

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 2 – Economic Prosperity

Objective 1 – Strong local economies

Risk Management

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

Policy Implications

ELM23 Notice of Motion Procedural Policy

A relevant extract of the Policy is as follows:

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

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

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

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Voting Requirement

Simple Majority Required

Officers Recommendation

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

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

Note

Councillor Thomas mover of the Motion but absent from this meeting. Therefore the Notice of Motion will be put to Council at the July 2018 Ordinary Meeting of Council.

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

No New Business of an Urgent Nature was introduced by Decision of Meeting

18. CONFIDENTIAL MATTERS

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

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

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

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

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

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

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

(I) *a trade secret;*

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

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

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

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

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

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

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

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

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

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Council Decision

MOVED: Cr L Rumble

SECONDED: Cr P Foster

That Council close the meeting to the public at 2.24 pm.

CARRIED 6/0

Councillors White, Rumble, Dias, Foster, Diver and Lynch voted for the motion

Staff remained in the room for this Confidential Agenda Item.

18.1 CONFIDENTIAL ITEM - RECONSIDERATION OF DEVELOPMENT APPLICATION 17-37 - CONSTRUCTION OF 10 WEIRS ON THE ASHBURTON RIVER, MINDEROO STATION

MINUTE: 395/2018

FILE REFERENCE:	RV32
AUTHOR'S NAME AND POSITION:	Rob Paull Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Harley Dykstra Pty Ltd Lavan Legal
DATE REPORT WRITTEN:	5 June 2018
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 18.1 (Minute 330/2018) – Ordinary Meeting of Council 13 March 2018

REASON FOR CONFIDENTIALITY

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

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

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Voting Requirement
Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr M Lynch

That with respect to Development Application 17-37 for the construction of 10 weirs on the Ashburton River in association with the existing Agricultural land use on Minderoo Station, that Council approves the development of 10 the proposed weirs as shown on the endorsed plans subject to the following conditions:

1. Development/land use shall be in accordance with the attached approved plans, subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Shire.
2. Prior to the commencement of development:
 - a. amended plans shall be submitted to the satisfaction of the Shire's Principal Town Planner to detail a low flow notch in the typical weir design, that allows the passage water in low flow events to mimic low river flows; and
 - b. a construction management and staging plan shall be submitted to the satisfaction of the Shire and there implemented;

all to the satisfaction of the Shire.

3. All works required to satisfy a condition of this approval are required to be installed/constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development.
4. The Applicant shall submit to the Shire the annual monitoring reports of the approved weirs submitted to the Department of Water and Environment Regulation (DWER) under their section 17 'Beds and Banks' approval conditions.

Advice Notes:

- a) This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the Shire, or with any requirements of the Shire of Ashburton Town Planning Scheme No. 7 or with the requirements of any external agency.
- b) This planning approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval, or, within any extended period of time for which the Shire of Ashburton has granted prior written consent.
- c) With regards to Condition 2, the low flow notch was referenced in the written application material but does not appear on the 'typical weir details' plans included with the application.

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- d) With respect to Condition 4, reports detailing the outcomes of weir monitoring as required by DWER, is required to be provided to ensure that the Shire has access to all pertinent information regarding potential cumulative impacts of development to the Shire's coastline and which may affect future coastal planning by the Shire.
- e) It is understood from the applicant that the existing weir was constructed in 2010. A search of the Shire's records has not yielded any evidence that development approval for this weir was sought or issued. As the land is zoned and its development would have constituted development, a retrospective approval is required unless evidence can be provided that approval has already been issued or a relevant exemption applied at the time of construction.
- f) Within three months of the date of this approval, the applicant shall apply for retrospective approval for the existing weir in the Ashburton River on Minderoo Station. Failure to lodge the retrospective approval may result in enforcement action being instigated without further notice.

CARRIED 6/0

Councillors White, Rumble, Dias, Foster, Diver and Lynch voted for the motion

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr D Dias

That Council re-open the meeting to the public at 2.27 pm.

CARRIED 6/0

Councillors White, Rumble, Dias, Foster, Diver and Lynch voted for the motion

19. **NEXT MEETING**

The next Ordinary Meeting of Council will be held on 18 July 2018, 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 2.27 pm.