



SHIRE OF ASHBURTON

SPECIAL MEETING OF COUNCIL

MINUTES

**Onslow Multi-Purpose Centre, Cnr
McGrath Rd and Hooley Ave, Onslow**

30 July 2014

7.00 pm

SHIRE OF ASHBURTON
SPECIAL COUNCIL MEETING

Dear Councillor

Notice is hereby given that an Special Meeting of the Council of the Shire of Ashburton will be held on 30 July 2014 at Onslow Multi-Purpose Centre, Cnr McGrath Rd and Hooley Ave, Onslow commencing at 7:00 pm.

The business to be transacted is shown in the Agenda.

Neil Hartley
CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

Special Meeting of Council 30 July 2014

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1. DECLARATION OF OPENING

The Shire President declared the meeting open at 7.01 pm.

2. ANNOUNCEMENT OF VISITORS

3. ATTENDANCE

3.1 PRESENT

Onslow Multi-Purpose Centre, cnr McGrath and Hooley Roads, Onslow

Cr White Shire President, Onslow Ward
Cr A Eyre Ashburton Ward

Mr Troy Davis Executive Manager, Infrastructure
Ms L Reddell A/Executive Manager, Development & Regulatory Services

Council Chambers, Recreation Centre, Central Road, Tom Price

Cr A Bloem Tom Price Ward
Cr P Foster Tom Price Ward
Cr L Thomas Tableland Ward

Mr N Hartley Chief Executive Officer
Mr F Ludovico Executive Manager, Corporate Services
Ms D Wilkes Executive Manager, Community Development
Ms A Serer Executive Manager, Strategic & Economic Development
Ms J Smith Executive Officer CEO

Paraburdoo Library, Ashburton Avenue, Paraburdoo

Cr L Rumble Deputy Shire President, Paraburdoo Ward

Pannawonica Library, Pannawonica Drive, Pannawonica

Cr D Wright Pannawonica Ward

3.1 APOLOGIES

Cr D Dias Paraburdoo Ward
Cr C Fernandez Tom Price Ward

3.2 APPROVED LEAVE OF ABSENCE

There were no approved leave of absence.

4. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

5. DECLARATION BY MEMBERS

That Crs White, Eyre, Bloem, Foster, Thomas, Rumble and Wright have given due consideration to all matters contained in the Agenda presently before the meeting.

5.1 DECLARATION OF INTEREST

Councillors to Note

A member who has a 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:

- (c) Preside at the part of the Meeting, relating to the matter or;
- (d) 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 FINANCIAL INTEREST (FOR YOUR GUIDANCE)

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

I intend to include these notes in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or

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- 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

6. NEW BUSINESS

Declaration of Interest

Prior to consideration of this Agenda Item Cr White declared an interest in Agenda Item 6.1 Adoption of Draft Annual Budget 2014/2015 in accordance with Regulation of the Local Government (Rules of Conduct) Regulations 2007. 1. The interest being an indirect financial interest, the extent being a donation and lend of money to the Onslow Rodeo Association. 2. The interest being an indirect financial interest, the extent being a she is the Deputy Chairperson for the Onslow Visitors Centre.

6.1 ADOPTION OF DRAFT ANNUAL BUDGET 2014/2015

MINUTE NO: 20

FILE REFERENCE: FI.BU.14.15

AUTHOR'S NAME AND POSITION: Frank Ludovico
Executive Manager, Corporate Services

NAME OF APPLICANT/
RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 21 July 2014

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial interest in the proposal.

PREVIOUS MEETING REFERENCE: Agenda Item 6.1 – Special Meeting of Council 9 July 2014
Agenda Item 13.3 (Minute 11818) Ordinary Meeting of Council 18 June 2014. (Fees and Charges)
Agenda Item 6.1 – Special Meeting of Council 4 June 2013

Summary

The draft Annual Budget for the year ended 30 June 2015 has been workshopped at in conjunction with Ordinary Council meetings held in May, June and July 2014.

The statutory form of the budget has now been finalised, taking into account Council's input at these workshops. The document is now submitted to Council for formal adoption.

The draft 2014/2015 Annual Budget is attached.

Background

The draft 2014/15 Annual Budget has been compiled based on the principles contained in the Strategic Plan and informed by the consultation process used to develop the Community Strategic Plan. The 2014/15 draft Annual Budget has been prepared taking into account the issues workshopped by Council at its May, June and July 2014 Briefing Sessions.

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The proposed differential rates were approved by the Council on 5 June 2014 and advertised for public comment. Submissions were received and were considered at Council's Special meeting held on 9 July 2014.

A request for approval to use these rates in the dollar has been submitted to the Minister for Local Government for his approval. Staff have been working with the Department of Local Government and Communities to obtain the Minister's approval. It is anticipated that his approval will be received by the Council Meeting.

Comment

The budget has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards. The main features of the draft budget include:

- The Capital Works program totalling \$68million has been provided for with investment in for example:
 - Paraburdoo Childcare \$3.70m
 - Rebuilding the Onslow Administration Complex (two year project - Total \$9.5m) \$8.07m
 - Onslow Basketball Courts \$3.50m
 - Onslow sanitation (Multi Year Program)
 - Landfill closure \$2.50m
 - Onslow Transfer Station \$2.80m
 - Roadworks
 - Sealing of 6kms Bunjima Drive, Karijini National Park \$1.40m
 - Roebourne Wittenoom Road (engineering design) 838k
 - Unsealed Road Resheeting \$831K
 - Pannawonica Millstream Road reconstruction \$1.90m
 - Onslow Skate Park \$1.00m
 - Paraburdoo Skate Park \$750k
 - Footpath program (all towns) \$250k
 - Upgrades of Carinya Aged Care Units, Onslow \$195k
 - Completion of Onslow Airport project \$8.20m
- In addition, work is continuing on a number of other projects. For example:
 - Paraburdoo Community Recreation Hub
 - Onslow Swimming Pool
 - Residential land development Tom Price.

Funding from partners such as Australia Federal Government, Government of WA, Chevron Australia, Pilbara Development Commission, Rio Tinto Iron Ore, and WA Lottery's Commission support these projects to the tune of some \$58m. Including up \$13m from the Onslow Community Development Fund to meet Onslow airport construction expense as noted at ledger 11252930 Contributions Onslow Airport Construction.

Although the budget includes a revenue ledger account to deposit up to \$13m from the Onslow Community Development Fund (to assist in meeting Onslow Airport construction expenses), it is warranted that in light of the need to make a specific application to the Wheatstone Social Infrastructure Working Group for release of those funds, that a specific

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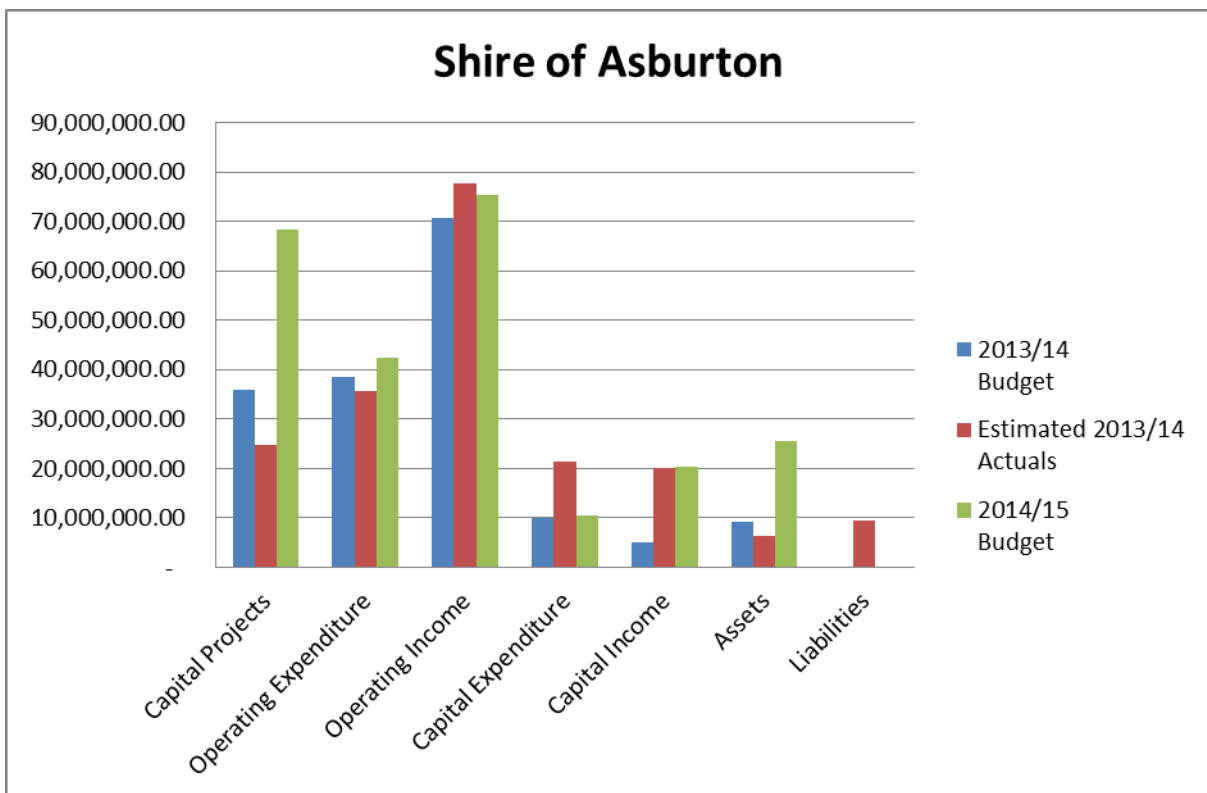
Council resolution supporting that application be made (please therefore, note recommendation #6).

In accordance with Section 5.2 of the Local Government Act 1995 the Organisational Structure of the Shire is amended to reflect the positions funded in the 2014/15 Annual Budget.

The Draft 2014/15 Budget is shown as Attachment 6.1A.

ATTACHMENT 6.1A (Under Separate Cover)

A Graphical representation of the Draft Budget is detailed below.



Additional to the fees and chargers already endorsed at the June 2014 Council meeting, it is proposed to develop a fee structure for use of the Village Green Tom Price and Clem Thompson Memorial Sports Pavilion Tom Price. This is shown at Attachment 6.1B.

ATTACHMENT 6.1B

Consultation

Council and Councillors
Executive Management Group
Officers from relevant functional areas

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

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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.

The Section reads as follows:

*“5.63(1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter –
(b) an interest arising from the imposition of any rate, charge or fee by the local government;”*

Additionally, the declaration provisions of the Act do not apply to Council business reimbursements or to Members sitting fees. Any other interest, be it Financial, Proximity or Impartiality must be declared.

Divisions 5 and 6 of the Local Government Act 1995 refer to the setting of budgets and raising of rates and charges. The Local Government (Financial Management) Regulations 1996 details the form and content of the budget. The draft 2014/15 Annual Budget as presented is considered to meet statutory requirements.

Financial Implications

The financial implications of the budget are based upon the objective of achieving a balanced budget at 30 June 2015 after carrying out normal operational requirements and an extensive capital program.

Strategic Implications

The budget has been prepared on the basis of achieving a near normal year of operations and an ambitious capital program while also consolidating the management and operational aspect of the Shire.

The budget has been drafted with regard to the Strategic Plan and informed by the consultation process used to develop the Community Strategic Plan.

Policy Implications

There are no specific policy implications relative to this issue.

Voting Requirement

Absolute Majority Required

Council Decision

MOVED: Cr D Wright

SECONDED: Cr A Eyre

That Council:

- 1. Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the Council adopt the Municipal Fund Budget as contained in ATTACHMENT 12.10 UNDER SEPARATE COVER of this agenda and the minutes, for the Shire of Ashburton for the 2014/15 financial year which includes the following:**

- **Statement of Comprehensive Income by Nature and Type on page 2 showing a net result for the year of \$32,939,731**
- **Statement of Comprehensive Income by Program on page 3-4 showing a net result for the year of \$32,939,731**
- **Statement of Cash Flows on page 5 showing a net result for the year of \$16,023,802**
- **Rate Setting Statement on page 6 showing a net result for the year of \$19,903,683**
- **Notes to and Forming Part of the Budget on pages 7 to 36**
- **Capital Expenditure Program by Program on pages 37 to 43**
- **Budget Functional Schedules on pages 44 to 93**
- **Additional Schedule of Fees & Charges on Attachment 2**

2. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, Council pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 impose the following differential general and minimum rates on Gross Rental and Unimproved Values.

Rate Code Description	Rate in the \$
GRV Residential	0.037736
GRV Commercial	0.047162
GRV Tourism	0.047162
GRV Community	0.037736
GRV Industrial	0.047162
GRV Workers Accommodation Facilities	0.047162
UV Pastoral	0.031575
UV Commercial	0.347697
UV Industrial	0.347697
UV Tourism	0.153130
UV Mining Leases	0.347697
Minimum Payment	\$560.00

2.1 Pursuant to section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, Council nominates the following due dates for the payment in full by instalments:

Option 1	
Due Date	Mon 15 September 2014
Option 2	
1st Instalment Due	Mon 15 September 2014
2nd Instalment Due	Wed 21 January 2015

Option 3

1st Instalment Due	Mon 15 September 2014
2nd Instalment Due	Wed 19 November 2014
3rd Instalment Due	Wed 21 January 2015
4th Instalment Due	Wed 25 March 2015

- 2.2 Pursuant to section 6.45 of the Local Government Act 1995 and regulation 67 of the Local Government (Financial Management) Regulations 1996, Council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$10 for each instalment after the initial instalment is paid.**
- 2.3 Pursuant to section 6.45 of the Local Government Act 1995 and regulation 68 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.**
- 2.4 Pursuant to section 6.51(1) and subject to section 6.51(4) of the Local Government Act 1995 and regulation 70 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 11% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.**
- 3. Pursuant to section 6.13 of the Local Government Act 1995 and regulation 19A of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 11% for any amount of money (other than rates and service charges) owing to the Local Government that remains unpaid after becoming due and payable.**
- 4. Pursuant to section 5.99 of the Local Government Act 1995 and regulation 30 of the Local Government (Administration) Regulations 1996, Council adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:**
- | | |
|--------------------|--------------------|
| President | \$20,388 pa |
| Councillors | \$22,660 pa |
- 4.1 Pursuant to section 5.99A of the Local Government Act 1995 Council adopts the following annual local government allowance for elected members:**
- Information & Communications Technology (ICT) Allowance \$ 500 pa**
- 4.2 Pursuant to section 5.99A of the Local Government Act 1995 Council and regulation 32 of the Local Government (Administration) Regulations 1996 adopts the following annual local government allowance for elected members:**
- Child Care the actual cost per hour or \$25 per hour, whichever is the lesser amount.**
- 4.3 Pursuant to section 5.99A of the Local Government Act 1995 regulation**

31 of the Local Government (Administration) Regulations 1996 Council adopts the following annual local government allowance for elected members:

- **Travelling Expenses rate applicable to the reimbursement of travel costs in the same or similar circumstances under the Public Service Award 1992 issued by the Western Australian Industrial Relations Commission**

4.4 Pursuant to section 5.98(5) of the Local Government Act 1995 Council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

- **President** **\$60,000 pa**

4.5 Pursuant to section 5.98A of the Local Government Act 1995 Council adopts the following annual local government allowance to be paid in addition of the annual meeting allowance:

- **Deputy President** **\$15,000 pa**

5. In Accordance with Section 34(5) of the Local Government (Financial Management) Regulations 1996 adopt the following materiality thresholds:

<u>Condition</u>	<u>Action</u>
Actual variances to Budget up to 5% of Budget	Don't Report
Actual variances to Budget up to 10% of Budget	Use Management Discretion
Actual Variance exceeding 10% and a greater value greater than \$20,000	Must Report

6. Endorse an application for up to \$13m from the Onslow Community Development Fund being made to the Wheatstone Social Infrastructure Working Group to meet Onslow Airport construction expense.

CARRIED 6/1

**Crs White, Rumble, Bloem, Eyre, Wright & Thomas voted for the motion
Cr Foster voted against the motion**

There was a typographical error at 2.1, Option 2, 2nd Instalment Due, has been changed from Wed 19 November 2014 to Wed 21 January 2015.

7. NEXT MEETING

The next Ordinary Meeting of Council will be held on 20 August 2014, at the Onslow Multi-Purpose Centre, Cnr McGrath Rd & Hooley Avenue, Onslow commencing at 1.00 pm.

8. CLOSURE OF MEETING

The Shire President closed the meeting at 7.20 pm.