

Ordinary Meeting of Council

Tom Price



Agenda

23 April 2018

Clem Thompson Sports Pavilion
Stadium Road
Tom Price
1.00 pm



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

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**

AGENDA

**Clem Thompson Sports Pavilion, Stadium
Road, Tom Price
23 April 2018
1.00 pm**

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

SHIRE OF ASHBURTON ORDINARY MEETING OF COUNCIL

Notice is hereby given that an Ordinary Meeting of Council of the Shire of Ashburton will be held on 23 April 2018 at the Clem Thompson Sports Pavilion, Stadium Road, Tom Price commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.



Rob Paull
CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

1.	DECLARATION OF OPENING.....	5
1.1	ACKNOWLEDGEMENT OF COUNTRY	5
2.	ANNOUNCEMENT OF VISITORS.....	5
3.	ATTENDANCE	5
3.1	PRESENT	5
3.2	APOLOGIES.....	5
3.3	APPROVED LEAVE OF ABSENCE	5
4.	QUESTION TIME	5
4.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	5
4.2	PUBLIC QUESTION TIME	6
5.	APPLICATIONS FOR LEAVE OF ABSENCE.....	9
6.	DECLARATION BY MEMBERS.....	9
6.1	DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA	9
6.2	DECLARATIONS OF INTEREST	9
7.	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION	11
8.	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	11
8.1	PETITIONS.....	11
8.2	DEPUTATIONS	12
8.3	PRESENTATIONS	12
9.	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	12
9.1	MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 13 MARCH 2018 (ATTACHMENT 9.1).....	12
9.2	MINUTES OF PILBARA REGIONAL COUNCIL ORDINARY MEETING HELD ON 22 FEBRUARY 2018 (ATTACHMENT 9.2).....	12
9.3	MINUTES OF THE SHIRE OF ASHBURTON INLAND LOCAL EMERGENCY MANAGEMENT COMMITTEE HELD ON 23 FEBRUARY 2018 (ATTACHMENT 9.3) ...	12
9.4	MINUTES OF PILBARA REGIONAL COUNCIL SPECIAL MEETING HELD ON 26 MARCH 2018 (ATTACHMENT 9.4)	13
9.5	MINUTES OF THE SHIRE OF ASHBURTON ONSLOW LOCAL EMERGENCY MANAGEMENT COMMITTEE HELD ON 6 MARCH 2018 (ATTACHMENT 9.5)	13
9.6	MINUTES OF THE SHIRE OF ASHBURTON TOURISM DEVELOPMENT COMMITTEE MEETING HELD ON TUESDAY 23 APRIL 2018 (MINUTES PRESENTED TO COUNCIL)	13
10.	AGENDA ITEMS ADOPTED "EN BLOC"	14
10.1	'EN BLOC'.....	14
11.	OFFICE OF THE CEO REPORTS.....	15
11.1	PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS STATUS REPORT FOR MARCH 2018	15
11.2	USE OF COMMON SEAL AND ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF MARCH 2018	17
11.3	RESIDENTIAL EMPLOYEE ACCOMMODATION – COUNCIL DIRECTION.....	19
11.4	REQUEST FOR COUNCIL TO ESTABLISH AND APPOINT A CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW OCCASIONAL COMMITTEE	24
11.5	REQUEST FROM CHEVRON AUSTRALIA PTY LTD FOR COUNCIL TO FORMALLY REVIEW PAST LANDING FEE PAYMENTS AT THE ONSLOW AIRPORT	27
12.	CORPORATE SERVICES REPORTS.....	31
12.1	MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID.....	31
12.2	FIN10 - WITTENOOM AND YAMPIRE GORGE RATES AND SERVICES POLICY	37
12.3	RATES DEBTOR WRITE OFF – SGMCM PTY LTD	39
12.4	REQUEST TO WAIVE DEBT – FORTESCUE NATIONAL FOOTBALL LEAGUE	43
12.5	GROSS RENTAL VALUATION (GRV) RATING OF TRANSIENT WORKFORCE ACCOMMODATION.....	48
12.6	EXTRAORDINARY ELECTION – ASHBURTON WARD.....	63
12.7	REVIEW OF COUNCIL POLICY ELM04 CODE OF CONDUCT	66
13.	STRATEGIC AND COMMUNITY DEVELOPMENT REPORTS.....	68
13.1	ENDORSEMENT OF THE PROPOSED YOUTH ENGAGEMENT STRATEGY 2018- 2023.....	68

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

13.2	TOM PRICE CHILDCARE PROJECT – LOCATION ENDORSEMENT	72
13.3	ENDORSEMENT OF KARRATHA-TOM PRICE ROAD STAGES 3 AND 4 COST BENEFIT AND SOCIAL IMPACT ASSESSMENT	78
13.4	RESULTS OF SURVEY INTO ALCOHOL RESTRICTIONS AND TAKEAWAY ALCOHOL MANAGEMENT SYSTEM	83
13.5	OCEAN VIEW CARAVAN PARK – REALIGNMENT OF BOUNDARY AND EXCISION FOR DEDICATION AS A ROAD	87
13.6	REQUEST FOR TENDER (RFT) 03.18 - DEMOLITION, DESIGN AND CONSTRUCTION OF PLAYGROUND, ONSLOW	91
14.	DEVELOPMENT AND REGULATORY SERVICES REPORTS	95
14.1	TRUCK BREAK DOWN AREA PARKING RESTRICTIONS	95
15.	INFRASTRUCTURE SERVICES REPORTS	98
15.1	MOUNT AUGUSTUS TO PARABURDOO ROAD PROJECT	98
15.2	PILBARA REGIONAL CLASS IV WASTE MANAGEMENT FACILITY, ONSLOW – AMENDED SITE BOUNDARY.	102
16.	COUNCILLOR AGENDA ITEMS / NOTICES OF MOTIONS	104
17.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	104
18.	CONFIDENTIAL MATTERS	104
18.1	CONFIDENTIAL ITEM - POTENTIAL ACQUISITION OF AIRPORT ASSETS FOR GENERAL AVIATION DEVELOPMENT	105
18.2	CONFIDENTIAL ITEM - JOINDER TO PROCEEDINGS FOR OBJECTION BY CHEVRON AUSTRALIA PTY LTD	106
19.	NEXT MEETING	107
20.	CLOSURE OF MEETING	107

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at _____ pm.

1.1 ACKNOWLEDGEMENT OF COUNTRY

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

2. ANNOUNCEMENT OF VISITORS

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

3. ATTENDANCE

3.1 PRESENT

Elected Members:	Cr K White Cr L Rumble Cr P Foster Cr M Lynch Cr D Diver Cr L Thomas Cr M Gallanagh	Shire President, (Presiding Member) Onslow Ward Deputy Shire President, Paraburdoo Ward Tom Price Ward Tom Price Ward Tom Price Ward Tableland Ward Pannawonica Ward
Staff:	Mr R Paull Mr J Bingham Mr B Hall Ms L Reddell Mr K Hannagan Ms J Smith Mrs M Lewis	Chief Executive Officer Director Corporate Services Acting Director Strategic & Community Development Director Development & Regulatory Services Acting Director Infrastructure Services Executive Officer CEO & Councillor Support Officer
Guests:		
Members of Public:	There were _____ members of the public in attendance at the commencement of the meeting.	
Members of Media:	There were _____ members of the media in attendance at the commencement of the meeting.	

3.2 APOLOGIES

3.3 APPROVED LEAVE OF ABSENCE

Cr D Dias Paraburdoo Ward

4. QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

4.2 PUBLIC QUESTION TIME

The following questions have been asked:

4.2.1 Greg Lincoln (Tom Price):

- Q1. *“Taking into account the Shire of Ashburton’s policy LLP09 section 3.2, has Council considered the huge increased traffic implications of constructing the child care centre on the green parkland between Mine Road and Poinciana Street; e.g. busyness of intersections between Central Road, Mine Road, Willow Road, South Street and Poinciana Street, distance between one intersection to another, width of residential street etc., and how it will affect the safety of all involved, i.e. children walking to and from school and the skate park at busy times and drivers navigating intersections that are very close together?”*

Response:

The matter before Council (Item 13.2 to this Agenda) relates to Council identifying a site for the construction of a child care centre and before the community consultation process is commenced, detailed design and assessment is undertaken. Council will be asked to allow the Shire to progress to a ‘business case’ which will be referred to Council for consideration. The detailed design and assessment will include matters to be addressed by architects and civil engineering consultants who will undertake assessments that will include traffic management planning (addressing data from a traffic survey of existing child care centre). The complete proposal will then be the subject of a planning application which will be subject of community consultation.

- Q2. *“What other sites have been considered and why have they been rejected in favour of existing green parkland?”*

Response:

Sites considered by Shire Staff in consultation with RioTinto are detailed in Item 13.2 to this Agenda.

4.2.2 Kevin Walsh (Tom Price):

- Q1. *“The area on East Road close to the Golfie seems to be the perfect area for the new child care centre with good safe access and potential to be developed further and has utilities such as electricity, water and sewerage close by. Other than cost, what are the other reasons that this area was rejected in favour of destroying green parkland?”*

Response:

The land referred to as ‘parkland’ is zoned ‘residential’ under the Shire of Ashburton Local Planning Scheme which reflects the potential for development. The area on East Road (near ‘Golfie’) was considered by Shire Staff in consultation with RioTinto but it has been concluded that it was not ideal due to the distance from primary schools (850m from nearest primary school).

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

In addition, sewer may need pump due to low levels. Should this site be considered, engineering consideration would need to be given with respect to the location and cost of headworks.

- Q2. *“The Shire would be aware that the sewerage line on the proposed parkland between Mine Road and Poinciana Street runs very close to the centre of the land and would need to be diverted to enable the child care centre to be constructed. Can Council provide a cost comparison between developing this area and the area on East Road?”*

Response:

The Shire is aware of a sewerage line through centre of Poinciana Street site. Cost comparison between areas is provided in Attachment 13.2A to the Council Agenda. The Poinciana Street site is expected to be slightly more expensive for redirection of services than the ‘Golfie’ site.

4.2.3 Yvonne Lincoln (Tom Price):

- Q1. *“When door knocking for the petition against the possibility of constructing the new child care centre on the green parkland between Mine Road and Poinciana Street, I was greeted by the shocked reaction of everyone about the possibility of losing the green open space and that the Shire was actually considering this. What community consultation has been undertaken regarding the suggested site?”*

Response:

At this early stage, community consultation is yet to be undertaken. This will be addressed in the planning application process and follow the statutory process to involve the community. Without limiting Council to seek a more extensive community consultation process, it is anticipated that the minimum level of consultation would reflect *“Local Planning Policy 17 Consultation for Planning Proposals”* as follows:

“Level C – CONSULTATION WITH OWNERS/OCCUPIERS OF NEARBY LAND

Where a proposed land use or development is determined by the Shire as having the potential to impact on not only the use or enjoyment of land adjoining the application site but also other neighbouring land, the owners/occupiers of those neighbouring properties will be consulted.

Method of Consultation.

- i. The owners/occupiers of properties determined as being potentially affected by a development proposal will be consulted in writing providing a minimum of 14 days for the lodgement of any submissions.*
- ii. Dependent upon the level of impact in the area, the Shire may also publish a notice of the development proposal in the Pilbara News inviting comment within a specified period.”*

In addition and as noted in the Item 13.2 to this Agenda, Rio Tinto, Nintirri, Councillors and Shire Staff have been involved in identifying and investigating site specific requirements and considerations for a

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

child care centre based on expert advice from consultants and from experience in developing the Paraburdoo Child Care Centre.

Q2. *“With the growing outcry in all communities regarding the loss of green spaces, why is the Shire not looking to the future and being proactive in retaining green areas for future generations; especially when there are other locations that would be perfect for the centre?”*

Response:

As noted in Item 13.2 to this Agenda, other ‘potential’ sites within Rom Price have been investigated. The Shire is seeking to ‘future proof’ a site for the child care centre. The Poinciana Street does provide the opportunity to take advantage of open areas which are not heavily used, adding to the inviting entry to town (similar to Paraburdoo Child Care Centre) and as an ‘attraction’ to families. Importantly, the design of the centre will address noise, traffic, safety etc. retention of trees which are vital to natural shade and providing an inviting environment. Importantly, there are substantial open green parklands in the town area including Doug Talbot Park nearby, ovals, Lions Park, open reserves etc.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

5. APPLICATIONS FOR LEAVE OF ABSENCE

There were no applications received for leave of absence.

6. DECLARATION BY MEMBERS

6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

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

6.2 DECLARATIONS OF INTEREST

Councillors to Note

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

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

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

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

NOTES ON DECLARING INTERESTS (FOR YOUR GUIDANCE)

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

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

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

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

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		
Rob Paull	Indirect Financial	The nature of my interest is that my spouse is employed by Muzzy's Hardware in Tom Price and the extent of my interest is that my spouse is earning an income from Muzzy's Hardware, Tom Price.
13.2 TOM PRICE CHILDCARE PROJECT		
Sarah Johnston	Financial Indirect Financial Impartiality	The nature of my interest is both financial and impartiality. The extent of my interest is that I am employed at the Shire of Ashburton under a funding agreement in a role funded by Rio Tinto Iron Ore. My husband is an employee, a shareholder of Rio Tinto (Shares more than \$10,000 in value) and as a family we live in a Rio Tinto Iron Ore House on a rental agreement.
Cr Rumble	Financial	The nature of my interest is that I am a Shareholder of Rio Tinto. The extent of my interest is that I have greater value Share than \$10,000.
Cr Diver	Financial	The nature of my interest is I am an employee of Rio Tinto. The extent of my interest is I receive a salary from Rio Tinto, I also receive subsidised utility services from Rio Tinto.
Cr Lynch	Financial	The nature of my interest is I am employed by and am a tenant of Pilbara Iron. The extent of my interest is I am paid a salary by Rio Tinto Iron Ore.
Item Number/ Name	Type of Interest	Nature/Extent of Interest
Cr Gallanagh	Financial	The nature of my interest is that myself, husband and son are all employed by Rio Tinto. The extent of my interest is that we have shares greater than \$10,000 in Rio Tinto.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Cr Foster	Financial	The nature of my interest is my partner works for Rio Tinto and is a Shareholder of Rio Tinto. The extent of my interest is that my partner receives an income from Rio Tinto, owns Shares in Rio Tinto and as part of his employment, we live in a Rio Tinto property and pay rent.
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7. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

8. PETITIONS / DEPUTATIONS / PRESENTATIONS

8.1 PETITIONS

Petition concerning the location of the proposed Tom Price Child Care Centre

Without necessarily supporting the contents, Cr White tabled a petition to Council containing the signatures of 147 people believed to be 'residents/electors' of the district stating as follows:

"We the undersigned are 100% FOR the Tom Price Child Care Centre to be constructed as soon as possible and are happy that the Shire of Ashburton are finally taking positive steps in planning and developing the long-awaited centre to benefit all families of Tom Price.

Our concern is that the Shire select the most appropriate location for the Centre, taking into account impact on the environment, safety of our children, ability to easily access the facility and ensuring minimal impact on surrounding premises. Several sites have been proposed for construction of the Centre, including parkland between Mine Road and Poinciana Street.

We the undersigned are AGAINST developing this parkland and request Council pursue a more appropriate site for the following reasons:

- 1. Tom Price is renowned for being an "Oasis in the Pilbara" with its many beautiful mature trees and green open spaces. We disagree with the destruction of existing green parkland that has been there for all to enjoy for 50 years, especially when more appropriate sites are available.*
- 2. The safety of our children is of utmost concern; we are against the proposal to build a large centre in this residential area due to heavily increased traffic and congested intersections. Children gaining access to the school and skate park are at particular risk during busy times of the day, e.g. before and after school.*
- 3. Increased traffic, noise and activity would adversely affect a quiet residential street where shift workers reside.*
- 4. The proposal goes against the Shire of Ashburton's own policy which is currently on their website - LPP09 section 3.2 including headings of Location, Residential Amenity, Noise Generation, Essential Services, Traffic Implications and Building Modifications."*

Note: The Standing Orders require that only Electors can petition Council. The Shire has not confirmed as to whether all signatories are 'electors'.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

8.2 DEPUTATIONS

Mr Michael Smith, President of the Fortescue National Football League to address Council regarding agenda item 12.3 – Sundry Debtors – FNFL request to waive outstanding debt.

8.3 PRESENTATIONS

Nil

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 13 MARCH 2018 (ATTACHMENT 9.1)

Officer Recommendation

That the Minutes of the Ordinary Meeting of Council held on 13 March 2018 at the Council Chambers, Onslow Shire Complex, Second Avenue, Onslow (**ATTACHMENT 9.1**) be confirmed as a true and accurate record.

9.2 MINUTES OF PILBARA REGIONAL COUNCIL ORDINARY MEETING HELD ON 22 FEBRUARY 2018 (ATTACHMENT 9.2)

Officer Recommendation

That the Minutes of the Pilbara Regional Council Ordinary Meeting of Council held at the WA State Library (Great Southern Room) 25 Francis St, Perth on 22 February 2018 (**ATTACHMENT 9.2**) be received.

9.3 MINUTES OF THE SHIRE OF ASHBURTON INLAND LOCAL EMERGENCY MANAGEMENT COMMITTEE HELD ON 23 FEBRUARY 2018 (ATTACHMENT 9.3)

Officer Recommendation

That the Minutes of the Shire of Ashburton Inland Local Emergency Management Committee Held on 23 February 2018 at the Tom Price BFB Shed, Boondaroo Road Tom Price (**ATTACHMENT 9.3**) be received.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

9.4 MINUTES OF PILBARA REGIONAL COUNCIL SPECIAL MEETING HELD ON 26 MARCH 2018 (ATTACHMENT 9.4)

Officer Recommendation

That the Minutes of the Pilbara Regional Council Special Meeting of Council held at Citiplace Community Centre, City Railway Station Complex, Wellington Street, Perth on 26 March 2018 (ATTACHMENT 9.4) be received.

9.5 MINUTES OF THE SHIRE OF ASHBURTON ONSLOW LOCAL EMERGENCY MANAGEMENT COMMITTEE HELD ON 6 MARCH 2018 (ATTACHMENT 9.5)

Officer Recommendation

That the Minutes of the Shire of Ashburton Onslow Local Emergency Management Committee Held on 6 March 2018 at the Onslow VFES Complex, Onslow (ATTACHMENT 9.5) be received.

9.6 MINUTES OF THE SHIRE OF ASHBURTON TOURISM DEVELOPMENT COMMITTEE MEETING HELD ON TUESDAY 23 APRIL 2018 (MINUTES PRESENTED TO COUNCIL)

Officer Recommendation

Minutes of the Shire of Ashburton Tourism Development Committee to be held on Tuesday 23 April 2018 Meeting at the Clem Thompson Sports Pavilion, Stadium Road, Tom Price be received (Minutes provided under separate cover).

Matters Arising

Council will be advised of any matters arising from the Committee.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

10. AGENDA ITEMS ADOPTED "EN BLOC"

10.1 '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."*

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

11. OFFICE OF THE CEO REPORTS

11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS STATUS REPORT FOR MARCH 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:	4 April 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 10.1 (Minute No. 11477) - Ordinary Meeting of Council 10 April 2013

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

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

“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

Not Applicable

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

Not Applicable

Voting Requirement

Simple Majority Required

Officers Recommendation

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

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

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

FILE REFERENCE:	GV21 CM02
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Officer Brooke Beswick Administration Assistant Planning
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	4 April 2018
DISCLOSURE OF FINANCIAL INTEREST:	The authors and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

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

Background

Council has historically sought a monthly update of the more significant activities for the organisation relative to (1) use of the Common Seal, and (2) actions performed under delegated authority requiring referral to Council as per the Shire of Ashburton Delegated Authority Register 2018.

Comment

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

ATTACHMENT 11.2A
ATTACHMENT 11.2B

Consultation

Relevant officers as listed in the Attachment.

Statutory Environment

Local Government Act 1995

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

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Financial Implications

As outlined in the Attachments.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 4 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

ELM 13 – Affixing the Shire of Ashburton Common Seal

FIN12 – Purchasing and Tendering Policy

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the Use of the Common Seal and Actions Performed under Delegated Authority for the month of March 2018, 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**.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

11.3 RESIDENTIAL EMPLOYEE ACCOMMODATION – COUNCIL DIRECTION

FILE REFERENCE:	GV20
AUTHOR'S NAME AND POSITION:	Rachel Cassidy Organisational Development Coordinator
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not applicable
DATE REPORT WRITTEN:	16 April 2018
DISCLOSURE OF FINANCIAL INTEREST:	Whilst the author and the authorising officer have no direct financial, proximity or impartiality interests in the proposal, all staff have an interest in the Council's direction in relation to staff housing.
PREVIOUS MEETING REFERENCE:	Agenda Item 12.07.52 – Ordinary Meeting of Council 21 July 2010

Summary

Due to the reported difficulty experienced by Shire of Ashburton (SoA) staff in accessing affordable local accommodation options and the contributing negative effect that this is suggested to have on the Shire's significant staff turnover rate, Council is requested to provide direction for the provision of support to be extended for residential employee accommodation.

Background

The current EMP19 Staff Accommodation Directive has limited application with benefits being provided to those staff, for the most part, who are in specified higher level and/or technical roles.

Staff turnover rates of the Shire of Ashburton for the 2016/17 financial year was 42%, with results for the current financial year trending to reflect much the same result.

A review of the Staff Accommodation Directive has not been carried out since the approval of the *Shire of Ashburton Enterprise Agreement 2017*, which makes reference to the provision of 'free housing' as per the below:

20.1 Free Housing

To attract people with skills that are in demand, the Employer will continue to provide rent free housing along with relocation assistance to some positions in accordance with the relevant CEO's Directive (which is not incorporated into this Agreement) for further details.

20.1.1 The free-housing provision is only effective while the Employee is working (or on approved paid leave) for the Shire. Employees on unpaid leave may be required to pay rent for the duration of that leave.

20.2 Affordable Rental Housing

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Where stocks allow, the Shire may make available to Employees who do not qualify for free housing under subclause 20.1, rentable accommodation at rates determined by the Employer.'

Comment

Due to the significant rental costs, difficulty to access accommodation in the Pilbara region and high staff turnover rates at the Shire of Ashburton, it is considered that a review and amendment to the EMP19 – Staff Accommodation Directive is needed to ensure better alignment with industry, staff and community expectations.

Currently, the EMP19 Staff Accommodation Directive only provides for benefit to specific higher level and/or technical roles, meaning that the candidate pool for positions not receiving this benefit are often restricted to locally residing candidates only. The inability to offer residential incentives to relocate to Shire towns makes attraction and retention of middle and lower level roles difficult.

Previous feedback from employees indicates confusion in regards to how staff housing is administered under the current directive. This has the potential to lead to perceived inconsistency and inequity by existing staff as well causing misunderstandings by possible future employees.

Accordingly, a Directive position is proposed which supports a greater and more consistent benefit to a broader range of employees. Eligibility is as per the draft Directive and will not cover employees who are receiving accommodation, subsidies, allowances or benefits from other sources.

It is proposed that the Shire will provide cost neutral accommodation for its current stocks to eligible employees, and where the Shire is not able to provide reasonable accommodation, a rent relief payment will be applicable. It is considered that the proposed Directive will assist in meeting the immediate need of attracting suitable candidates to reside in the Shire of Ashburton.

The proposed SoA initiative has been compared to other Local Governments located in the North West. Amounts indicated below are to be considered in conjunction with their respective Policies:

Local Government	Allowance Name	Amount
City of Karratha	Rental Assistance	\$12,134p/a
	Karratha Allowance	\$9,000p/a
	<i>Total Karratha Allowance / Rental Assistance</i>	<i>\$21,134p/a</i>
Town of Port Hedland	<i>Port Hedland Allowance / Rental Assistance</i>	<i>\$18,822p/a</i>

The City of Karratha, as per the section 33.4 of the *City of Karratha Enterprise Agreement 2015*, also offers a Housing Subsidy to employees of up to \$30,390 p/a which is paid directly on an employee's mortgage.

Given the above, it is felt that the proposed directive position will assist in not only making the SoA more competitive in the local government industry, but also more competitive with other employers located in the North West.

To compare the rental allowances recommended within this report to the allowance arrangements as highlighted above, the per annum value of Scenarios 1 & 2 (as provided for under 'Financial Implications') are anticipated to be as follows:

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Town	Maximum weekly rental allowance to be provided	Maximum annual rental allowance to be provided
Onslow	\$420	\$21,840
Tom Price	\$370	\$19,240
Paraburdoo	\$300	\$15,600
Pannawonica	\$300	\$15,600

Note in addition to the above, and as per section 14.1 of the *Shire of Ashburton Enterprise Agreement 2017*, SoA employees may also be eligible for an 'Ashburton Allowance' which is currently valued at \$4,000p/a.

Turnover of staff can attract significant costs with estimates considered to be between \$10,000 - \$20,000 per recruitment, not taking in to consideration relevant corporate knowledge loss or loss of productivity. Where contractors are required to fill positions short term, costs are considered to be potentially between \$2,600 - \$5,400 per week depending on position requirements.

For the period 1 July 2017 to 1 April 2018 there have been 72 separations. Based on the figures provided above of \$10,000 - \$20,000 per separation, this reflects an estimated cost to Council of \$720,000 - \$1,440,000.

Accordingly, Council is requested to provide direction as to financial accommodation arrangements to be charged for staff utilising Shire accommodation (note the scenario's as provided for under 'Financial Implications' of this report).

Consultation

Chief Executive Officer
Executive Team
Manager Organisational Development
OD Projects Coordinator

Statutory Environment

Shire of Ashburton Enterprise Agreement 2017
Residential Tenancy Act 1987
Local Government Act 1995
Local Government (Financial Management) Regulations 1996

Financial Implications

Potential costs of providing assistance is further explored in the below scenarios:

Scenario 1

No rent charged for staff utilising Shire housing and rent assistance up to 75% of determined average for each townsite provided whereby staff are eligible for assistance from, but are not able to be accommodated by the SoA.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Anticipated costs based on knowledge of staff housing being provided to staff by external means*:

\$147,550	Total annual income lost through rents being no longer collected for Shire housing
\$934,304	Amount of housing allowances likely to be provided based on current knowledge of staff housing arrangements and take up of externally provided subsidies
\$981,494	Sub-total
\$100,360	- Less cost of Shared housing arrangements predicted to continue
\$0.00	- Income
\$881,134	Total impact

* This Scenario and Total impact figure doesn't address costs associated with recruitment of staff.

Scenario 2

\$100 rent per week charged for staff utilising Shire housing and rent assistance up to 75% of determined average for each townsite provided whereby staff are eligible for assistance from, but are not able to be accommodated by, the SoA.

Anticipated costs based on knowledge of staff housing being provided to staff by external means#:

\$147,550	Total annual income lost through rents being no longer collected for Shire housing
\$934,304	Amount of housing allowances likely to be provided based on current knowledge of staff housing arrangements and take up of externally provided subsidies
\$1,081,854	Sub-total expenses
\$100,360	- Less cost of Shared housing arrangements predicted to continue
\$436,800	- Income
\$645,054	Total impact

This Scenario and Total impact figure doesn't address costs associated with recruitment of staff.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 05 – Inspiring Governance

Objective 04 – Exemplary team and work environment

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

Risk Management

If Council were not to support an amendment to the current residential employee accommodation directive, the risk of service interruption occurring due to staff turnover is considered to be 'major' with a likelihood of 'likely' as per the Shire's adopted Risk Assessment and Acceptance criteria.

This results in an overall risk rating of 'High' which indicates the need for urgent attention to be directed to the matter.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Policy Implications

The Council's decision will provide a policy direction for the Shire that addresses their requirements as provided for in the *Shire of Ashburton Enterprise Agreement 2017*.

Voting Requirement

Absolute Majority Required.

Officers Recommendation

That with respect to residential employee accommodation – Council direction, Council support the Chief Executive Officer implementing an appropriate directive and procedure to providing residential assistance to Shire Staff as reflect either Scenario 1 or Scenario 2 as outlined within the report.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

11.4 REQUEST FOR COUNCIL TO ESTABLISH AND APPOINT A CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW OCCASIONAL COMMITTEE

FILE REFERENCE:	GVO5
AUTHOR'S NAME AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Rob Paull Chief Executive Officer
DATE REPORT WRITTEN:	28 March 2018
DISCLOSURE OF FINANCIAL INTEREST:	Whilst the author/authorising officer has no financial, proximity or impartiality interests in the proposal, should Council agree to establish a <i>Chief Executive Officer's Performance Review Occasional Committee</i> the Chief Executive Officer will have a need to declare a financial interest in any such Committee meetings.
PREVIOUS MEETING REFERENCE:	Agenda Item 11.4 (Minute No. 245/2017) Ordinary Meeting of Council 24 October 2017

Summary

For Council to consider appointing a Chief Executive Officer's Performance Review Occasional Committee.

Background

At the 24 October 2017 Ordinary meeting, Council established its Committee's and Working Groups where Council resolve to establish the CEO Performance Review Panel (Working Group) as follows:

3.3 CEO Performance Review Panel

Members: Shire President, Cr Diver.

*Deputies: Crs Rumble, Dellar**

Secretariat: External or one of the members.

Purpose: Undertake reviews of the CEO's Performance and to make recommendations to Council as a result of those reviews as required.

Meeting Cycle: Anniversary of the CEO's contract and then biannually or as required.

**Note: Cr Dellar has resigned from Council*

Comment

The community expects local government to function effectively and a key player in delivering these expectations is the Chief Executive Officer (CEO), who provides leadership and direction to achieve Council directions. Aside from a need to comply with the *Local Government Act 1995*, Council has solid business reasons for undertaking CEO performance reviews. These reviews can bring great benefits that include:

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

- aligning the strategic direction set by the Council with the CEO's responsibilities and Key Performance Indicators;
- promoting better Council and CEO working relations;
- providing an early warning system for possible issues; and
- improving the overall performance and governance of the organisation.

The position of Shire of Ashburton CEO manages a relatively large workforce and is responsible for day-to-day legislative and fiscal governance, and accordingly it is appropriate to undertake a rigorous evaluation process.

In this regard, it is respectfully suggested that the current 'working group' arrangement with the President and one other Councillor should be replaced with a committee of Council with all Councillors invited to participate. The suggested committee arrangement would be as follows:

Chief Executive Officer's Performance Review Occasional Committee

Members: All Councillors

Quorum: 5 Councillors.

Purpose:

- *Compile the consensus response for each of the key result areas detailed in clause of the Chief Executive Officer's (CEO) contract of employment.*
- *Conduct a performance review feedback session with the CEO.*
- *Prepare and submit for Council approval a report describing the assessment developed during the performance review, changes to be made, special tasks to be done, or decisions to follow as a result of the evaluation.*
- *Prepare and submit for Council approval the agreed performance objectives for the next review period.*
- *Prepare and submit for Council approval any variations to the CEO's conditions of employment.*
- *Committee Cycle: Anniversary of the CEO's contract and then biannually or as required.*

Should Council agree to the formation of the *Chief Executive Officer's Performance Review Occasional Committee*, the Shire will also provide further policy direction for Council in a future report.

Consultation

Shire President Cr White

Statutory Environment

Local Government 1995 Part 5, Division 2 Council meetings, committees and their meetings and electors' meetings; Subdivision 2 – Committees and their meetings; Subdivision 3 – Matters affecting council and committee meetings.

Financial Implications

The administrative requirements for the meetings of the Committee will be captured within the existing operating budget, and is expected to be negligible.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 4 – Quality Services and Infrastructure

Objective 1 – Quality Public Infrastructure

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

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 considered to be "Moderate (6)" in light of the potential impacts to external contractual arrangements. As the Risk Acceptance is considered to be "Medium", the Chief Executive Officer will monitor progress of this item.

Policy Implications

There are no policy matters associated with this report. However, it is appropriate for Council to consider a policy in relation to the process of undertaking a Chief Executive Officer's performance review.

Voting Requirement

Absolute Majority Required

Officers Recommendation

That with respect to the request for Council to establish and appoint a Chief Executive Officer's Performance Review Occasional Committee, Council:

1. Establish and appoint a Committee of Council to oversee the Chief Executive Officer's Performance Review as follows:

2.14 Chief Executive Officer's Performance Review Occasional Committee (CEOPROC)

Members: All Councillors

Quorum: 5 Councillors.

Purpose:

- Compile the consensus response for each of the key result areas detailed in the clause of the Chief Executive Officer's (CEO) contract of employment.
- Conduct a performance review feedback session with the CEO.
- Prepare and submit for Council approval of a report describing the assessment developed during the performance review, changes to be made, special tasks to be done, or decisions to follow as a result of the evaluation.
- Prepare and submit for Council approval the agreed performance objectives for the next review period.
- Prepare and submit for Council approval of any variations to the CEO's conditions of employment.
- Committee Cycle: Anniversary of the CEO's contract and then biannually or as required.

and;

2. Not proceed with the arrangement of the "CEO Performance Review Panel" (Working Group) as provided for in Minute No. 245/2017 of Ordinary Meeting of Council 24 October 2017.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

11.5 REQUEST FROM CHEVRON AUSTRALIA PTY LTD FOR COUNCIL TO FORMALLY REVIEW PAST LANDING FEE PAYMENTS AT THE ONSLOW AIRPORT

FILE REFERENCE:	GV04
AUTHOR'S NAME AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Rob Paull Chief Executive Officer
DATE REPORT WRITTEN:	2 April 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 12.3 (Minute No. 303/2018) – Ordinary Meeting of Council 13 February 2018

Summary

For Council to consider the request from Chevron Australia Pty Ltd to waive landing fee payments at the Onslow Airport.

Background

In July 2017, the Acting Chief Executive Officer (CEO) wrote to Chevron requesting that the company commence paying landing fees in accordance with Council's adopted fees and charges. Importantly, the correspondence detailed that it did not appear that there was a formal agreement reached with the Shire and Chevron to exempt landing fees during construction of the Wheatstone LNG development (**ATTACHMENT 11.5A**).

On 30 August 2017, Council adopted the 2017/18 Budget along with fees and charges. With respect to the Onslow Airport, landing fees were again defined for all aircraft with the following exemptions:

"Exempt Aircraft (RFDS, Emergency Rescue, Angel Flight, Community Doctor Transfers)"

Chevron responded to the Acting CEO's correspondence on 17 September 2017 by advising that Chevron had given this consideration and advise that we agree to pay landing fees for 3 flights a week.

By letter dated 1 February 2018, the CEO advised Chevron that from Monday 5 February 2018 the Shire will charge Chevron for all landing fees at the Onslow Airport irrespective as to whether they are Wheatstone Project operational or construction derived flights (**ATTACHMENT 11.5B**).

At the Ordinary Meeting of 13 February 2018, Council sought to address revenue for the Onslow Airport in relation to the 2017/18 Fees and Charges along with any other potential outstanding fees resolved as follows (Minute No. 303/2018):

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

“That with respect to the 2017/18 Annual Budget Review Council:

Adopts the recommended budget variations with the following modification:

- 1. Landing Fees (Onslow Airport) – retain the original forecasted income for 2017/18 whereby the Chief Executive Officer (CEO) is requested to ensure that all relevant landing fee payments for the period from 1 September 2017 are sought.*
- 2. Approves the 30 June 2018 forecast generally as per ATTACHMENT 12.2B modified as per 1. above.*
- 3. Request the CEO to advise Council of any other avenues for landing fee payments from the commencement of flights at the Onslow Airport to 30 August 2017”.*

On 20 February 2018, Chevron was advised of Council’s resolution, and offered the opportunity to provide evidence it may have of any formal agreement with Council that demonstrates an agreed exemption of landing fees at the Onslow Airport (no such evidence has been provided to the Shire) (**ATTACHMENT 11.5C**)

Invoice (No. 30851) for landing fee payments at the Onslow Airport for the period from 1 September 2017 until 4 February 2018 was subsequently issued to Chevron for flights associated with the construction workforce at the Wheatstone LNG development.

In response to Council’s decision on 13 February 2018, Chevron responded to separate letters (both dated 9 March 2018) as follows:

- Chevron agreed to payment of landing fees from 5 February 2018; and
- Chevron considered that any outcome of an investigation into landing fee payments from the commencement of flights at the Onslow Airport should not cause financial detriment to Chevron or its partners and it reserves all rights in relation to any action taken by the Shire to back charge Virgin Australia or Chevron for landing fees during periods in which the exemption was previously applied by the Shire. Chevron advised that it would hold invoice (No. 30851) in abeyance and requested period 1 September 2017 to 4 February 2018 be included in the review of landing fees (as per part 3 of Minute No. 303/2018).

It should be noted that Invoice (No. 30851) was cancelled and Invoice No. 30902 for landing fee payments at the Onslow Airport for the period from 1 September 2017 until 4 February 2018 was subsequently issued to Virgin Australia.

By correspondence dated 20 March 2018, Chevron again wrote to the Shire and requested that the CEO withdraw Invoice (No. 30851) and requested period 1 September 2017 to 4 February 2018 be included in the review of landing fees (as per part 3 of Minute No. 303/2018).

The CEO responded to Chevron advising (in part) as follows:

“Accordingly, as part 1 of the Council resolution requires the Shire to seek landing fee payments from 1 September 2017, I have no authority to withdraw Invoice 30902 as requested by Chevron.

Chevron is offered the opportunity to present to Council in relation to the matters raised in your correspondence.” (**ATTACHMENT 11.5D**).

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Comment

Chevron has in the past received 'informal' landing fee exemptions for aircraft at the Onslow Airport for passengers directly involved in 'construction' of the Wheatstone LNG plant. In relation to the 'exemptions', it is noted that no formal arrangement is known to have been established between Council and Chevron.

A review of yearly Shire fees and charges dating back to 2010 reveal that no landing fee 'exemptions' for Chevron or any other commercial operator have been included in yearly Budgets.

Based on the commencement of 'first gas' at Wheatstone, it is considered reasonable to conclude that Council had every intention to charge landing fees to Chevron for all flights as part of the 2017/18 Annual Budget.

From 5 February 2018, Chevron has agreed that all flights associated with the company will have the necessary landing fees applied. This will be the first time Council has had the opportunity to realise Airport related income from Chevron associated with Wheatstone construction passengers.

It is considered reasonable that Council decline Chevron's request to include the period 1 September 2017 to 4 February 2018 in the review of landing fees as this will result in halving the forecast income to the Shire for 2017/18 in relation to landing fees for Chevron at the Onslow Airport.

In relation to landing fee payments from the commencement of flights at the Onslow Airport to 30 August 2017, the will Shire continue investigations with a view to seeking independent financial and governance advice on the matter.

Consultation

Robert Dobrik, Wheatstone Asset Manager, Chevron Australia Pty Ltd
Shire President
Director Corporate Services

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

In relation to landing fees for Chevron at the Onslow Airport, the actual income lost to Council for 1st September 2017 – 4 February 2018 is as follows:

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Month	Number of Flights	Lost Revenue
September	80	\$113,757.60
October	83	\$118,023.51
November	81	\$115,179.57
December	78	\$110,913.66
January	81	\$115,179.57
February	8	\$11,375.76
TOTAL	411	\$584,429.67

Should Council determine not pursue landing fees for all Chevron flights for the period 1 September 2017 to 4 February 2018, the income anticipated to be received for 2017/18 will be reduced by \$584,429.67.

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 considered to be "Moderate (6)" in light of the potential impacts to external contractual arrangements. As the Risk Acceptance is considered to be "Medium", the Chief Executive Officer will monitor progress of this item.

Policy Implications

There are no policy matters associated with this report.

Voting Requirement

Simple Majority Required

Officers Recommendation

That Council with respect to the request from Chevron Australia Pty Ltd to formally review past landing fee payments at the Onslow Airport:

1. Note the report; and
2. Advise Chevron Australia Pty Ltd that:
 - a) Council declines Chevron's request to include the period 1 September 2017 to 4 February 2018 in the review of landing fees as the charge of landing fees to Chevron for all flights formed part of the 2017/18 Annual Budget;
 - b) in relation to landing fee payments from the commencement of flights at the Onslow Airport to 30 August 2017, the Shire is to continue investigations with a view to seeking independent financial and governance advice on the matter; and
 - c) Chevron is invited to provide any evidence it may have of any formal agreement with Council that demonstrates an exemption of landing fees at the Onslow Airport.

12. CORPORATE SERVICES REPORTS

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

12.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID

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:	11 April 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 March 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.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Comment

Capital expenditure continues to remain lower than year to date budget due to the profile of budgeted amounts across monthly periods as well as project delivery. Also actual operating income year to date is below current budget due to grants and contributions for large projects (i.e. CHUB, WANDRRA and PRWMF) not being received in alignment with completed works.

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.

GL/Job No.	General Ledger Description	Current Budget	Variation Amount	Revised Budget	Reason
18067	Road Signage Installation – WA Tourism	0	7,388	7,388	Project was included in the original budget under Road Signage budget of \$50,000. This variation is to create a new job code reflecting WA Tourism funded work for signage installation at Peedamulla Campground.
125081	Grant Income GEN	0	(7,388)	(7,388)	This project was included in the original budget. It was to be funded by Reserves. WA Tourism advised they will provide funding.
18047	Tom Price Diamond Club Air Conditioner Replacement	42,000	(9,369)	32,631	Works completed under budget.
18049	Tom Price Squash Courts Resurfacing Ceiling Fans and Lighting	80,000	(7,631)	72,369	Works completed under budget.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

GL/Job No.	General Ledger Description	Current Budget	Variation Amount	Revised Budget	Reason
NEW	Doug Talbot Park BBQ	0	17,000	17,000	Due to high demand and its location, renewal of the BBQ is required.
080062	Community Services West – General Programs	164,066	12,000	176,066	Event hosted at the Onslow Sports Club on Saturday 2 June to celebrate WA Day.
EVI78	Grants & Contribution – Miscellaneous	0	(12,000)	(12,000)	Funding from Celebrate Western Australia Inc. only offered to Onslow - it is a BHP supported enterprise with a focus on towns they have a presence in.
113261	Onslow Sports Club Replacement	400,000	1,150,000	1,550,000	PIP approved (in principle) by Department of Jobs, Tourism, Science and Innovation and Chevron.
092271	Projects to be Identified	144,000	100,000	244,000	Replace funds used prior to PIP becoming available for Onslow Sports Club Replacement.
111441	Grant Income (Capital)	0	(1,550,000)	(1,550,000)	PIP Contribution approved (in principle) by Department of Jobs, Tourism, Science and Innovation and Chevron for the Onslow Sports Club Replacement.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

GL/Job No.	General Ledger Description	Current Budget	Variation Amount	Revised Budget	Reason
134270	Water Wise	35,000	2,124	37,124	Upgrade of Standpipe cost is more than anticipated in original project estimate as Water Corporation requires back flow prevention device installed.
139902	Rural Services	56,526	(2,124)	54,402	Reallocate unused funds.

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.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

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.

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 \$6.5 Million. 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 \$5 Million 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 has now prepared the documents required for the application and filing with the SAT was made on 11 April 2018.

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Absolute Majority Required

Officers Recommendation 1

That with respect to the Monthly Financial Report to Council:

1. Receive the Financial Report for March 2018 **ATTACHMENT 12.1A**; and
2. Approve budget variations for the 2017/18 Budget as outlined below:
 - a) Increase Expenditure Account 18067, Road Signage Installation – WA Tourism by \$7,388, from \$0 to \$7,388;
 - b) Increase Income Account GL 125081, Grant Income by \$7,388, from \$0 to \$7,388;
 - c) Decrease Expenditure Account 18047, Tom Price Diamond Club Air Conditioner Replacement by \$9,369, from \$42,000 to \$32,631;
 - d) Decrease Expenditure Account 18049, Tom Price Squash Courts Resurfacing Ceiling Fans and Lighting by \$7,631, from \$80,000 to \$72,369;
 - e) Increase Expenditure Account NEW, Doug Talbot Park BBQ by \$17,000, from \$0 to \$17,000;
 - f) Increase Expenditure Account 080062, Community Services West – General Programs by \$12,000, from \$164,066 to \$176,066;
 - g) Increase Income Account EV178, Grant & Contribution – Miscellaneous Income by \$12,000, from \$0 to \$12,000;
 - h) Increase Expenditure Account 113261, Onslow Sports Club Replacement – by \$1,150,000, from \$400,000 to \$1,550,000;
 - i) Increase Expenditure Account 092271, Projects to be Identified by \$100,000, from \$144,000 to \$244,000;
 - j) Increase Income Account 111441, Grant Income Capital by \$1,550,000, from \$0 to

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

- \$1,550,000;
- k) Increase Expenditure Account 134270, Water Wise by \$2,124, from \$35,000 to \$37,124;
 - l) Decrease Expenditure Account 139902, Rural Services by \$2,124, from \$56,526 to \$54,402; and
 - m) Note that the Budgeted Surplus position carried forward (Net Current Assets position) forecast as at 30 June 2018 is \$1,500,000.
3. Receive the Capital Expenditures Progress Tracker for March 2018 **ATTACHMENT 12.1B**;
 4. Receive the Budget Amendment Register as at 31 March 2018 **ATTACHMENT 12.1C**;
and
 5. Receive the Schedule of Accounts and Credit Card paid in March 2018 (approved by the Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds) **ATTACHMENT 12.1D**.

Officers Recommendation 2

That with respect to the Monthly Financial Report to Council:

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

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

12.2 FIN10 - WITTENOOM AND YAMPIRE GORGE RATES AND SERVICES POLICY

FILE REFERENCE:	FM 14.16.17
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:	10 April 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 13.3 (Minute No. 265/2017) – Ordinary Meeting of Council 21 November 2017

Summary

Section 2.7(2) (b) of the *Local Government Act 1995* states that the making of policy is a role of Council. Policies provide clarity, ownership and accountability to the Ashburton community and for the staff of the Shire.

A review of policy FIN10 – 'Wittenoom and Yampire Gorge Rates and Services Policy' was excluded from the Annual Policy review of the 21 November 2017 Ordinary Meeting of Council (OMC). Further to this Council requested a workshop to discuss various aspects of the policy. This report recommends Council now adopt FIN10.

Background

At the 21 November 2017 Ordinary Meeting of Council a review of all policies was undertaken as part of Council's 2017 Annual Policy Review. FIN10 - 'Wittenoom and Yampire Gorge Rates and Services Policy' was not reviewed as Council requested a workshop be held to further discuss its content.

Comment

A workshop was held on 13 March 2018 in Onslow with the agreed outcome that no substantive change to the policy is required. One change was agreed upon to the title i.e. remove the reference to Yampire Gorge and retitle to 'FIN10 – 'Wittenoom Rates and Services Policy'.

ATTACHMENT 12.2

Consultation

Chief Executive Officer
Executive Management Team

Statutory Environment

Local Government Act 1995 section 2.7 (2)(b) states Council is to determine a local government's policies.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Financial Implications

There are no financial implications in 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

Amendment to Policy FIN10 – 'Wittenoom and Yampire Gorge Rates and Services Policy'.

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to FIN10 – 'Wittenoom and Yampire Gorge Rates and Services Policy' Council:

1. Adopt the reviewed FIN10 – 'Wittenoom Rates and Services Policy' per **ATTACHMENT 12.2.**

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

12.3 RATES DEBTOR WRITE OFF – SGMC PTY LTD

FILE REFERENCE:	RV13 RV12 GV01.16
AUTHOR'S NAME AND POSITION:	Saul Gordon Rates Officer
AUTHORISING OFFICER AND POSITION:	John Bingham Director Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	10 April 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 13.7 (Minute No. 41) – Ordinary Meeting of Council 27 September 2016

Summary

In March 2016 SGMC Pty Ltd (SGMC) was wound up in the Federal Court. Following on from this the liquidators received an offer to purchase the three mining leases owned by SGMC.

At the September 2016 Ordinary Meeting of Council (OMC) it was resolved to accept an offer of approximately \$24,000 for the three assessments in exchange to write off the rates outstanding of \$457,832.11 (assuming the 2016/17 levied rates and ESL charges were paid). Unfortunately the arrangement fell through leaving the Shire with unrecoverable debts of \$595,459.05 which it is now recommended Council write off.

Background

Between 1998 and 2007 SGMC acquired the following mining leases - M08/11, M08/12 and M08/27. Payments for rates levied on these leased properties were maintained up to March 2013. The company ran into trouble and was wound up in the Federal Court on 30 March 2016 with Chadwick Hall Chartered Accountants (Hall Chadwick) appointed as liquidators. Hall Chadwick received an offer to purchase the mining leases for \$86,363.64 plus GST and as the petitioning creditor the Shire had to either accept or decline the proposal for the arrangement to go through. After deduction of costs of sale and liquidators remuneration the Shire was to receive \$24,000 plus payment of the 2016/17 rates.

In December 2016 the Shire was informed the arrangement had fallen through. The liquidators contacted the Shire in April 2017 to say it was not going ahead as according to the parties it was not viable. The new company was prepared to pay a small part of the money but by the time the mining tenements were signed over it would be July 2017. This meant that the company would not have any time to undertake mining operations and earn money from the tenements in the 2016/17 rating year. The new offer included payment of the 2017/18 rates but not prior years (i.e. 2016/17 rates owing).

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Also the new offer included a settlement of less than \$24,000 (approximately \$12,000 to \$18,000) contrary to the settlement amount per Council resolution of September 2016.

The Shire was advised by the parties it had seven days to accept the offer or the tenements would be handed back and SGMC would be wound up with no assets remaining. Council policy does not provide the Chief Executive Officer authority under delegation DA03-2 – Write Off of Monies Owing to write off rates and therefore the decision has to be made by Council. The liquidators did not have the time to wait for the next Council meeting to be held as apparently the offer was time sensitive. SGMC was struck off the Australian Securities and Investments Commission (ASIC) register with no assets and no money left for any creditor. The tenements were returned with liquidators unpaid.

Correspondence received from Hall Chadwick on 6 June 2017 confirming the Shire write off monies owed by SGMC is attached.

ATTACHMENT 12.3

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

- January 2012
 - Matter referred to Austral Mercantile (Shire's Debt Recovery Agency).
- April 2013
 - Austral Mercantile served a General Procedure Claim to SGMC.
- May 2013
 - The Shire received a Notice of Intention to Defend General Procedure Claim from SGMC. This meant a delay on proceedings and the Shire would be required to go to a pre-trial conference to negotiate a settlement. At this stage SGMC was not required to stipulate why they were defending as this would have been outlined in the pre-trial conference.
- January 2014
 - Due to Shire staff turnover there was a delay in responding to Valenti Lawyers (Valenti) who subsequently acted on behalf of the Shire resulting in a discontinuation of current proceedings and a requirement to re-start the legal process.
- September 2014
 - Letter of Demand was issued to SGMC.
- October 2015
 - Creditors Statutory Demand for Payment of Debt and sworn Affidavit Accompanying Statutory Demand including Rate Record was issued to SGMC in application to wind the company up.
- December 2015
 - Austral Mercantile endeavored to seek a settlement before proceeding to wind up which involved SGMC paying \$100,000 initially and monthly payments of \$30,000 until the debt was paid inclusive of 11% interest.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

- January 2016
 - SGMC failed to respond to the counter offer in the given timeframe leaving the Shire with no choice but to instruct Valenti to commence proceedings and wind up the company.

- March 2016
 - At the Federal Court SGMC was wound up due to insolvency under the provisions of the *Corporations Act 2001*. Hall Chadwick were appointed as liquidators for the affairs of the company.

- August 2016
 - Hall Chadwick sent through an offer to purchase the Mining Leases for \$86,363.64 plus GST.

- December 2016
 - Hall Chadwick advised the arrangement fell through as the buyer reneged on the terms and conditions. Another offer from a separate party was on the table and Hall Chadwick advised they would now pursue this prospect.

- May 2017
 - Hall Chadwick sent a letter of offer for a new agreement to write off current year rates debt and to remove the \$24,000 to allow the new buyer to take hold of the tenements. The condition was it be taken to council on the 23 May 2017 however no agenda item was prepared. At this time they informed the Shire the land is now under a native title claim.

- May 2017
 - Offer expired and withdrawn.

- June 2017
 - Letter received from Hall Chadwick advising the tenements had been handed back and there is now no possible return for the Shire or themselves.

- June 2017
 - A final offer comes to the Shire that requires an indemnity to be issued on all rates owing on all tenements. The offer expires.

- November 2017
 - Tenements handed back and “notice of the death” of the tenements comes from Department of Mines on Schedule 2017/9.

Assessment Number	Rates	Emergency Service Levy	Penalty Interest	Legal Fees	Total
A34162	\$137,274.97	\$557.42	\$40,300.11	\$2,827.82	\$180,960.32
A34153	\$159,812.16	\$479.44	\$45,405.59	\$2,827.82	\$208,524.66
A6231	\$157,805.08	\$479.44	\$44,861.73	\$2,827.82	\$205,974.07
TOTAL	\$454,892.21	\$1,516.30	\$130,567.43	\$8,483.60	\$595,459.05

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Comment

The Shire has followed Policy FIN15 - Rate Debt Recovery in exhausting all reasonable avenues to recover this outstanding rate debt. As Hall Chadwick advised the Shire will not receive a return and therefore it is recommended the debt be written off.

Consultation

Chief Executive Officer
Executive Management Team
Finance Manager
Rates Officer

Statutory Environment

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

Financial Implications

An amount of \$590,245.91 was posted to Provision for Doubtful Debts in 2016/17 in anticipation of the outstanding debt not being recovered from SGMC.

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 COPR5 Risk Matrix. The perceived level of risk is considered to be 'Low' i.e. managed by routine procedures, unlikely to need specific application of resources.

Policy Implications

Policy FIN15 – 'Rate Debt Recovery Policy'

Voting Requirement

Absolute Majority Required

Officers Recommendation

That with respect to the debt totaling \$595,459.05 exclusive of GST, owed by SGMC Pty Ltd for unpaid rates, interest and legal fees, Council write off the amount owing.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

12.4 REQUEST TO WAIVE DEBT – FORTESCUE NATIONAL FOOTBALL LEAGUE

FILE REFERENCE:	FM 14.16.17
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:	10 April 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

On 5 January 2018 the Shire wrote to the Fortescue National Football League (FNFL) to provide a statement of account for overdue invoices. The amount outstanding of \$12,159.15 was for use of recreation facilities, oval fields and lights, line-marking and canteen hire. The FNFL responded seeking information and requesting Council write off some of its debt.

This report assesses the FNFL's financial position and reviews relevant factors for Council to consider in determining an appropriate response to their request.

Background

The FNFL is a non-profit unincorporated association set up to promote and encourage the game of Australian Rules Football within the Shire. The teams in the association include the Panthers, Towns and Tigers, all based in Tom Price, as well as the Saints based in Paraburdoo. As well as arranging matches for the clubs within the League the FNFL also supervises and co-ordinates the Juniors League.

On 5 January 2018 the Shire wrote to the FNFL to:

- i. provide a statement of account for overdue invoices; and
- ii. extend an offer to make payment arrangements to clear the debt. The amount outstanding at the time was \$12,159.15 for use of recreation facilities, oval fields and lights, line-marking and canteen hire. Also stated in the letter was an offer from the Shire to meet with the FNFL to arrange a repayment plan and assist in capacity building to meet its obligations going forward.

ATTACHMENT 12.4A

FNFL President Mr. Michael Smith responded on 6 January 2018 advising the most suitable time for a meeting would be after their Annual General Meeting on 8 March 2018.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Further to this Mr. Smith advised the FNFL had been struggling from a lack of leadership and did not have any money but was committed to turn the situation around. He also added if the Shire could reduce the price being charged for the lights, oval hire and building that would be helpful.

ATTACHMENT 12.4B

In the meantime the Shire appointed a Club Development Officer (CDO) to play a role in assisting the FNFL in its capacity building. The CDO reviewed the hire of Shire facilities against the association's actual needs. Through the review it became apparent the association had booked facilities for significantly longer periods than required with the total cost of facility hire for the senior football for the 2017 season at \$17,710.35. As a result a letter of recommendation was prepared and emailed to the Mr Smith on 11 January 2018 noting the following:

- The hire of the first floor pavilion could be shortened from 1am to 10pm;
- The FNFL were incurring the cost of the canteen hire despite individual clubs operating the facility and retaining profits – it was suggested the fees be paid by the clubs or the FNFL retain a percentage of the profit;
- Increase of fundraising activities including sponsorship, grant applications and general fund raising;
- Appoint a committee member responsible for fundraising and grant writing, providing a number of potential grant rounds that would be available to the association;
- Pass on costs associated with facility hire and insurance for running the juniors to the junior football participants in Tom Price (to date no fees have been charged to the junior football clubs by the FNFL with the juniors insurance cost paid by the WACFL and juniors facility hire paid by the FNFL); and
- Clubs to pay own facility hire for training nights (it was \$9,543.25 for the 2017 season). The Western Australian Football Commission (WAFC) and Western Australian Country Football League (WACFL) have recommended this occur as no other association in the State is known to be incurring this cost (The FNFL constitution states the clubs affiliated with the association are liable for any debt incurred by the association).

On 8 March 2018 a meeting was held between representatives of the Shire (Manager of Finance and Financial Services Co-ordinator) and the FNFL (Mr. Smith). Councillor Matthew Lynch was also in attendance. The meeting raised the following issues:

- A payment plan for the outstanding debt;
- Lighting costs and maintenance;
- An option for a discount on the current outstanding debt;
- The requirements for the oval to be hired for the 2018 season; and
- A request from Mr Smith for the FNFL's pavilion hire use to incur no charges.

Following on from that a letter formalising the FNFL's position was submitted by Mr. Smith to the Shire's CEO. In it the FNFL requests financial assistance from the Shire to get back to a viable position. Specifically Mr. Smith proposes to pay 50% of the \$12,159.15 immediately if the Shire writes off the balance or other half. This would apply to the 2017 season only – it is assumed therefore that another request to write off amounts will not be sought by the FNFL. Also raised in the letter is a request for the breakdown of where the hire fees go (e.g. maintenance, admin costs etc.).

ATTACHMENT 12.4C

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

In March an offer of joint promotion organized by the Shire's Club Development and Events team was sent to the FNFL and each of the affiliated clubs to assist with promotion of venue or registration day in lieu of the 'give it a go day' where up to \$150 assistance is available – at the close of registrations on 31 March 2018 neither the FNFL nor clubs had accepted the offer. Additionally since January the Shire's CDO has provided ongoing support to the FNFL in the areas of the development of a strategic plan template;

- Liaison with WACFL, WAFC and Pilbara Regional Development Manager;
- A facility hire cost review and breakdown of costs in the form of a summary of fees breakdown taken from invoice requisitions prior to invoicing;
- Organising and expanding the roadshow opportunity;
- Promotion of the AGM; and
- Review of the constitution and outlining the FNFL responsibilities therein.

Comment

Cost breakdown

On 17 March 2017 the FNFL had no outstanding debt to Council. From that date the following charges totaling \$18,888.20 have been applied:

Location	Type of Charge	Rate	Hours	Amount
Tom Price	Lights	\$29.50	278.50	\$8,216.00
	Oval	\$4.00	300.50	\$1,202.00
	First Floor Pavilion - Night	\$20.50 to \$21.00	110.00	\$2,290.50
	First Floor Pavilion - Day	\$25.50 to \$26.00	12.00	\$307.00
	Ground Floor	\$7.00	109.00	\$763.00
Paraburdoo	Lights	\$30.40 (4 towers)	164.50	\$4,864.70
	Oval	\$4.00	164.50	\$658.00
	Canteen	\$7.00	32.50	\$227.50
Both	Line-marking	\$6 per can	60.00	\$360.00
TOTAL				\$18,888.20

Payments received from the FNFL for the same period totalled \$9,676.30:

- ✓ \$3,429.25 - 28/6/2017
- ✓ \$600.00 – 23/10/2017
- ✓ \$2,767.05 – 03/11/2017
- ✓ \$3,000.00 – 13/3/2018

The outstanding balance owing to the Shire at 8 April 2018 is \$9,159.15.

Associated costs for operations and maintenance of the facilities used for 2017/18 are as follows:

Location	Infrastructure Type	Expenditure Type	Amount
Tom Price	Pavilion	Maintenance and repairs	\$25,861.15
		Operating – water rate	\$71.49
	Lights	Maintenance and repairs	\$10,167.50
		Operating – power	\$0
	Oval and Surrounds	Operating – oval upkeep	\$96,877.00
Paraburdoo	Pavilion	Maintenance and repairs	\$0

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Location	Infrastructure Type	Expenditure Type	Amount
		Operating – insurance, electricity	\$13,540.34
	Lights	Maintenance and repairs	\$1,746.39
		Operating - power	\$1,163.07
	Oval and Surrounds	Operating – oval upkeep	\$78,876.43
TOTAL			\$228,303.37

It should be noted, as is evident from the cost table, that electricity use for the Clem Thompson lights has not to date been billed to the Shire by Rio Tinto (the supplier of the electricity). It is reasonable for the FNFL to therefore question why they are being charged for usage of the lights when in turn the Shire doesn't pay for the electricity themselves. It is also evident however that the income generated from the FNFL contributes only partially to significant costs for upkeep and running of the facilities.

Council Policy

Council's policy for debt recovery is FIN13 – 'Debtor Management – General'. As a sporting group the FNFL is '*...exempt from debt recovery action and penalty interest however the Shire may refuse booking requests for facilities if monies owing exceed the Shire's trading terms.*' To date the Shire has applied this exemption. Further in relation to writing off bad debts FIN13 states they *should only take place where all avenues for recovery have been exhausted or it becomes unviable to keep pursuing the debt.*' Because of the above debt exemption recovery action by the Shire has not taken place - therefore the FNFL request for a 50% write off is not entirely accurate – that is, it is really a request to waive part of the debt.

Waiver of debt

In considering the request from the FNFL it is recommended that Council take the following into account:

- The important role of the association to the communities of Tom Price and Paraburdoo in promoting and encouraging the game of Australian Rules; and
- The contribution the association makes to Junior football development in the district;
- At the AGM new members to the committee were elected potentially resulting in improved accountability in relation to account keeping and reporting;
- In 2017 affiliation fees for the clubs was \$6,000 each (total FNFL revenue of \$24,000). This amount covers the full debt outstanding for the 2017 season. NB: There is no set of accounts available from the association to verify whether each club paid the fee in 2017 nor if and how that money might have been spent; and
- A number of club representatives have made contact with the Shire's Community Development Officer in regard to concerns about the FNFL's financial viability and its effective running as well as the impact this may have on the clubs associated with the FNFL's banner.

Consultation

Chief Executive Officer
 Executive Management Team
 Finance Manager
 Financial Services Coordinator
 Club Development Officer

Statutory Environment

There is no applicable legislation for this report.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Financial Implications

Deferring the billing until end of season will have a minor negative impact on cash-flow as well as interest not earned on receipts normally paid sooner. A nominal sum of \$1,000 as a portion of debt waiver is recommended.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 4 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Absolute Majority Required

Officers Recommendation

That with respect to the Fortescue National Football League's request to waive 50% of its debt owed to the Shire, Council:

1. Acknowledge the important role the Fortescue National Football League plays in the community;
2. Continue to provide the Fortescue National Football League with support and help build capacity to meet its obligations going forward as outlined in the Community Development Officers recommendations;
3. Defer the raising of invoices for use of Shire facilities in 2018 until the end of the season to enable the current debt to be cleared without increasing overdue amounts; and
4. Decline the Fortescue National Football League's request to waive 50% of the debt owed to the Shire and instead, in acknowledgement of the associations good intentions to turn the finances around waive the nominal sum of \$1,000 to reduce the current balance owing to \$8,159.15.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

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

FILE REFERENCE:	RV01
AUTHOR'S NAME AND POSITION:	John Bingham Director Corporate Services
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	10 April 2018
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.2 (Minute No. 264/2017) – Ordinary Meeting of Council 21 November 2017

Summary

At the 21 November 2017 Ordinary Meeting of Council (OMC) policy no. FIN21 – 'Rating' was adopted with a focus on changing the method of the valuation from Unimproved Valuation (UV) to Gross Rental Valuation (GRV) for Transient Workforce Accommodation (TWA) where those TWAs are located outside of townsite boundaries.

Following on from this in December 2017 correspondence was sent to TWA property holders inviting comment on Council seeking to review the method of valuation for TWAs. A workshop followed on 13 March in Onslow to update Council on the process. This report considers the responses from TWA property owners required for Council to apply to the Minister for a determination in accordance with the Department of Local Government, Sport and Cultural Industries (DLGSCI) Rating Policy: "Valuation of Land – Mining".

Background

Rating Principles

In 2015 Council adopted its Rating Strategy including a recommendation for a new differential rate category to be established for TWAs in accordance with then existing Council Policy Fin 16 "GRV Rating of Improvements on Mining Tenements and Petroleum Licence Sites Policy". This recommendation was not enacted upon and in May 2017 Council undertook a Strategic Rating Review highlighting that the issue remains under consideration to maintain objectivity and consistency in its rating structure.

As well as reviewing its Rating Strategy in November 2017 Council reformulated FIN16 - "GRV Rating of Improvements on Mining Tenements and Petroleum Licence Sites Policy" into a new policy FIN21 - 'Rating'. The focus of FIN21 is the application of GRV valuations to TWAs as well as those UV properties predominantly used for non-rural purposes and located outside a town-site boundary. This approach by Council ensures DLGSCI key rating values (i.e. Objectivity, Fairness and Equity, Consistency, Transparency and Administrative Efficiency) are applied.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

The current rating of TWAs within the district is not consistent with the above values in that different valuation methods have been applied primarily determined on whether or not they are located within a town-site.

Basis of Rating

The basis of rating is determined by the Minister based on information supplied by the local government when requesting a change in basis of valuation for a property in the district. In determining whether to approve a change in the basis of rating, the Minister is required, under section 6.28 of the *Local Government Act 1995* (*The Act*), to consider the predominant use of the land and whether it is rural use (UV) or non-rural use (GRV). Under section 6.29 of *The Act* in the case of mineral and petroleum interests, the default basis of valuation is UV however the Minister may approve the use of a GRV in the case of land predominantly used for accommodation, workshops, sport and recreation etc. It is this provision which has supported neighbouring local governments to apply a valuation of GRV and then proceed to differentially rate those and all TWAs, including those within a townsite.

It is important to note that one property holder (Chevron Australia Pty Ltd) believes that it is not captured by section 6.29 of *The Act* given that they state that the tenure for both Gorgon and Wheatstone is held under the *Land Administration Act 1997*. Gorgon tenure is granted pursuant to that Act and the *Barrow Island Act 2003* in accordance with Approved Proposals under the 'Gorgon Gas Processing and Infrastructure Project Agreement' (Schedule 1 to the *Barrow Island Act 2003* and otherwise referred to as the 'Gorgon State Agreement'). It is not foreseen that that qualification around land tenure will impede the process of reviewing the basis of valuation for TWAs held by Chevron.

All land in WA granted tenure under any relevant legislation is still rateable pursuant and subject to both section 6.26 of *The Act* and any other relevant governing legislation. It has been confirmed that the subject land is indeed eligible for local government rates as long as it is not done on a discriminatory basis.

State Agreements

Before the 1980s State Government conditions of consent for major resources projects in WA included the requirement for purpose-built towns to be constructed in close proximity to project sites. As a result agreements were formed between the State Government and the owners of major resource projects. Known as State Agreement Acts, these pieces of legislation typically included a local government rating restriction not to apply discriminatory rates or taxes. Under these clauses, properties associated with the Agreement were not rated (often mistakenly) or required to be rated on a UV basis.

This historical arrangement has caused confusion and common misconceptions in relation to the rating of mining properties covered by State Agreements, namely:

- Land for mining is exempt from rates if they are under a statute agreement; or
- The only applicable rate for mining land is the minimum rate of unimproved land (UV).

However these requirements are not reflected within any of the State Agreements affecting land within the Shire of Ashburton.

The following Agreements apply to sites within the Ashburton district:

- *Barrow Island Act 2003*;
- *Iron Ore (Hamersley Range) Agreement Act 1963*;
- *Iron Ore (FMG Chichester Pty Ltd) Agreement Act 2006*;

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

- *Iron Ore (Marillana Creek) Agreement Act 1991;*
- *Iron Ore (Hope Downs) Agreement Act 1992;*
- *Iron Ore (Robe River) Agreement Act 1964;*
- *Iron Ore (Wittenoom) Agreement Act 1972;*
- *Iron Ore (Channar Joint Venture) Agreement Act 1987; and*
- *Iron Ore (Mount Bruce) Agreement Act 1972.*

The State, its agencies and instrumentalities, together with local or other authorities, are precluded from imposing discriminatory taxes, rates or charges of any nature whatsoever on or in respect of all property, products, materials or services that constitute or are used for the purposes of the Agreement project. There is no reason why properties covered by State Agreements should not be rated in accordance with the General UV rate. Officers are of the view that UV rating is not discriminatory and entirely permitted. The Minister has approved the use of a UV differential Mining rate in the past and there appears no reason to question its continued use.

ATTACHMENT 12.5A

Department Policy and Guidance

In response to the State Agreement Act Rating Clause Study in 2009, the State Government amended Sections including 6.33 of *The Act*. These amendments were followed in 2011 with the introduction of a new policy: 'The Application of Gross Rental Valuation to Mining, Petroleum and Resource Interests' (GRV Mining Policy). The primary objectives of the policy were to clarify the circumstances where local governments could apply GRV rating to mining land and enable the use of GRV rating on new (i.e., initiated after June 2012) mining, petroleum and resource interests. In March 2016, the Department updated its publication 'Rating Policy: Valuation of Land Mining' to clarify the Ministers determination of the basis of valuation of land for capital improvement situated on a mining tenement or a petroleum lease/licence/drilling reservation.

ATTACHMENT 12.5B

Comment

Identified Sites

In November 2017 an assessment of the current status of individual properties identified as potentially hosting TWAs was undertaken. Due to limitations of the Shire's rate records it was difficult to determine with accuracy the number of sites within the District. All potential property holders were then consulted via a Declaration Form on 21 December 2017 requesting confirmation of existing Shire data held in current rate records. An example of the form is attached.

ATTACHMENT 12.5C

Completed Declaration Forms were received from four property holders (BCI Minerals, Chevron, Northern Star Resources and Quadrant Energy) as well as spreadsheets containing most if not all information sought in the Declaration Form from Fortescue Metals Group (FMG) and Rio Tinto (RTIO). A list of 42 TWAs and their relevant profiles has now been compiled including:

- Capital improvement on the land used;
- Number of beds;
- Relevant State Agreements;
- Life expectancy of the facility;

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

- Indicative valuations provided by Valuer-General Office (VGO); and
- Aerial photos and maps.

ATTACHMENT 12.5D

Table 1 – List of 42 TWAs identified in the Shire of Ashburton from 2012-2018

No.	Camp Name	Owner	State Agreement	Outside Townsite Boundary
1	Airey Rail *	FMG Pilbara PL		YES
2	Blacksmith	Flinders Mines		YES
3	Bonnie Doon	FMG Pilbara PL		YES
4	Boolgeeda (Brockman 4) *	RTIO – Hamersley Iron PL		YES
5	Briney Rail *	FMG - The Pilbara Infra. PL		YES
6	Brockman 2 Village	RTIO – Hamersley Iron PL	Hamersley Range Act 1963	YES
7	Brockman 4 Village	RTIO – Hamersley Iron PL	Hamersley Range Act 1963	YES
8	Brolga *	Chevron (TAPL) PL		YES
9	Bungaroo South – Buckland Project	BCI Minerals/Hetherington		YES
10	Bungaroo Village *	RTIO - Robe River Iron Assoc.	Robe River Act 1964	YES
11	Cardo	API		YES
12	Castle Camp (Solomon) *	FMG Pilbara PL		YES
13	Cowra	BHP		YES
14	Dally (Solomon)	FMG Pilbara PL		YES
15	Delphine	FMG Pilbara PL		YES
16	Edge	FMG Pilbara PL		YES
17	Ellie Fly *	FMG Pilbara PL		YES
18	Eliwana	FMG Pilbara PL		YES
19	Firetail Rail *	FMG - The Pilbara Infra. PL		YES
20	Gorgon - Butler Park	Chevron (TAPL) PL	Barrow Island Act 2003	YES
21	Gorgon – Operations Village	Chevron (TAPL) PL		YES
22	Homestead Village	RTIO – Hamersley Iron PL	Hamersley Range Act 1963	YES
23	Jerriwah	RTIO – Hamersley Iron PL	Hamersley Range Act 1963	YES
24	Jundunmunnah Village	RTIO – Hamersley Iron PL	Hamersley Range Act 1963	YES
25	Kangi (Solomon)	FMG Pilbara PL		YES
26	Kurra Kulli Village	RTIO – Hamersley Iron PL	HRSA Paraburdoo Act 1968	YES

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

No.	Camp Name	Owner	State Agreement	Outside Townsite Boundary
27	Mesa A Village (Waramboo)	RTIO - Robe River Iron Assoc.	Robe River Act 1964	YES
28	Mt Elvire	De Beers Australia PL		YES
29	Mt Minnie	WA Limestone		YES
30	Nammuldi Village	RTIO – Hamersley Iron PL	Hamersley Range Act 1963	YES
31	Paulsens Mine Camp	Northern Star Resources		YES
32	Punurunha Village (Marandoo)	RTIO – Hamersley Iron PL	Hamersley Range Act 1963	YES
33	Rocklea Palms (Paraburdoo Town)	RTIO – Hamersley Iron PL		NO
34	Ti Tree Village	RTIO - Robe River Iron Assoc.	Robe River Act 1964	YES
35	Tom Price Town Accom (VIP Lodge)	RTIO – Hamersley Iron PL		NO
36	Varanus Island Camp	Quadrant Energy	Varanus Island Act 1969	YES
37	Wandoo (Pannawonica Town)	RTIO - Robe River Iron Assoc.	Robe River Act 1964	NO
38	Weelumurra (Hope Downs)	RTIO - Robe River Iron Assoc.	Robe River Act 1964	YES
39	West Pilbara Village	RTIO – Hamersley Iron PL	Hamersley Range Act 1963	YES
40	Wheatstone Ashburton Nth Con. Village	Chevron (TAPL) PL		YES
41	Windawarri (Tom Price Town)	RTIO – Hamersley Iron PL		NO
42	Yandi Spinifex	BHP		YES

* TWAs confirmed as decommissioned.

Table 2 – Identified TWAs with VGO Indicative GRV Values

No.	Camp Name	Current UV Value	Current GRV Value	Rates Levied 2017/18	VGO Indicative GRV Value \$	Rates 2018/19 Scenario
1	Blacksmith	950,963	0	363,786	35,000	10,500
2	Bonnie Doon	8,083	0	3,095	25,000	7,500
3	Brockman 2	2,258,000	0	863,610	1,040,000	312,000
4	Brockman 4	109,248	0	41,783	1,275,000	382,500
5	Bungaroo South	125,743	0	48,092	0	0
6	Cardo	171,118	0	65,446	510,000	153,000
7	Cowra	0	0	0	550,000	165,000
8	Dally	0	0	0	1,900,000	570,000
9	Delphine	0	0	0	50,000	15,000
10	Edge	0	0	0	80,000	24,000

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

No.	Camp Name	Current UV Value	Current GRV Value	Rates Levied 2017/18	VGO Indicative GRV Value \$	Rates 2018/19 Scenario
11	Eliwana	18,130	0	6,934	85,000	25,500
12	Gorgon-Butler	5,210,500	0	1,992,844	5,000,000	1,500,000
13	Gorgon-Ops.	687,500	0	262,946	280,000	84,000
14	Homestead	0	0	0	105,000	31,500
15	Jerriwah	0	0	0	700,000	210,000
16	Jundunmunnah	0	0	0	1,030,000	309,000
17	Kangi	0	0	0	4,250,000	1,275,000
18	Kurra Kulli	0	0	0	200,000	60,000
19	Mesa A Village	0	0	0	1,000,000	300,000
20	Mt Elvire	0	0	0	50,000	15,000
21	Mt Minnie	0	0	0	100,000	30,000
22	Nammuldi	0	0	0	1,280,000	384,000
23	Paulsens	68,200	0	26,084	340,000	102,000
23	Punurunha	0	676,000	35,120	676,000	202,800
25	Rocklea Palms	0	1,588,440	82,525	1,588,440	476,352
26	Ti Tree	0	0	0	85,000	25,500
27	TP-VIP Lodge	0	98,800	5,133	98,800	29,640
28	Varanus Island	200,000	0	76,493	320,000	96,000
29	Wandoo	0	345,280	17,939	345,280	103,584
30	Weelumurra	0	0	0	920,000	276,000
31	West Pilbara	0	0	0	500,000	150,000
32	Wheatstone	4,863,000	0	1,859,397	4,500,000	1,350,000
33	Windawarri	0	1,103,400	57,326	1,103,400	331,020
34	Yandi Spinifex	523,364	0	200,169	2,250,000	675,000
	TOTAL	15,193,849	3,811,920	6,008,722	32,271,920	9,681,576

Consultation

Correspondence welcoming comment in writing in 28 days (a requirement for Council to submit an application to the Minister) was sent to property holders on 21 December 2018 alongside the blank Declaration Forms. An indicative timeline was included advising the process to implement change. An example of the correspondence is attached.

ATTACHMENT 12.5E

Of the eleven property holders contacted only two, Chevron Australia and Rio Tinto, offered comment on the review of valuation method. Chevron sought more information about the likely impact of changes to their rates payable whilst Rio Tinto advised they were aware of the recent amendments to Ministerial Guidelines and endorsed the proposed changes. Attached is a copy of feedback received including email correspondence and completed Declaration Forms.

ATTACHMENT 12.5F

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Table 3 – Summary of Feedback received and Officer Comments

TWA Owner	Name of Camp(s)	Feedback	Officer Comment
API Management Pty Ltd	<ul style="list-style-type: none"> • Cardo 	<ul style="list-style-type: none"> • On 6 March 2018 API advised via email they would provide feedback a.s.a.p. 	<ul style="list-style-type: none"> • No feedback/comment received re: review of valuation method.
BCI Minerals c/- Hetherington Exploration and Mining Title Services	<ul style="list-style-type: none"> • Bungaroo South - (Buckland Project) 	<ul style="list-style-type: none"> • Completed Declaration Forms received plus email clarifying status of campsite. 	<ul style="list-style-type: none"> • No other feedback/comment received re: review of valuation method.
BHP Pty Ltd	<ul style="list-style-type: none"> • Cowra • Yandi Spinifex 	<ul style="list-style-type: none"> • Nil. 	<ul style="list-style-type: none"> • No feedback/comment received re: review of valuation method.
Chevron Aust. Pty Ltd	<ul style="list-style-type: none"> • Brolga • Gorgon – Butler Park • Gorgon - Ops. Village • Wheatstone Ashburton North Construction Village 	<ul style="list-style-type: none"> • On 22 January 2018 Chevron submitted a written response to the review of valuation method. • Chevron clarified TWA and Non-TWAs in the district. • Chevron requested additional information about the likely impact of changes to their rates payable. • Chevron highlighted that Gorgon and Wheatstone tenure is granted pursuant to the Land Administration Act 1997 and the LG Act 1995 does not apply in their view. • Chevron asks the Shire acknowledge the additional contribution made to social and critical infrastructure for the Onslow community. • Chevron asks the Shire acknowledge 	<ul style="list-style-type: none"> • On 19 March 2018 phone contact was made with Amy Ruddock (Chevron Government Affairs Advisor) to clarify re: likely impact of changes to Chevron's rates payable. The officer stated that per correspondence sent on 21 December 2017: <i>'It is important to note there is no intention for a change in the basis of valuation to result in any additional general rate revenue for the Shire.'</i> Ms. Ruddock was satisfied with this information. • Comments regarding Chevrons contribution to the Onslow community as well as the unique

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

		the unique circumstances of Gorgon operations which have no impact on Shire infrastructure and services.	circumstances of the Gorgon operations have been acknowledged and taken into consideration. <ul style="list-style-type: none"> Officers are firmly of the view that rates are applicable and permitted to be fairly applied.
De Beers Australia Pty Ltd	<ul style="list-style-type: none"> Mt Elvire 	<ul style="list-style-type: none"> Nil. 	<ul style="list-style-type: none"> No written feedback/comment received re: review of valuation method.
Flinders Mines	<ul style="list-style-type: none"> Blacksmith 	<ul style="list-style-type: none"> Rates Officer received a phone call from Director of company advising the mine is closed and being removed. 	<ul style="list-style-type: none"> No written feedback/comment received re: review of valuation method.

Table 4 – Summary of Feedback received and Officer Comments (continued)

TWA Owner	Name of Camp(s)	Feedback	Officer Comment
Fortescue Metals Group	<ul style="list-style-type: none"> Airey Rail Bonnie Doon Briney Rail Castle Camp (Solomon) Dally (Solomon) Delphine Edge Ellie Fly Eliwana Firetail Rail Kangi (Solomon) 	<ul style="list-style-type: none"> A table of TWAs clarifying/confirming Shire records with FMG records was provided. No Declaration Forms were received. 	<ul style="list-style-type: none"> No written feedback/comment received re: review of valuation method.
Northern Star Resources	<ul style="list-style-type: none"> Paulsens Mine Camp 	<ul style="list-style-type: none"> Completed Declaration Form received plus email confirming location and tenement #. 	<ul style="list-style-type: none"> No written feedback/comment received re: review of valuation method.
Quadrant Energy	<ul style="list-style-type: none"> Varanus Island Camp 	<ul style="list-style-type: none"> Completed Declaration Form received with property and land use details. 	<ul style="list-style-type: none"> No written feedback/comment received re: review of valuation method.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

TWA Owner	Name of Camp(s)	Feedback	Officer Comment
RIO Tinto	<ul style="list-style-type: none"> • Boolgeeda (Brockman 4) • Brockman 2 Village • Brockman 4 Village • Bungaroo Village • Homestead Village • Jerriwah • Jundunmunnah Village • Kurra Kulli Village • Mesa A Village - (Waramboo) • Nammuldi Village • Punurunha Village (Marandoo) • Rocklea Palms (Paraburdoo Town) • Ti Tree Village • Tom Price Town Accommodation (VIP Lodge) • Wandoo (Pannawonica Town) • Weelamurra (Hope Downs) • West Pilbara Village • Windawarri (Tom Price Town) 	<ul style="list-style-type: none"> • A table of TWAs clarifying/confirming Shire records with RIO records was provided. • On 24 January 2018 an email was received from Michelle Ireland (Manager, Tenure & GIS State Agreements & Approvals) confirming: <i>'Rio Tinto is aware of the recent amendments to the Ministerial Guidelines and accepts the changing methodology for calculation of Shire Rates in relation to certain properties including TWAs.'</i> 	<ul style="list-style-type: none"> • RTIO have acknowledged and accepted the review of valuation method.
WA Limestone	<ul style="list-style-type: none"> • Mt Minnie 	<ul style="list-style-type: none"> • Nil. 	<ul style="list-style-type: none"> • No feedback/comment received re: review of valuation method.

Impact of a change in the basis of Valuation

Seeking a change in the basis of valuation for TWAs, outside of townsites, to GRV from UV would require a separate GRV rating category entitled either 'Transient Workforce Accommodation' or 'Mass Accommodation'. This differential rating category would align the Shire to its local government neighbours in the Pilbara region.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Table 5 – Pilbara Shire’s Comparison Group 2017/18 Budget

Local Government	Rate Category	Minimum	Cents in the dollar	2017/18 Budgeted Revenue
East Pilbara	GRV - Transient Workforce	\$663	\$0.044963	\$1,631,700
Karratha	GRV – Transient Workforce Accommodation	\$1,495	\$0.324699	\$5,693,987
Port Hedland	GRV – Mass Accommodation	\$2,000	\$0.260000	\$3,233,360

The impact of this change can be managed by:

- i. setting a new rate in the dollar (RiD) for the ‘Mass Accommodation’ category; and
- ii. adjusting the RiD for other differential categories, principally UV Mining/Industrial where the TWAs currently sit. This is provided the level of the new differential RiD is not more than twice the lowest GRV rate, in which case Ministerial approval will be required.

Section 6.34 of *The Act* limits the revenue from General Rates of a local government to between 90% and 110% of the budget deficiency, unless Ministerial approval is obtained. Changes in valuation methodology has no impact on the total capacity to generate rate revenue of the Shire - the total general rates burden is spread across all ratepayers in the District in such a way that an increase in rate burden for any one rate payer will result in a corresponding decrease for another ratepayer. There is no intention for a change in the basis of valuation to result in any additional general rate revenue for the Shire.

The scenario modelling indicated in the table below reflects the total rates to be raised from each valuation category and the percentage yield using 2017/18 budgeted rates data.

Table 6 - Scenario modelling impact after change in basis of valuation

Rate Category	2017/18 Budgeted Rates	% of total rate yield	After change in basis of valuation	% of total rate yield
GRV – Residential / Community	\$ 4,221,995	12.3%	\$ 4,221,995	12.3%
GRV – Commercial/Industrial	\$ 1,092,642	3.2%	\$ 899,731	2.6%
GRV – Mass Accommodation	\$ 0	0%	\$ 9,681,576	28.2%
UV – Mining	\$28,574,023	83.2%	\$19,088,003	55.5%
UV – Pastoral	\$ 404,808	1.2%	\$ 402,163	1.2%
UV – Tourism	\$ 56,047	0.2%	\$ 56,047	0.2%
Total Amount Raised from General Rates	\$34,349,515	100%	\$34,349,515	100%

To achieve the total rate yield of \$9,681,576 from GRV Mass Accommodation, a RiD and minimum rate would need to be determined which falls within the statutory requirements, or is approved by the Minister. Only once the change in basis of valuation has been approved by the Minister and new GRV valuations received from the VGO, would accurate detailed modelling be undertaken to determine the RiD and minimum rate applicable.

The mix of rate burden met by each individual property owner would be impacted by the extent of development on the property and its value, along with the area of land no longer rated on a UV basis for all the properties falling within the new differential rate category.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Finally the impact of the change will reduce over-reliance on contributions from the UV Mining/Industrial rating category hence ensuring the rate burden is shared in a more fair and equitable manner.

Application to the Minister

An application requesting a change of method of valuation from UV to GRV for each TWA must be lodged with DLGSCI in accordance with the requirements of 'Rating Policy: Valuation of Land Mining'. To be successful it will need to satisfy the Minister of the following matters:

- Objectivity

1. The land to which the application relates (the subject land) is the subject of a relevant interest or resource interest:
 - All of the identified TWAs are located on either a current Mining or current miscellaneous tenement or other interest issued by the Minister for Lands, within the Shire of Ashburton's municipality.
2. The holder of the relevant interest or resource interest (the holder) has been accurately identified:
 - The holders of each TWA / tenement have been accurately identified using:
 - o The Mineral Titles Online program on the Department of Mines Industry Regulation and Safety website;
 - o The Shire's Development and Regulatory Services records; and
 - o Property holder's feedback and completed Declaration Forms.

Each identified TWA is included in **ATTACHMENT 12.5D**.

3. The subject land contains capital improvements consisting of any one or more of accommodation, recreation or administration facilities or associated buildings, or maintenance workshops existing within 100 metres of these facilities (or other capital improvements if the holder and the local government have agreed to their inclusion in the subject land) (**the relevant capital improvements**).
 - Building Plans and aerial maps have been sourced via tenement holders directly as well as the Shire of Ashburton Development and Regulatory Services Directorate. The documents were provided to the VGO for the provision of estimated GRV's and were satisfactory for this purpose.
4. The relevant capital improvements have been in place for at least 12 months (or such lesser period as the holder and the local government have agreed).
 - Question 1 of the Declaration Form sent to Property Holders sought to gather information about the structures in place at each of the sites. Also building approval records including building permits and planning applications verify the capital improvements.
5. No other estate in the subject land is rateable on the basis of the gross rental value of the land.
 - All of the identified TWAs are located on either current Mining or current miscellaneous tenements or other interest issued by the Minister of Lands, with no other GRV rated structures or estates.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

6. The subject land has been clearly defined to include only the relevant capital improvements.
 - Technical Land Descriptions have been requested and will be undertaken by the VGO. These will be submitted along with the application to the Minister.
7. The VGO has provided notional values for use in modelling the effect of the changes on the rates that would be payable if a determination was made in accordance with the application (**the notional values**).

The VGO has provided indicative values per Table 1 above.

- Fairness and Equity

8. The holder was informed in writing by the local government of:
 - the terms of this policy (through the provision of a copy of this document to the holder);
 - the local government's reasons for considering making the proposed application for a determination under s. 6.28 (**the proposal**);
 - an existing arrangement between the local government and the holder relevant to the proposal, such as an arrangement for a payment in lieu of rates or a similar contribution, the local government's reasons for wishing to depart from that arrangement (if there is one); and
 - the overall likely impact of the changes on the rates that would be payable under the proposal based on the notional values and was given at least 28 days after receiving that information to make submissions to the local government on the proposal (**the holders submissions**)

In December 2017 correspondence was sent to each Property Holder informing of each of the above areas – see Attachment 12.6E. NB: The terms of the policy were outlined albeit not through the provision of a copy of the document to the holder.

9. The holder's submissions, if any, and the local government's response to the holder's submissions (as recorded in the minutes of the council meeting at which the response was adopted) have been provided to the Minister.
 - A copy of all submissions received can be found in Attachment 12.6F and will be provided to the Minister, along with the Council Meeting Minutes and the application under the Rating Policy for each TWA.

If the applications are approved by the Minister there is an opportunity to include a new GRV – 'Mass Accommodation' rating category within Council's 2018/19 Rating Strategy.

Consultation

Chief Executive Officer
Executive Management Team
Finance Team

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Statutory Environment

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

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

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

Financial Implications

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

As the rate revenue yield required to 'balance the budget' is not a factor of changes in valuation, any change in rate yield from any one single property will have a reverse impact on other properties in the district through the modification of the RiD of one or more rating categories.

Changes in the basis of rating of properties in the district are expected to occur over time as a matter of course influenced by any change in the predominate use of the land. The drivers for this change are influenced by development and growth within the Shire. Approved changes in valuation type during the course of the years are accommodated when rate modelling is undertaken prior to the setting of the budget. The impact of these changes is impossible to forecast as the extent of change is outside the control of the Council as is the GRV applied by the VGO. In this regard future changes are not able to be precisely forecast.

In the event of largescale changes in valuation methodology, the change may be more broadly felt by other ratepayers if the net impact in rate yield is significant. These factors can only be fully considered when undertaking future rate modelling in upcoming budgets.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 4 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

In November 2017 Council reformulated FIN16 - "GRV Rating of Improvements on Mining Tenements and Petroleum Licence Sites Policy" into a new policy FIN21 - 'Rating'.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

The focus of FIN21 – ‘Rating’ is the application of GRV valuations to TWAs as well as those UV properties predominantly used for non-rural purposes and located outside a town-site boundary. This report recommends an implementation of the principles contained in FIN21 – ‘Rating’.

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the review of valuation method used for rating properties within the Shire of Ashburton, Council:

1. Note that there are Transient Workforce Accommodation camps located on Mining or Miscellaneous tenements within the Shire’s district which are currently not rated Gross Rental Valuation;
2. Authorise officers to undertake an analysis of the 34 Transient Workforce Accommodation camps listed in Table 2 to determine and report back to Council on their basis of tenure and eligibility for rating purposes including retrospective rating per section 6.39 of the Local Government Act 1995.
3. Note that under the Department of Local Government, Sport and Cultural Industries Rating Policy: “Valuation of Land – Mining” Council can resolve to make an application to the Minister to spot rate Transient Workforce Accommodation camps, located on Mining and Miscellaneous tenement leases using a Gross Rental Value;
4. Address the Department of Local Government, Sport and Cultural Industries key values ((i) Objectivity; (ii) Fairness and Equity; (iii) Consistency; and (iv) Transparency and Administrative Efficiency) when considering all submissions received from Transient Workforce Accommodation camp property holders;
5. Resolve to apply to the Minister for Local Government, Sport and Cultural Industries for a determination to spot rate the following Transient Workforce Accommodation camps using a Gross Rental Valuation under the Department’s Rating Policy: “Valuation of Land – Mining” commencing 1 July 2018 or the date of Ministerial gazettal (if after 1 July 2018):
 - a) Blacksmith - (Flinders Mines);
 - b) Bonnie Doon - (FMG Pilbara Pty Ltd);
 - c) Brockman 2 Village - (RTIO Hamersley Iron Pty Ltd);
 - d) Brockman 4 Village - (RTIO Hamersley Iron Pty Ltd);
 - e) Bungaroo Camp 2 – (BCI Minerals);
 - f) Cardo - (API Minerals);
 - g) Cowra Camp – (BHP);
 - h) Dally Solomon - (FMG Pilbara Pty Ltd);
 - i) Delphine - (FMG Pilbara Pty Ltd);
 - j) Edge - (FMG Pilbara Pty Ltd);
 - k) Eliwana - (FMG Pilbara Pty Ltd);
 - l) Homestead Village - (RTIO Hamersley Iron Pty Ltd);
 - m) Jerriwah - (RTIO – Hamersley Iron Pty Ltd);
 - n) Jundunmunnah Village - (RTIO Hamersley Iron Pty Ltd);
 - o) Kangi Solomon - (FMG Pilbara Pty Ltd);
 - p) Kurra Kulli Village - (RTIO Hamersley Iron Pty Ltd);
 - q) Mesa A Village Waramboo - (RTIO Robe River Iron Associates);
 - r) Mt Elvire – (De Beers Australia Pty Ltd);

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

- s) Mt Minnie - (WA Limestone);
 - t) Nammuldi Village - (RTIO Hamersley Iron Pty Ltd);
 - u) Paulsens Mine Camp - (Northern Star Resources);
 - v) Ti Tree Village - (RTIO Robe River Iron Associates);
 - w) Weelamurra Hope Downs - (RTIO Robe River Iron Associates);
 - x) West Pilbara Village - (RTIO Hamersley Iron Pty Ltd); and
 - y) Yandi Spinifex - (BHP).
6. Resolve to defer the spot rating of the following Transient Workforce Accommodation camps until a review is undertaken to determine their basis for rating;
- a) Gorgon Butler Park – (Chevron TAPL Pty Ltd);
 - b) Gorgon Operations Village – (Chevron TAPL Pty Ltd);
 - c) Varanus Island Camp – (Quadrant Energy); and
 - d) Wheatstone Ashburton North Accommodation Village – (Chevron TAPL Pty Ltd).
7. Resolve to not phase in the change per s. 6.31 and Schedule 6.1 clause 2 of the *Local Government Act 1995* to basis for rating affected Transient Workforce Accommodation property holders should the application be approved;
8. Direct the Chief Executive Officer (or authorised officer) to submit the Transient Workforce Accommodation camps spot rating application to the Minister for Local Government, Sport and Cultural Industries, including supporting information; and
9. Note that the rate in the dollar and rates payable by each Transient Workforce Accommodation camps property holder will be determined for the GRV 'Mass Accommodation' category and the 2018/19 rate in the dollar for this category will be considered with all the other rating categories during Council's budget adoption.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

12.6 EXTRAORDINARY ELECTION – ASHBURTON WARD

FILE REFERENCE:	OR.EL.03
AUTHOR'S NAME AND POSITION:	Jasmin May Corporate Services Support Coordinator
AUTHORISING OFFICER AND POSITION:	John Bingham Director Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	10 April 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

Councillor Glen Dellar resigned from his office as the elected member for the Ashburton Ward effective 12 March 2018.

This report proposes Council request the Electoral Commission conduct an extraordinary election on Friday 20 July 2018 for the vacant position. The date allows enough time for the electoral requirements to be complied.

Background

Councillor Dellar resigned as an elected member for the Ashburton Ward effective 12 March 2018. To fill the vacancy, pursuant to section 4.20 (2) of the *Local Government Act 1995* ('*The Act*'), it is proposed that Council seek the approval of the Electoral Commissioner to appoint a person other than the CEO to be the returning officer for the election. Given approval Council may declare the Electoral Commissioner to be responsible pursuant to section 4.20 (4) of *The Act*. Correspondence was sent to the Electoral Commissioner with confirmation received on 27 March that he agrees to take responsibility.

ATTACHMENT 12.6A

Comment

If Council wishes to have the election conducted as a postal election, as is recommended, two motions will need to pass by absolute majority:

1. Declare, in accordance with section 4.20 (4) of *The Act* the Electoral Commissioner to be responsible for the conduct of the extraordinary election; and
2. Decide, in accordance with section 4.61 (2) of *The Act* that the method of conducting the extraordinary election will be as a postal election.

The date of the election has been granted approval by the Electoral Commissioner pursuant to section 4.9 (2) of *The Act*.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

In regular circumstances the extraordinary election must be held within four months of the vacancy occurring, unless the Electoral Commissioner approves otherwise. In this case that means by 12 July 2018 (with 12 March being date of vacancy). Due to 12 July 2018 being the last week of WA School Holidays it was recommended by the Electoral Commissioner and agreed by the Shire President to defer for an extra week to 20 July 2018.

ATTACHMENT 12.6B

Consultation

Chief Executive Officer
Executive Management Team
Corporate Services Support Coordinator
Western Australian Electoral Commission

Statutory Environment

Local Government Act 1995 section 4.20 (2) & (4) states a local government may, having first obtained written approval of the Electoral Commissioner, appoint a person other than the CEO to be the returning officer. *Section 4.61* provides the local government the option to conduct the election as a postal election. *Section 4.9* states that unless the Electoral Commissioner approves otherwise the extraordinary election cannot be later than 4 months after the vacancy occurs.

Financial Implications

The estimated cost to conduct the extraordinary election would be \$7,000 including GST. Costs not incorporated into the estimate include non-statutory advertising (i.e. additional advertisements in community newspapers and promotional advertising) and any legal expenses other than those that are determined to be borne by the Western Australian Electoral in a court of Disputed Returns.

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 COPR5 Risk Matrix. The perceived level of risk is considered to be 'Low' i.e. managed by routine procedures, unlikely to need specific application of resources.

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Absolute Majority Required

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Officers Recommendation

That with respect to the vacancy of the Ashburton Ward, Council:

1. Note the date for the extraordinary election as recommended by the Electoral Commissioner and agreed by the Shire President be held on Friday 20 July 2018;
2. Declare, in accordance with *section 4.20 (4) of the Local Government Act 1995*, the Western Australian Electoral Commissioner to be responsible for the conduct of the extraordinary election;
3. Decide, in accordance with *section 4.61 (2) of the Local Government Act 1995* that the method of conducting the extraordinary election will be as a postal election.
4. Allocate the sum of approximately \$7,000 including GST towards the cost of the extraordinary election.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

12.7 REVIEW OF COUNCIL POLICY ELM04 CODE OF CONDUCT

FILE REFERENCE:	GV20
AUTHOR'S NAME AND POSITION:	Rachel Cassidy Organisational Development Coordinator Nicky Tyson Procurement Coordinator
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not applicable
DATE REPORT WRITTEN:	10 April 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 13.3 (Minute No. 265/2017) – Ordinary Meeting of Council 21 November 2017

Summary

The purpose of the Policy Review is to update ELM04 Code of Conduct in order to provide consistent guidelines for an acceptable standard of professional conduct and good governance within the organisation.

Background

The Policy was last adopted in November 2017 with no changes recommended. In order for the Shire of Ashburton to sustain a good level of governance, it is important this Policy is updated where identified to ensure ethical and professional behavior from all parties involved in dealings with the Shire of Ashburton.

Comment

ELM04 Code of Conduct provides consistent guidelines for an acceptable standard of professional conduct and is complimentary to the principles adopted in the *Local Government Act 1995*.

The Shire's Code of Conduct has been updated to reflect the following changes:

- Inclusion of a clause prohibiting private advantage of public expenditure for programs such as purchasing rewards, loyalty programs and competition prizes; and
- Extension to coverage of Policy to include volunteers and contractors.

The extension to include volunteers and Contractors is in line with the *Local Government (Audit) Regulations 1996, Regulation 17* audit conducted by Moore Stephens in 2016 to review risk management, legislative compliance and internal controls. These amendments address item 7.3.1 of the report **ATTACHMENT 12.7**, of the suggested improvement to expand the scope of ELM04 to include volunteers and contractors.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Consultation

Chief Executive Officer
Manager Organisational Development

Statutory Environment

Local Government Act 1995 (S 5.103 – Codes of Conduct)
Local Government (Administration) Regulations 1996 (Regs 34B and 34C)

Financial Implications

There are no financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 05 – Inspiring Governance
Objective 03 – Council leadership
Objective 04 – Exemplary team and work environment

Risk Management

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

Policy Implications

Review of ELM04 – Code of Conduct

Voting Requirement

Simple Majority Required

Recommendation

That with respect to ELM04 Code of Conduct, Council:

1. Adopt the reviewed ELM04 Code of Conduct as per **ATTACHMENT 12.7.**

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

13. STRATEGIC AND COMMUNITY DEVELOPMENT REPORTS

13.1 ENDORSEMENT OF THE PROPOSED YOUTH ENGAGEMENT STRATEGY 2018-2023

FILE REFERENCE:	CS01
AUTHOR'S NAME AND POSITION:	Sarah Johnston Strategic Partnership Manager
AUTHORISING OFFICER AND POSITION:	Anika Serer Director Strategic & Community Development
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	20 March 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 12.1 (Minute No. 11889) – Ordinary Meeting of Council 10 December 2014 Agenda Item 15.5 (Minute No. 11198) – Ordinary Meeting of Council 16 May 2012

Summary

At the Ordinary Meeting of Council held on 10 December 2014, a proposal to replace REC11 Youth Advisory Council Policy with a Youth Engagement Strategy was approved, to be developed and returned to Council for adoption.

Tom Price Youth Support Association were engaged in 2017 to undertake youth workshops across the Shire which was funded through a Youth Friendly Community Grant, via the Department of Communities. Youth Advisory Council WA (YACWA) was engaged to prepare the draft youth engagement strategy, considering the information gathered from the youth workshops and other stakeholder consultation which is now presented to Council for consideration.

Background

Shire of Ashburton (SOA) has well-established links with a number of key agencies in the youth support sphere. A total of 585 youth aged between 10 and 19 in the four Shire towns of Onslow, Pannawonica, Paraburdoo and Tom Price benefit from these partnerships. Aboriginal and Torres Strait Islander (ATSI) people make up roughly from 9 per cent (Paraburdoo, Tom Price and Pannawonica) to 21 per cent (Onslow) of those populations.

With the support of Rio Tinto, the Tom Price Youth Support Association (TPYSA), Nintirri Centre and the IBN Corporation, SOA received a \$10,000 grant under the Government of Western Australia's Youth Friendly Communities 2015/16 Grants Program for a youth leadership training program. Prior to the roll-out of the program, preliminary consultation on the youth engagement strategy identified a perceived divide between local government and youth.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

This perception needed to change to foster positive relationships and future success when trying to design an engagement strategy to underpin future youth inclusion. The “how” of engaging was identified as a key gap.

It was from this recognition that the Shire of Ashburton and the TPYSA worked in partnership to develop ‘You’re The Voice’ (YTV).

The programme content focussed on the changing face of relevant factors including current youth culture, communication methods, economic uncertainties and geographical location, and included sessions on what youth thought the Shire did and asked the youths to consider the question of “where do I fit in?”

The initial scope of the project had included Nintirri Centre and the IBN Corporation, but due to the timing of the project they were unable to participate.

Responding to expressions of interests, a total of 38 youths attended three workshops from April to July in each of Onslow/Pannawonica, Paraburdoo and Tom Price, representing almost (seven) 7 percent of the Shire’s youth population. The ethnography of the participants was 13.2 percent ATSI, 28.9 percent culturally and linguistically diverse (CALD) and 57.9 percent identified as other.

Comment

Subsequent to the workshops, the Shire engaged YAC (WA) to undertake the preparation of a draft Youth Engagement Strategy. The process commenced with consultation with key stakeholders in each of the towns across the Shire. A draft strategy was then prepared.

ATTACHMENT 13.1

The Youth Engagement Strategy 2018 – 2023 is based around a vision, three focus areas with associated outcomes and 11 strategies outlining how these outcomes will be achieved. The Shire of Ashburton, whilst geographically large, has limited resources, so underpinning these strategies are partnership opportunities, these may be in-kind support, joining resources, or in some instances providing resources.

Vision

The vision – Young people living in the Shire of Ashburton have the skills, connections and opportunities to actively shape the future of the towns that they live in.

Focus areas and outcomes

There are three focus areas and associated outcomes. The focus areas are as follows;

- Communication;
- Consultation and engagement; and
- Events and Programmes.

These outcomes outline what the Shire wants youth engagement to look like for young people in the Shire.

Strategies

Falling out of the outcomes, there are 11 strategies identified that outline what the Shire will do (in partnership) to achieve those outcomes.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Partnership opportunities

Many of the strategies (and actions that flow on from these) will be delivered in partnership with key stakeholders in the Shire. Most of the strategies have one or more potential partnership organisations or groups identified.

Funding opportunities

Each of the strategies have potential funding opportunities identified that can be explored. Where it is likely that this strategy can be delivered with existing resources within the Shire, this has been listed as 'existing Shire resources'.

Priority level

The Youth Engagement Strategy is a five-year plan, and some of the actions are either more likely to be easily achieved or a greater priority than others. Each of the strategies have been colour coded, with red indicating high priority, orange indicating medium priority, and blue indicating longer term priority.

The draft document was provided to Council on 28 February 2018 via EMACCESS for review and comment. The draft has also been provided to TPYSA and VSwans for feedback however no response has been received at the time of preparing the report.

Consultation

Chief Executive Officer
Director Strategic & Community Development
Community Services Manager
Tom Price Youth Support Association
V Swans – Onslow
School Principals
Youth across the Shire

Statutory Environment

There are no statutory impediments.

Financial Implications

There are no known meaningful financial implications relative to this matter in excess of officer time and minor administrative costs. Endorsed priorities will be considered in future budgets and the Long Term Financial Plan.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022
Goal 01 Vibrant and Active Communities
Objective 01 – Connected, caring and engaged communities

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 will be managed by specific monitoring and response procedures.

Policy Implications

There were no policy implications identified.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the Youth Engagement Strategy Council:

1. Endorse the Youth Engagement Strategy **ATTACHMENT 13.1**; and
2. Authorise the Chief Executive Officer to implement the strategy and associated actions identified, including funding applications and budget allocations.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

13.2 TOM PRICE CHILDCARE PROJECT – LOCATION ENDORSEMENT

Declaration of Interest

Prior to consideration of this Agenda Item

Cr Foster declared a financial interest

Cr Gallanagh declared a financial interest

Cr Lynch declared a financial interest

Cr Diver declared a financial interest

Cr Rumble declared a financial interest

Sarah Johnston declared a financial, indirect financial and an impartiality interest

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

FILE REFERENCE:	CS22.1
AUTHOR'S NAME AND POSITION:	Sarah Johnston Strategic Partnership Manager
AUTHORISING OFFICER AND POSITION:	Anika Serer Director Strategic & Community Development
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	14 March 2018
DISCLOSURE OF FINANCIAL INTEREST:	The author has financial, indirect, and impartiality interests due to being employed at the Shire of Ashburton under a funding agreement in a role funded by Rio Tinto Iron Ore with the author's spouse an employee and a Shareholder of Rio Tinto. The authorising officer has no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 16.1 (Minute No. 169) – Ordinary Meeting of Council 23 May 2017 Agenda Item 13.1 (Minute No. 11153) – Ordinary Meeting of Council 21 March 2012

Summary

At the Ordinary Meeting of Council on 23 May 2017, Council endorsed the Memorandum of Understanding (MOU) between the Shire of Ashburton and Rio Tinto Iron Ore for the Community Infrastructure and Services Partnership. Annexure Two of the MOU outlines the priority projects agreed between the parties, including the Tom Price Childcare Centre. Extensive land investigations have been undertaken to determine an appropriate site for the new child care facility. Lot 248 Poinciana Street has been identified as the preferred location for the Tom Price Childcare Centre. Council endorsement of this site is requested to enable a concept design and cost estimate to be developed to inform the Business Case and third party funding applications.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Background

In May 2011, The Shire of Ashburton engaged the services of Creating Communities Australia Pty Ltd to complete a study for a proposed redevelopment of the Nintirri Neighbourhood Centre (including little Geckos Childcare Centre) and the Tom Price Youth Centre. The study aimed to look at community services organisations more holistically to identify potential synergies of combining projects. Inadequate childcare places was deemed to be the highest priority of the report.

In October 2015, Community Childcare Cooperative (NSW) in partnership with CRED was engaged to further investigate the demand for childcare services in Tom Price. The assessment focused on the Tom Price community as a whole rather than the specific Rio Tinto workforce. The number of places necessary to meet demand for long day care and out of school care at that time, as well as future demand was considered. Based on a population estimate of 3000 people, the high level estimate for childcare at that time was 96 places (73 long-term and 25 out-of-school). It was recommended that capacity for a further 35 places (30 long-term and 5 out-of-school) be included in planning, either through innovative design use or ability to expand in the future.

In 2016 CODA was engaged by Rio Tinto to undertake a study to identify the options of increasing the childcare capacity in Tom Price and the development of a Project Definition Plan. The study looked at three main options being to: upgrade and refurbish the existing child care facility (Option 1); upgrade and refurbish the neighborhood centre for the purpose change to childcare (Option 2); or, a new purpose built facility (Option 3).

The report was reviewed by the Partnership Governing Committee for the Community Infrastructure and Services Partnership, where Option 1 and 2 were not considered appropriate as both options did not adequately increase childcare places required to meet the current demand of the community. The committee agreed to recommend to both Council and Rio Tinto Executive Committee, the construction of a new purpose built childcare facility as the only viable option to meet the expected need. In addition, the Committee recommended that the facility be constructed for a capacity of 125 childcare places to enable future-proofing and flexibility in service delivery.

In late 2017, a list of potential sites for the Tom Price Childcare Centre was compiled with the lot size, location, and vicinity to schools, topography and general land constraints considered. Four land sites were shortlisted with further analysis conducted collaboratively with Rio Tinto to understand the utility capacity, resulting in Lot 248 Poinciana Street identified as the preferred location. The four shortlisted land sites were:

- 1 Lot 248 on plan 14718 Poinciana Street, Owner Hamersley Iron
- 2 Lot 900 on deposited plan 15092 Tanunda Street, Area W, Owner Hamersley Iron
- 3 Lot 843 on deposited plan 15336 East Road, Owner Hamersley Iron
- 4 Lot 400 on deposited plan 409078 Poinsettia Street, Owner Shire of Ashburton

ATTACHMENT 13.2A

Comment

Each site was assessed against a number of key criteria to determine the appropriateness for a childcare facility. The criteria included in the analysis was:

- Lot Size – ensuring that lot was of sufficient size to allow for a facility to be constructed, including parking and outdoor play areas;
- Existing Purpose – to understand if additional costs would be incurred with the removal of existing building/s or the relocation of existing services;

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

- Distance from a primary school (after-hours care) – children are currently escorted on foot from the Tom Price Primary School across Central Road to the Little Gecko's facility. A lot within short walking distance to the new centre would assist in the ongoing staffing costs and reduce risks associated with inclement and extreme weather;
- TPS7 – Zoning – to assist in understanding the current zoning and if any additional work/cost would be required to rezone the lot;
- Topography and General Description of the land – high level review of the lot to assist in understanding what additional earthworks would be required;
- Utilities Assessment – conducted only on shortlisted sites to understand what additional costs were specific to each lot to ensure adequate utility capacity.

A shortlist was generated and further reviewed in conjunction with Rio Tinto core services representatives to understand if there was support from their business for the shortlisted locations owned by Hamersley Iron and the capacity of the existing utility services.

ATTACHMENT 13.2B

Considering the key criteria and Rio Tinto's feedback, Lot 248 Poinciana Street has been identified as the preferred site. Features of the lot include:

Lot Size: 5856m²

Distance from nearest primary school: 290m

Comment from land owner: Rio Tinto representatives have indicated support for the lot however a buffer to Lot 250 is requested to be incorporated in the design of the facility. Consideration to amalgamate Lot 247 and 248 together is requested with consideration of the Shire then leasing the existing premises on Lot 247 to the Department of Child Protection and Family Support (current occupants). The transfer of land from Rio Tinto to the Shire of Ashburton is expected to take six months from a finalised proposal being submitted to Rio Tinto's Executive Committee.

It is recommended that Rio Tinto's request to include Lot 247 in the 'handover' is considered separately to the Child Care Centre project.

TPS7 – Zoning: The site is zoned residential in which childcare services is a permitted use, providing appropriate special notice is conducted in accordance with the town planning scheme.

High Level Utility Assessment: Existing electrical capacity insufficient, a new kiosk would be required to be installed with at an estimated cost of \$500,000. Connection to the consumer panel is estimated at \$100,000. Sewer mains currently run through the centre of the lot, depending on design of the facility this would likely need to be relocated at an estimated value of \$200,000. The capacity of the water mains in the vicinity is adequate. Service connection costs would be in addition to the above upgrades.

Childcare is a critical function for the Tom Price Community, there are minimal lots that are centrally located available in Tom Price.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

This lot provides ample space to allow innovative design of a new facility, it is centrally located in walking distance of the Tom Price Primary School. The current residential zoning would allow for a childcare centre as a permissible purpose. The site is cleared and of a relatively flat nature, minimizing the earthworks potentially required for the lot. Its current use as parkland is not highly utilised and therefore a change is not expected to have negative impact.

A petition was received by the Shire on 16 April 2018 with 147 signatures objecting to the proposed site for the following reasons:

- “ 1. Tom Price is renowned as being an “Oasis in the Pilbara” with its many beautiful mature trees and green open spaces. We disagree with the destruction of existing green parkland that has been there for all to enjoy for 50 years, especially when more appropriate sites are available.*
- 2. The safety of our children is of utmost concern; we are against the proposal to build a large centre in this residential area due to heavily increased traffic and congested intersections. Children gaining access to the school and skate park are at particular risk during busy of times of the day, e.g. before and after school.*
- 3. Increased traffic, noise and activity would adversely affect a quiet residential street where shift workers reside.*
- 4. The proposal goes against the Shire of Ashburton’s own policy which is currently on their website – LPP09 section 3.2 including heads of Location, Residential Amenity, Noise Generation, Essential Services, Traffic Implications and building Modifications.”*

Shire officers have not previously discussed the proposed site with petitioners or signatories, and therefore have not had the opportunity to address the concerns in the context of considerations for a child care centre such as proximity to primary school/s.

From information available along with consultation with Rio Tinto and stakeholders, it is considered that Lot 248 Poinciana Street is an appropriate site in the townsite for a child care facility, and the concerns listed in the petition may be addressed through the usual consideration to design by the architect (traffic management, location of playgrounds in relation to residential areas, etc.). This total assessment would form the planning application which would be advertised for public comment.

Project Funding

Agreement has recently been reached with Rio Tinto to utilise \$575,341 of the underspend from the Community Infrastructure and Services Partnership 2012-2017. This will fund the engagement of a consultant to undertake architectural design for the project. Completing this work will allow the Shire to develop a business case and final budget for the project, for both Rio Tinto funding and third party funding applications. A budget variation is presented for Council’s consideration.

To date, funding for the construction of the project has not yet been secured. Rio Tinto representatives have confirmed their commitment to the project in principle via the execution of the Community Infrastructure and Services Partnership Memorandum of Understanding 2017-2022. Rio Tinto’s Community Investment Committee have requested the following information be provided before a financial commitment for the project is confirmed:

- An agreed project brief setting out current and future Tom Price Childcare demand and required childcare functions to accommodate within this project,

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

- A facility design that meets this agreed brief, including quantity surveyor cost estimates for all project stages to be delivered including headworks, site acquisition, construction cost, required furniture and equipment, project management, contingencies, remaining design and development costs,
- Confirmation of a preferred site in collaboration with Rio Tinto,
- An agreed operating model for the proposed facility which includes removal of the financial requirement of Rio Tinto to underwrite child care in Tom Price, and transfer this to the Shire of Ashburton, upon completion of the facility.

Consultation

Chief Executive Officer

Executive Team

Principal Town Planner

Economic and Land Development Manager

Rio Tinto Iron Ore

Nintirri

Little Gecko's Childcare Centre

CODA

Community Childcare Cooperative (NSW)

CRED

Petition received by the Shire (Note Item 8.1 to this Agenda)

At this early stage, community consultation is yet to be undertaken. This will be addressed in the planning application process and will follow the statutory process to involve the community. Without limiting Council to seek a more extensive community consultation process, it is anticipated that the minimum level of consultation would reflect "Local Planning Policy 17 Consultation for Planning Proposals" as follows:

"Level C – CONSULTATION WITH OWNERS/OCCUPIERS OF NEARBY LAND

Where a proposed land use or development is determined by the Shire as having the potential to impact on not only the use or enjoyment of land adjoining the application site but also other neighbouring land, the owners/occupiers of those neighbouring properties will be consulted.

Method of Consultation.

- The owners/occupiers of properties determined as being potentially affected by a development proposal will be consulted in writing providing a minimum of 14 days for the lodgement of any submissions.*
- Dependent upon the level of impact in the area, the Shire may also publish a notice of the development proposal in the Pilbara News inviting comment within a specified period."*

Statutory Environment

No known statutory impediments

Financial Implications

The unspent funds being \$575,341 in the Community Infrastructure and Services Partnership 2012-2017 would be utilised for the engagement of a consultant to provide architectural services for the project. All associated costs would be billed to this funding source. In addition officer time and minor administrative costs would be incurred.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2012-2022

Goal 01 Vibrant and Active Communities

Objective 01 – Connected, caring and engaged communities

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Goal 04 - Distinctive and well serviced places

Objective 01 – Quality public infrastructure

Objective 03 – Well planned towns

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 "Medium" risk and will be managed by specific monitoring and response procedures.

Policy Implications

There were no policy implications identified.

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the Tom Price Childcare Project – Location Endorsement, Council:

1. Support Lot 248 Poinciana Street, Tom Price as the preferred site for the Tom Price Child Care Centre project;
2. Authorise the Chief Executive Officer to pursue the transfer of the site from Hamersley Iron for this purpose;
3. Approve the budget variation of \$575,341 from Community Infrastructure and Services Reserve to GL (New project GL to be created) for the purpose of architectural services and preliminary works for the Tom Price Child Care Centre Project; and
4. Authorise the Chief Executive Officer to undertake the design of the new facility, in consultation with appropriate stakeholders such as Rio Tinto, Nintirri and develop a business case for further consideration by Council.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

13.3 ENDORSEMENT OF KARRATHA-TOM PRICE ROAD STAGES 3 AND 4 COST BENEFIT AND SOCIAL IMPACT ASSESSMENT

FILE REFERENCE:	RD.RIO.1
AUTHOR'S NAME AND POSITION:	Anika Serer Director Strategic & Community Development
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	28 March 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 No. 174) – Ordinary Meeting of Council 23 May 2017

Summary

In May 2016 a Steering Committee was formed by the Shire of Ashburton, Pilbara Development Commission, City of Karratha, Main Roads WA and the Department of Transport to oversee the development of a Cost Benefit Analysis and Social Impact Assessment for the sealing of the remaining gravel sections of the Karratha – Tom Price route.

Engineering consultant GHD was engaged through a competitive procurement process to undertake the study. The report is now presented for Council's consideration and endorsement for use in advocating the completion of the sealed route.

Background

There have been numerous preliminary explorations of the viability and costs associated with sealing of the Karratha to Tom Price Road. A 1997 Steering Committee oversaw a planning study to identify a new route between Karratha and Tom Price. The Steering Committee recommended a four stage development strategy tracking the Rio Tinto Iron Ore (RTIO) Pilbara Iron Railway and connecting to the Roebourne-Wittenoom Road near Wallarinya Pool. A 24km section between Tom Price and Nanutarra-Munjina Road as Stage 1 was completed in December 2003. Stage 2 comprising an 88km section between Karratha to Barowanna Hill was completed in July 2008. Both roads are the responsibility of Main Roads WA (MRWA).

The road is identified as a key infrastructure priority in both the Pilbara Planning and Infrastructure Framework (PPIF) and the West Australian Regional Freight Transport Network Plan.

A sealed Karratha to Tom Price Road, replacing the current circuitous route, would be an important piece of economic infrastructure connecting the Pilbara hinterland with the West Pilbara.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

A dedicated road would improve the access of inland communities to higher order services in the West Pilbara, expedite the flow of goods and services between coastal ports and inland communities and improve access from the West Pilbara to important tourism assets and mining activity in the hinterland.

Stage 3 of the proposed road covers a 48km section of Roebourne-Wittenoom Road (to the Rio Tinto access road intersection). Several route options have been considered to complete Stage 4 including:

Stage 4 Option A: 107km section on an alignment roughly parallel to the existing Rio Tinto access road from Curlewis to Tom Price;

Stage 4 Option B: 165km section continuing along Roebourne-Wittenoom Road to Nanutarra-Munjina Road and from Nanutarra-Munjina Road to the end of the existing bitumen on Bingarn Road.

Stage 3 and Stage 4 (Options A and B) are illustrated in **ATTACHMENT 13.3A**

In May 2016 a Steering Committee was formed by the Shire of Ashburton (SoA), Pilbara Development Commission (PDC), City of Karratha, Main Roads WA and the Department of Transport to oversee the development of a Cost Benefit Analysis and Social Impact Assessment for the sealing of the remaining gravel sections of the Karratha – Tom Price route. The study was co-funded by PDC \$72,506; City of Karratha \$10,000 and SoA \$23,104. SoA led the study and procurement of a consultant to undertake the Cost Benefit Analysis, Social Impact Assessment and also assessment of the various route options and staging.

The cost benefit analysis and impact assessment is intended to inform future State, Local and Federal Government investment decision-making with respect to the road by:

- Assessing the viability on environmental, social and economic criteria, including an economic cost benefit evaluation for Stage 3 and Stage 4 of the road;
- Identifying any preconstruction requirements (such as the environmental impact assessment) to guide the construction of the project, should it proceed;
- Considering the economic implications and potential opportunity cost of not pursuing the project;
- Updating the environmental impact assessment undertaken in 2003 with specific reference to Stage 3 and Stage 4 components of the road;
- Considering heritage issues in relation to the route and proposed construction activities;
- Evaluating the potential for land activation en-route which may influence the economic benefit and thus the viability of the route from a cost/benefit perspective;
- Investigating the economic and social benefits for the West Pilbara including the pastoral industry, disaster recovery, access to stranded mineral deposits, strategic state freight and logistics linkages, tourism, community benefits and road safety.

Comment

GHD was awarded the consultancy by competitive tender process in October 2016 and has worked with key stakeholders, engaged with the community and undertaken investigations necessary to complete the cost benefit analysis and social impact assessment.

ATTACHMENT 13.3B

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Highlights of the report prepared by GHD include:

Estimated Cost:

Option 1: Stage 3 only (48km from intersection of Warlu Road and Roebourne-Wittenoom Road to the junction of the Rio Tinto Rail Access Road) \$70.23 million.

Option 2: Stage 3 & 4A (155km covering Stage 3 plus an alignment parallel to the Rio Tinto Rail Access Road) \$301.77 million.

Option 3: Stage 3 & 4B (213km covering Stage 3 plus the Roebourne-Wittenoom Road to Fortescue Crossing and Nanutarra-Munjina Road) \$393.32 million.

Current economic conditions in the Pilbara mean that the estimated cost is significantly more competitive than it has been in the last 10 years, demonstrated by comparing the estimates given above to those prepared in 2010 indicating up to \$626 million would be required.

Economic Impact:

A benefit-cost analysis (BCA) was performed to evaluate the overall impact of social, environmental and economic benefits related to the project. The Assessment Framework issued by Infrastructure Australia was utilised for the BCA to ensure consistency with assessments of national proposals and competing projects, including the discount rates applied to projects. Discount rates are the 'opportunity cost' of capital, it is applied to a Cost Benefit Analysis to ensure that costs and benefits incurred over different time periods are assessed using their current dollar values. 4% is traditionally applied to core public services such as health, education. 7% is applied to standard capital infrastructure including roads and buildings, and has been applied in this case.

Option	4%	7%	10%
Option 1	1.027	0.330	0.170
Option 2	1.706	0.899	0.510
Option 3	1.228	0.658	0.388

Option 2 (completion of stage 3 and 4A) has the highest positive Benefit Cost Ratio (BCR) across all discounted rates, with 0.899 at the standard discount rate of 7% and 1.1706 at the 'public services' discounted rate of 4%. The discounted rate is the opportunity cost of capital investment, and is applied to ensure that costs and benefits incurred over different time periods are assessed using their current dollar values. A BCR > 1 may be achievable for Option 2 (at 7%) if more aggressive tourist demand assumptions are applied, however the report is based on data available at the time of the investigation.

Infrastructure Australia has also recently updated the Assessment Framework for developing a cost benefit analysis, to now include land use impacts (not previously applicable). This will be further investigated by GHD and an improved BCR may be an outcome of this. The information and update was only released on 16 March 2018, so the impact was not able to be determined at the time of preparing this report.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Social Impact

A high level assessment was undertaken to understand the social impacts resulting from the sealing of the road including cultural, social, health and employment, for Tom Price, Karratha and catchment areas. Targeted stakeholder consultation was undertaken in Tom Price, Karratha and with potentially impacted road/land users along the routes.

Environment and Heritage Constraints Assessment

A constraints assessment was undertaken to understand potential impacts and considerations for the project including environmental conditions, flora, fauna, hydrology, heritage, planning, and future approvals or investigations that may be required.

Economic Analysis

Assessment of the economic impacts to areas such as mining, tourism, transport, service providers along and at the destination points of the road (Karratha and Tom Price).

During the investigation period for this report the Labor Government won the State Election, and as part of its strategy for the Pilbara has allocated \$50 million toward sealing the road. This investment has been considered in the report and its impact on staging, required leveraging and impact on completion of the overall project. It is understood that MRWA will commence works with this funding sometime during 2018.

The Shire allocated \$267,000 to MRWA at the Ordinary Meeting of Council on 23 May 2017, to enable preliminary investigations such as geo-technical assessment hydrology assessment, heritage and land survey (total value around \$800,000) to commence as soon as possible. MRWA has advised that this work has been completed for the planning studies for Stage 3 and some parts on Stage 4A, with a formal report to be provided.

It is noted that Stage 3 (Roebourne Wittenoom Road) is currently under the management of the Shire, and will need to be transferred to the ownership of MRWA for this work to commence.

Further to this, in February 2018 the Chief Executive Officer and Shire President met with the Minister for Transport, Minister Saffioti along with Ministerial advisors who advised that the Department is best placed to pursue project funding and delivery. It is therefore recommended that this report be provided to the Minister for considering and inclusion in business cases and funding bids by the Department.

It is also recommended that Council advise the Minister that it supports the outcome of the analysis into the two route options (4A and 4B), with the construction of a new road generally following the route of the Rio Tinto access road (4A) being considered significantly more attractive due to its lower construction cost, shorter distance, higher BCR and potential to enable logistic and service support to new mining activities such as BBI Group.

Consultation

Chief Executive Officer
Director Infrastructure Services
Pilbara Development Commission
City of Karratha
Main Roads WA
Department of Transport
Various community members and business owners

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Statutory Environment

No known statutory impediments

Financial Implications

The report was funded by contributions from Pilbara Development Commission \$72,506, City of Karratha \$10,000 and Shire of Ashburton \$23,104.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 4: Quality Services and Infrastructure

Objective 1 – Quality public infrastructure

Objective 2 – Accessible and safe towns

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Low" as the outcomes of the report do not pose a risk to the Shire's operations.

Policy Implications

There were no policy implications identified.

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the Karratha-Tom Price Road Stages 3 and 4, Cost Benefit and Social Impact Assessment Report, Council:

1. Endorse the report prepared by GHD in March 2018 and any updates that may become available from recent changes to the assessment framework for cost benefit analysis by Infrastructure Australia;
2. Endorse Stage 3 and 4A, as outlined in the report being the route generally parallel to the Rio Tinto access road, as the preferred option for the sealing of Karratha – Tom Price Road;
3. Approve the distribution of the report to the Minister for Transport and Main Roads WA for planning, funding and delivery of the sealed road, and advocates for the project as a high priority for the Shire of Ashburton; and
4. Support the handover of ownership of Stage 3 (48km section from the intersection of Warlu Road and Roebourne-Wittenoom Road to the junction of the Rio Tinto Rail Access Road) to Main Roads WA.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

13.4 RESULTS OF SURVEY INTO ALCOHOL RESTRICTIONS AND TAKEAWAY ALCOHOL MANAGEMENT SYSTEM

FILE REFERENCE:	PH04
AUTHOR'S NAME AND POSITION:	Nicky Pratt Executive Assistant Strategic & Community Development
AUTHORISING OFFICER AND POSITION:	Anika Serer Director Strategic & Community Development
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	6 April 2018
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 14.1 (Minute No. 291/2018) – Ordinary Meeting of Council 16 January 2018 Agenda Item 16.1 (Minute No. 287/2017) – Ordinary Meeting of Council 15 December 2017

Summary

The purpose for this agenda item is for Council to consider the results of its community survey and its position in relation to the proposed implementation of further liquor restrictions within the Pilbara.

Background

At its 16 January 2018 Meeting, Council resolved to undertake further consultation, in the form of an online community survey, to gauge whether there is support for the implementation of further liquor restrictions with the Shire of Ashburton.

Alcohol restrictions are implemented and controlled by the Department of Local Government, Sport and Cultural Industries via conditions on licensees. The *Liquor Control Act 1998* allows for the Director of Liquor Licensing, where it is in the public interest, to impose conditions on licensees restricting the sale and supply of liquor from licensed premises. A condition may include a limitation, prohibition or an authorisation on any licence or permit and can relate to any aspect of business carried out under the licence, or any activity that takes place at the licensed premises. The Shire may be consulted prior to the imposition of any restriction, however the Director of Liquor Licensing may implement a condition which is contrary to Council's opinion.

An online survey was developed by the Shire staff, incorporating comments from WA Police and Councillors. The survey was promoted via the Shire's Website and Facebook page, being open from 8 March 2018 until 6 April 2018. Responses received totalled 768 as follows:

- Tom Price – 346 responses;
- Paraburdoo – 221 responses;
- Onslow – 125 responses;

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

- Pannawonica – 55 responses; and
- Outside of the Shire of Ashburton – 19 responses.

Respondents were also asked to describe their support for each of the restriction measures currently in place, with multiple choice answers from “very strongly disagree” to “very strongly agree”. Due to alcohol restrictions being a very controversial topic in the region, with strong views for and against, this reflected in the spread of results.

Responses to all the questions had the majority of respondents scoring against the restrictions. 56.17% of respondents were aware of the current take away alcohol restrictions which were implemented in October 2012 to restrict the time of sale of alcohol, and limit the container volumes which alcohol is sold in.

Community support for restriction proposed by Pilbara Police were separated into those respondents who supported the restrictions and those who did not support the proposed restrictions.

Question	Support	Don't Support	Neither Support or Don't Support
There should not be restrictions of full strength takeaway alcohol	502 (66.05%)	203 (26.71%)	55 (7.24%)
Support for consistent liquor restrictions across all towns in the Pilbara	151 (19.79%)	515 (67.5%)	97 (12.71%)

Responses in relation to the imposition of further restrictions on the sale of full strength takeaway alcohol indicated that there was less support for the further restrictions on the sale of alcohol, including the limitations suggested by Pilbara Police.

Balancing the issues around sale and supply of alcohol is very complex, with some members seeking stricter control (due to dealing with issues caused by excess consumption) to those members who consider alcohol sale and supply to be over-serviced. Commentary provided within the survey from residents reflected a wide range of views, as well as personal opinions in relation to the consumption of alcohol, consumers of alcohol (ethnicity) and the effects of further restrictions on the community as a whole. These have been collated as follows:

Comment themes	Number
Restrictions don't target problem, drugs, mental health	47
Restrict the minority not the majority	180
Support laws being the same across the Pilbara	26
Impacts lifestyle/Rights (boating, camping, parties, spontaneity, community club events)	87
Increase crime and drug use	23
Generalised comments not supporting implementation	148
Restrictions will encourage people to buy online and not support local businesses	25
Restrict buying quantity not the % of alcohol	16
Support for Takeaway Alcohol Management System (TAMS)	17
Other comment	29

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

The additional restrictions as proposed by the Police are currently being considered for implementation within the Town of Port Hedland and in Newman. Restrictions in Newman have been brought in voluntarily by the sole licensee within the town.

At their 31 January 2017 meeting, the Port Hedland Liquor Accord resolved to postpone any decision on the implementation of further alcohol restrictions or a Takeaway Alcohol Management System (TAMS) until such time as they could review the second report on the results of implementation of TAMS and associated restrictions in the Kimberley. The West Pilbara Alcohol Accord (of which the Shire is a Member agency) does not currently intend to voluntarily implement further full strength takeaway alcohol restrictions until they too review the second Kimberley TAMS report.

Comment

The community consultation requested by Council to assist in making a determination as to whether to support further restrictions indicated that the majority of respondents do not support the implementation of further alcohol restrictions within the Shire.

Consultation

Chief Executive Officer

Executive Team

Community members via a community survey

Statutory Environment

Council does not have any statutory powers in relation to the implementation of restrictions on the sale of alcohol. The Director of Liquor Licensing may consult with the Shire when deciding to impose, vary or cancel a condition on a license. The decision on whether this is implemented or not is not the Shire's decision, but our feedback is sought.

Financial Implications

There are no financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 3 – Unique Heritage and Environment

Objective Q2 Accessible and Safe Towns

Risk Management

The level of risk is considered to be Low to the Shire in terms of Reputation, as the decision is being made based on the results of the community survey. Given the range of responses, any decision of Council may challenge the views of some members of the community.

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Simple Majority Required

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Officers Recommendation

That with respect to the results of Survey into Alcohol Restrictions and Takeaway Alcohol Management System, Council:

1. Note the findings of the Survey into Alcohol Restrictions and Takeaway Alcohol Management System ('Survey').
2. As a result of the Survey, advise the Director of Liquor Licensing that Council does not support the implementation of further alcohol restrictions for the sale of full strength (over 3.5%) take away alcohol within the Shire at this time as:
 - a) The majority of the community does not support further liquor restrictions;
 - b) The community believes that further restrictions would not directly target the underlying problem;
 - c) Further restrictions could have a negative impact on consumer choice and local businesses.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

13.5 OCEAN VIEW CARAVAN PARK – REALIGNMENT OF BOUNDARY AND EXCISION FOR DEDICATION AS A ROAD

FILE REFERENCE:	RC24405
AUTHOR'S NAME AND POSITION:	Janelle Fell Economic and Land Development Manager
AUTHORISING OFFICER AND POSITION:	Anika Serer Director Strategic and Community Development
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	26 February 2018
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 16.2 (Minute No. 11975) – Ordinary Meeting of Council 15 July 2015

Summary

At the Ordinary Meeting of Council held on 15 July 2015 it was resolved to endorse a request to the Minister for Lands for the realignment of the north-eastern boundary to align with the physical layout of the Ocean View Caravan Park, Onslow. Recent review of the job by Department of Planning, Lands and Heritage noted further boundary encroachments along the ANZAC Memorial park and First Avenue cul-de-sac boundaries.

It is recommended that the boundary is rationalised to correctly reflect the park's layout and prevent any issues that may arise through the statutory approval process for future development, such as planning and building approvals. This rationalization includes closure of portion of a public road (First Avenue) for amalgamation into the Ocean View Caravan Park reserve, dedication of portion of the Ocean View Caravan Park as a road and excision of a subject portion of the ANZAC Memorial reserve (49320) for amalgamation into the Ocean View Caravan Park reserve (24405).

Background

Ocean View Caravan Park is located on a Crown Reserve with Management Order issued to the Shire of Ashburton for its care, control and management. The property is known as Lot 3001 on Plan 48469, Reserve 24405, Onslow.

In September 2012 the Shire of Ashburton resumed full control and management of the Ocean View Caravan Park following the expiration of the lease between Council and the former operator. Following the Council assuming management responsibility, it was concluded that the caravan park required substantial works in order to meet statutory obligations and compliance requirements for caravan parks, to provide both a higher quality and variety of accommodation options to better meet the needs of a diverse range of caravan park users as well as to upgrade essential services and facilities that have been unable to meet peak load demands.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Stage One of the redevelopment was completed in May 2016. Stage Two has been included in Council's Long Term Financial Plan for development in 2020.

A formal request was made to the Minister for Lands in August 2015 to realign the north-east boundary to align with the physical layout and Master Plan for the park.

ATTACHMENT 13.5A

Comment

While processing the Shire's request to rationalise the north-east boundary of the park (ocean front) due to the misalignment of the boundary with the physical layout of the caravan park, it was noted by the Department of Planning, Lands and Heritage (DPLH) that the fencing installed between the caravan park and ANZAC Memorial park does not align with the cadastral boundary, as depicted below in brown.

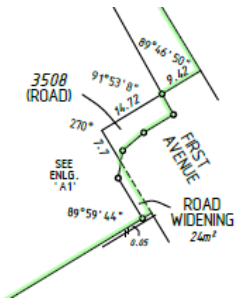


To rectify the encroachment, endorsement is requested to seek approval from the Minister for Planning, Lands and Heritage to rationalise the boundary, as reflected in the attached plan.

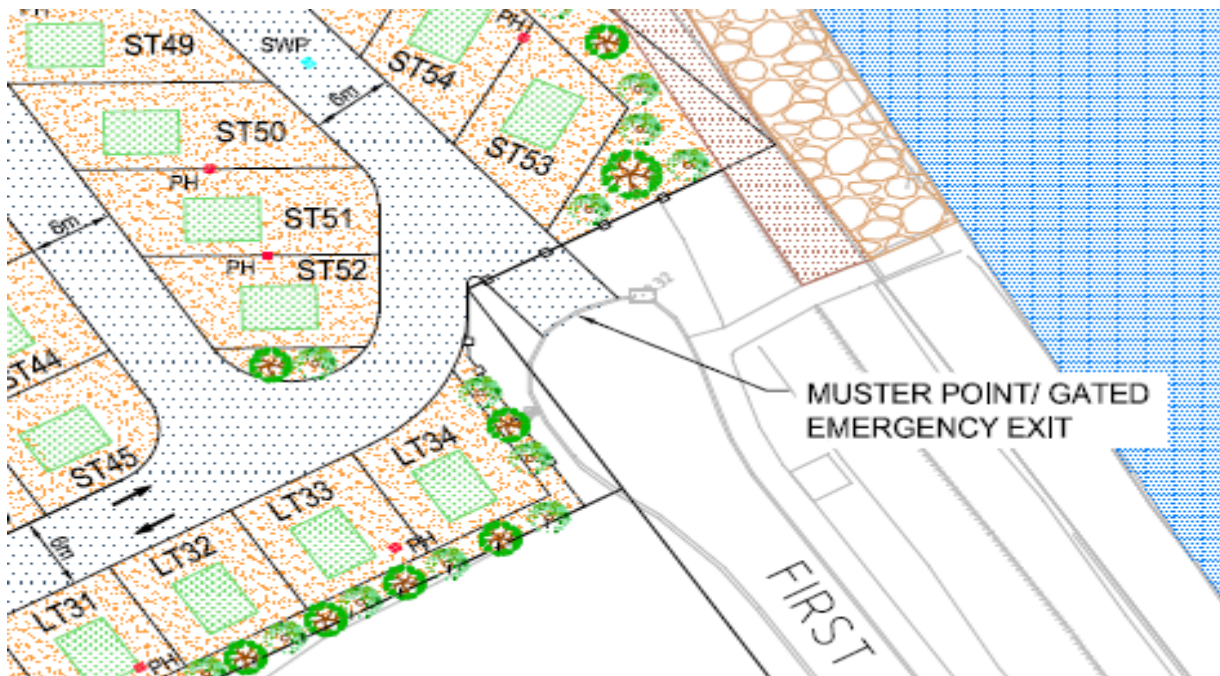
ATTACHMENT 13.5B

While undertaking the review, DPLH noted an encroachment of the road reserve that is the cul-de-sac of First Avenue, Onslow. They have requested the Shire formally request excision of the constructed road on the western boundary for dedication as a road and, closure of portion of the road reserve on the northern boundary (depicted brown below) for amalgamation into the caravan park reserve.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018



The Redevelopment Master Plan accommodates for the road widening and the closure of portion of the road for amalgamation into the caravan park reserve. It is recommended Council support the request to the Minister for Lands to excise the subject portion of Reserve 24405 for dedication as a road and the proposed closure of the road corridor for amalgamation into the caravan park reserve as this aligns with the Redevelopment Master Plan, excerpt below.



Consultation

Chief Executive Officer
Director Strategic & Community Development
Principal Planner

Statutory Environment

Sections 51 and 56 of the Land Administration Act

The realignment and dedication of a road will ensure that Stage Two's development of the caravan park is contained within the boundary, as per the requirements of Shire of Ashburton Town Planning Scheme No 7 and Building Act 2011.

Financial Implications

There are no expected financial implications to this request.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 02 – Economic Prosperity

Objective E1 – Strong Local Economies

Objective E3 – Well-managed Tourism

Goal 04 – Quality Services and Infrastructure

Objective 1 – Quality Public Infrastructure

Risk Management

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

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the request to realign the boundary and excise portion for dedication as a road at the Ocean View Caravan Park, Council:

1. Endorse the proposed realignment of the boundary between Lot 3001 on Plan 48469, Reserve 24405, Onslow (Ocean View Caravan Park), and Lot 3502 on Plan 48469, Reserve 49320, Onslow (ANZAC Memorial Park) and authorises the necessary application be made to the Minister for Lands (**ATTACHMENT 13.5B**);
2. Resolve, in accordance with section 51 of the *Land Administration Act 1997*, to request the Minister for Planning, Lands and Heritage to:
 - a. Excise from Reserve 24405 that land identified on Lot 3001 on Deposited Plan 48469 as 'Road Widening' ; and
 - b. Modify Reserve 24405 to include Lots 300, 3502, and 3508 on Deposited Plan 408851;
3. Resolve to close that portion of First Avenue, Onslow identified as Lot 3508 on Deposited Plan 408851 in accordance with Section 58 of the *Land Administration Act 1997*;
 - a. Advertise the proposed road closure in accordance with regulation 9 of the *Land Administration Regulations 1998*; and
 - b. If no objections are received, Request the Minister for Planning, Lands and Heritage to permanently close that portion of First Avenue;
4. In accordance with section 56 of the *Land Administration Act 1997*, to request the Minister for Planning, Lands and Heritage to dedicate that portion of Lot 3001 on Plan 48469 identified on Deposited plan 408851 as 'Road Widening' as a public road; and
5. In accordance with section 56 (4) of the *Land Administration Act 1997*, advise the Minister for Planning, Lands and Heritage that the Shire indemnifies the Minister against any claim for compensation in respect of the land.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

13.6 REQUEST FOR TENDER (RFT) 03.18 - DEMOLITION, DESIGN AND CONSTRUCTION OF PLAYGROUND, ONSLOW

FILE REFERENCE:	CM03.18
AUTHOR'S NAME AND POSITION:	Sean Ripley Strategic Project Manager
AUTHORISING OFFICER AND POSITION:	Anika Serer Director Strategic & Community Development
DATE REPORT WRITTEN:	13 April 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) or Demolition, Design and Construction of Playground, Onslow WA (RFT 03/18) was issued via the Shire's e-tendering portal known as TenderLink and also advertised via state wide public notice in The West Australian Newspaper on Tuesday 27 February 2018 and closed on 20 March 2018.

Four conforming tenders were received via TenderLink in response to the RFT.

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

Background

In 2015 the Shire appointed a consultant to undertake a compliance audit on all its public playground facilities. The outcome of this report was that all of the Shire's playground assets were deteriorated and not conforming to the current Australian Standards. A plan was developed to upgrade of all the Shire's playgrounds including the Thalanyji Oval playground between 2016 and 2018 and appropriate budget was forecasted in the Shire of Ashburton's Long Term Financial Plan. With upgrades having been completed in Tom Price and Paraburdoo the Onslow, Thalanyji Oval playground is scheduled for upgrade in the 17/18 financial year.

A Design and Construction RFT was drafted for the Thalanyji Oval upgrade that included the removal and appropriate disposal of the existing playground equipment. Design specification informed Tenderers that the playground shall target the age group of 2-12 years of age and be compliant with the Shire of Ashburton's Disability Access and Inclusion Plan.

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

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Criteria		Weighting
(a)	Relevant Experience	10%
(b)	Key Personnel	10%
(c)	Quality / Life Cycle and OHS Systems	15%
(d)	Design and Methodology Risk Management	15%
(e)	Price	50%

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

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

CONFIDENTIAL ATTACHMENT 13.6A

Active Discovery provided 2 concept design options as part of their tender submission for the playground upgrade. Should Council proceed with the recommendation to award the RFT to Active Discovery, the design options will then be communicated and workshopped with the Onslow community to select the preferred design option. This will ensure the community is actively engaged and invested in the project.

ATTACHMENT 13.6B ATTACHMENT 13.6C

Comment

The tenders have been assessed with the below scores and rankings. Complete details of the assessment are provided in **CONFIDENTIAL ATTACHMENT 13.6A**

Rank	Tenderer	Score (/100)
1	Active Discovery	76.5
2	Nature Play Solutions	72.3
3	Moduplay	65.9
4	Miracle Recreation	65.1

The evaluation panel concluded that the highest scoring tenderer is Active Discovery.

Consultation

Director Corporate Services
Strategic Project Manager
Manager Facilities and Recreation Services

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;”

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

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 Shire of Ashburton has a committed budget in the 2017/18 Financial Year of \$313,000 to undertake the upgrade project. The recommended tender submission is within this budget. As the project is an upgrade/replacement, an allocation for ongoing maintenance and inspections of the playground is provided in the Shire's annual budget.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027
Goal 4 – Quality Services and Infrastructure
Objective 01 – Quality Public Infrastructure
Objective 03 – Distinctive and Well-Functioning Towns

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk for the project is considered to be "Low". The low level of risk is being driven by the "minor" consequence of time and/or cost impacts and the "Unlikely" likelihood that a time and/or cost risk could occur. The "Low" risk rank is considered acceptable with adequate controls, managed by routine procedures and subject to annual monitoring by the Operational Manager.

Policy Implications

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

Voting Requirement

Simple Majority Required

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Officers Recommendation

That with respect to Tender RFT 03.18 - Demolition, Design and Construction of Playground, Onslow, Council:

1. Resolve that Report **ATTACHMENT 13.6A** is confidential in accordance with s5.23 (2) the Local Government Act because it deals with matters affecting s5.23 (2):
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;"
2. Note the attached Evaluation Report, **CONFIDENTIAL ATTACHMENT 13.6A**;
3. Award the contract for RFT 03.18 to Active Discovery for \$300,000 exclusive of GST;
4. Authorise the Chief Executive Officer to enter into a contract with the appointed Contractor;
5. 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.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

14. DEVELOPMENT AND REGULATORY SERVICES REPORTS

14.1 TRUCK BREAK DOWN AREA PARKING RESTRICTIONS

FILE REFERENCE:	LE02 LE34
AUTHOR'S NAME AND POSITION:	Lee Reddell Director Development and Regulatory Services
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not applicable
DATE REPORT WRITTEN:	9 April 2018
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 11.4 (Minute No. 11452) – Ordinary Meeting of Council 13 March 2013

Summary

The Shire's 'Parking and Parking Facilities Local Law 2013' (referred to as 'the local law' hereafter) was adopted at the 13 March 2013 Ordinary Meeting of Council and was subsequently gazetted on 13 April 2013. An amendment was made on 10 October 2014 to include reference to the *Local Government (Parking for People with Disabilities) Regulations 2014*.

The local law provides power to regulate parking on Shire land, consistent with the provisions of the local law. This agenda item seeks to regulate parking at the truck breakdown and parking areas at Nameless Valley Drive in Tom Price and McAullay Road in Onslow in accordance with Parts 1.9 and 2.1 of the local law which requires a resolution of Council in order to formally enact restrictions.

Background

The local law applies across the whole of the Shire of Ashburton and relates to Shire managed car parking. The local law provides the head of power for the Shire to determine and enforce parking restrictions in Shire managed parking areas. It does not apply to privately owned car parks unless there is a written agreement between the owner and the Shire.

It is noted that Part 1.6(4) of the local law indicates that parking signs erected by the local government prior to the local law coming into operation and which relate to the parking of vehicles within the parking region shall be deemed to have been erected under the authority of the local law. This means that signage etc. erected by the Shire prior to gazettal in 2013 does not require retrospective approval by way of a resolution.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

This application seeks to formally create the existing truck breakdown and parking areas on Nameless Valley Drive in Tom Price and McAullay Road in Onslow as 'parking stations' under the local law and to endorse a proposed restriction for truck parking only.

Comment

Part 1.9 of the local law 'Powers of the local government' states:

"The local government may, by resolution, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region but must do so consistently with the provisions of this local law."

Delegation under the local law is currently limited to the appointment of 'authorised persons' (who can undertake enforcement activities) and there is no delegation permissible for Council to allow the consideration and installation of new or altered parking restrictions by officers (without referral to Council).

Part 2.1 'Determination of parking stalls and parking station' allows:

- (1) *The local government may by resolution constitute, determine and vary:*
 - (a) *Parking stalls;*
 - (b) *Parking stations;*
 - (c) *Permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;*
 - (d) *Permitted classes of vehicles which may park in parking stalls and parking stations;*
 - (e) *Permitted classes of persons who may park in specified parking stalls or parking stations; and*
 - (f) *The manner of parking in parking stalls and parking stations.*
- (2) *Where the local government makes a determination under subclause (1) it shall erect signs to give effect to the determination.*

A 'parking stall' is effectively a marked parking bay and is defined as:

"A section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked"

A 'parking station' is effectively a car park and is defined as:

"Any land, or structure provided for the purpose of accommodating vehicles"

The possibility of providing delegation to the CEO to allow more efficient administration of Shire managed parking restrictions in accordance with the provisions of the local law was explored however WALGA have advised that this is not a 'preferred' way of dealing with local government parking as it creates the potential for a disconnect between what officers and the Council may consider appropriate.

As such, this agenda item seeks the formal resolution of Council to approve the Nameless Valley Drive truck breakdown area in Tom Price as per **ATTACHMENT 14.1A** and the McAullay Road truck breakdown area in Onslow as per **ATTACHMENT 14.1B** as 'parking stations' under the local law.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Neither of these facilities have been approved as a parking station under the local law previously as the Shire has only recently been given a management order for the Nameless Valley Drive breakdown area and the McAullay Road breakdown area was formerly a Main Roads facility (prior to this section of road, previously Onslow Road, being handed back to the Shire for management).

Further, approval is sought for the imposition of restrictions allowing truck parking only to enable the Rangers to issue warnings or infringements under the local law for different classes of vehicles as necessary.

It is noted that Shire Officers are working towards mapping all Shire parking stalls and stations and associated restrictions clearly with the aim of bringing them to Council for formal approval (where required) in a staged manner and with the intent to include these facilities on the Shire's Geographical Information System (GIS) in future for easy reference.

Consultation

Chief Executive Officer
Director Development and Regulatory Services
Manager Operations

Statutory Environment

There are no statutory impediments other than as listed with respect to compliance with the Parking and Parking Facilities Local Law.

Financial Implications

There are no known meaningful financial implications relative to this matter in excess of officer time and minor administrative costs.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027
Goal 04 – Quality Services and Infrastructure
Objective 02 – Accessible and Safe towns

Risk Management

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

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the Parking and Parking Facilities Local Law 2013, Council:

1. Approve the Nameless Valley Drive Truck Area Parking Plan as per **ATTACHMENT 14.1A**; and
2. Approve the McAullay Road Truck Area Parking Plan as per **ATTACHMENT 14.1B**.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

15. INFRASTRUCTURE SERVICES REPORTS

15.1 MOUNT AUGUSTUS TO PARABURDOO ROAD PROJECT

FILE REFERENCE:	RD03
AUTHOR'S NAME AND POSITION:	Kevin Hannagan Acting Director Infrastructure Services
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Shire of Upper Gascoyne
DATE REPORT WRITTEN:	4 April 2018
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Presentation by Shire of Upper Gascoyne to Councillors 13 February 2018

Summary

For Council to consider a request from the Shire of Upper Gascoyne for support and future involvement from the Shire of Ashburton to enable its representatives to participate in future stakeholder engagement and other aspects of the project.

Background

The Mount Augustus to Paraburdoo Road Project (Project) is a project that the Shire of Upper Gascoyne commenced in 2016 when it received a grant of \$300,000 from Royalties for Regions to undertake preliminary works for the proposed road between Mount Augustus National Park and Paraburdoo.

Following the acceptance of the grant, the Shire of Upper Gascoyne Council appointed Talis Consultants Pty Ltd (Talis) to progress the development of the Project, starting with an initial concept design of the alignment using available aerial and spatial data. This work highlighted risks that could threaten the viability of the Project associated with road geometry on some sections south of Ashburton Downs to Meekatharra Road and with the Shire of Upper Gascoyne. Therefore, the decision was made to focus initial investigations on the southern section of the road to prove its viability prior to investigating the northern section and commencing stakeholder consultation.

To date, preliminary horizontal and vertical designs have been completed for the southern section and selective on-site inspections made to confirm the engineering feasibility of this section of the alignment. Attention is now focusing on the section north of Ashburton Downs to Meekatharra Road within the Shire of Ashburton.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Key issues to be addressed within the Shire of Ashburton section include locating major creek and river crossings, potential impacts on pastoral infrastructure and operations as well as access through the Rio Tinto mine tenements at Paraburdoo.

These tasks will involve consultation with key project stakeholders. To be 'shovel ready', the engineering feasibility needs to be completed and the detailed engineering design and costings finalised. Additionally, heritage, environmental and land access approvals as well as ongoing stakeholder engagement will be required.

The draft strategy will be forwarded to the Shire of Ashburton for review and comment.

The Shire of Upper Gascoyne now requests support and future involvement from the Shire of Ashburton to enable its representatives to participate in future stakeholder consultation and other aspects of the Project. A partnership between the Shire of Upper Gascoyne and the Shire of Ashburton is essential for the success of the Project, particularly in obtaining project funding from the State and Federal governments.

ATTACHMENT 15.1

Comment

The author of this report has contacted the CEO of the Shire of Upper Gascoyne to obtain more detail on the 'support and future involvement' requested. The following response has been received:

The following are the types of support and commitment that the Shire of Upper Gascoyne is seeking from the Ashburton Shire for the project. Of course, they are negotiable if your shire has concerns with any of them:

- *Participation in the project as a co-sponsor, although the Shire of Upper Gascoyne is willing to continue to take the lead on the project if required by the Shire of Ashburton. This would mean, at least, that the Shire would be "putting its name" to the project;*
- *Involvement in and support for an agreed stakeholder consultation strategy for the project. This will involve identifying stakeholders, agreeing on the best consultation methods and participating in the consultation processes. This would include, but not be limited to, consultation with the following:*
 1. *Rio Tinto regarding access through its mining tenements;*
 2. *Pastoralists from within the Shire of Ashburton;*
 3. *Traditional land owners;*
 4. *Main Roads WA; and*
 5. *Approval agencies.*
- *Commitment of Shire staff time to provide technical input into the design and construction of the road within its district;*
- *Involvement and support for joint applications for project funding;*
- *General support for the project as the need arises.*

The Shire of Upper Gascoyne has been informed by the Gascoyne Development Commission that it is very likely that grant funds that have not been expended by 30 June 2018 will be withdrawn by the State Government. Given this, there is some considerable urgency to progress the project as far as possible by the deadline.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

To this end, the Shire of Upper Gascoyne is trying to get to the region to hold a consultation meeting with the pastoralists in Paraburdoo (their preferred location) and to do an inspection of the proposed alignment.

The pastoralists have offered to accompany Talis on the inspection to show them the location and nature of their assets and operations, and also to select the preferred river and creek crossing locations. Talis and the Shire of Upper Gascoyne have advised that it would be best if the Shire of Ashburton was represented at both of these activities.

Talis need to resolve the alignment of the northern section to progress the other tasks, such as developing the design, consulting with Rio Tinto and commencing the investigations required for the project approvals, starting most likely with a heritage survey. They have a lot to do in a short time frame.

The Paraburdoo consultation and site visit is planned to be undertaken over the week of 16 – 20 April 2018, these dates are before the next Shire of Ashburton Council meeting date of 23 April 2018.

As such the Acting Director Infrastructure Services has sought approval from the Chief Executive Officer for the Works Coordinator to attend.

Consultation

Chief Executive Officer

Should Council support the Staff recommendation, a comprehensive consultation strategy has been developed by the Shire of Upper Gascoyne that targets stakeholders, including:

- Pastoralists (along the route as identified by Talis and Shire of Upper Gascoyne).
- Rio Tinto;
- Traditional land owners; and
- Main Roads Western Australia.

Statutory Environment

No known statutory impediments.

Financial Implications

There will be a cost for Officer attendance at meetings and site visits but this can be managed within existing budget allocations. Other administrative requirements can be captured within the existing Infrastructure Services operating budget, and is expected to be minor.

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 considered to be "Low (4)" in light of the tasks to be undertaken are routine in nature. As the Risk Acceptance is considered to be "Low", the Manager Operations will monitor progress of this item.

Policy Implications

ENG09 Asset Management Policy

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the request from the Shire of Upper Gascoyne in relation to the Mount Augustus to Paraburdoo Road Project, that Council supports the following:

1. The Shire of Upper Gascoyne continues to take the lead on the project with the Shire of Ashburton “putting its name” to the project as a co-sponsor.
2. Involvement in and staff time support for an agreed stakeholder consultation strategy for the project. This will involve identifying stakeholders, agreeing on the best consultation methods and participating in the consultation processes. This would include, but not be limited to, consultation with the following:
 - Rio Tinto regarding access through its mining tenements;
 - Pastoralists from within the Shire of Ashburton;
 - Traditional land owners;
 - Main Roads WA; and
 - Approval agencies.
3. Commitment of Shire staff time to provide technical input into the design and construction of the road within its district (within existing budget allocations); and
4. Involvement and support for joint applications for project funding (excluding cost contribution for construction without prior approval of Council).

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

15.2 PILBARA REGIONAL CLASS IV WASTE MANAGEMENT FACILITY, ONSLOW – AMENDED SITE BOUNDARY.

FILE REFERENCE:	WM07
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:	8 April 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 original site boundary for the proposed Waste Management Facility submitted to the Department of Planning, Lands and Heritage (DPLH) has been changed and this report seeks Council to endorse the amended site boundary.

Background

In 2018 the Shire submitted to the Department of Planning, Lands and Heritage (DPLH) for the creation of a reserve with a management order vested with the Shire of Ashburton for the then proposed site boundary for establishment of the (PRWMF) at Onslow.

ATTACHMENT 15.2A

Comment

Since the initial lodgement of the proposed site boundary a number of site investigations have been completed and further work undertaken that has resulted in an amendment to the site boundary. From the further site investigations matters such as the high water table beneath the site will impact the depth of excavation for landfill cells and the volume of sand that can be extracted as landfill cover for operational use.

The initial site plan was for a facility operational life of 25 years. The new site boundary is for an operational life of approximately 100 years and encompasses using the adjacent sand ridge that enables sand to be used for construction and landfill cover without the need for a subsequent extraction licence. Additionally the landfill can also be designed to blend in with the sand ridge so that after remediation the amenity of the landscape will be maintained.

Given that DPLH had commenced the process of stakeholder comment it was considered urgent that DPLH be advised of the proposed site boundary change.

In late February 2018 the Acting Director of infrastructure used Delegation DA01-9, Public Lands – making submissions on behalf of Council, to notify DPLH of the proposed site

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

boundary change as attached. The delegation was used due to the urgency to advise DPLH of the site boundary change to enable them to advise any potentially affected party and avoid delays to the Shire's tenure application which would also incur delays to the overall project and potential future impacts on funding.

ATTACHMENT 15.2B

It is recommended that Council also consider and endorse the proposed change to the site boundary.

Consultation

Chief Executive Officer

Statutory Environment

Land Administration Act 1997, Section 41,

Reserving Crown land, Minister's powers as to:

Subject to section 45(6), the Minister may by order reserve Crown land to the Crown for one or more purposes in the public interest.

(Note: S45(6) is relevant to Swan and Canning Rivers Management Act 2006 and the need to consult with the Swan River Trust)

Financial Implications

There are no known financial implications for this matter.

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 considered to be "Low (3)" as this is a normal administrative action. As the Risk Acceptance is considered to be "Low", the Acting Director Infrastructure Services will monitor progress of this item.

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the Pilbara Regional Class IV Waste Management Facility Project, Council endorses the attached amended site boundary for the Pilbara Regional Waste Management Facility project at Onslow **ATTACHMENT 15.2B**.

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

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

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

(a) a matter affecting an employee or employees;

(b) the personal affairs of any person;

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

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

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

(I) a trade secret;

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

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

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

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

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

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

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

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

(h) such other matters as may be prescribed.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

CLOSE THE MEETING TO THE PUBLIC

Officers Recommendation

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

18.1 CONFIDENTIAL ITEM - POTENTIAL ACQUISITION OF AIRPORT ASSETS FOR GENERAL AVIATION DEVELOPMENT

FILE REFERENCE:	TT06
AUTHOR'S NAME AND POSITION:	Megan Walsh Airport Manager
AUTHORISING OFFICER AND POSITION:	Kevin Hannagan Acting Director Infrastructure Services
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	09 April 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

Report / Attachment is Confidential as per Local Government Act 1995, Section 5.23

REASON FOR CONFIDENTIALITY

The report is confidential in accordance with s5.23(2) of the Local Government Act 1995 because it deals with matters affecting s5.23(2):

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (e)(ii) a matter that if disclosed, would reveal information that has a commercial value to a person*

Officers Recommendation

That with respect to the potential acquisition of airport assets for general aviation development of the Onslow Airport, Council authorise the Chief Executive Officer to proceed to negotiate the acquisition of assets for the Onslow Airport as provided in Options 1 or 2 as outlined in the Report.

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

18.2 CONFIDENTIAL ITEM - JOINDER TO PROCEEDINGS FOR OBJECTION BY CHEVRON AUSTRALIA PTY LTD

FILE REFERENCE:	RV01
AUTHOR'S NAME AND POSITION:	John Bingham Director Corporate Services
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	10 April 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

Report / Attachment is Confidential as per Local Government Act 1995, Section 5.23

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.*

Officers Recommendation

That with respect to the application to the State Administrative Tribunal to join proceeding no. CC 2501 of 2017, Council:

1. Receive the update in relation to the status of the joinder application process; and
2. Authorise the expenditure of \$9,500 plus GST to engage the legal services of McLeods Barristers and Solicitors in anticipation of further advancing the Shire's joinder application.

RE-OPEN THE MEETING TO THE PUBLIC

Officers Recommendation

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

AGENDA - ORDINARY MEETING OF COUNCIL 23 APRIL 2018

19. NEXT MEETING

The next Ordinary Meeting of Council will be held on 22 May 2018, at the Council Chambers, Onslow Shire Complex, Second Avenue, Onslow commencing at 1.00 pm.

20. CLOSURE OF MEETING

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