

Ordinary Meeting of Council

Tom Price



Confirmed Public Minutes

23 October 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.

**MINUTES - ORDINARY MEETING OF COUNCIL
23 OCTOBER 2018**



**SHIRE OF ASHBURTON
ORDINARY MEETING OF COUNCIL**

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

**MINUTES - ORDINARY MEETING OF COUNCIL
23 OCTOBER 2018**

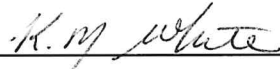
**SHIRE OF ASHBURTON
ORDINARY MEETING OF COUNCIL**

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

CEO:  _____

Date: 23-10-2018

These minutes were confirmed by Council as a true and correct record of proceedings of the Ordinary Meeting of Council on the 23/10/2018.

Presiding Member:  _____

Date: 23-10-18

DISCLAIMER

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

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1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 1.01 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 Kate McGee, Practice Manager, Tom Price Medical Centre, Rachel Cassidy, Marney Stewart and Riaan Richards – Shire of Ashburton staff, to the gallery.

3. ATTENDANCE

3.1 PRESENT

Elected Members:	Cr K White Cr L Rumble Cr D Dias Cr P Foster Cr M Lynch Cr D Diver Cr L Thomas Cr R de Pledge	Shire President, (Presiding Member) Onslow Ward Deputy Shire President, Paraburdoo Ward Paraburdoo Ward Tom Price Ward Tom Price Ward Tom Price Ward Tableland Ward Ashburton Ward
Staff:	Mr R Paull Mr J Bingham Mrs S Johnston Ms C Bryce Mr I Hamilton Ms J Smith Mrs M Lewis	Chief Executive Officer Director Corporate Services Acting Director Community Services Acting Director Development & Property Services Director Infrastructure Services Executive Coordinator Council Support Officer
Guests:	Kate McGee	Practice Manager Tom Price Medical Centre
Members of Public:	There were 3 members of the public in attendance at the commencement of the meeting.	
Members of Media:	There were no members of the media in attendance at the commencement of the meeting.	

3.2 APOLOGIES

There were no apologies for this meeting.

3.3 APPROVED LEAVE OF ABSENCE

Cr M Gallanagh Pannawonica Ward

4. QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

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4.2 PUBLIC QUESTION TIME

There were no questions from the public.

5. APPLICATIONS FOR LEAVE OF ABSENCE

There were no applications received for Leave of Absence.

6. DECLARATION BY MEMBERS

6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

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

6.2 DECLARATIONS OF INTEREST

Councillors to Note

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

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

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

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

NOTES ON DECLARING INTERESTS (FOR YOUR GUIDANCE)

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

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

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

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

Declarations of Interest provided:

Item Number/ Name	Type of Interest	Nature/Extent of Interest
12.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID		
Rob Paull	Indirect Financial	The nature of my interest is that my spouse is employed by Muzzy's Hardware in Tom Price and the extent of my interest is that my spouse is earning an income from Muzzy's Hardware Tom Price.
14.1 APPLICATION ACCEPTANCE OF COMMUNITY SUPPORT GRANT ALLOCATIONS ROUND 1, 2018/19 ANNUAL FINANCIAL YEAR		
Cr Dias	Impartiality	The nature of my interest is Lieutenant of PVFRS. The extent of my interest is Treasurer of PVFRS.
17.1 CONCESSION ON CERTAIN 2018/19 GROSS RENTAL VALUE (GRV) RESIDENTIAL RATES IN ONSLOW, PARABURDOO AND TOM PRICE		
Cr White	Financial	The nature of my interest is direct financial. The extent of my interest is rate payer for three properties in Onslow.
Cr Rumble	Financial	The nature of my interest is direct financial. The extent of my interest is rate payer for a property in Paraburdoo.

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

There were no announcements without discussion by the presiding person for this meeting.

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8. PETITIONS / DEPUTATIONS / PRESENTATIONS

8.1 PETITIONS

There were no petitions presented to Council.

8.2 DEPUTATIONS

There were no deputations presented to Council.

8.3 PRESENTATIONS

The Presiding Member advised that Rob Wilkin & Wendy Carson of Onslow were unable to present the matter below and asked the CEO to read their presentation.

“Rob Wilkin & Wendy Carson of Onslow have asked that the following information be considered as a ‘presentation’ to Council:

I am writing to thank Councillors for considering the cost imposed on Onslow ratepayers by the 93% increase in the rate in the dollar charge on our GRV, however the 12.5% concession granted to residential ratepayers at Council Meeting 19 September 2018 does not provide any financial relief for a number of ratepayers and many do not meet the eligibility criteria. Please find our own example as follows

Year	GRV	Rate Invoice	Concession	Amount Due	
2018	\$33,540	\$4,338.51	\$ 0.00	\$4,338.51	<i>Increase of</i>
2017	\$64,480	\$4,376.48	\$1,051.58	\$3,324.90	-24.028%
2016	\$64,480	\$4,098.27	\$1,033.49	\$3,064.78	-25.2177%

From the above you can see irrespective of the -47.9839% decrease in the GRV; when the 2017 concession is removed our rates have actually increased only \$37.97 or 0.875185% so we do not meet the criteria of having to have an increase of more than \$400.00 and / or 30% to apply for the 2018 concession and yet we still have to find an additional \$1,013.61 to pay our 2018 rates.

We have lodged an Objection to Valuation with Landgate as our asbestos home was constructed in 1952 and we could not ever expect to rent it for \$645.00 per week [let alone the \$1,240.00 per week Landgate assessed it at in the boom time as the asbestos construction would have precluded a lot of the corporate tenants that were in the market at the time and also the layout of our house and the additional buildings would have required a unique tenant to achieve its maximum potential].

We also would like to take this opportunity to thank both the CEO Rob Paull and the Director of Corporate Services John Bingham for their time out of hours to hold the Community Forum to discuss our concerns about the rate increase and I believe both sides left the meeting with a bit more perspective of why we had to have a rate increase and also the community concerns which will impact on us until the Valuer General returns in three to five years to assess new property valuations.

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It is a big ask but could we request that Council review their decision as to how a concession could be more equitable for residential ratepayers in Onslow particularly owner / occupiers, many of whom have lived and worked in Onslow for 20 or more years; our employment has not changed, our wages have not increased 30% and during this time we did not have the benefit of being able to work at Wheatstone or rent our homes."

The President thanked Rob Wilkin & Wendy Carson for their presentation and in discussion with Councillors, advised that the matter would be further addressed by Council in item 17. New Business of an Urgent Nature Introduced by Decision of Meeting.

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING OF COUNCIL HELD ON 19 SEPTEMBER 2018

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr P Foster

That the Minutes of the Ordinary Meeting of Council held on 19 September 2018, as previously circulated on 29 September 2018, be confirmed as a true and accurate record, subject to the following amendment:

9.6.4 Amendment to point 3 to read as:

"Appoint the Chief Executive Officer as the delegate and the Executive Officer as the deputy on the Department of Planning, Lands and Heritage's Wittenoom Steering Committee".

CARRIED 7/1

**Councillors White, Rumble, Foster, Lynch, Diver, Thomas and de Pledge
voted for the motion
Councillor Dias voted against the motion**

**9.2 SHIRE OF ASHBURTON AUDIT AND RISK COMMITTEE MEETING
HELD TO BE HELD ON 23 OCTOBER 2018**

Council Decision

MOVED: Cr FOSTER

SECONDED: Cr LYNCH

That the Unconfirmed Minutes of the Shire of Ashburton Audit and Risk Committee Meeting to be held on 23 October 2018 at Clem Thompson Sports Pavilion, Stadium Road, Tom Price, be received (Minutes provided under separate cover).

CARRIED 8/0

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

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**9.2.1 WESTERN AUSTRALIAN AUDITOR GENERAL'S REPORT – LOCAL
GOVERNMENT PROCUREMENT – OCTOBER 2018/19**

Council Decision

MOVED: Cr DIAS

SECONDED: Cr de PLEDGE

That with respect to the Western Australian Auditor General's Report – Local Government Procurement – October 2018/19 that Committee note the Report included as ATTACHMENT 7.1.

CARRIED 8/0

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

**9.2.2 CONFIDENTIAL ITEM – STATUS OF ROEBOURNE – WITTENOOM
ROAD**

Council Decision

MOVED: Cr M Lynch

SECONDED: Cr P Foster

That with respect to Confidential Item – Status of Roebourne – Wittenoom Road, that the Audit and Risk Committee note the Report.

CARRIED 8/0

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

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9.2.3 GOVERNANCE AND ADMINISTRATION REVIEW

Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That the Audit and Risk Committee with respect to the Governance and Administration Review recommend that Council:

- 1. Receive the Governance and Administration Review undertaken by Ron Back and Associates as provided in CONFIDENTIAL ATTACHMENT 8.2A and 8.2B and remain confidential in accordance s5.23 (2)(b) & (d) of the *Local Government Act 1995*; and**
- 2. Request the Chief Executive Officer to use all reasonable endeavors to continue to improve and implement good governance and better practice throughout the organisation including an action plan addressing the focus areas in Appendix 1 of the Western Australian Auditor General's Report – Local Government Procurement – October 2018/19.**
- 3. Receive the report commissioned to review a number of items, particularly surrounding procurement. In addition, a number of issues raised in recent years that have relevance into the future and note the consultant's comments below:**

“In January 2018 the Council appointed Mr Rob Paull as the Chief Executive Officer. The current administration has made a rapid and constructive change to a number of processes and policies to date. These have been in response to issues raised over Shire practices in the past. The review team were aware of a sense of purpose and energy in the way staff are addressing issues for the better of the organisation. Whilst some knowledge can be gained from a retrospective look at the past it is important to focus on perfecting processes that will take the organisation into the future.

Some of the items addressed in this report relate to past events the review team gain an appreciation, from the staff we had contact with, that they are keen to build future process in a constructive way.

Positive steps have been taken in centralising procurement that are showing the benefits in these processes. The change from directorate-initiated procurement to a centralised process will minimise the risk of repeating errors of the past.

Overall, the review team found a positive approach to improving processes and utilising best practice. Many matters considered by the review team found the Shire to be compliant.”

CARRIED 8/0

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

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9.3 MINUTES OF THE SHIRE OF ASHBURTON ONSLOW LOCAL EMERGENCY MANAGEMENT COMMITTEE HELD ON 11 SEPTEMBER 2018 (ATTACHMENT 9.3)

Council Decision

MOVED: Cr D Dias

SECONDED: Cr R de Pledge

That the Minutes of the Shire of Ashburton Onslow Local Emergency Management Committee Meeting held on 11 September 2018 at the Onslow VFES Complex, Onslow (ATTACHMENT 9.3) be received.

CARRIED 8/0

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

9.4 MINUTES OF THE SHIRE OF ASHBURTON PANNAWONICA LOCAL EMERGENCY MANAGEMENT COMMITTEE HELD ON 12 SEPTEMBER 2018 (ATTACHMENT 9.4)

Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Rumble

That the Minutes of the Shire of Ashburton Pannawonica Local Emergency Management Committee Meeting held on 12 September 2018 at the Pannawonica IMT Room, Pannawonica (ATTACHMENT 9.4) be received.

CARRIED 8/0

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

9.5 UNCONFIRMED MINUTES FOR THE PILBARA REGIONAL COUNCIL, SPECIAL MEETING OF COUNCIL HELD 5 OCTOBER 2018 (ATTACHMENT 9.5)

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr P Foster

That the Unconfirmed Minutes for the Pilbara Regional Council, Special Meeting of Council held 5 October 2018 via Teleconference (ATTACHMENT 9.5) be received with the following noted:

That Cr Dias was not in attendance at the Pilbara Regional Council Ordinary Council Meeting of 29/8/18.

CARRIED 8/0

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

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10. AGENDA ITEMS ADOPTED "EN BLOC"

10.1 AGENDA ITEMS ADOPTED 'EN BLOC'

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

"Part 5 – Business of a meeting

Clause 5.6 Adoption by exception resolution:

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

There are no En Bloc items.

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11. OFFICE OF THE CEO REPORTS

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

MINUTE: 433/2018

FILE REFERENCE:	GV04
AUTHOR'S NAME AND POSITION:	Michelle Lewis Council Support Officer
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	1 October 2018
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 11.1 (Minute No.421/2018) - Ordinary Meeting of Council 19 September 2018

Summary

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

Background

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

Comment

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

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

ATTACHMENT 11.1

Consultation

Executive Management Team

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

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“Role of council

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

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

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

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

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Diver

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

CARRIED 8/0
Councillors White, Rumble, Dias, Foster, Lynch, Diver, Thomas and de Pledge voted for the motion

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

MINUTE: 434/2018

FILE REFERENCE:	GV21 CM02
AUTHOR'S NAME AND POSITION:	Janyce Smith Executive Coordinator Brooke Beswick Administration Assistant Planning
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	1 October 2018
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

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

Background

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

Comment

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

**ATTACHMENT 11.2A
ATTACHMENT 11.2B**

Consultation

Relevant officers as listed in the Attachment.

Statutory Environment

Local Government Act 1995

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

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Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 4 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

ELM 13 – Affixing the Shire of Ashburton Common Seal.

FIN12 – Purchasing and Tendering Policy.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That Council receive the reports relating to:

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

CARRIED 8/0
**Councillors White, Rumble, Dias, Foster, Lynch, Diver, Thomas and de Pledge voted
for the motion**

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11.3 AMEND POLICY EMP25 – FITNESS FOR WORK

MINUTE: 435/2018

FILE REFERENCE:	GV20
AUTHOR'S NAME AND POSITION:	Rachel Cassidy Acting Manager Human Resources
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	6 September 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 10.02.04 – Ordinary Meeting of Council 19 February 2008

Summary

The purpose of this policy review is to update the Shire's 'EMP25 Fitness for Work' Policy in order to provide consistent guidelines for acceptable conduct and management of employees fitness for work.

Background

The policy was last reviewed by the Shire Administration on 5 October 2012, however due to service provision limitations within Shire townsites being realised since this time, a number of references within the previous policy version are now unachievable making the previous policy outdated.

Comment

It is important this Policy is supported by Council and is reviewed to ensure consistent, achievable application and compliance with relevant legislation. The Shire is committed to ensuring we are providing a safe & healthy workplace for all employees by controlling any potential risks and hazards associated with fitness for work.

Under the *Occupational Safety & Health Act 1984* an employer must, so far as reasonably practicable, create and maintain a safe work environment.

Section 1.07 (3) (b) of the *Fair Work Regulations 2009* defines serious misconduct as an employee being intoxicated at work.

Given the above, the Shire's 'EMP25 Fitness for Work' Policy has been updated to reflect the following changes:

- Extension of coverage of the policy to all who perform work (paid and unpaid) for the Shire;
- Reference to achievable testing mechanisms/services as they currently apply to Shire towns; and

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- Extension of Policy to cover all aspects of fitness for work, not just alcohol and drugs.

Managing and reducing the risks associated with personnel presenting to, or throughout the day, being in an unfit state for work will assist the Shire in ensuring risks relating to the health and safety of staff are mitigated as well as compliance with the requirement to create and maintain a safe working environment.

Consultation

Executive Management Team
Policy Review Team
WALGA Employment Relations

Statutory Environment

Occupational Health & Safety Act 1984
Fair Work Regulations 2009

Financial Implications

Minor financial implications relating to potential testing equipment and processes as a result of the adoption of this policy are likely to occur, however it is considered that these costs would be sufficiently accommodated by existing budget provisions.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027
Goal 05 – Inspiring Governance
Objective 04 – Exemplary team and work environment

Risk Management

Without this Policy in place, the Shire is at risk of breaching its duty of care requirements as outlined in the *Occupational Health & Safety Act 1984*. A contravention of this section of the Act in circumstances of gross negligence, can attract fines of up to \$2.7M. Given this assessment, the overall risk rating is considered to be 'high'.

Policy Implications

The Council's decision will provide direction for staff to ensure that the Shire and individuals address their requirements as provided for in the *Occupational Health & Safety Act 1984*.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr L Rumble

SECONDED: Cr P Foster

That with respect to EMP25 Fitness for Work Policy, that Council:

Adopt amended policy EMP25 Fitness for Work as presented in ATTACHMENT 11.3.

CARRIED 8/0
Councillors White, Rumble, Dias, Foster, Lynch, Diver, Thomas and de Pledge
voted for the motion

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11.4 NEW POLICY - ELM27 LEGAL PROCEEDINGS

MINUTE: 436/2018

FILE REFERENCE:	GV20
AUTHOR'S NAME AND POSITION:	Nicky Tyson Manager Governance & Corporate Strategy
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	10 October 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

ELM27 Legal Proceedings is a new Policy to align with s.9.56 of the *Local Government Act* and Local Government Operational Guideline 14 referring to Legal Representation for Council Members and Employees.

The final draft is now presented to Council for review and adoption in order to provide consistent guidelines for legal representation.

Background

It was identified that a policy was required to establish the principals under which funding may be provided, the level of funding that may be provided and the processes to be followed by an applicant when making a request for legal representation.

This new policy also links to existing Delegation DA02-2 Legal Proceedings – *Local Government Act 1995*:

'To allow the Chief Executive Officer to authorise legal expenses for Elected Members and Officers where a report cannot be presented to Council for approval and the expenses do not exceed \$5,000'

Comment

The compilation of this policy is derived from information sourced from existing policies within a local government setting. This policy meets the requirements of the Shire of Ashburton, in line with legislation.

ATTACHMENT 11.4

Consultation

Executive Management Team
Manager Governance

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Statutory Environment

Local Government Act 1995 s.9.56

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 05 – Inspiring Governance

Objective 03 – Council leadership

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP05 Risk Matrix. The perceived level of risk is considered to be a 'Low' (1) risk and can be managed on a case by case basis.

Policy Implications

New Policy ELM27 Legal Proceedings. No other known policy implications.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr L Rumble

SECONDED: Cr R de Pledge

That with respect to ELM27 Legal Proceedings Policy, that Council:

- 1. Adopt the new policy ELM27 Legal Proceedings as per ATTACHMENT 11.4.**

CARRIED 8/0
Councillors White, Rumble, Dias, Foster, Lynch, Diver, Thomas and de Pledge
voted for the motion

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**11.5 REVIEW OF COUNCIL DELEGATIONS AND AUTHORISATIONS
REGISTERS**

MINUTE: 437/2018

FILE REFERENCE:	GV01.18.19
AUTHOR'S NAME AND POSITION:	Nicky Tyson Manager Governance & Corporate Strategy
AUTHORISING OFFICER AND POSITION:	Robert Paull Chief Executive Officer
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	10 October 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 Number 202) – Ordinary Meeting of Council 18 July 2017

Summary

The 2018 review of the Delegations and Authorisations Registers has been undertaken to address suggested/required changes. Significant amendments have been made to existing delegations, including the introduction of new delegations and the removal of delegations that are no longer a legal requirement or relevant to the operation of the organisation.

This review is in line with improving the day to day function of the Shire and to comply with the law that requires the former to be reviewed at least once every financial year.

Background

The last review of the Delegations and Authorisations Registers occurred at the Ordinary Council Meeting 18 July 2017. Since then the Shire has initiated an extensive review of the registers in direct consultation with WALGA and the Shire's external Governance Consultant, Ms Jenni Law.

This review of delegations and authorisations forms part of the annual and constant review process of the Shire to ensure that the internal procedures of the organisation reflect current, efficient but accountable practices.

Comment

The Delegations Register has modifications "track-changed" where applicable. Compared to previous reviews of both Registers, there are significant changes recommended due to a more thorough consultation process. The Delegations and Authorisations Registers now reflect current legislation as well as meeting the specific requirements of the Shire of Ashburton.

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The Council's Authorisations Register has modifications "track-changed" where applicable. This register has now been separated into 2 sections:

- Council Authorisations: and
- CEO Authorisations.

This is to align with statutory powers in relation to power of authorization. Council is requested to refer to the following attachments for the details.

**ATTACHMENT 11.5A
ATTACHMENT 11.5B
ATTACHMENT 11.5C
ATTACHMENT 11.5D**

Consultation

Executive Management Team
WA Local Government Association
Jennifer Law

Statutory Environment

The following section of the *Local Government Act 1995* applies:

Section 5.18 states that 'A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.'

Section 5.42 Delegation of some powers and duties to CEO

(1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under —*

(a) this Act other than those referred to in section 5.43; or

(b) the Planning and Development Act 2005 section 214(2), (3) or (5).

** Absolute majority required.*

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 year Community Strategic Plan 2017 - 2027

Goal 5 - Inspiring Governance

Objective 3 - Council Leadership

Objective 4 – Exemplary Team and Work Environment

Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP05 Risk Matrix. The overall level of risk is considered to be (3) 'Medium' but will be mitigated with the introduction of Governance managing all Delegation and Authorisation applications, including relevance and recording as per internal procedures.

Policy Implications

There are no known policy implications for this matter.

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Voting Requirement
Absolute Majority Required

Officer Recommendation

That with respect to the Delegation and Authorisation Registers, that Council:

1. Adopt the Delegations Register as per ATTACHMENT 11.5B; and
2. Adopt the Authorisations Register as per ATTACHMENT 11.5D;

all as part of the 2018 Annual Review.

Alternate Motion and Council Decision

MOVED: Cr L Thomas

SECONDED: Cr D Diver

That with respect to the Delegation and Authorisation Registers, that Council:

1. **Adopt the Delegations Register as per ATTACHMENT 11.5B with delegation DA02-1 modified to add the following under point 4 of ‘Conditions and Exceptions’:**

“Where the Director Corporate Services is unavailable, the President will choose an Acting CEO from the remaining persons as defined in Policy ELM24 Appointment of an Acting Chief Executive Officer”; and

2. **Adopt the Authorisations Register as per ATTACHMENT 11.5D;**

all as part of the 2018 Annual Review.

**CARRIED BY ABSOLUTE MAJORITY 8/0
Councillors White, Rumble, Dias, Foster, Lynch, Diver, Thomas and de Pledge
voted for the motion**

Reason for change:

Council sought to ensure that the President had the opportunity to appoint an Acting CEO should both the CEO and Director Corporate Services be unavailable.

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12. CORPORATE SERVICES REPORTS

Declaration of Interest

Prior to consideration of this Agenda Item

Mr Rob Paull declared an indirect financial interest

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

12.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID

MINUTE: 438/2018

FILE REFERENCE:	FM03
AUTHOR'S NAME AND POSITION:	Kerry Fisher Finance Manager
AUTHORISING OFFICER AND POSITION:	John Bingham Director Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	5 October 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 September 2018 are presented with comments on variances for Actuals to 2018/19 Budget amounts. A Capex Tracker is also presented.

Background

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

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Comment

Council adopted the 2018/19 Budget on 26 July 2018. Following on from this the rates notices, as well as service charges (Pilbara Underground Power Project), were issued via post and email on 8 August 2018.

As at 30 September 2018 approximately \$33M in rates have been received by Finance. As a result the availability of investment funds has increased with term deposits now established at the ANZ, NAB, Commonwealth and Bendigo & Adelaide Banks. The Cash and Investment note provides a schedule of amounts, rates of return and maturity dates.

Finance staff are currently preparing the 2017/18 Financial Statements – Moore Stephens, the Shire’s auditors are due for an onsite visit Tuesday 30 October 2018. As part of the Statements preparation revaluation of the Shire’s Infrastructure Assets has been undertaken as required by section *Local Government (Financial Management) Regulation 17A (2)*.

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

The following schedule of budget variations are recommended to Council:

GL/Job No.	General Ledger Description	Current Budget	Variation Amount	Revised Budget	Reason
040117	Members of Council - Pilbara Regional Council (PRC)	50,000	160,000	210,000	As a result of a decision made by PRC members during a Special Meeting held on 5/10/2018 i.e. to increase Shire of Ashburton’s original budget expenditure allocation for 2018/19 Membership Fees.
040262	Members of Council - Subscriptions & Publications	190,000	(160,000)	30,000	Provision to be re-allocated for 2018/19 PRC Membership Fees.
FD104	Dawson Creek Road – WANDRRA AGRN743	441,719	(201,607)	240,112	A large portion of project works for Dawson Creek Road were completed in 2017/18 thereby reducing the allocation required for 2018/19.
AG743	WANDRRA Income AGRN743	(9,547,313)	201,607	(9,345,706)	Recoup of funds reduced due to Dawson Creek Road works completion in 2017/18.

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GL/Job No.	General Ledger Description	Current Budget	Variation Amount	Revised Budget	Reason
EV85	Onslow Skate-Park Activation	0	13,187	13,187	This program was not completed in 2018/19 and a new provision for 2018/19 is now required.
080003	Transfer from Reserve (Unspent Grants and Contributions)	0	(13,187)	(13,187)	Unspent funds for Onslow Skate Park Activation (i.e. a BHP contribution) from 2017/18 were transferred TO Reserve at year end and are now required to be transferred FROM Reserve to complete the project in 2018//19.
NEW	Onslow Airport Shade Structure for Lighting Distribution Boards (LDB)	0	25,000	25,000	Airport LDB's are located in the direct sunlight and damage to the components is occurring.
NEW	Pavement Structural Assessment	0	55,000	55,000	A pavement engineer is required to assess the structural capacity of the airports pavement areas to review the runway pavement classification number.
124086	Onslow Airport Ground Handling Equipment	80,000	(80,000)	0	The ground handling equipment project is not proceeding following operational changes.

Consultation

Executive Management Team
Manager, Onslow Airport
Finance Team

Statutory Environment

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

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

(b) Is authorised in advance by resolution*

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

*requires an absolute majority of Council.

Financial Implications

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

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 4 – Exemplary Team and Work Environment

Risk Management

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

The predominant strategic financial risk that the Council still faces is the pending formal objections to the valuation on the Wheatstone Plant and Barrow Island Plant. The formal objection to the Wheatstone plant refers to 2016/17 and 2017/18 valuations whilst the Barrow Island objection was made in November 2017. Wheatstone is Assessment No. A51628 and has an Unimproved Valuation (UV) of \$17,593,500 with rates levied for 2017/18 of \$6,728,933 and for 2018/19 of \$6,502,047. Barrow Island is Assessment No. A6413 and has a UV of \$13,808,000 with rates levied for 2017/18 of \$5,281,104 and 2018/19 of \$5,167,600.

In Chevron’s objection their submitted opinion as to the correct UV’s for the two properties are:

- i. Wheatstone \$6,572,500; and
- ii. Barrow Island \$2,612,500. An objection has been lodged with the State Administrative Tribunal (SAT) with a hearing undertaken on 25 and 26 September 2018. A further two days have been scheduled for 30 November and 5 December 2018. It is unlikely therefore a decision will be forthcoming until 2019. If the decision is unfavourable to Council the maximum quantum of liability will be around \$17.5M based on the abovementioned.

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

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

Policy Implications

There are no known policy implications for this matter.

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Voting Requirement
Absolute Majority Required

Officers Recommendation and Council Decision 1

MOVED: Cr D Diver

SECONDED: Cr P Foster

That with respect to the Monthly Financial Report to Council:

- 1. Receive the Financial Report for September 2018 ATTACHMENT 12.1A; and**
- 2. Approve budget variations for the 2018/19 Budget as outlined below:**
 - a) Increase Expenditure Account GL 040117, Members of Council – Pilbara Regional Council by \$160,000, from \$50,000 to \$210,000;**
 - b) Decrease Expenditure Account GL 040262, Members of Council – Subscriptions and Memberships by \$160,000, from \$190,000 to \$30,000;**
 - c) Decrease Expenditure Job no. FD104, Dawson Creek Road WANDRRA AGRN743 by \$201,607, from \$441,709 to \$240,112;**
 - d) Decrease Income Job no. AG743, WANDRRA Income AGRN743 by \$201,607, from \$9,547,313 to \$9,345,706;**
 - e) Increase Expenditure Account Job no. EV85, Onslow Skate Park Activation by \$13,187, from \$0 to \$13,187;**
 - f) Increase Transfer from Reserve Account GL 080003, Transfer from Reserve– Unspent Grants and Contributions, from \$0 to \$13,187;**
 - g) Increase New Expenditure Account, Shade Structure for Lighting Distribution Boards by \$25,000, from \$0 to \$25,000;**
 - h) Increase New Expenditure Account, Pavement Structural Assessment by \$55,000, from \$0 to \$55,000;**
 - i) Decrease Expenditure Account GL 124086, Onslow Airport Ground Handling Equipment by \$80,000, from \$80,000 to \$0; and**
 - j) Note that the Budgeted Surplus position carried forward (Net Current Assets position) forecast as at 30 June 2019 is \$1,500,000.**
- 3. Receive the Capital Expenditures Progress Tracker for September 2018 ATTACHMENT 12.1B; and**
- 4. Receive the Budget Amendment Register as at 30 September 2018 ATTACHMENT 12.1C; and**
- 5. Receive the Schedule of Accounts and Credit Card payments made in September 2018 (approved by the Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds) ATTACHMENT 12.1D.**

CARRIED BY ABSOLUTE MAJORITY 8/0

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

Mr Paull left the room at 1.32pm due to a declaration of interest for Officers Recommendation 2.

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Officers Recommendation and Council Decision

MOVED: Cr L Rumble

SECONDED: Cr P Foster

That with respect to the Monthly Financial Report to Council:

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

CARRIED BY ABSOLUTE MAJORITY 8/0
**Councillors White, Rumble, Dias, Foster, Lynch, Diver, Thomas and de Pledge voted
for the motion**

Mr Paull re-entered the room at 1.33 pm. The Presiding Member advised Mr Paull of the outcome of the vote for this item.

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13. PROPERTY AND DEVELOPMENT SERVICES REPORTS

13.1 PROPOSED DEDICATION OF LAND AS A PUBLIC ROAD UNDER THE CARE, CONTROL AND MANAGEMENT OF THE COMMISSIONER FOR MAIN ROADS

MINUTE: 439/2018

FILE REFERENCE:	RD11
AUTHOR'S NAME AND POSITION:	Janelle Fell Development Land and Asset Compliance Specialist
AUTHORISING OFFICER AND POSITION:	Chantelle Bryce Acting Director Property and Development Services
NAME OF APPLICANT/RESPONDENT:	Main Roads Western Australia
DATE REPORT WRITTEN:	4 October 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

As conditioned in the Wheatstone Project State Development Agreement, the Ashburton North Strategic Industrial Area (ANSIA) access road is proposed to be dedicated as a public road. The Geographic Naming Committee approved the Council supported name of Warrirda Road for the ANSIA Access Road.

Council endorsement is sought to formally request the Minister for Planning, Lands and Heritage to dedicate Warrirda Road, depicted as Lot 804 on Deposited Plan 413049, in accordance with section 56 of the *Land Administration Act 1997*.

Additionally, Council endorsement is requested to advise the Department of Planning, Lands and Heritage (DPLH) of the Shire's agreement to indemnify the Minister for Planning, Lands and Heritage against any claim for compensation in an amount equal to the amount of all costs and expenses reasonably incurred in considering and granting the request. It is recommended this indemnification be provided in accordance with the specific requirements of section 56(4) of the *Land Administration Act 1997* on the basis that Main Roads Western Australia, on behalf of the Commissioner of Main Roads, has provided written confirmation of its agreement to indemnify the Shire of Ashburton against any claim for compensation that may arise and pay all the associated costs.

Background

Main Roads Western Australia (MRWA) has progressed dedication of the ANSIA Access Road in Onslow to satisfy the conditions imposed under the Wheatstone Project State Development Agreement.

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The road depicted as Lot 804 on Deposited Plan 413049 is now officially named Warrirda Road following formal approval by the Geographic Naming Committee on 28 August 2018.

**ATTACHMENT 13.1A
ATTACHMENT 13.1B**

Comment

MRWA intended for Warrirda Road to automatically be dedicated as a public road upon approval of Deposited Plan 413049 however, due to a recent policy change by the Department of Planning, Lands and Heritage, and Native Title existing over the land comprising the proposed road, it must now be dedicated pursuant to section 56 of the *Land Administration Act 1997*. A formal Council resolution to help finalise the proposed road dedication is now therefore required.

If approved by the Minister, Warrirda Road will be proclaimed as a State Road under the *Main Roads Act 1930* and be placed under the care, control and management of the Commissioner for Main Roads.

To satisfy the specific requirements of the *Land Administration Act 1997*, the Shire of Ashburton is required to indemnify the Minister for Planning, Lands and Heritage against any possible claim for compensation in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request. This indemnification must be provided in accordance with the specific requirements of section 56(4) of the *Land Administration Act 1997*.

In considering this matter Council should note Main Roads Western Australia, on behalf of the Commissioner of Main Roads, has provided written confirmation of its agreement to indemnify the Shire of Ashburton against any potential claim for compensation that may arise and pay all the associated costs.

ATTACHMENT 13.1C

Consultation

Executive Management Team
Acting Director Property & Development Services
Consultant Town Planner, Joe Douglas

Statutory Environment

Section 56 of the *Land Administration Act 1997*
Land Administration Regulations 1998

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 4 – Quality Services and Infrastructure
Objective 1 – Quality Public Infrastructure

Risk Management

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

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Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Rumble

That with respect to Dedication of Land as a State Road under the care, control and management of the Commissioner of Main Roads, Council:

1. Resolve to dedicate Warrirda Road, depicted as Lot 804 on Deposited Plan 413049, as a public road pursuant to section 56 of the *Land Administration Act 1997*;
2. Request the Minister for Planning, Heritage and Lands, to dedicate Warrirda Road as a public road pursuant to section 56 of the *Land Administration Act 1997*;
3. Indemnify the Minister for Planning, Lands and Heritage against any claim for compensation in an amount equal to the amount of all costs and expenses reasonably incurred in considering and granting the request; and
4. Advise the Minister for Planning, Lands and Heritage that Council has agreed to indemnify the Minister on the basis of written confirmation provided by Main Roads Western Australia, on behalf of the Commissioner of Main Roads, of its agreement to indemnify the Shire of Ashburton against any claim for compensation that may arise from the road dedication proposal and pay all associated costs.

CARRIED 8/0

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

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14. COMMUNITY SERVICES REPORTS

14.1 APPLICATION ACCEPTANCE OF COMMUNITY SUPPORT GRANT ALLOCATIONS ROUND 1, 2018/19 ANNUAL FINANCIAL YEAR

Declaration of Interest

Prior to consideration of this Agenda Item

Cr Dias declared an impartiality interest

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

MINUTE: 440/2018

FILE REFERENCE:	GS01
AUTHOR'S NAME AND POSITION:	Dee Walkington Administration Officer Community Services
AUTHORISING OFFICER AND POSITION:	Sarah Johnston Acting Director Community Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	10 October 2018
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.1 (Minute No369/2018) – Ordinary Meeting of Council 22 May 2018

Summary

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

Twenty six applications were received for Community Support Grants.

These grants are provided as in-kind and / or financial assistance to enable community groups and clubs to deliver quality programs, community events and services.

The applications were assessed and workshopped at the 19 September 2018 Ordinary Meeting of Council.

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Background

There are two funding rounds each year, one opening in July and closing in August and one opening in February and closing in March. At the close of August round twenty six Community Support Grant applications were received, eleven from Tom Price, five from Paraburdoo, six from Pannawonica and four from Onslow were received.

One application was received but was not an incorporated group or club so the application was not included and the applicant was referred to apply for a Small Assistance Donation.

Comment

The Community Support Grant funding was promoted directly to clubs and organisations via email, public notice boards, Inside Ashburton, Onslow Pipeline and the Shire of Ashburton website.

Twenty six incorporated groups applied for grants in Round 1 of the Community Support Grants 2018/19 annual financial year and are summarised in Table 14.1A.

TABLE 14.1A. COMMUNITY SUPPORT GRANTS – GENERAL ROUND

Name of Organisation	Event/Project	Cash \$	In-Kind \$	Total \$
ONSLOW				
St John Ambulance, Onslow Subcommittee	AED (defibrillator and 4 dark skinned manikins)	2461.51	0.00	2461.51
V Swans	Healthy Food program	2500.00	0.00	2500.00
Onslow Primary School P and C	Kindergarten playground upgrade	2500.00	0.00	2500.00
Onslow Occy's (Swim Club)	Club uniforms and bathers.	2500.00	0.00	2500.00
PANNAWONICA				
Pannawonica Primary School P and C	Community Cookbook production	2500.00	0.00	2500.00
Pannawonica VFRS	Paint Panna Read Mascot and literacy program.	2500.00	0.00	2500.00
Pannawonica Junior Sports	Purchase of new equipment	2500.00	0.00	2500.00
Pannawonica Youth Club	Virtual Pinball Machine	2500.00	0.00	2500.00
Pannawonica Craft Club	Pannawonica Paint and Sip equipment and supplies	2500.00	0.00	2500.00
Pannawonica Swimming Club	2018/19 coach and guest swimmer for season opener	2500.00	0.00	2500.00

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PARABURDOO				
Name of Organisation	Event/Project	Cash \$	In-Kind \$	Total \$
Paraburdo VFRS	Station playground equipment	2500.00	0.00	2500.00
Karingal Neighbourhood Centre	Community resources/branded uniforms and shirts	1141.53	0.00	1141.53
Paraburdo Men's Shed	Purchase of tools for workshops to be held	2500.00	0.00	2500.00
Paraburdo Toy Library	Purchase of plastic containers/Celebrating 30 years event	2410.85	0.00	2410.85
Paraburdo Squash Club Inc.	Score System Upgrade	2500.00	0.00	2500.00
TOM PRICE				
Ashburton Women's Football Association Inc	Women's Football 2018	2000.00	0.00	2000.00
Tom Price Pony and Horse Club	Re-fencing of training yard	2500.00	0.00	2500.00
Tom Price Senior High School Outdoor Education Program	Purchase of trailer to store bikes and to purchase more mountain bikes.	2500.00	0.00	2500.00
Stealers Softball	To assist with the cost of sending representatives to Norwest Championships	1500.00	0.00	1500.00
Nameless Playgroup	Venue hire costs and new equipment	1000.00	1500.00	2500.00
Tom Price Motorcycle Club	Coaching Clinic	2500.00	0.00	2500.00
Pilbara for Purpose	Inaugural Pilbara Community Services Excellence Awards to be held in Dampier.	2500.00	0.00	2500.00
Nintirri Centre	Tom Price Anti Bullying Workshops	2500.00	0.00	2500.00
Fortescue Cricket Association	Northwest Cup venue hire cost and Accommodation	1000.00	1500.00	2500.00
North Tom Price Primary P and C	Pull up banners	1694.70	0.00	1694.70
Tom Price Tennis Club	Water Cooler	2500.00	0.00	2500.00
Total				\$61208.59

Funding has been allocated for the annual community support grants to the value of \$75,000.00 in the 2018/19 budget, GL account 081877. In previous years the funding was split to cover 2 funding rounds with half the funds being divided equally between Onslow,

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Pannawonica, Paraburdoo and Tom Price per round. Any funds remaining for each town was rolled over to the second funding round. Any funds remaining at the end of round two were allocated to a town that required additional funding.

All applicants in Table 14.1A have been assessed on the criteria outlined in REC08 Community Donations, Grants and Funding Policy, general conditions and criteria and satisfy the conditions and criteria.

Recommendations for general community support grant applications are as follows;

Table 14.1B COMMUNITY SUPPORT GRANTS – GENERAL ROUND

Name of Organisation	Proposed Funding \$
ONSLow	
St John Ambulance – Onslow Sub branch	0.00
V Swans – food program	0.00
Onslow Primary School P and C	2500.00
Onslow Occy's (Swimming Club) *Note – Council Worksop discussion - for the delivery of capacity building training only not for the purchase of club uniforms.	2500.00
SUB TOTAL	5,000.00
PANNAWONICA	
Pannawonica Primary P and C	0.00
Pannawonica Youth Club	0.00
Pannawonica Junior sports	2500.00
Pannawonica Volunteer Fire and Rescue Services	0.00
Pannawonica Swimming Club	0.00
Pannawonica Craft Club Inc.	2500.00
SUB TOTAL	5,000.00
PARABURDOO	
Paraburdoo Volunteer Fire and Rescue Services	0.00
Karingal Neighbourhood Centre	0.00
Paraburdoo Men's Shed	2500.00
Paraburdoo Toy Library	2410.85
Paraburdoo Squash Club	2500.00
SUB TOTAL	7,410.85
TOM PRICE	
Tom Price Pony and Horse Club Inc.	0.00
Ashburton Women's Football Association Inc.	0.00
Tom Price Senior High School - Outdoor Education Program	2000.00
Stealers Softball Club	0.00
Nameless Playgroup (In-Kind/Cash)	2500.00
Tom Price Motorcycle Club Inc.	2500.00
Pilbara for Purpose (P4P)	0.00
Nintirri Centre	0.00
Tom Price Tennis club	2500.00
Fortescue Cricket Association (In-Kind)	2000.00
North Tom Price Primary School P and C	0.00
SUB TOTAL	11,500.00
TOTAL	28,910.85

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Consultation

Executive Management Team
Shire of Ashburton Councillors
Club Development Officers – Community Services

Statutory Environment

There are no known statutory requirements for this matter.

Financial Implications

The following budget allocations are provided in the 2018/19 budget:

- GL 081877 Sponsorship and Grants \$75,000.00

Strategic Implications

Shire of Ashburton Strategic Community Plan 2017-2027
Goal 01 – Vibrant and Active Communities
Objective 02 – Sustainable services, clubs, associations and facilities

Risk Management

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

Policy Implications

REC08 Community Donations, Grants and Funding Policy.

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr P Foster

That Council suspend Standing Orders at 1.34 pm.

CARRIED 8/0
**Councillors White, Rumble, Dias, Thomas, Foster, Diver, Lynch and de Pledge voted
for the motion**

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr R de Pledge

That Council resume Standing Orders at 1.51 pm.

CARRIED 8/0
**Councillors White, Rumble, Dias, Thomas, Foster, Diver, Lynch and de Pledge voted
for the motion**

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Officers Recommendation

That with respect to the acceptance of Community Support Grant Allocations, Round 1, 2018/19 Financial year, that Council:

1. Approve the recommendations for General Community Support Grant applications being allocated from account GL 081877 (Sponsorships and Grants) as stated in Table 14.1B of this report.

Alternate Motion and Council Decision

MOVED: Cr D Diver

SECONDED: Cr M Lynch

Approve the recommendations for General Community Support Grant Applications being allocated from account GL 081877 (Sponsorships and Grants) as stated in Table 14.1B of this report, modified as follows:

8/08/

PARABURDOO	
Paraburdoo Volunteer Fire and Rescue Services	2500.00
Karingal Neighbourhood Centre	0.00
Paraburdoo Men's Shed	2500.00
Paraburdoo Toy Library	2410.85
Paraburdoo Squash Club	2500.00
SUB TOTAL	9910.85

Table 14.1B Community Supports Grant – General Round Total was \$28,910.85, changed to \$31,410.85 due to this modification.

CARRIED 8/0
Councillors White, Rumble, Dias, Thomas, Foster, Lynch, Diver and de Pledge voted for the motion.

Reason for change:

Council included \$2,500.00 for the Paraburdoo Volunteer Fire and Rescue Services to be included in the successful grant allocations resulting in a modification to the total.

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15. INFRASTRUCTURE SERVICES REPORTS

15.1 RFT 10.18 DESIGN AND CONSTRUCT UPGRADES TO THE PARABURDOO IRRIGATION SYSTEMS

MINUTE: 441/2018

FILE REFERENCE: CM10.18

AUTHOR'S NAME AND POSITION: Ian Hamilton
Director Infrastructure Services

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 5 October 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) 10.18 Design and Construct Upgrades to the Paraburdoo Irrigation Systems was issued via the Shire's e-tendering portal known as TenderLink and The West Australian on the 29/08/2018 and all relevant notice boards and websites.

One conforming tender was received via TenderLink in response to the RFT.

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

Background

Areas of the Paraburdoo Irrigation System have reached the end of its useful life and is regularly failing. As one part of the system is repaired another part fails. The system was handed over to the Shire as part of the normalisation process. There is very little information available as to what is in the ground and where it is placed. We have not been able to establish a unit rate to say replace 20m of retic line as current Shire staff are undertaking band aid type repairs.

In order to mitigate the continual failures and subsequent ongoing costs of maintenance activities RFT 10.18 Design and Construct Upgrades to the Paraburdoo Irrigation Systems was developed. The objective of this RFT is to engage and appoint a contractor to design and install upgraded technology, user friendly access and a sustainable system for the climatic conditions and geographical layout of Paraburdoo.

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ATTACHMENT 15.1A

Comment

After an initial assessment, the one submission was deemed compliant for further assessment. The evaluation panel then assessed the submission against the selection criteria and value for money.

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

Rank	Tenderer	Score (/100)
1	Bennco Group	93

CONFIDENTIAL ATTACHMENT 15.1B

Consultation

Director Infrastructure Services
Manager Technical Services
Technical Officer

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; and*
- (2) *Regulations may make provision about tenders.*

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

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

Local Government (Functions and General) Regulations 1996:

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

Financial Implications

The budgeted provision for the upgrades to the Paraburdoo Irrigation Systems project is \$242,408 for the 2018/2019 financial year.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027
Goal 04 – Quality Services and Infrastructure
Objective 03 – Well-Planned Towns

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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 "Minor (3)" considering the potential impacts to natural environment and project items, time and cost. As the Risk Acceptance is "Medium", the Director Infrastructure Services will monitor progress of this item.

Policy Implications

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

Voting Requirement

Absolute Majority Required

Officers Recommendation and Council Decision

MOVED: Cr D Dias

SECONDED: Cr L Rumble

That with respect to RFT 10.18 Design and Construct Upgrades to the Paraburdoo Irrigation Systems, that Council:

- 1. Note the attached Evaluation report CONFIDENTIAL ATTACHMENT 15.1A and B;**
- 2. Award the contract for RFT 10.18 Design and Construct Upgrades to the Paraburdoo Irrigation Systems to Bennco Group for the Design and Construction of Paraburdoo Irrigation Systems;**
- 3. Authorise the Chief Executive Officer to enter into a contract with the appointed contractor; and**
- 4. Authorise the Chief Executive Officer to manage the contract, including the provision of possible variations, providing the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract and managed within the overall budget for the project.**

CARRIED BY ABSOLUTE MAJORITY 8/0
**Councillors White, Rumble, Dias, Thomas, Foster, Lynch, de Pledge and Diver voted
for the motion**

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**15.2 REVIEW AND UPDATE OF THE MAIN ROADS WA (MRWA)
ADMINISTRATIVE ROAD CLASSIFICATION PROCESS**

MINUTE: 442/2018

FILE REFERENCE: RD.0319

AUTHOR'S NAME AND POSITION: Ian Hamilton
Director Infrastructure Services

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

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

DATE REPORT WRITTEN: 4 October 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

Main Roads WA (MRWA) have recently written to all Pilbara Local Governments seeking input to a revised system for the Road classification process. MRWA through the Regional Road Group (RRG) have also asked for the nomination of roads to be reclassified through this scoring process.

The Shire has identified several roads that potentially meet this criteria.

Background

Main Roads WA has been working with WALGA to review and update the administrative road classification criteria for rural roads. The criteria is used to determine whether a road should come under the care and control of State or Local Government. This update was required to provide a modern interpretation of the *Main Roads Act 1930* considering the current traffic environment and transport network requirements. A similar process for urban roads in Perth / Peel was recently completed. Draft administration road classification criteria for rural roads were prepared and circulated to Main Roads Regions for comment on 7 March 2018.

Any road or route to be considered for being assessed for State Administration should be currently listed by the relevant RRG as being a *Significant Local Government Road*.

Assessment requests received from the following areas do not necessarily need to meet the pre-requisite and can go straight to full assessment:

1. Internally from Main Roads WA;
2. A request from elsewhere within the Portfolio; and
3. A request from the Minister for Transport or other Minister

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Under the requirements of Section 13 of the *Main Roads Act 1930*, any road under the care and jurisdiction of MRWA must meet the following criteria.

“(2) *In considering whether to make any recommendation to the Governor that a road should be declared to be a highway, the Commissioner shall take into account —*

(a) the moneys available or likely to be available for highways; and

(b) whether the road is or will be the direct connection between the capital of this and any other State; or

(c) whether the road is or will be the principal route between the capital and the major producing regions of the State; or

(d) whether the road is or will be the principal route between 2 or more of the major producing regions or major centres of population of the State; or

(e) whether the road is or will be the principal route for high volume traffic movements within large urban areas.

(3) *In considering whether to make any recommendation to the Governor that a road should be declared to be a main road, the Commissioner shall take into account —*

(a) the moneys available or likely to be available for highways; and

(b) whether the road is or will be the main route connecting any large producing area, or any area capable of becoming in the near future a large producing area, with its market or closest railway station; or

(c) whether the road is or will be the main route of intercommunication between 2 or more large producing areas, or areas capable of becoming in the near future large producing areas, or between large centres of population; and

(d) whether the road is or will be a major route for high volume traffic movements within large urban areas.”

The following section identifies a current interpretation of relevant criteria to meet the requirements of the *Main Roads Act 1930*.

The criteria grouped into 4 categories:

- Strategic Role (max 20 points, 36%)
- Network Role (max 16 points, 29%)
- Design Function (max 12 points, 21%)
- Traffic volumes (max 8 points, 14%)

From assessment the roads is clarified by the following assessment.

CLASS	SCORE THRESHOLD	SCORE	MARGINAL RANGE
PD - HIGHWAY	>=42.00		40.00- 42.00
PD - MAIN ROAD	>=28.00		26.00 - 28.00
LOCAL ROAD	<28.00		

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Feedback is currently being requested from the RRGs / Technical Groups so that the criteria may be finalised.

Once feedback has been received and addressed, it is suggested to put the updated criteria to Main Roads WAWALGA Future State Roads Project working group to obtain official endorsement.

Comment

The criteria used in this assessment came about following a review of the Administrative Criteria for the urban Metro/Peel regions completed by a working group with representation from MRWA, WALGA and Local Government in 2018. Following this it was decided rather than use another working group the Rural Administrative Criteria Review should utilise the existing RRG for input and comment. The current criteria is designed to reflect the *Main Roads Act 1930* in a modern light considering the current traffic environment and transport network requirements.

Council officers have identified 3 roads that potentially fit this criteria:

1. Roebourne Wittenoom Road (note Item 8.2 of the 23 October 2018 Audit and Risk Committee recommendations);
2. Nameless Valley Drive; and
3. Doradeen Road.

The above mentioned Roads will be sent to MRWA RRG for their consideration and input. Once the process review has been completed, the roads shortlisted from that process will be subject to a full assessment by the MRWA Road Planning group. MRWA will provide the outcome of the assessment on conclusion of the project.

Staff will be providing input to the revised system for the MRWA Road classification process.

Consultation

Executive Management Team

Statutory Environment

Main Roads Act 1930

Financial Implications

There are no known financial implications for this matter. The removal of these roads from the Shire's Road Register will reduce the Direct Grant Funding amount from MRWA by approximately \$75,000.

Financial Implications

The removal of these roads from the Shire's Road Register will reduce the Direct Grant Funding amount, based on the WA Local Government Grants Commission (WALGGC) Asset Preservation Model by approximately 5.76% (Note: a dollar amount is not available as WALGGC utilise a complex formula calculation based on all LG's preservation funding needs).

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 04 – Quality Services and Infrastructure

Objective 01 – Quality Public Infrastructure

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Risk Management

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

Policy Implications

Council Policy ENG09 – Asset Management Policy.
Council Policy ENG13 – Road Management Policy.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr M Lynch

SECONDED: Cr D Diver

That with respect to the Main Roads WA Administrative Road Classification Process, that Council:

- 1. Pursuant to s13 of the *Main Roads Act 1930*, nominate the following roads to the Main Roads WA Pilbara Regional Road Group for reclassification and assessment by Main Roads WA Road Planning:**
 - **Roebourne Wittenoom Road;**
 - **Nameless Valley Drive; and**
 - **Doradeen Road.**

CARRIED 8/0
Councillors White, Rumble, Dias, Thomas, Foster, Diver, Lynch and de Pledge voted for the motion

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16. COUNCILLOR AGENDA ITEMS / NOTICES OF MOTIONS

16.1 NOTICE OF MOTION – CONCERNS RELATING TO THE NBN ROLLOUT ACROSS PARABURDOO AND TOM PRICE

MINUTE: 443/2018

FILE REFERENCE: IT02

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

AUTHORISING OFFICER AND POSITION: Robert Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 10 October 2018

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

PREVIOUS MEETING REFERENCE: Agenda Item 16.1 (Minute Number 429/2018) – Ordinary Meeting of Council 19 September 2018

Summary

Council is requested to consider the Notice of Motion from the 19 September 2018 Ordinary Meeting concerning the NBN roll-out across Paraburadoo and Tom Price.

Background

At the 19 September 2018 Ordinary Meeting Council resolved as follows:

Cr Foster tabled the following Notice of Motion in regard to the NBN roll-out across Paraburadoo and Tom Price:

The Shire President noted that this matter would be referred to officers for a report, which will be put before Council at the earliest reasonable opportunity.

Comment

Shire staff have been in contact with the relevant Manager of the NBN in Western Australia and provided a copy of the Notice of Motion. The Manager advised there are certain technical limitations in providing the rollout across the Pilbara. The Manager also advised there will be an NBN representative at the Pilbara Inland Chamber of Commerce and Industry (PICCI) meeting on 19 November 2018 and requested the opportunity to attend the November 2018 Council meeting in Paraburadoo.

In this regard, it would be appropriate for Council to resolve to support the Notice of Motion as written but to also invite an NBN representative to present to Council in relation to the concerns raised.

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Consultation

Executive Management Team
Manager WA, NBN local

Statutory Environment

There are no known statutory implications for this matter.

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 year Community Strategic Plan 2017 - 2027
Goal 5 - Inspiring Governance
Objective 3 - Council Leadership
Objective 4 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officer Recommendation

That with respect to the Notice of Motion – Concerns relating to the NBN rollout across Paraburdoo and Tom Price, that Council:

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

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Alternate Motion and Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

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

CARRIED 8/0

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

Reason for change:

Council sought to ensure that relevant Federal Members of Parliament and the Minister for Communications are aware of concerns relating to the rollout of the NBN in Tom Price.

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**16.2 NOTICE OF MOTION – CONCERNS RELATING TO LANDGATE 2018
RESIDENTIAL REVALUATIONS OF PANNAWONICA, PARABURDOO
AND TOM PRICE**

MINUTE: 444/2018

FILE REFERENCE: GV04

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

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

**NAME OF APPLICANT/
RESPONDENT:** Cr White

DATE REPORT WRITTEN: 8 October 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 7.1 (Minute Number 37/2018) – Special
Meeting of Council 26 July 2018

Summary

Council is requested to consider the Notice of Motion relating to Landgate 2018 Residential Revaluations for the townsites of Pannawonica, Paraburdoo and Tom Price.

Background

At the 26 July 2018 Special Meeting, Council adopted the 2018/19 Budget. In doing so, it accepted a 2% rate increase and a rate in the dollar for Residential/Community Gross Rental Value (GRV) of \$0.100357.

Landgate's 2018 revaluation of residential property valuations resulted in the following average decreases to the Districts townsites:

- Pannawonica (55%);
- Paraburdoo (55%);
- Onslow (47%) and
- Tom Price (45%)

Comment

The rate in the dollar for Gross Rental Value (GRV) Residential / Community for 2017/18 was \$0.051853 and was determined by the operating requirements of the Shire (which did not significantly change from the previous financial year) and Landgate's residential property values.

Councillor White has requested Landgate be queried over how it determined the land values for Pannawonica, Paraburdoo and Tom Price given the extremely limited private rental

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markets for Paraburdoo and Tom Price and the non-existent private rental market for Pannawonica.

Consultation

Councillor White
Executive Management Team

Statutory Environment

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

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

Financial Implications

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

Strategic Implications

Shire of Ashburton 10 year Community Strategic Plan 2017 - 2027
Goal 5 - Inspiring Governance
Objective 3 - Council Leadership
Objective 4 – Exemplary Team and Work Environment

Risk Management

This item has been evaluated against the Shire of Ashburton’s Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be “Low”.

Policy Implications

ELM10 Financial Sustainability Policy.

Voting Requirement

Simple Majority Required

Officer Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr P Foster

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

- 1. Request the Chief Executive Officer to write to Landgate seeking evidence of what information, assessments and submissions (if any) it utilised in determining the 2018 residential revaluations that resulted in the following average decreases to the Districts townsites:**
 - **Pannawonica (55%);**
 - **Paraburdoo (55%); and**
 - **Tom Price (45%).**

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CARRIED 8/0 Councillors White, Rumble, Dias, Thomas, Foster, Lynch, Diver and de Pledge voted for the motion

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

Declaration of Interest

Prior to consideration of this Agenda Item

***Cr White declared a financial interest
Cr Rumble declared a financial interest***

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

Cr White presented to Council an Item that had not been included in the Agenda and requested that it be accepted by Council.

Council Decision

MOVED: Cr D Diver

SECONDED: Cr P Foster

That Council accept the following New Business of an Urgent Nature:

**17.1 CONCESSION ON CERTAIN 2018/19 GROSS RENTAL VALUE (GRV)
RESIDENTIAL RATES IN ONSLOW, PARABURDOO AND TOM PRICE.**

CARRIED 8/0

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

Cr White and Cr Rumble left the room at 2.04 pm due to their declaration of financial interest for item 17.1. The Chief Executive Officer resumed the chair at 2.04 pm.

Cr Diver nominated Cr Foster to the position of Presiding Member for Item 17.1. Cr Foster accepted the nomination.

There being no further nominations the Chief Executive Officer declared Cr Foster to be elected as the Presiding Member for Item 17.1.

Cr Foster assumed the chair as Presiding Member.

Council Decision

MOVED: Cr M Lynch

SECONDED: Cr D Dias

That Council Suspend Standing Orders at 2.05 pm.

CARRIED 6/0

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

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Council Decision

MOVED: Cr D Diver

SECONDED: Cr M Lynch

That Council resume Standing Orders at 2.20 pm.

CARRIED 6/0

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

17.1 CONCESSION ON CERTAIN 2018/19 GROSS RENTAL VALUE (GRV) RESIDENTIAL RATES IN ONSLOW, PARABURDOO AND TOM PRICE

MINUTE: 445/2018

FILE REFERENCE: RV01

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

AUTHORISING OFFICER AND POSITION: Robert Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 23 October 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 17.1 (Minute Number 3430/2018) – Ordinary Meeting of Council 19 September 2018

Summary

The Shire has received numerous complaints concerning rate rises in Onslow, largely due to the removal of the previous rate concession. In addition, a presentation was received in the current Ordinary Meeting from Onslow ratepayers requesting further assistance from Council with respect to rate relief in Onslow.

Background

Council adopted the 2018/19 Budget on 26 July 2018 and in doing so, removed the rate concession for certain residential properties in Onslow. The result has been a significant number of concerns from ratepayers expressing financial hardship where their rates have in some circumstances, risen many thousands of dollars.

At the Ordinary meeting of 19 September 2018, Council resolved as follows:

"1. Council exercise its authority per Section 6.47 of the Local Government Act 1995, and grant a concession upon application to alleviate the financial burden for those property holders satisfying all four of the following eligibility criteria:

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- a. *Properties in the 'GRV Residential / Community' rating category;*
 - b. *Properties located in the town-site boundary of Onslow;*
 - c. *Property holders with ownership of no more than two residential / community properties; and*
 - d. *Property holders with a 2018/19 rates increase of more than \$400 and /or 30% on 2017/18 rates payable.*
2. *Authorise the Chief Executive Officer to grant the concession of up to 12.5% of rates payable upon application after consultation with qualified property holders up to seventy days from initial advertising and waive interest for the period of concession."*

Comment

Further to the resolution of Council concerning a rate concession for Onslow, staff undertook to meet with Onslow residents in relation to the imposition of the 2018/19 rates, through a 'Rates Focus Group' meeting. The intention being to help those present gain a better understanding of the rates process as well as invite a 'Question & Answer' session. Around 10 ratepayers attended and alongside a brief presentation a frank and open discussion took place.

The main points touched on were the rate in the dollar increase (GRV Residential) being more than 2% i.e. from \$0.05c to \$0.10c (and not translating into 2% increase on rates payable) plus the land valuation differences across the district.

The following propositions were flagged:

1. After a request to Councillors from an Onslow ratepayer, Council formally seek an explanation from Landgate as to how they arrived at 2018 valuations for Pannawonica, Paraburdoo and Tom Price; and
2. Council consider a further concession to give more ratepayers the opportunity to experience financial relief from the 2018/19 rate burden.

It was evident on the night ratepayers in Onslow were experiencing significant financial hardship and a justifiable sense of unfairness in relation to the level of rates payable for 2018/19.

Council is requested to further address the financial impact on certain ratepayers in relation to the increased rate in the dollar. It is important to reiterate that Council will continue to be very serious about being compliant and diligent in its rates process. However, given the severe impact the rates notices have had on residences and businesses this year, Council may consider various options to alleviate some of the financial burden for ratepayers struggling to find the means to deal with this year's significant increase.

In this regard, Council may wish to modify the eligibility criteria by removing the requirement that a ratepayer requires an increase greater than \$400 and / or 30% as well as amending the current concession granted from 12.5% to a higher percentage. In addition, Council may wish to consider extending the concession to applicable ratepayers in Paraburdoo and Tom Price.

To assist Council, staff have prepared three scenarios to highlight the potential cost of concessions based on percentage rates:

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Scenario 1

Concession of 12.5%

Approx. total concession amount of \$97,095:

Onslow - 160 property holders in Onslow with full rates levied of \$469,399 and proposed concession of \$58,675.

Table 1 – Sample of Onslow ratepayers and impact of 12.5% concession to rates payable

Assess	Old Valuation \$	2018 Revaluation \$	%	18/19 Rates Payable \$	Increase \$	18/19 Concession \$	Adj. Rates Payable \$	Adj. Increase \$
A7221	55,640	32,240	-42%	3,235	1,779	404	2,831	1,375
A1875	102,440	66,040	-35%	6,627	1,315	828	5,798	487
A3695	52,520	27,650	-28%	2,766	878	345	2,421	533

Tom Price - 154 property holders in Tom Price with full rates levied of \$282,350 and proposed concession of \$35,294.

Table 2 – Sample of Tom Price ratepayers and impact of 12.5% concession to rates payable

Assess	Old Valuation \$	2018 Revaluation \$	%	18/19 Rates Payable \$	Increase / Decrease \$	18/19 Concession \$	Adj. Rates Payable \$	Adj. Increase / Decrease \$
A8486	35,880	22,100	-38%	2,218	357	277	1,941	80
A17788	30,000	32,700	9%	3,282	1,985	248	3,034	1,737
A18634	30,160	13,780	-54%	1,383	-181	173	1,210	-354

Paraburdoo - 23 property holders in Paraburdoo with full rates levied of \$25,007 and proposed concession of \$3,126.

Table 3 – Sample of Paraburdoo ratepayers and impact of 12.5% concession to rates payable

Assess	Old Valuation \$	2018 Revaluation \$	%	18/19 Rates Payable \$	Increase / Decrease \$	18/19 Concession \$	Adj. Rates Payable \$	Adj. Increase / Decrease \$
A29490	26,520	11,440	-57%	1,148	-227	143	1,005	-370
A27269	19,240	8,008	-58%	920	-64	0	920	-64
A22040	22,620	10,192	-55%	1,023	-150	103	920	-253

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Scenario 2

Concession of 25%

Approx. total concession = \$194,189

Onslow - 160 property holders in Onslow with full rates levied of \$469,399 and proposed concession of \$117,350.

Table 4 – Sample of Onslow ratepayers and impact of 25% concession to rates payable

Assess	Old Valuation \$	2018 Revaluation \$	%	18/19 Rates Payable \$	Increase / Decrease \$	18/19 Concession \$	Adj. Rates Payable \$	Adj. Increase / Decrease \$
A7221	\$55,640	\$32,240	-42%	\$3,235	\$1,779	\$808	\$2,427	\$971
A1875	\$102,440	\$66,040	-35%	\$6,627	\$1,315	\$1,656	\$4,971	-\$341
A3695	\$52,520	\$27,650	-28%	\$2,766	\$878	\$691	\$2,075	\$187

Tom Price - 154 property holders in Tom Price with full rates levied of \$282,350 and proposed concession of \$70,588.

Table 5 – Sample of Tom Price ratepayers and impact of 25% concession to rates payable

Assess	Old Valuation \$	2018 Revaluation \$	%	18/19 Rates Payable \$	Increase / Decrease \$	18/19 Concession \$	Adj. Rates Payable \$	Adj. Increase / Decrease \$
A8486	35,880	22,100	-38%	2,218	357	554	1,664	-197
A17788	30,000	32,700	9%	3,282	1,985	496	2,786	1,489
A18634	30,160	13,780	-54%	1,383	-181	346	1,037	-527

Paraburdoo - 23 property holders in Paraburdoo with full rates levied of \$25,007 and proposed concession of \$6,251.

Table 6 – Sample of Paraburdoo ratepayers and impact of 25% concession to rates payable

Assess	Old Valuation \$	2018 Revaluation \$	%	18/19 Rates Payable \$	Increase / Decrease \$	18/19 Concession \$	Adj. Rates Payable \$	Adj. Increase / Decrease \$
A29490	26,520	11,440	-57%	1,148	-287	228	920	-515
A27269	19,240	8,008	-58%	920	-64	0	920	-64
A22040	22,620	10,192	-55%	1,023	-150	103	920	-253

Scenario 3

Concession of 30%

Approx. total concession = \$233,027

Onslow - 160 property holders in Onslow with full rates levied of \$469,399 and proposed concession of \$140,819.

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Table 7 – Sample of Onslow ratepayers and impact of 30% concession to rates payable

Assess	Old Valuation \$	2018 Revaluation \$	%	18/19 Rates Payable \$	Increase / Decrease \$	18/19 Concession \$	Adj. Rates Payable \$	Adj. Increase / Decrease \$
A7221	\$55,640	\$32,240	-42%	\$3,235	\$1,779	\$970	\$2,427	\$809
A1875	\$102,440	\$66,040	-35%	\$6,627	\$1,315	\$1,988	\$4,971	-\$673
A3695	\$52,520	\$27,650	-28%	\$2,766	\$878	\$830	\$2,075	\$48

Tom Price - 154 property holders in Tom Price with full rates levied of \$282,350 and proposed concession of \$84,705.

Table 8 – Sample of Tom Price ratepayers and impact of 30% concession to rates payable

Assess	Old Valuation \$	2018 Revaluation \$	%	18/19 Rates Payable \$	Increase / Decrease \$	18/19 Concession \$	Adj. Rates Payable \$	Adj. Increase / Decrease \$
A8486	35,880	22,100	-38%	2,218	357	665	1,553	-308
A17788	30,000	32,700	9%	3,282	1,985	985	2,297	1,000
A18634	30,160	13,780	-54%	1,383	-181	415	968	-596

Paraburdoo - 23 property holders in Paraburdoo with full rates levied of \$25,007 and proposed concession of \$7,502.

Table 9 – Sample of Paraburdoo ratepayers and impact of 30% concession to rates payable

Assess	Old Valuation \$	2018 Revaluation \$	%	18/19 Rates Payable \$	Increase / Decrease \$	18/19 Concession \$	Adj. Rates Payable \$	Adj. Increase / Decrease \$
A29490	26,520	11,440	-57%	1,148	-227	143	920	-370
A27269	19,240	8,008	-58%	920	-64	0	920	-64
A22040	22,620	10,192	-55%	1,023	-150	103	920	-253

Should Council agree to a review of the rates concession due to revaluation factors and subsequent increase in the rate in the residential GRV dollar, it is requested that the preferred scenario be identified and reflected in a resolution.

Consultation

Councillors

Executive Management Team

Onslow ratepayers who attended the 4 October 2018 information session

Statutory Environment

The *Local Government Act 1995* following sections apply:

- S 6.32 provides Council with the power to apply rates to property;
- S 6.47 indicates that a local government may resolve to waive or grant a concession for a rate or service charge (absolute majority required). In addition, Regulation 69A of the *Local Government (Financial Management) Regulations 1996* also specifies that a local government cannot use its powers under section 6.47 LGA based on whether or

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not the land is occupied by a person who owns the land (so called absentee owner clause);

Local Government (Financial Management) Regulations 1996 Part 5.

Financial Implications

An additional concession would have the following impact on the 2018/19 Budget as identified in the three scenarios provided.

Strategic Implications

Shire of Ashburton 10 year Strategic Community Plan 2017-2027

Goal 5 – Inspiring Governance Objective 1 – Effective Planning for the Future

Risk Management

This item has been evaluated against the Shire of Ashburton’s Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be “Low”.

Policy Implications

ELM10 Financial Sustainability Policy.

Voting Requirement

Absolute Majority Required (both Recommendations)

Officers Recommendation 1

MOVED: Cr R de Pledge

SECONDED: Cr D Dias

That the Motion resolved for Agenda Item 17.1- ‘With respect to the 2018/19 Differential Rates’ and to acknowledge the significant rates increases experienced by some ratepayers’ (Minute Number 343/2018), at the Ordinary Meeting of Council 19 September 2018, as follows:

- 1. Council exercise its authority per Section 6.47 of the *Local Government Act 1995*, and grant a concession upon application to alleviate the financial burden for those property holders satisfying all four of the following eligibility criteria:
 - a. Properties in the ‘GRV Residential / Community’ rating category;**
 - b. Properties located in the town-site boundary of Onslow;**
 - c. Property holders with ownership of no more than two residential / community properties; and**
 - d. Property holders with a 2018/19 rates increase of more than \$400 and /or 30% on 2017/18 rates payable****
- 2. Authorise the Chief Executive Officer to grant the concession of up to 12.5% of rates payable upon application after consultation with qualified property holders up to seventy days from initial advertising and waive interest for the period of concession;**

BE REVOKED.

CARRIED BY ABSOLUTE MAJORITY 6/0

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

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Officers Recommendation 2

MOVED: Cr M Lynch

SECONDED: Cr D Diver

That with respect to the 2018/19 Differential Rates and to acknowledge the significant rates increases experienced by some ratepayers:

1. Council exercise its authority per Section 6.47 of the *Local Government Act 1995*, and grant a concession upon application to alleviate the financial burden for those property holders satisfying all three of the following eligibility criteria:
 - a. Properties located in the town-site boundaries of Onslow, Paraburdoo and Tom Price in the 'GRV Residential Community' rating category;
 - b. Property holders with ownership of no more than two residential / community properties; and
 - c. For property holders, should the concession be granted, to have rates payable not less than the General Minimum for GRV Residential / Community of \$920.
2. Authorise the Chief Executive Officer to grant the concession of rates as identified in Scenario 1 for Paraburdoo and Tom Price, Scenario 3 for Onslow as provided in this report, payable upon application after consultation with qualified property holders up to seventy days from initial advertising and waive interest for the period of concession.

CARRIED BY ABSOLUTE MAJORITY 5/1
Councillors Dias, Foster, Lynch, Diver and de Pledge voted for the motion
Councillor Thomas voted against the motion

Kate McGee left the public gallery at 2.23 pm.

Cr White and Cr Rumble re-entered the room at 2.23 pm. The Presiding Member advised Cr White and Cr Rumble of the outcome of the vote for this item.

Cr White resumed the chair at 2.24 pm.

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18. CONFIDENTIAL MATTERS

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

- (2) *If a meeting is being held by a Council or by a committee referred to in subsection (1)(b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:*
- (a) *a matter affecting an employee or employees;*
 - (b) *the personal affairs of any person;*
 - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
 - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
 - (e) *a matter that if disclosed, would reveal:*
 - (I) *a trade secret;*
 - (II) *information that has a commercial value to a person; or*
 - (III) *information about the business, professional, commercial or financial affairs of a person,*

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

- (f) *a matter that if disclosed, could be reasonably expected to:*
 - (I) *Impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
 - (II) *Endanger the security of the local government's property; or*
 - (III) *Prejudice the maintenance or enforcement of any lawful measure for protecting public safety;*
- (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1981; and*
- (h) *such other matters as may be prescribed.*

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19. NEXT MEETING

The next Ordinary Meeting of Council will be held on 20 November 2018, at the Ashburton Hall, Ashburton Avenue, Paraburdoo commencing at 1.00 pm.

20. CLOSURE OF MEETING

There being no further business to discuss the Presiding Member closed the meeting at 2.25 pm.