



**SHIRE OF ASHBURTON  
ORDINARY MEETING OF COUNCIL**

**MINUTES  
(Public Document)**

**Council Chamber, Onslow Shire Complex,  
Second Avenue, Onslow  
15 August 2017**

**MINUTES - ORDINARY MEETING OF COUNCIL 15 AUGUST 2017**

**SHIRE OF ASHBURTON  
ORDINARY MEETING OF COUNCIL**

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

Acting CEO: \_\_\_\_\_ 

Date: 21/08/2017

These minutes were confirmed by Council as a true and correct record of proceedings of the Ordinary Council Meeting held on 15 August 2017.

Presiding Member: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/2017

**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.*

## MINUTES - ORDINARY MEETING OF COUNCIL 15 AUGUST 2017

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## MINUTES - ORDINARY MEETING OF COUNCIL 15 AUGUST 2017

### 1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 1.00 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 Helen Melville (Shire of Ashburton) and Jaime Hanrahan from Chevron to the gallery.

### 3. ATTENDANCE

#### 3.1 PRESENT

<b>Elected Members:</b>	Cr K White Cr L Rumble Cr D Dias Cr P Foster Cr M Lynch Cr D Diver Cr L Thomas Cr M Gallanagh	Shire President, (Presiding Member) Onslow Ward Deputy Shire President Paraburdoo Ward Paraburdoo Ward Tom Price Ward Tom Price Ward Tom Price Ward Tableland Ward Pannawonica Ward
<b>Staff:</b>	Mr D Stewart Mr J Bingham Ms A Serer Ms L Reddell Mr T Davis Ms L O'Reilly Ms J Smith Mrs M Lewis	Acting Chief Executive Officer Director Corporate Services Director Strategic & Economic Development Director Development & Regulatory Services Director Infrastructure Services Director Community Development Executive Officer CEO & Councillor Support Officer
<b>Guests:</b>	Nil	
<b>Members of Public:</b>	There were 2 members of the public in attendance at the commencement of the meeting.	
<b>Members of Media:</b>	There were no members of the media in attendance at the commencement of the meeting.	

#### 3.2 APOLOGIES

There were no apologies.

#### 3.3 APPROVED LEAVE OF ABSENCE

Cr G Dellar          Ashburton Ward

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### 4. QUESTION TIME

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

At the Ordinary Meeting of Council held on 18 July 2017, the following question was taken on notice and a written response provided.

##### 4.1.1 Jenny Alliss (Tom Price)

**Question:**

After many approaches I have made to the Shire, other government departments and stakeholders in the area, what is the status of the control of leucine trees?

I am aware that the Shire of Broome have an Environmental Weed Management Strategy and is it possible for the Shire of Ashburton to implement such a strategy?

As a very long term resident (37 years) of Tom Price the Leucaena trees now have a strangle hold throughout the towns and their bush surrounds and has even made it out to the vicinity of the gorges. We are on the brink of an environmental disaster.

Is it possible to commence steps to have it declared as a weed in order to facilitate the control and eradication? Is it possible to have a collaborated approach (with the Shire, government departments, Rio Tinto & other stakeholders) using the work for dole people who are trained and have the necessary equipment in this field, which works could commence as quickly as possible?

**Response:**

Thank you for your recent question to Council in relation to weed management in the Shire, and Leucaena in particular. Please be advised that the Shire of Ashburton does not have a Weed Management Strategy or a Pest Plant Local Law, the latter of which is required in order for the Shire to be able to prescribe plants as 'pest' species and to enforce weed management on any land other than the Shire's. As such, the Shire is only able to 'encourage' other land owners to control species such as Leucaena. The Shire's Infrastructure Services team do act to poison and/or remove Leucaena on Shire land when they come across it but cannot provide such services to private land. For your information, Council did consider a similar request in relation to Leucaena in September 2015, where it was resolved to seek the assistance of the Pilbara Regional Council (PRC) to develop a regional Leucaena management group and develop a Local Law. Subsequent advice from the PRC however indicated that there was insufficient interest from other Pilbara Local Governments to develop a regional project and no further action was taken. Discussion with the Department of Agriculture and Food's (DAFWA) Biosecurity team indicates that they are undertaking considerable efforts across the State to control pest species. It is noted however that Leucaena is not identified as declared weed by DAFWA.

Should Council wish to take further action on this issue, a resolution to develop a Strategy or Plan, possibly a Pest Plant Local Law and indeed agreement to allocate appropriate resources would be required.

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### 4.2 PUBLIC QUESTION TIME

#### 4.2.1 Renee and Wayne Garrett (Onslow)

**Question:**

Onslow School recently surveyed the schools' families to help assist the school and school council write and implement an Attendance Policy. The survey results are currently being reviewed by the school council to help write up the attendance policy for implementation. It was noted that only 25 responses were returned from 75 families being surveyed. This survey did not engage a total response rate of more than 1/3 of the families attending the school.

- The school currently does not have a policy in place that could support the no school, no pool strategy. How does the council aim to implement and enforce a strategy for a policy that does not exist and, how does all "statutory requirements are being met" comply for the agenda item to be voted upon?
- The pool rules sign mounted in the entry/exit wall of the pool clearly states that any child under 10 years must be accompanied by a parent/guardian over the age of 16.
- Will the pool staff refuse entry to a child that may have had to attend a medical appointment (Onslow/Karratha) but could not return to school in time to receive a wristband?
- Would a family be refused entry because a sibling of school age does not have a band due to the above?
- What lawful right does the Shire of Ashburton have to refuse any patron to utilise a public amenity in their own person time? i.e. after school hours 2.15pm to close of pool on a weekday
- If a child needs to utilise the pool facility with an adult for rehabilitation purposes during school hours, would specific documentation need to be submitted to the shire to request an exemption and how long would this process take?

The shire has previously allowed 50 pools to be installed in the yards of Chevron owned homes. This has allowed 50 homes to be exempt from the No School, No Pool Rule.

- How is this rule to be fair and inclusive of all in our community?

School Education Act 1999 states that sharing information contained in any register is a penalty of \$5000 i.e. attendance. Onslow School will be in breach of privacy laws by allowing a wristband to be worn by a student as this indicates to outsiders of the school attendance from a recorded source.

- Has the shire reviewed laws to ensure they are not breaching a right to privacy?
- Does the Shire have a lawful right to exclude patrons whom requests to Onslow School for their child's privacy and confidentiality to not be shared in the public domain?

Will supporting the no school, no pool rule be put across all areas of the shire's facilities in Onslow? i.e. skate park, outdoor water play facility, outdoor basketball courts, the community garden; as raised by a shire employee in the community forum regarding crime earlier this year.

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### **Response:**

The Acting Chief Executive Officer noted that he would take the question on notice and reply to Mr and Mrs Garrett in writing and ensure that the response was replicated in the Agenda of the next Ordinary Council Meeting.

## **5. APPLICATIONS FOR LEAVE OF ABSENCE**

There were no applications for Leave of Absence.

## **6. DECLARATION BY MEMBERS**

### **6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA**

All Councillors in attendance noted that they have 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
<b>19.1 CONFIDENTIAL EXTENSION OF CONTRACT – ACTING CHIEF EXECUTIVE OFFICER</b>		
Dale Stewart	Financial and Impartiality Interest	The nature of my interest is current Acting CEO and the extent of my interest is I am employed by the Shire as the Acting CEO and where the contract may be impacted by the item.

## 6. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

The Presiding Member paid condolences to long serving staff member Janyce Smith on the recent passing of her mother in law. Condolences are extended to Janyce's husband Martin and daughter Tahnee during this sad time.

The Shire President also expressed condolence to Cr Glen Dellar on the passing of his mother, noting that our thoughts and wishes are with him and his family.

The Shire President noted the recent resignation of the Director Community Development, Lynnette O'Reilly, and passed on the gratitude of the Council for her work with the Shire and wished her the all the best on behalf of the Council for her future endeavours.

## 8. PETITIONS / DEPUTATIONS / PRESENTATIONS

### 8.1 PETITIONS

There were no petitions presented to Council.

### 8.2 DEPUTATIONS

There were no deputations presented to Council.



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### 8.3 PRESENTATIONS

There were no presentations to Council.

## 9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### 9.1 ORDINARY MEETING OF COUNCIL HELD ON 18 JULY 2017

#### Officers Recommendation and Council Decision

**MOVED: Cr D Diver**

**SECONDED: Cr M Lynch**

**That the Minutes of the Ordinary Meeting of Council held on 18 July 2017, as previously circulated on 26 July 2017, be confirmed as a true and accurate record.**

**CARRIED 7/1**

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

**Councillor Gallanagh voted against the motion**

### 9.2 SPECIAL MEETING OF COUNCIL HELD ON 28 JULY 2017

#### Officers Recommendation and Council Decision

**MOVED: Cr P Foster**

**SECONDED: Cr L Rumble**

**That the Minutes of the Special Meeting of Council held on 28 July 2017, as previously circulated on 31 July 2017, be confirmed as a true and accurate record.**

**CARRIED 6/2**

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

**Councillor Dias and Gallanagh voted against the motion**

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

#### 10.1 AGENDA ITEMS ADOPTED 'EN BLOC'

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

*"Part 5 – Business of a meeting*

*Clause 5.6 Adoption by exception resolution:*

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

There were no items moved En Bloc.

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### 11. GOVERNANCE & EXECUTIVE SERVICE REPORTS

#### 11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS STATUS REPORT FOR JULY 2017

MINUTE: 213/2017

<b>FILE REFERENCE:</b>	GV04
<b>AUTHOR'S NAME AND POSITION:</b>	Michelle Lewis CEO & Councillor Support Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Dale Stewart Acting Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	26 July 2017
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 10.1 (Minute No. 11477) – Ordinary Meeting of Council 10 April 2013

#### Summary

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

#### Background

The 2012 Department of Local Government Probity Audit (Recommendation 34) recommended that a review be undertaken on the processes of implementing Council decisions to ensure that decisions are actioned and implemented in a timely manner. As a result the Council Decisions Status Reports have now been included in the Council's monthly agenda.

#### Comment

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

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

**ATTACHMENT 11.1**

#### Consultation

Acting Chief Executive Officer  
Executive Management Team

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### Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

“Role of council

(1) The council —

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

(2) Without limiting subsection (1), the council is to —

- (a) oversee the allocation of the local government’s finances and resources; and
- (b) determine the local government’s policies.”

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

### Financial Implications

Not Applicable

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 4 – Exemplary Team and Work Environment

### Risk Management

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

### Policy Implications

Not Applicable

### Voting Requirement

Simple Majority Required

### Officers Recommendation and Council Decision

**MOVED: Cr D Dias**

**SECONDED: Cr P Foster**

**That Council receive the “Council Decisions Status Reports” for the month of July 2017 as per ATTACHMENT 11.1.**

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

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### 11.2 USE OF COMMON SEAL AND ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF JULY 2017

MINUTE: 214/2017

<b>FILE REFERENCE:</b>	GV21 CM02
<b>AUTHOR'S NAME AND POSITION:</b>	Janyce Smith Executive Officer  Sheree Selten Administration Assistant Planning
<b>AUTHORISING OFFICER AND POSITION:</b>	Dale Stewart Acting Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	26 July 2017
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### Summary

The purpose of this agenda item is to report to Council for information, use of the Common Seal, actions performed under delegated authority requiring referral to Council and a copy of the Tender Register, for the month of June 2017.

#### 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 2016.

#### ATTACHMENT 11.2A

#### Comment

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

#### Consultation

Relevant officers as listed in the Attachment.

#### Statutory Environment

Local Government Act 1995

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Clause 9.3 of the Shire of Ashburton Town Planning Scheme No. 7  
Delegated Authority Register 2016

### **Financial Implications**

As outlined in Attachment 11.2.

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027  
Goal 5 – Inspiring Governance

### **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 L Rumble**

**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, Thomas, Foster, Lynch, Diver and Gallanagh**  
**voted for the motion**

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### 11.4 INTRA-REGIONAL AIR SERVICES MOU

MINUTE: 215/2017

<b>FILE REFERENCE:</b>	GR02
<b>AUTHOR'S NAME AND POSITION:</b>	Dale Stewart Acting Chief Executive Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Dale Stewart Acting Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	9 August 2017
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### Summary

At the June ordinary council meeting of the Pilbara Regional Council, the regional Council resolved to instruct their Chief Executive Officer (CEO) to work with member CEOs to draft a non-binding agreement to define principles and mechanisms appropriate to the development of an intra-regional air service proposal.

The Memorandum of Understanding (MOU) document is now in final draft and tabled for Council's consideration.

It is recommended that Council endorse the non-binding MOU as presented, and authorise the Acting CEO to work with other local governments in the region to develop a detailed proposal and basis for a contract for further consideration by Council in due course.

#### Background

In early June 2017, the Pilbara Regional Council (PRC) held a workshop together with a north west proponent and member local governments to explore the potential of an intra-regional air service. This service would not only link the Pilbara to itself (avoiding the need to fly through Perth), but it would also connect the Pilbara to Exmouth and Broome, and be integrated into the proposed new flights from Singapore into Karratha and from Denpasar into Port Hedland.

The proposal recommends several connections be made into the Shire, to both Onslow and Paraburdoo Airports, from both Karratha and Exmouth. This would allow for a flight connection through Karratha to Singapore from Onslow or Paraburdoo.

At the PRC June Council meeting, the regional Council resolved to endorse the PRC CEO to engage with the member local governments for the purpose of draft a heads of agreement that establishes the principles and operating mechanism for a Pilbara intra-regional air service (FY17-91).

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Such a contract would require further discussion and regional Council resolution before execution, and would need to be accompanied by back-to-back instruments of agreement between the PRC and each participating local government, likely requiring several Council resolutions to execute or to delegate authority to the CEOs.

Since the June Council meeting and PRC Council resolution FY17-91, the PRC has worked with the proponent and member CEOs on several versions of such a document, and presents the final draft MOU for Council's consideration.

### **Comment**

The proposal is to enable the signing of a non-binding, multi-regional document, being a commercial-in-confidence MOU.

### **CONFIDENTIAL ATTACHMENT 11.4**

It is emphasised that the document, in current form, is a Non-Binding Document. By endorsing the MOU as is, Council will enable progress on the development of more detailed plans, and authorise the PRC to work with the proponent to build a contract, and then make the case for its execution to member Councils.

It has been a necessary first step for the parties to come to a non-binding agreement, in order to appropriately consult and guide the process towards forming more binding instruments later down the track.

The signing of the MOU is also crucial in providing the proponent, a commercial entity with a responsibility to maintain intellectual property and viability, with more certainty around the region's interest in such a service, allowing commercial decisions to be made as the parties head towards the formation of a contract.

Importantly, much of the risk still lies with the proponent.

Also worthy of consideration is the model that the proponent has put forward, a model whereby subsidies are provided for the shortest amount of time possible, giving the air service the best chance of succeeding on its own merits as soon as practical.

By joining with the proponent in this venture through full subsidies in Years 1 and 2, and half subsidy in Year 3, the Pilbara local governments will be creating an entirely new service for businesses, residents and ratepayers.

The model as it stands, places a great deal of the risk on the proponent, with significant capital investments to be made on the back of formal agreements.

The signing of the MOU as presented, allows the proponent to make the case for additional expenditure on legal counsel, contract negotiation, further travel to consult with participating local governments.

The benefits of this investment do not come from a direct equity stake in the business nor should they be seen as something to be shared with the participating local governments through subsidy reduction. It is the economic multiplier effect that greater air services will bring to the region that is of most benefit to the region:

- The service will allow the region's tourism operators to create packages for both inter-state and international travellers seeking easy access to inland destinations.
- It will enable quicker access to regional centres and Perth for businesses and



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residents, who can then benefit from services that are not on offer in their town.

In this way it will support the diversification of the region's economic base, a priority of both State and Local Governments alike.

The creation of a contract will be a complex process, but the signing of a non-binding MOU is not. In order to keep the momentum being built on this important issue, the Acting CEO requests Council consider endorsing the MOU as presented, noting that further updates will be required over the next 3 months before a final Council resolution to consider the merits of the case – which if supported at that time, will require subsequent authorisation of funds and endorse participation in the contract (potentially as early as at the October OCM).

It should be noted that the proposal whilst having many potential benefit and opportunities, and greater connectivity within the region, it does not necessarily deal with the broader issue of the cost of airfares to Perth from the region for families or indeed low income families.

### **Consultation**

Acting Chief Executive Officer

Pilbara Regional Council Chief Executive Officer and Deputy Chief Executive Officer

Pilbara Local Government Chief Executive Officers

Avair Proponent and Consulting Advisors

### **Statutory Environment**

Local Government (Functions and General) Regulations 1996 – R. 11:

(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 subregulation (2) states otherwise.

(2) Tenders do not have to be publicly invited according to the requirements of this Division if —

(f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier.

Given there are no other organisations that either currently provide this type of service or have come forward with a similar proposal:

1. It is the recommendation of the Acting CEO that this procurement scenario be treated as a 'sole supplier' scenario, transacted monthly through the PRC on a cost-recovery basis.

### Competition and Consumer Act:

With regards the Australian Competition and Consumer Commission's remit to police anti-competitive behaviour, the following is relevant to this report:

2. Section 45 of the Competition and Consumer Act prohibits contracts, arrangements or understandings that are likely to substantially lessen competition in a market.

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The 'market' is held to be:

"A market is the area of close competition between firms or ... the field of rivalry between them. ... Within the bounds of a market there is substitution—substitution between one product and another, and between one source of supply and another, in response to changing prices. ... In determining the outer boundaries of the market we ask a quite simple but fundamental question: if the firm were to 'give less and charge more' would there be, to put the matter colloquially, much of a reaction."

[Queensland Cooperative Milling Association Ltd/Defiance Holdings Ltd, re proposed merger with Barnes Milling Ltd (1976) ATPR 40-012]

In *Stirling Harbour Services Pty Ltd v Bunbury Port Authority* [2000] FCA 38; (2000) ATPR 41-752, Justice French said that to work out whether competition is being substantially lessened "there [must] be a purpose, effect or likely effect of the impugned conduct on competition which is substantial in the sense of meaningful or relevant to the competitive process."

Given the above, the proposed arrangement is highly unlikely to fall foul of any of these CCA restrictions, as an intra-regional Pilbara flight 'market' does not currently exist according to the definition in *Queensland Cooperative*. Given that:

3. It is the recommendation of the ACEO that there is no substantially impugned conduct on competition as per *Stirling Harbour*.

The Local Government Act 1995, section 5.23 (2)(e) provides that the matter under consideration may be discussed behind closed doors and the subject to the agreement (MOU) remain confidential to the parties and states:

*"(e) a matter that if disclosed, would reveal — (i) a trade secret; or (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;*

### **Financial Implications**

There is no financial implication to the signing of the MOU. The MOU is a non-binding agreement and only proposes that all parties collaborate to determine the details of the proposal to ensure benefits to the region.

Formal instruments required will form part of this collaboration, including the development of necessary financial modelling to ensure equitable cost-sharing. The potential contributions over a three period include cash subsidies and also other in-kind service considerations such as reduced or waived landing fees. These will be quantified and negotiated during detailed negotiations with the parties and interim indicative numbers are detailed within the confidential attachment at appendix 1 of that document.

With services proposed to commence at the earliest by March 2018, any likely contribution from the Shire of Ashburton will not be until the last quarter of the financial budget year 2017/18. No provisions are currently provided for the subsidy in the Draft Budget.

The likelihood of State Government contributions to potential further assist subsidising the intra-regional service has been considered, but discounted as being unlikely in the short-medium term life of the proposal (three years).

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### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

#### Goal 2

Economic Prosperity

#### Objectives

1. Strong local economies
2. Enduring partnerships with industry and government
3. Well-managed tourism

#### Goal 4

Quality Services and Infrastructure

#### Objectives

1. Quality public infrastructure
2. Accessible and safe towns
3. Well -planned towns

#### Goal 5

Inspiring Governance

#### Objectives

1. Effective planning for the future
2. Community ownership
3. Council leadership
4. Exemplary team and work environment

### **Risk Management considerations**

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be low risk and will be managed by specific monitoring and response procedures.

On balance, the officers view is that the risks of signing the MOU are low, compared to the opportunities that might present from the implementation of the subsequent services, if the intended proposals come to fruition.

The resultant proposal, including all financial and in-kind implications is required to come back to the Council for final consideration and approval.

### **Policy Implications**

FIN 12 Procurement Policy relates.

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### Voting Requirement

Simple Majority Required

#### Officers Recommendation and Council Decision

**MOVED:** Cr M Lynch

**SECONDED:** Cr L Rumble

That with respect to the proposal for Intra-Regional Air Services, Council endorses the proposed commercial-in-confidence Memorandum of Understanding (MOU) and principles contained therein and authorise the Acting Chief Executive Officer (CEO) to sign the document subject to the following conditions;

1. That prior to signing the MOU be amended to reflect the existence of the Paraburdoo Airport as being owned and operated by Rio Tinto; and
2. That Council authorise the Acting CEO to work with the Pilbara Regional Council, the proponent, and participating member local governments over the course of the following months on the construction of a detailed regional proposal for subsequent consideration by the Council; and
3. That the Council notes that it is not legally bound to continue with the proposal or any subsequent proposed contractual obligations, if it is not entirely satisfied with the final proposal.

4/4

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

LOST 4/5

Councillor White used her casting vote and voted against the motion

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### 12. COMMUNITY DEVELOPMENT REPORTS

#### 12.1 POOL OPENING HOURS AND DATES

MINUTE: 216/2017

<b>FILE REFERENCE:</b>	RC25799
<b>AUTHOR'S NAME AND POSITION:</b>	Chantelle Bryce Facilities Manager
<b>AUTHORISING OFFICER AND POSITION:</b>	Lynnette O'Reilly Director Community Development
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	26 July 2017
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 12.1 (Minute No. 81) – Ordinary Meeting of Council 16 December 2016.

#### Summary

Onslow Aquatic Centre hours were set by Council at the Ordinary Meeting of Council held 16 December 2016 as a trial run for the first season based on feedback provided by the community of Onslow. Attendance numbers have been monitored and have been used to support a proposed change in hours.

A number of requests have come from the general public, local schools and community groups across all three towns to extend the opening season to coincide with Western Australia School holidays, commencing 23 September 2017.

Extension of the pool season for all pools and adjustment of the hours for Onslow Aquatic Centre will allow for a greater level of service to all communities.

Onslow School is seeking Council support for the Onslow Aquatic Centre to continue to support the schools No School, No Pool Rule which was implemented in the 2016/17 season.

#### Background

The pool season for all three Shire owned and operated pools including Vic Hayton Memorial Swimming, Quentin Broad Memorial Swimming and Onslow Aquatic Centre commences on 1 October and finishes on 30 April each year (7 months or 30 weeks). Opening and closing times to the public have remained consistent for Tom Price and Paraburdoo. With the opening of the Onslow Aquatic Centre in January 2017, different pool hours were adopted only for Onslow including earlier opening and closure, during the middle of weekdays and hours varying from weekdays and weekends. All pools open on public holidays with the exception of Good Friday and Christmas Day.

Hours of operation for the Vic Hayton Memorial Swimming Pool and Quentin Broad Swimming Pool are as follows:

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Day	Pool Opening Times		Total Hours
	Full day		
Monday	8.00am – 8.00pm		12
Tuesday	8.00am – 8.00pm		12
Wednesday	8.00am – 8.00pm		12
Thursday	8.00am – 8.00pm		12
Friday	8.00am – 8.00pm		12
Saturday	8.00am – 8.00pm		12
Sunday	8.00am – 8.00pm		12
Public/School Holidays	8.00am – 8.00pm		12
	Total Hours		96

Hours of operation to the public in the pool season for Onslow Aquatic Centre are during the following times:

Day	Pool Opening Times		Total Hours
	Morning	Afternoon	
Monday	6.00am – 10.30am	2.30pm – 8.00pm	10
Tuesday	6.00am – 10.30am	2.30pm – 8.00pm	10
Wednesday	6.00am – 10.30am	2.30pm – 8.00pm	10
Thursday	6.00am – 10.30am	2.30pm – 8.00pm	10
Friday	6.00am – 10.30am	2.30pm – 8.00pm	10
Saturday	9.00am – 8.00pm		11
Sunday	9.00am – 8.00pm		11
Public/School Holidays	9.00am – 8.00pm		11
	Total Hours		83 hours

In 2017, the Onslow Aquatic Centre had its first pool season utilising the above operating times throughout the season and attendances were recorded hourly and daily. Indications from the attendance statistics recorded were that the early morning opening time was not well supported, with most mornings only one person recorded visiting the Onslow Aquatic Centre between the hours of 6.00am to 8.00am.

### ATTACHMENT 12.1A

#### Comment

From the statistics obtained from the last pool season and with the approaching 2017/18 pool season, it would be appropriate for Council to consider opening times to the public in Onslow to align with the other two pools using the following times:

Day	Pool Opening Times		Total Hours
	Full Day		
Monday	8.00am – 8.00pm		12
Tuesday	8.00am – 8.00pm		12
Wednesday	8.00am – 8.00pm		12
Thursday	8.00am – 8.00pm		12
Friday	8.00am – 8.00pm		12
Saturday	8.00am – 8.00pm		12
Sunday	8.00am – 8.00pm		12
Public/School Holidays	8.00am – 8.00pm		12
	Total Hours		96 hours

Additionally, an extension of the pool season for all pools is proposed to coincide with the Western Australia Term 3 September – October school holidays, which will see the pools open

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approximately an extra 8 days per season; increasing the pool season to 31 weeks. The additional hours will provide an improved service and the opportunity to generate additional income by capturing the school holiday period. Members of the public, local schools and community groups across the three towns have been advocating for the small change to the season for several years.

Both swim clubs in Tom Price and Paraburdoo have their first competition on 4 and 5 November 2017 only allowing a month before the competition for preparation and training. Both clubs have members that are competing at state level and the clubs feel these members are already disadvantaged with not having a facility available all year round.

The schools in the Shire and the general public would like to see the pools available over school holidays for the children allowing another source of entertainment in the three towns.

Extension of the pool season across the towns will see the opportunity for more programs such as Shire school holiday programs and other programs to be held at the pool facilities. Positive consequences of having the pool open for the school holidays also has the potential to decrease anti-social behavior such as vandalism and graffiti. The pools across the towns not only have the pool on site, but other allied outdoor play and sporting equipment.

During the months the pools are open, the cost of chemicals, utilities (power and water) and salaries are the principal costs incurred to operate the pools. During the months the pools are closed, the cost of the chemicals and utilities does not change greatly, leaving salaries as the only significant saving. Maintenance is still required during the months the pool is closed and is undertaken on a roster system. This period is also when the pool staff take annual leave and their time in lieu that has been accrued through the pool season. The Pool Managers return to the pool on a full time basis (8 hours per day) beginning of September to prepare for the next pool season. If the pool was to open on 23 September there would only be increased cost implications to salaries as detailed below.

### *Onslow Aquatic Centre Opening Hour Increased costs implications:*

Increase by 12 hours per week, 360 hours per season based on 30 week pool season \$15,510 per year.

### *Vic Hayton Memorial Swimming Pool, Quentin Broad Memorial Swimming Pool and Onslow Aquatic Centre Season Change Costs Implications:*

Increase by 64 hours per season based on 31 week pool season \$4,138.00.

Income would be generated from pool entry fees, lane hire (swimming clubs), and programs and also the kiosks located at all sites, however it is not expected to cover the cost of salaries.

Onslow Primary School is seeking Council support for the Onslow Aquatic Centre to continue support for the schools No School, No Pool Rule which was implemented in the 2016/17 season. No School, No Pool is a whole of school strategy that supports and encourages the attendance of all students at Onslow Primary School.

It was agreed to with Onslow Primary School and the Shire in 2016 that should a child present during school hours and the hours agreed upon for the No School No Pool Rule being 2.30pm – 6.00pm without the correct wristband they would not be permitted entry to the Onslow Aquatic Centre.

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The proposed rule remains similar and is:

### No School, No Pool Rule:

*Under the No School, No Pool Rule, the Pool Manager of Onslow Aquatic Centre is required to deny entry to the center by a child under the following conditions;*

- *They are primary or high school age and they normally attend Onslow Primary School*
- *It is during normal school hours and a normal school day*
- *On a normal school day between the hours of 2.30pm and 6.00pm the student isn't wearing the correct school issued wristband*

*The Pool Manager has authority to approve entry to the Centre for extenuating circumstances, approved Home Schooled children and children from other areas.*

At present, Tom Price Primary School, North Tom Price Primary School, Tom Price Senior High School and Paraburdoo Primary school have not shown interest in the No School, No Pool Rule and has not been identified in their own Attendance Policy/ Strategy. If they do, it will need to be referred to Council for deliberation.

### **Consultation**

Acting Chief Executive Officer  
Director Strategic & Economic Development  
Director Community Development  
Pool Managers

During 2017, the Onslow School completed a school wide survey on the No School, No Pool Rule as part of the Schools Attendance Strategy. The results in support of the rule were 87.5% of families in favor of and only 12.5% against.

### **Statutory Environment**

Complies with all statutory requirements.

### **Financial Implications**

The proposed operating hours recommended can be accommodated within the draft budgets for the three Pools for the 2017/18 year.

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027  
Goal 1 – Vibrant and Active Communities  
Objective 1 – Connected, caring and engaged communities  
Objective 2 – Sustainable Services, Clubs, Associations and Facilities

The intent of this agenda item is to address the standard ongoing swimming pool opening hours across the three Shire swimming pools, notwithstanding the implications of the closing date and tenders received for the construction of the Paraburdoo Community Hub which Council will determine separately at a later date. Refer to the attached Public Information Notice.

## **ATTACHMENT 12.1B**

### **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.



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### Policy Implications

There is no current Council policy implications, however the Council, if it adopts the recommendations, would be effectively creating a new policy with respect to the three Swimming Pools across the Shire.

### Voting Requirement

Simple Majority Required

#### Officers Recommendation and Council Decision

**MOVED:** Cr P Foster

**SECONDED:** Cr M Lynch

**That with respect to three Council Swimming Pools, Council establish the following as a Policy of the Council:**

1. **Approve the following Council Swimming Pool opening hours:**

Day	Pool Opening Times	Total Hours
Monday	8.00am – 8.00pm	12
Tuesday	8.00am – 8.00pm	12
Wednesday	8.00am – 8.00pm	12
Thursday	8.00am – 8.00pm	12
Friday	8.00am – 8.00pm	12
Saturday	8.00am – 8.00pm	12
Sunday	8.00am – 8.00pm	12
Public / School Holidays (note excluding Christmas Day and Easter Friday)	8.00am – 8.00pm	12

2. **Approve for the 2017/18 Council Swimming Pool to commence operations from 23 September 2017 and conclude on 30 April 2018 and the ongoing opening and closing dates for the future seasons to coincide with the beginning date of the Western Australian Term 3 school holidays and conclude annually on 30 April.**
3. **Approve the 'No School No Pool Rule' with respect to the Onslow Swimming Pool only with the following conditions:**

**Under the No School No Pool Rule, the Pool Manager of Onslow Aquatic Centre is required to deny entry to the centre by a child under the following conditions:**

- a) **They are of primary or high school age and they normally attend Onslow School.**
- b) **It is during normal school hours and a normal school day.**
- c) **On a normal school day between the hours of 2.30pm and 6.00pm the student isn't wearing the correct school issued wristband.**

**The Pool Manager has authority to approve entry to the Centre for extenuating circumstances, approved home schooled children and children from other areas.**

**CARRIED 8/0**

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

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### 13. CORPORATE SERVICES REPORTS

#### 13.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID

MINUTE: 217/2017

<b>FILE REFERENCE:</b>	FM03
<b>AUTHOR'S NAME AND POSITION:</b>	Andy Grant Acting Finance Manager
<b>AUTHORISING OFFICER AND POSITION:</b>	John Bingham Director Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	3 August 2017
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable.

#### **Summary**

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 July are presented without Budget amounts as Council has deferred Budget adoption to later in August 2017. Actual balances for operations and carry over Capital Expenditure projects are shown without variances.

#### **Background**

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

#### **Comment**

Council is yet to adopt the 2017/18 Draft Budget and therefore the finance statement July 2017 is presented without Budget amounts and variance analysis. Actuals for July 2017 however are shown indicating business as usual Operational Income and Expenditure as well as Capital carry overs from 2016/17.

The 2017/18 Capex Tracker is not included due to the abovementioned.

#### **Consultation**

Acting Chief Executive Officer  
Director Corporate Services  
Executive Management Team  
Acting Finance Manager  
Finance Team

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### Statutory Environment

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

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

(b) Is authorized 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. This month budget amounts are not disclosed as the budget is yet to be adopted.

At the Ordinary Meeting of Council held on 17 January 2017, Council endorsed the award of *RFT 23/16 – Architectural Services for Paraburdoo Community Hub* to Hodge Collard Preston. The resolution authorised the Chief Executive Officer to ‘negotiate, execute and manage the Contract, including any variations, providing these variations do not exceed the allocated budget provision \$500,000, or reduce the overall scope’. The Shire has attempted to recruit a Project Manager for the project on two separate occasions, with no success. As the Tender for Construction is now advertised and internal resourcing capacity is limited, it is recommended that the Chief Executive Officer’s authority to manage the Hodge Collard Preston contract is increased to \$650,000 to enable Superintendent tasks to also be undertaken. This has no impact on the overall project budget (\$200,000 was provided in the budget for project management resources).

### 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.

Emerging Financial Risks for Council in the month of July include:

- An objection by Chevron for the 2016 Unimproved Valuation for the Wheatstone gas plant. The Valuer General’s Office was due to finalise the objection by the end of July following which Chevron will have to decide whether or not to refer it to the State Administrative Tribunal (SAT). Should it be referred to SAT and the ruling go against Council the risk of a substantial refund in the 2017/18 financial year is likely as well as a significant future reduction in rate revenue impacting adversely Council’s Long Term Financial Plans.

### Policy Implications

There are no policy implications for this matter.

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### Voting Requirement

Simple Majority Required

#### Officers Recommendation and Council Decision

**MOVED:** Cr D Diver

**SECONDED:** Cr M Lynch

**That with respect to the Monthly Financial Report Council:**

- 1. Receive the Financial Reports for July 2017 ATTACHMENT 13.1A; and**
- 2. Receive the Schedule of Accounts and Credit Card paid in July 2017 as approved by the Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds as per ATTACHMENT 13.1B; and**
- 3. Receive the Reconciliation Report for July 2017 ATTACHMENT 13.1C.**

**That with respect to awarded contract RFT 23/16 – Architectural Services for Paraburdoo Community Hub to Hodge Collard Preston, Council vary the Acting Chief Executive Officer’s authority to negotiate, execute and manage the Contract, including any variations, providing these variations do not exceed the allocated budget provision of \$650,000 (formerly \$500,000), or reduce the overall scope.**

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

Cr Foster sought advice about the payments to consultant Keith Pearson for the last 12 months and what they were for.

The Acting Chief Executive Officer advised that he would provide a report to Council for the next month detailing the previous year’s payments to the consultant.

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### 13.2 ADOPTION OF 2017/18 DRAFT BUDGET - SPECIAL MEETING

#### MINUTE: 218/2017

<b>FILE REFERENCE:</b>	GV04
<b>AUTHOR'S NAME AND POSITION:</b>	John Bingham Director Corporate Services
<b>AUTHORISING OFFICER AND POSITION:</b>	Dale Stewart Acting Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	3 August 2017
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 7.1 (Minute No.32/2017) – Special Meeting of Council 28 July 2017

#### **Summary**

Council held a Special Meeting of Council (SMC) on Friday 28 July 2017 to adopt the 2017/18 Draft Budget. At that meeting it was resolved to defer Budget Adoption until another Special Meeting of Council is called for the purpose by the Shire President in late August 2017 after receiving approval from the Minister for Local Government, Sport and Cultural Industries (DLGSCI) for the differential rates.

#### **Background**

In consideration of the 2017/18 Draft Budget Council has held the following workshops:

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

Following these workshops a draft Statutory Budget, Detailed Budget and Capex Schedule were prepared and presented to Council on Friday 28 July 2017 at which time it was proposed to adopt the 2017/18 Draft Budget. At this meeting however it resolved to defer adoption. The reason for deferment is to re-advertise the proposed differential rates because the (DLGSCI) has advised that they believe the prior approach (to have a single UV Rate Category and provide for a concession for Pastoral and UV Tourism operators) was in their view an inappropriate use of the purpose of concessions, which, by extension could be seen as attempting to subvert their role in approving the Shire's rates.

#### **Comment**

This item proposes Council hold a SMC via teleconference on either one of the following dates (depending on when Ministerial approval is received from DLGSCI):

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1. Monday 28 August at 7.00 pm;
2. Tuesday 29 August at 7.00 pm; or
3. Wednesday 30 August at 7.00 pm.

### Consultation

Acting Chief Executive Officer

### Statutory Environment

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

### Financial Implications

Meeting costs will be met from existing budget provisions.

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 1 – Effective Planning for the Future

### Risk Management

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

Adoption of the 2017/18 Budget will enable Council to proceed with the deployment of its programs and services.

### Policy Implications

There are no policy implications.

### Voting Requirement

Absolute Majority Required

### Officers Recommendation

That with respect to the adoption of the 2017/18 Budget and Differential Rates, Council;

1. Note that the Shire President proposes to call and convene a special meeting of Council for the purpose at the Council Chambers on Second Avenue, Onslow on either 28, 29, 30 or 31 August 2017, indicatively commencing at 7pm and;
2. Approve the use of instantaneous communications by elected members at the approved locations for the meeting, as follows:

Location	Councillors
Tom Price Council Chambers, Central Road, Tom Price	Cr D Diver Cr M Lynch Cr P Foster Cr L Thomas
Ashburton Hall, Ashburton Avenue, Paraburdoo	Cr L Rumble Cr D Dias
Pannawonica Library, Pannawonica Drive, Pannawonica	Cr M Gallanagh

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**Council Decision**

**MOVED: Cr L Rumble**

**SECONDED: Cr M Lynch**

That with respect to the adoption of the 2017/18 Budget and Differential Rates, Council:

1. Note that the Shire President proposes to call and convene a Special Meeting of Council for the consideration of the Proposed Differential Rates 2017/18 to be held at the Council Chambers on Second Avenue, Onslow on 21 August 2017 commencing at 7 pm; and
2. Approve the use of instantaneous communications by elected members at the approved locations for the meeting, as follows:

Location	Councillors
Tom Price Council Chambers, Central Road, Tom Price	Cr D Diver Cr M Lynch Cr P Foster
Ashburton Hall, Ashburton Avenue, Paraburdoo	Cr L Rumble Cr D Dias
Pannawonica Library, Pannawonica Drive, Pannawonica	Cr M Gallanagh
Broome	Cr K White
Perth	Cr G Dellar

3. Note that the Shire President proposes to call and convene a Special Meeting of Council for the adoption of the 2017/18 Budget to be held at the Council Chambers on Second Avenue, Onslow on 30 August 2017 commencing at 7.15 pm; and
4. Approve the use of instantaneous communications by elected members at the approved locations for the meeting, as follows:

Location	Councillors
Tom Price Council Chambers, Central Road, Tom Price	Cr D Diver Cr M Lynch
Ashburton Hall, Ashburton Avenue, Paraburdoo	Cr L Rumble Cr D Dias
Pannawonica Library, Pannawonica Drive, Pannawonica	Cr M Gallanagh
Perth	Cr K White
Perth	Cr G Dellar

5. Note the apology of Cr Thomas to both Meetings.

**CARRIED 6/2**

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

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### **Reason for change**

The Council needed to acknowledge the apologies as listed and also add in Cr Dellar, who would be available in Perth for both meetings.



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### 14. DEVELOPMENT AND REGULATORY SERVICES REPORTS

There were no Development and Regulatory Services Reports for this meeting.

### 15. INFRASTRUCTURE SERVICES REPORTS

#### 15.1 ASSET MANAGEMENT STRATEGY 2017-2021

MINUTE: 219/2017

<b>FILE REFERENCE:</b>	CP01
<b>AUTHOR'S NAME AND POSITION:</b>	Jayde Robbins Manager Strategic Asset Management
<b>AUTHORISING OFFICER AND POSITION:</b>	Troy Davis Director Infrastructure Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	26 July 2017
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 15.1 (Minute:11905) – Ordinary Meeting of Council 28 January 2015

#### Summary

As part of the Integrated Planning and Reporting Framework (IPRF) there is a requirement to develop an Asset Management Strategy (AMS) as an informing strategy. The aim of an AMS is to improve the sustainable management of assets.

The Shire of Ashburton adopted an Asset Management Strategy (2014-2017) at the Ordinary Meeting of Council held on 28 January 2015. The revised AMS (2017-2021) is presented for Council's endorsement.

**ATTACHMENT 15.2A**

#### Background

Asset Management is the commitment from Council to take a strategic approach in the management of its assets; to ensure the delivery of services provided to the community can be sustained over the long term.

The AMS is a document that outlines how the Shire's asset portfolio will meet the service delivery needs of the communities into the future. It also translates how the Asset Management Policy is to be achieved and ensures that asset management practices are aligned with the aspirations in the Strategic Community Plan (SCP) and Corporate Business Plan (CBP).

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The AMS is an overarching document that explains the following:

- 1) What assets do we currently have?
- 2) What is our current Asset Management position (current values and overall condition of each asset class)?
- 3) Where do we want to be including current and future needs/priorities for each of the towns?
- 4) How will we get there (processes, governance arrangements etc)?; and
- 5) What are our performance targets and measures (Level of Service standards and includes continuous improvement goals and asset ratios)?

The AMS covers the Shire's vision and values, and provides a brief explanation of the strategic directions for our towns and communities which has been informed by the SCP. The AMS also documents detailed information on the Shire's different asset classes and the services they provide to the community. It also describes asset management in relation to our Integrated Planning and Reporting requirements and maps out a Levels of Service Framework based around the Shire's strategic goals in the SCP.

The AMS also gives a snapshot of asset condition for each town and identifies the risks associated with the management of assets in our organisation. The AMS also references our governance arrangements and the systems, processes and improvements needed to ensure we can effectively manage our assets now and into the future.

Council adopted the Strategic Asset Management Plan (SAMP) in March 2016 which is still valid for the interim, however following on from the adoption of this AMS, individual Asset Management Plans (AMP's) will be developed for each major asset class which informs the Long Term Financial Plan (LTFP) of the financial resources required to maintain the Shire's assets for the next 10 to 15 years.

The Shire of Ashburton has adopted the Asset Management Policy (ENG09) which provides the framework that enables the AMS and AMPs to be produced and in turn the AMS enables the Asset Management Policy to be achieved.

The Asset Management Policy (ENG09) states the AMS will be developed in line with the SCP and is informed by the community's aspirations and service requirement that are set out in the CBP.



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Figure 1 above provides an overview of the various plans and their purpose in our organisation. The Organisational Strategic Plan in the Shire of Ashburton's case is the 10 Year SCP and the 4 Year CBP.

### ATTACHMENT 15.1

#### Comment

The purpose of the AMS is to be a key planning document that will help inform the Shire's integrated planning process. The document will be central to the operations of the Shire, as it predicts the service needs of the community in the long term and the capability of our assets to meet those needs. The focus of the AMS is to ensure we have the assets in place to deliver a high standard of service to our community in a way that is sustainable.

This document is a live, informing document that will be updated regularly (annually as a minimum) in line with the review of the LTFP and also as progress is made in relevant Asset Management areas.

An Asset Management Improvement Plan has been included at the end of the document to clearly map a path of improvement in our processes and practices, and this will be reviewed and updated as required.

#### Consultation

Acting Chief Executive Officer  
Director Infrastructure Services  
Director Development & Regulatory Services  
Director Corporate Services  
Director Strategic & Economic Development  
Director Community Development

#### Statutory Environment

Department of Local Government Asset Management Framework (WA Government, 2011)  
Local Government Act (1995)  
Department of Local Government Integrated Planning and Reporting Framework and Guidelines (WA Government, 2010)  
Local Government (Financial Management) Regulations 1996  
Australian Accounting Standards AASB13 – Fair Value Measurement.

#### Financial Implications

The AMS and AMPs will outline whole of life costs for the management of each asset class which will need to be incorporated into the Shire's LTFP and annual budgets. The costs associated with the development of the AMS have been included in the annual budget.

#### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027  
Goal 1 – Vibrant and Active Communities  
Objective 2 – Sustainable services, clubs, associations and facilities.  
Goal 2 - Economic Prosperity  
Objective 1 – Strong local economies  
Objective 3 – Well managed tourism  
Goal 4 – Distinctive and Well Serviced Places  
Objective 01 – Quality Public Infrastructure  
Objective 02 – Accessible and Safe Towns

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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". The Shire having a strategy in place will ensure more efficient and cost effective management of assets.

### **Policy Implications**

Council Policy ENG09 – Asset Management Policy is consistent with the adoption of the revised Asset Management Strategy.

### **Voting Requirement**

Simple Majority Required

#### **Officers Recommendation and Council Decision**

**MOVED: Cr L Rumble**

**SECONDED: Cr D Dias**

**That with respect to Asset Management, Council:**

- 1. Endorse the Asset Management Strategy 2017-2021 as an informing strategy as part of the Council's Integrated Planning and Reporting requirements; and**
- 2. Note the Asset Management Improvement Plan as a guide that the Administration will utilise in the improvement of asset management practices for the Shire of Ashburton.**

**MOVED: Cr P Foster**

**SECONDED: Cr M Lynch**

**That the Item and the motion lay on the table until the next Ordinary Meeting of Council to be held in September 2017 to enable more time to read the Strategy.**

**CARRIED 8/0**

**Councillors White, Rumble, Dias, Foster, Thomas, Diver, Lynch and Cr Gallanagh  
voted for the motion**

16. **STRATEGIC AND ECONOMIC DEVELOPMENT REPORTS**  
Nil
17. **COUNCILLOR AGENDA ITEMS / NOTICES OF MOTIONS**  
Nil
18. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

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

19.2 **CONFIDENTIAL ITEM – DIRECTORATE STRUCTURE REVIEW**

CARRIED 8/0

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

19. **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:*

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- (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.*

**Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr M Lynch**

**That Council close the meeting to the public at 2.16 pm, pursuant to sub section 5.23 (2) (a) of the Local Government Act 1995.**

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

All members of the Public Gallery and staff of the Shire left the room at 2.16 pm.

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### Declaration of Interest

*Prior to consideration of this Agenda Item:*

*Dale Stewart, Acting Chief Executive Officer declared a financial and impartiality interest.*

*See item 6.2 for details of the interest declared.*

**RECORDED ON REGISTER GV07**

### **19.1 CONFIDENTIAL ITEM - EXTENSION OF CONTRACT - ACTING CHIEF EXECUTIVE OFFICER**

MINUTE: 220/2017

<b>FILE REFERENCE:</b>	GV05
<b>AUTHOR'S NAME AND POSITION:</b>	Kim Parks Manager Organisational Development
<b>AUTHORISING OFFICER AND POSITION</b>	John Bingham Director Corporate Services
<b>NAME OF APPLICANT/ RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	2 August 2017
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 19.2 (Minute No. 132) – Ordinary Meeting of Council 14 March 2017

Report/ Attachment is Confidential as per Local Government Act 1995, Section 5.23 (2)(a).

#### **Officer Recommendation and Council Decision**

**MOVED: Cr L Rumble**

**SECONDED: Cr L Thomas**

**That with respect to the Acting Chief Executive contract, Council authorise the Shire President to extend the officer's employment via a contract variation to clause 2.2(a) with a new maximum term completion date of 15 January 2018, and including a provision for the Shire President to cease the contract prior to the completion date with at least six weeks' notice.**

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

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### Council Decision

**MOVED:** Cr M Gallanagh

**SECONDED:** Cr L Thomas

That with respect to the appointment of the proposed new Chief Executive Officer, Council authorise an interview panel to meet with the recommended short listed candidates and to recommend to Council a minimum of three candidates, for the subsequent decision by the Council. The panel to comprise the following:

1. The Shire President;
2. The Deputy Shire President; and
3. Councillor P Foster.

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



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### 19.2 CONFIDENTIAL ITEM - DIRECTORATE STRUCTURE REVIEW

MINUTE: 222/2017

<b>FILE REFERENCE:</b>	GV31
<b>AUTHOR'S NAME AND POSITION:</b>	Dale Stewart Acting Chief Executive Officer
<b>AUTHORISING OFFICER AND POSITION</b>	Dale Stewart Acting Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	13 August 2017
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 12.4 (Minute No. 110009) – Ordinary Meeting of Council 17 August 2011 Agenda Item 10.4 (Minute No. 11538) – Ordinary Meeting of Council 5 June 2013 Agenda Item 10.3 (Minute No. 11747) – Ordinary Meeting of Council 19 February 2014

Report/ Attachment is Confidential as per Local Government Act 1995, Section 5.23 (2)(a).

#### Officers Recommendation and Council Decision

**MOVED:** Cr P Foster

**SECONDED:** Cr M Lynch

That with respect to the resignation of the Director Community Development, Lynnette O'Reilly, Council:

1. Acknowledge the commitment, effort and contribution of the Director during her time with the Shire of Ashburton; and
2. Adopt the following directorate structure for the administration of the Shire of Ashburton with effect from 25 August 2017:
  - Office of the CEO;
  - Corporate Services;
  - Development and Regulatory Services;
  - Strategic and Community Development;
  - Infrastructure Services; and
3. Agree with the recommendation of the Acting Chief Executive Officer that Anika Serer be appointed to the position of Director of Strategic & Community Development; and
4. Amend policy ELM08 – Order of Business to reflect the new directorates referred to in Part 2.

**CARRIED 8/0**

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

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### Council Decision

**MOVED:** Cr D Diver

**SECONDED:** Cr M Lynch

**That Council re-open the meeting to the public at 3.07 pm.**

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

Staff re-entered the room at 3.08 pm.

### **20. NEXT MEETING**

The next Ordinary Meeting of Council will be held on 21 September 2017, at the Mayu Maya Centre, Robe Room 1, Pannawonica, commencing at 1.00 pm.

### **21. CLOSURE OF MEETING**

There being no further business to discuss the Presiding Member closed the meeting at 3.10 pm.