

Ordinary Meeting of Council

Tom Price



Public Agenda

16 July 2019

Clem Thompson Sports Pavilion
Stadium Road
Tom Price

1.00 pm



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

Our Vision

We will embrace our unique Pilbara environment and lifestyle through the development of vibrant, connected and active communities that have access to quality services, exceptional amenities and economic vitality.



STRATEGIC DIRECTIONS

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



The Shire of Ashburton respectfully acknowledges the traditional custodians of this land.



**SHIRE OF ASHBURTON
ORDINARY MEETING OF COUNCIL
PUBLIC AGENDA**

**Clem Thompson Sports Pavilion
Stadium Road Tom Price**

**16 July 2019
1.00 pm**

**PUBLIC AGENDA - ORDINARY MEETING OF COUNCIL
16 JULY 2019**

**SHIRE OF ASHBURTON
ORDINARY MEETING OF COUNCIL**

Notice is hereby given that an Ordinary Meeting of Council of the Shire of Ashburton will be held on 16 July 2019 at Clem Thompson Sports Pavilion, Stadium Road, Tom Price commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.



Rob Paull
CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

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1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at ____pm.

1.1 ACKNOWLEDGEMENT OF COUNTRY

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

2. ANNOUNCEMENT OF VISITORS

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

3. ATTENDANCE

3.1 PRESENT

Elected Members:	Cr L Rumble Cr D Dias Cr P Foster Cr M Lynch Cr D Diver Cr R de Pledge Cr L Thomas Cr M Gallanagh	Deputy Shire President (Presiding Member) Paraburdoo Ward Paraburdoo Ward Tom Price Ward Tom Price Ward Tom Price Ward Ashburton Ward Tablelands Ward Pannawonica Ward
Staff:	Mr R Paull Mr I Hamilton Mr B Cameron Mr J Bingham Mrs N Tyson Ms C Bryce Mrs M Lewis Ms K Nicholson	Chief Executive Officer Director Infrastructure Services Director Property & Development Services Director Corporate Services Governance Manager Manager Building and Facilities Maintenance Council Liaison Officer Customer Service Officer
Guests:		
Members of Public:	There were ____members of the public in attendance at the commencement of the meeting.	
Members of Media:	There were ____ members of the media in attendance at the commencement of the meeting.	

3.2 APOLOGIES

3.3 APPROVED LEAVE OF ABSENCE

Cr K White Onslow Ward

4. QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

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4.2 PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. DECLARATION BY MEMBERS

6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

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

6.2 DECLARATIONS OF INTEREST

Councillors to Note

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

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

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

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

NOTES ON DECLARING INTERESTS (FOR YOUR GUIDANCE)

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

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

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

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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		
12.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID		
Rob Paull	Indirect Financial	The nature of my interest is that my spouse is employed by Muzzy's Hardware in Tom Price and the extent of my interest is that my spouse is earning an income from Muzzy's Hardware Tom Price.
Item Number/ Name		
13.3 LICENCE AGREEMENT BETWEEN THE SHIRE OF ASHBURTON AND PILBARA IRON COMPANY (SERVICES) PTY LIMITED FOR OFFICE 16, 70 DEEPPDALE DRIVE PANNAWONICA		
Cr Rumble	Financial	The nature of my interest is I am a shareholder of Rio Tinto. The extent of my interest is I have shares of greater value than \$10,000 in Rio Tinto
Cr Dias	Financial	The nature of my interest is my wife and I are Hamersley Iron Pty Ltd and Rio Tinto Ltd employees respectively and both own shares in Rio Tinto Ltd individually and collectively. Our primary residence is a house provided by Rio Tinto. We are potential recipients of all the lucrative company benefits offered to employees and shareholders. The extent of my interest is Direct Financial.
Cr Foster	Financial	The nature of my interest is Financial – my partner works for Rio Tinto, owns over \$10k in shares and as a family we live in a Rio Tinto property paying rent. The extent of my interest is Financial – my partner works for Rio Tinto, owns over \$10k in shares and as a family we live in a Rio Tinto property paying rent.

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Item Number/ Name		
13.3 LICENCE AGREEMENT BETWEEN THE SHIRE OF ASHBURTON AND PILBARA IRON COMPANY (SERVICES) PTY LIMITED FOR OFFICE 16, 70 DEEPPDALE DRIVE PANNAWONICA		
Cr Gallanagh	Financial	The nature of my interest is myself and my husband are employed by Rio Tinto, have company housing and shares in Rio Tinto. The extent of my interest is myself and my husband are employed by Rio Tinto, have company housing and shares in Rio Tinto.
Cr Diver	Financial	The nature of my interest is I am employed by Rio Tinto. The extent of my nature is I receive a salary, I also receive subsidised utilities (water / power) and rent as part of my salary package.
Cr Lynch	Indirect Financial	The nature of my interest is I am an employee and tenant of Rio Tinto. The extent of my interest is I am paid a salary by Pilbara Iron.
Cr de Pledge	Financial	The nature of my interest is I am a Shareholder with Rio Tinto Pty Ltd. The extent of my interest is I have shares to a value less than \$10,000.
Item Number/ Name		
18.2 CONFIDENTIAL ITEM - APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER		
Rob Paull	Financial	The nature of my interest is that I am employed by the Shire of Ashburton and the extent of my interest is that I earn an income from the Shire.
John Bingham	Financial	The nature of my interest is that I am employed by the Shire of Ashburton and the extent of my interest is that I earn an income from the Shire.

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7. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

8. PETITIONS / DEPUTATIONS / PRESENTATIONS

8.1 PETITIONS

8.3 PRESENTATIONS

9. CONFIRMATION OF MINUTES

9.0 UNCONFIRMED MINUTES ORDINARY MEETING OF COUNCIL HELD ON 18 JUNE 2019 (ATTACHMENT 9.0)

That the Unconfirmed Minutes of the Ordinary Meeting of Council held 18 June 2019, as previously circulated on 27 June 2019 (**ATTACHMENT 9.0**) be confirmed as a true and accurate record, subject to the following amendment:

14.3 REQUEST FOR TENDER (RFT) 02.19 PASSION OF THE PILBARA- EVENT MANAGEMENT SERVICES – VARIATION

Councillor White, de Pledge, Dias and staff members Mr Rob Paull and Mrs Sarah Johnston left the room at 3.23 pm due to a declaration of interest for financial interests in Agenda Item 14.3. Deputy President Cr Rumble resumed assumed the chair at 3.23 pm when the Presiding member left the room.

9.1 RECEIPT OF COMMITTEE MINUTES – ‘EN BLOC’

9.2 RECEIPT OF COMMITTEE AND OTHER MINUTES

9.2.1 UNCONFIRMED MINUTES OF THE PARABURDOO COMMUNITY HUB (CHUB) COMMITTEE MEETING TO BE HELD ON 16 JULY 2019 (ATTACHMENT 9.2.1 TO BE PRESENTED TO COUNCIL)

Officer Recommendation

That the Unconfirmed Minutes of the Paraburdoo Community Hub (CHUB) Committee Meeting to be held on 16 July 2019, (**ATTACHMENT 9.2.1 TO BE PRESENTED TO COUNCIL**) be received.

9.3 RECOMMENDATIONS OF COMMITTEE

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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."*

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11. OFFICE OF THE CEO REPORTS

11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS STATUS REPORT FOR JUNE 2019

FILE REFERENCE:	GV04
AUTHOR'S NAME AND POSITION:	Michelle Lewis Council Liaison Officer
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	5 July 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 11.1 (Minute No 579/2019) - Ordinary Meeting of Council 18 June 2019

Summary

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

Background

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

Comment

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

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

ATTACHMENT 11.1

Consultation

Executive Management Team

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

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“Role of council

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

The above section of the Act notwithstanding, there is no specific legal requirement to present such a report to Council or for Council to receive or consider such a report. Given it is always ‘received’, it could simply be provided to elected members via weekly or monthly updates, such as in the weekly Information Bulletin.

The decision to retain the report in the Council’s monthly agenda is entirely Council’s prerogative. Staff acknowledge the critical and ongoing nature of the document, in that Council ‘speaks by resolution’.

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017- 2027 (Desktop Review 2019)

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation

That Council receive the “*Council Decisions Status Reports*” for the month of June 2019 as per **ATTACHMENT 11.1**.

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**11.2 USE OF COMMON SEAL AND ACTIONS PERFORMED UNDER
DELEGATED AUTHORITY FOR THE MONTH OF JUNE 2019**

FILE REFERENCE:	GV21 CM02
AUTHOR'S NAME AND POSITION:	Michelle Lewis Councillor Liaison Officer Brooke Beswick Administration Assistant Planning
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	5 July 2019
DISCLOSURE OF FINANCIAL INTEREST:	The authors and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The purpose of this agenda item is to report to Council for information, use of the Common Seal, actions performed under delegated authority requiring referral to Council and a copy of the Tender Register, for the month of June 2019.

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 2019.

Comment

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

**ATTACHMENT 11.2A
ATTACHMENT 11.2B**

Consultation

Relevant officers as listed in the Attachment.

Statutory Environment

Local Government Act 1995

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

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Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017- 2027 (Desktop Review 2019)

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

Risk Management

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

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the Use of Common Seal and Actions Performed under Delegated Authority for the month of June 2019, 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**.

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**11.3 CORPORATE BUSINESS PLAN (DESKTOP REVIEW 2019) - REVISED
FORECASTED STATEMENT OF COMPREHENSIVE INCOME**

FILE REFERENCE:	CM05
AUTHOR'S NAME AND POSITION:	Nicky Tyson Manager Governance
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	20 June 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Ordinary Meeting of Council (Minute No: 583/2019) 18 June 2019

Summary

The *Local Government (Administration) Regulations 1996* Division 3 explains that the 'Plan for the future' referred to under Section 5.56 of the *Local Government Act 1995* includes a four (4) year Corporate Business Plan.

Council adopted the updated Shire of Ashburton Corporate Business Plan (CBP) 2019 - 2023 on 18 June 2019, however the Forecast Statement of Funding required further updating. This has now been completed and the CBP is presented for consideration.

Background

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

At the 18 June 2019 Ordinary Meeting, Council considered a 'desktop' review of the CBP and resolved as follows:

"That with respect to the Shire of Ashburton Corporate Business Plan- 2019 Review, Council:

- 1. Adopt the updated Shire of Ashburton Corporate Business Plan 2019 – 2023 ATTACHMENT 11.5 in accordance with Regulation 19DA of the Local Government (Administration) Regulations 1996 subject to the Chief Executive Officer preparing a "Revised Forecasted Statement of Comprehensive Income" to be presented to the 16 July 2019 Ordinary Meeting of Council."*

Comment

The '*Revised Forecasted Statement of Comprehensive Income*' is included as **ATTACHMENT 11.3**.

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Main areas of amendment include:

- an updated Forecast Statement of Funding derived from reviewed Long Term Financial Plan;
- additions and deletions to the Capital Program; and
- some minor amendments throughout the document under 'Actions' to assist with the development of the proposed annual budget.

Consultation

Executive Management Team
Manager Finance & Administration

Statutory Environment

Local Government Act 1995
Local Government (Administration) Regulations 1996 Division 3

Financial Implications

There are no known financial implications for this matter

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017- 2027 (Desktop Review 2019)

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team & Work Environment

Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be 'Moderate' risk that will be managed by policy, procedures and monitoring by Governance and the CEO.

Policy Implications

There are no known Policy Implications for this matter

Voting Requirement

Absolute Majority Required

Officers Recommendation:

That with respect to the Corporate Business Plan (Desktop Review 2019) - Revised Forecasted Statement of Comprehensive Income, Council:

1. Note and accept the *Revised Forecasted Statement of Comprehensive Income (ATTACHMENT 11.3)* which forms part of the *Shire of Ashburton Corporate Business Plan 2019 – 2023* (Desktop Review 2019) as adopted by Council on 18 June 2019.

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12. CORPORATE SERVICES REPORTS

12.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID

FILE REFERENCE:	FM03
AUTHOR'S NAME AND POSITION:	John Bingham Director Corporate Services
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	4 July 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial, proximity or impartiality interests in the proposal. However, the Chief Executive Officer has an indirect financial interest due to his spouse being employed and receiving an income from 'Muzzy's Hardware (Tom Price).
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

In accordance with *Regulation 34 of the Local Government (Financial Management) Regulations*, the Shire is to prepare a monthly Statement of Financial Activity for consideration by Council.

The Financial Reports for June 2019 are presented with comments on variances for Actuals to 2018/19 Budget amounts. A Capex Tracker is also presented.

Background

Regulation 34 of the Local Government (Financial Management) Regulations requires the Shire to prepare a monthly statement of Financial Activity for Consideration by Council as well as Budget Amendment Register and Schedule of Accounts and Credit Card payments. A 2018/19 Capex Tracker is also available as part of the Monthly Reports.

**ATTACHMENT 12.1A
ATTACHMENT 12.1B
ATTACHMENT 12.1C
ATTACHMENT 12.1D
ATTACHMENT 12.1E**

Comment

There following budget variations are recommended for June 2019.

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GL/Job No.	General Ledger Description	Current Budget	Variation Amount	Revised Budget	Reason
EV61	Passion of the Pilbara Festival	300,000	5,000	305,000	Increased expenditure for new sponsorship funding.
EVI61	Passion of the Pilbara Festival	170,000	(5,000)	175,000	New sponsorship of \$5,000 confirmed from Discovery Parks Onslow.

Fringe Benefits Tax

The Fringe Benefit Tax (FBT) year 2018/19 ended on 31 March 2019 and the FBT return was lodged with the Australian Taxation Office on 21 June 2019. The Shire had a calculated liability for 2018/19 of \$116,648 compared to 2017/18 liability of \$141,215 – a year on year reduction of \$24,567.

The Shire has three types of Fringe Benefits:

- Vehicle;
- Residual; and
- Expense Payment.

The Shires total number of vehicles captured by FBT is 84, down by five on 2017/18. Seven vehicles were treated using the statutory method, 23 using the operating cost method and 59 using the residual benefit method. Vehicles used solely for business purposes and those stored at the depot were exempted.

The main reasons for the liability reduction in 2018/19 include:

- Review and correction to classification of vehicles under their respective types. For example vehicles distinguishing between those classified under the vehicle benefit and those classified under the residual benefit as each method is valued differently.
- Examining the vehicle audit trail and property reports extracted from Synergy to establish accurate start and end dates for each vehicle use.
- Better maintenance of log books has reduced the taxable value of the vehicles calculated using the preferred operating cost method.
- Introduction of a log book register to ensure all vehicles comply with record keeping. A log book, once maintained, can be used for five years. Hence a new book need not be issued every year. Also wherever possible last year's percentage usage of the vehicle between business and private has been used, if a log book for the previous year was available and a follow up has been done to ensure that the log book is representative of the current usage of the vehicle.
- Vehicles used solely for business purposes e.g. cleaners vans, ranger's vehicles and utility vehicles have now been classified separately. Log books have helped in determining the correct usage of the vehicle, hence their classification under residual vehicles and wherever possible exemption claimed.

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Description	2019	2018
FBT Liability	\$116,648	\$141,215
Reportable FBT	\$135,068	\$191,187
No. of vehicles	84	89
Statutory Method	7	12
Operating Cost Method	23	17
Expense Payment Benefit	\$63,635	\$69,512
No. of Employees for Expense Payment	80	118

Consultation

Executive Management Team
Finance Team

Statutory Environment

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

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

(b) Is authorised in advance by resolution*

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

*requires an absolute majority of Council.

Financial Implications

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

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017- 2027 (Desktop Review 2019)

Goal 05 – Inspiring Governance

Objective 04 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

**PUBLIC AGENDA - ORDINARY MEETING OF COUNCIL
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Voting Requirement

Absolute Majority Required

Officers Recommendation 1

That with respect to the Monthly Financial Report, that Council:

1. Receive the Financial Report for June 2019 **ATTACHMENT 12.1A**; and
2. Approve budget variations for the 2018/19 Budget as outlined below;
 - a. Increase Income Job Account EVI61, Passion of the Pilbara by \$5,000, from \$170,000 to \$175,000;
 - b. Decrease Expenditure Job Account B432, Visitors Centre Building by \$4,900, from \$22,177 to \$17,277; and
 - c. Note that the Budgeted Surplus position carried forward (Net Current Assets position) forecast as at 30 June 2019 is \$1,350,000.
3. Receive the Capital Expenditures Progress Tracker for June 2019 **ATTACHMENT 12.1B**;
4. Receive the Budget Amendment Register as at 30 June 2019 **ATTACHMENT 12.1C**; and
5. Receive the Schedule of Accounts and Credit Card payments made in June 2019 (approved by the Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds) **ATTACHMENT 12.1D**.

Officers Recommendation 2

That with respect to the Monthly Financial Report, that Council:

1. Receive the Financial Report for June 2019 associated with Muzzy's Hardware (Tom Price) **ATTACHMENT 12.E**.

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12.2 ADOPTION OF 2019/20 ANNUAL BUDGET

FILE REFERENCE:	GV04
AUTHOR'S NAME AND POSITION:	John Bingham Director Corporate Services
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	1 July 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 7.1 (Minute No. 37/2018) – Special Meeting of Council 26 July 2018 Agenda Item 12.2 (Minute No. 585/2019) Ordinary Meeting of Council 18 June 2019 Agenda Item 12.2 (Minute No. 562/2019) Ordinary Meeting of Council 21 May 2019

Summary

The Annual Budget for the year ended 30 June 2019 has been workshopped with Councillors and in conjunction with Ordinary Meetings of Council held in May and June 2019.

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.

Background

The 2019/20 Annual Budget has been prepared based on the principles contained in the Long Term Financial Plan (LTFP) and Corporate Business Plan (CBP) as well as taking into account substantive matters raised in Council workshops at its April, May and June 2019 Meetings.

This includes formulation of the Forward Capital Works program as well as a review of expenditure and efficiency measures.

After consideration of its Rating Strategy the 2019/20 proposed differential rates were approved by Council on 21 May 2019 and advertised for 21 days inviting submissions and comment. Three submissions were received (one after the deadline) and a report addressing issues raised was presented to Council at its Ordinary Meeting of Council held on 16 June 2019.

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.

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Councillor and executive workshops for Rating and Capital Expenditure began in March 2019 and they have carried through to June including Asset Management Planning and Fees and Charges.

During workshop discussion and reporting Council has considered the following:

1. Council's capability and sustainability to deliver assets Councils capability and sustainability to deliver assets and services required by the community;
2. 2018-22 Corporate Business Plan (CBP);
3. 2017-32 Long Term Financial Plan (LTFFP);
4. A comprehensive Capital Works Program and Revenue / Expenditure requirements; and
5. Department of Local Government, Sport and Cultural Industries ('the Department') *Financial Health Index*

Additionally the draft 2019/20 Budget assesses efficiency gains and service improvements for the Shire throughout 2018/19 and carrying over into 2019/20:

- Organisational re-structure including new Business Improvement function.
- Engagement of external Call Centre to enhance and improve customer service.
- Outsourcing of the payroll function reducing risk and cost.
- Consolidation of fleet numbers via car-pooling and staff salary sacrificing options reducing cost.
- Procurement Policy enhancements strengthening systems and processes in alignment with Office of Auditor General.
- Undertaking of Staff Survey to improve culture.
- Development of Staff Housing Strategy (due to be referred to Council in August 2019).
- Introduction of a rent relief program to assist staff and improve retention.
- Development of Asset Management plans for roads, drainage and footpaths.
- Completion of the \$14M Paraburdoo Community Hub offering multiple sport and recreation facilities and services.
- Workplace Health and Safety audit, policy review and improvement to work practices.
- Reductions in external consultancy costs.
- Engagement with local suppliers.
- Successful interim audit and Financial Management Reviews.
- Ministerial approval of a new rating structure i.e. GRV - Transient Workforce Accommodation' - to align with Department of Local Governments Guidance Policy giving Council the opportunity to rate up to 25 mining camps situation within the district.
- Tourism Strategy development to promote the region's economic prospects.
- Upgraded Shire facilities improving community services including:
 - Onslow Sports Club
 - Shopping Mall carpark in Paraburdoo
 - Community Hub in Paraburdoo
 - Road network restoration from flood damage
 - Disc Golf courses in Paraburdoo and Tom Price
 - Onslow Playground equipment

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Rates

Council adopted a proposed rating model at the 21 May 2019 Ordinary Meeting of Council after considering the following:

1. 2019 Rating Strategy;
2. The Departments Rating Policy 2016 including the five rating principles of (i) Objectivity; (ii) Fairness and Equity; (iii) Consistency; (iv) Transparency and (v) Efficiency; and
3. Rate-payers capacity and willingness to contribute to those services.

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

After giving 21 days public notice Council received three submissions which it considered at its 18 June 2019 Ordinary Meeting of Council. Subsequently, Council resolved to adopt the proposed rating model on 21 May 2019 which also included a request the Chief Executive Officer seek Ministerial approval for UV Tourism and UV Mining / Industrial differential rating categories.

On Thursday 20 June 2019 an application was sent to the Department seeking Ministerial Approval. Verbal confirmation has been provided from the Department, however written confirmation will be provided to Council under separate cover for **ATTACHMENT 12.2A**.

Capital Works

In 2019/20 it is proposed Council will undertake an aspirational capital works program consisting of 122 projects to the value of \$64,537,400.

The main features of the capital works program include:

- Completion of the Class IV Pilbara Regional Waste Management Facility in Onslow;
- An upgrade to the Beadon Creek Marina in Onslow;
- New and upgraded Recreation and Community Facilities including:
 - Completion of the Child Care Facility in Tom Price;
 - Refurbishment to the playing surfaces and clubhouse at the Tom Price Tennis Club;
 - Upgrade to the Bowling Green and patio area at the Tom Price Bowling Club;
 - A new Toilet Block at the Paraburdoo Information Bay;
 - Upgraded lighting at the softball field in Paraburdoo;
 - Upgrade and renewal of the lighting and storage at the Tom Price Diamond Club Softball oval;
 - A new Pump Track in Tom Price;
 - New Shade Structure for the Tom Price Skate Park; and
 - Refurbishment of Gym and Child Care facilities in Onslow;
- A comprehensive Roadworks program including:
 - Continued multimillion WANDRRA works for flooded and damaged roads;
 - Rural Unsealed Road renewal program;
 - Urban Roads renewal program;
 - Culvert upgrades to Doradeen and West Road; and
 - Footpath program including new and renewal works.

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The town of Pannawonica also features in the 2019/20 Budget with non-fixed asset items including:

1. \$25,000 for furniture in the Community Garden;
2. \$25,000 for the Caravan Park;
3. \$20,000 for a Community Hire Trailer; and
4. \$100,000 for a Community Bus.

Given the extent of capital works program (consisting of 122 projects), Council is reminded that that given the operational workload and governance oversight required, it is very unlikely that all Capital Works identified will be able to be completed in the 2019/20 financial year. Whilst the Shire will commit to using its best endeavours to complete the works, the capital works program is 'largely aspirational'.

Fees and Charges

Revenue generated from Fees and Charges in 2019/20 in forecast to be \$2.3mil lower than 2018/19. In an endeavour to meet community expectations Council has been very mindful this year, as with rates, to not increase 2018/19 levels beyond CPI and if so, only when it is felt necessary to recover costs. For example pools, caravan parks, library and visitors centre services, as well as commercial waste services are all to remain unchanged.

Further to this Council has reduced airport charges to respond to market conditions. It is envisaged the new Pilbara Regional Waste Management Facility in Onslow, due to open in early 2020, will help offset this revenue reduction.

Councillor Remuneration

The 2019 Salaries and Allowance Tribunal has determined a 1% increase in the remuneration, fees, expenses and allowances ranges provided to elected members. As a Band 2 local government, the comparison 2018/19 to financial year 2019/20 is as follows:

Salaries and Allowances Tribunal (Local Government CEO's & Elected Members) Comparison April 2017 – April 2019		
Salaries/Allowances	April 2017	April 2019
Total Reward Package Range	\$204,455 - \$316,586	\$206,500 - \$319,752
Council Members (Meeting Fees per meeting)	\$576	\$582
Mayor/President (Meeting Fees per meeting)	\$772	\$780
Committee Meeting Fees (per Meeting)	\$288	\$291
Council Members Annual Attendance Fees in Lieu	\$23,000	\$23,230
Mayor/President Annual Attendance Fees in Lieu	\$30,841	\$31,149
Mayor/President Annual Allowance	\$62,727	\$63,354

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Further to this the tribunal approved an increase for child care reimbursements from \$25 to \$30 per hour. Although the above does not constitute an automatic increase (i.e. each Council conducts its own review, it is recommended the outcomes of the tribunal be adopted).

Financial Health Index

The Departments *My Council* Financial Health Index (FHI) is forecast to remain above 70 indicating sound financial health. In 2017/18 the FHI improved due to both the Asset Renewal and Operating Surplus scores advancing on what was recorded in 2016/17.

The one remaining area of deficiency however is Asset Sustainability highlighting the Shire's need to improve asset renewal expenditures. This factor has been given strong consideration in the draft 2019/20 Budget.

The 2019/20 Budget is shown as **ATTACHMENT 12.2B** and contains:

- Statutory Budget (with copy of Statement of Objects and Reasons);
- Capital Expenditure Schedule; and
- 2019/20 Schedule of Fees and Charges.

ATTACHMENT 12.2B

All of the above matter are addressed in the Recommendation.

It is noted that at the Ordinary Meeting of 21 May 2019, Council considered (in part) the introduction of a further conditional rate concession for residential properties associated with the adoption of the 2019/20 Budget:

- "8. *Request the Chief Executive Officer to consider as part of the review of submissions the possible introduction of a conditional rate concession for residential properties as outlined in the report.*"

This matter of conditional rate concession for residential properties is addressed in Item 12.3 of this current Agenda.

Consultation

Elected Members
Executive Management Team
Finance Team

Statutory Environment

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

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

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;"

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Additionally, the declaration provisions of the Act to 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 2019/20 Annual Budget as presented is considered to meet statutory requirements.

There is no legislative requirement to re-advertise differential rates, even if they are changed from the advertised figures.

Section 6.47 of the *Local Government Act 1995* indicates that a local government may resolve to waive or grant a concession for a rate or service charge (absolute majority required). In addition, Regulation 69A of the *Local Government (Financial Management) Regulations 1996* also specifies that a local government cannot use its powers under section 6.47 LGA based on whether or not the land is occupied by a person who owns the land (so called absentee owner clause);

Financial Implications

The 2019/20 Budget has been guided by the Long Term Financial Plan and provides for the following global income and expenditure values:

- \$55.3M Operating Expenditure
- \$64.4M Capital Expenditure
- \$50.3M Operating Revenue
- \$31.0M Non-Operating Grants
- \$19.1M net Transfer from Reserve

Strategic Implications

Shire of Ashburton Strategic Community Plan 2019 (Desktop Review 2019)

Goal 05 – Inspiring Governance

Objective 01 – Effective Planning for the Future

Risk Management

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

Policy Implications

ELM10 Financial Sustainability Policy

Voting Requirement

Absolute Majority Required

Officers Recommendation

That with respect to the 2019/20 Budget, Council adopt the following:

1. For the purpose of yielding the deficiency disclosed by the proposed Municipal Fund Budget and pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995*, Council impose the following differential general and minimum rates on Gross Rental and Unimproved Values:

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Differential Rate Category	Rate in the \$	General \$	Lesser Minimum \$
GRV Residential / Community	\$0.102364	1010.00	727.50
GRV Commercial / Industrial / Tourism	\$0.065926	1262.50	Not Applicable
GRV Transient Workforce Accommodation	\$0.131845	1262.50	Not Applicable
UV Pastoral	\$0.369571	1262.50	Not Applicable
UV Mining / Industrial	\$0.062196	1262.50	Not Applicable
UV Tourism	\$0.169018	1262.50	Not Applicable

2. Pursuant to section 6.45 of the *Local Government Act 1995* and regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, Council adopt the following due dates for the payment or rates by instalments:
 - Option 1
 - Payment in full by a single instalment, due Friday 30 August 2019.
 - Option 2
 - 1st instalment due Friday 30 August 2019.
 - 2nd instalment due Friday 1 November 2019.
 - Option 3
 - 1st Instalment due Friday 30 August 2019.
 - 2nd Instalment due Friday 1 November 2019.
 - 3rd Instalment due Monday 6 January 2020.
 - 4th Instalment due Monday 9 March 2020.
3. Pursuant to section 6.45 of the *Local Government Act 1995* and regulation 67 of the *Local Government (Financial Management) Regulations 1996*, Council adopt an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$15.00 for each instalment after the initial instalment is paid.
4. Pursuant to section 6.45 of the *Local Government Act 1995* and regulation 68 of the *Local Government (Financial Management) Regulations 1996*, Council adopt an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
5. 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 adopt 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.
6. Rates Concessions, Rates Waivers and Debt Waivers
 - 6.1 Pursuant to section 6.47 of the *Local Government Act 1995*, provide a 100% waiver to properties leased to Not for Profit Community Groups, subject to it being provided for in their lease or being previously waived / applied in the 2019/20 financial year.
 - 6.2 Pursuant to section 6.12 (1) (b) of the *Local Government Act 1995*, provide debt waiver to the lessee of the early Child Learning Centre in Onslow, subject to fulfilment of clause 1.1 of the special conditions of Schedule 2 of their lease.

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7. Pursuant to section 6.13 of the *Local Government Act 1995* and regulation 19A of the *Local Government (Financial Management) Regulations 1996*, Council adopt 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.
8. Councillor Allowances
 - 8.1 Pursuant to section 5.99 of the *Local Government Act 1995* and regulation 30 of the *Local Government (Administration) Regulations 1996*, Council adopt the following annual fees for payment of elected members in lieu of individual meeting attendance fees:
 - President \$31,149 p.a.
 - Councillor \$23,230 p.a.
 - 8.2 Pursuant to section 5.99A of the *Local Government Act 1995*, Council adopts the following annual local government allowance for elected members:
Information and Communications Technology (ICT) Allowance \$500 p.a.
 - 8.3 Pursuant to section 5.99A of the *Local Government Act 1995*, Council and regulation 32 of the *Local Government (Financial Management) Regulations 1996*, Council adopt the following annual local government allowance for elected members:
 - Child Care – the actual cost per hour or \$30 per hour, whichever is the lesser amount.
 - 8.4 Pursuant to section 5.99A of the *Local Government Act 1995* regulation 31 of the *Local Government (Financial Management) Regulations 1996*, Council adopt the following annual local government allowance for elected members:
 - Travelling Expenses rate applicable to the reimbursement of travel and accommodation costs in the same or similar circumstances under the Public Service Award 1992 issued by the Western Australian Industrial Relations Commission as at the date of the current determination of the Salaries and Allowances Tribunal on Local Government Elected Council Members.
 - 8.5 Pursuant to section 5.98 (5) of the *Local Government Act 1995*, Council adopt the following annual local government allowance to be paid in addition to the annual meeting allowance:
 - President \$63,354 p.a.
 - 8.6 Pursuant to section 5.98A of the *Local Government Act 1995*, Council adopt the following annual local government allowance to be paid in addition to the annual meeting allowance:
 - Deputy President \$15,838 p.a.
9. Pursuant to section 6.16 of the *Local Government Act 1995*, Council adopt the Fees and Charges as previously approved by the Council at the Ordinary Council Meeting of June 2019.

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10. In accordance with Regulation 34(5) of the *Local Government (Financial Management) Regulation 1996*, Council adopt the following materiality thresholds:

Condition	Action
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	Must Report value than \$20,000

11. 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*, resolves to adopt the Municipal Fund Budget as contained in Attachment 1 for the 2019/20 financial year which includes the following:
- a. Statement of Comprehensive Income by Nature and Type on page 2 showing a net result for that year of \$24,312,494;
 - b. Statement of Comprehensive Income by Program on page 4 showing a net result for that year of \$24,312,494;
 - c. Statement of Cash-flows on page 6;
 - d. Rate Setting Statement on page 7 showing an amount required to be raised from rates of \$37,931,090;
 - e. Notes to and forming part of the Budget on pages 9 to 37; and
 - f. Supplementary Information including the Capital Expenditure Schedule and 2019/20 Fees and Charges.

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12.3 POTENTIAL RATING CONCESSION TO GRV RESIDENTIAL / COMMUNITY PROPERTY HOLDERS

FILE REFERENCE:	GV04
AUTHOR'S NAME AND POSITION:	John Bingham Director Corporate Services
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	1 July 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 12.2 (Minute No. 445/2018) Ordinary Meeting of Council 23 October 2018 Agenda Item 12.2 (Minute No. 562/2019) Ordinary Meeting of Council 21 May 2019

Summary

In relation to the financial hardship of some property holders in the 'GRV Residential / Community' rating category in 2018/19, Council requested the Shire to investigate ongoing assistance for these ratepayers in 2019/20, in the form of rate relief.

Council is requested to consider progressing a 'rate concession' in 2019/20 and determine which concession option for property holders is sought.

Background

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

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

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

- a. Properties in the 'GRV Residential / Community' rating category;*
- b. Properties located in the town-site boundary of Onslow;*
- c. Property holders with ownership of no more than two residential / community properties; and*
- d. Property holders with a 2018/19 rates increase of more than \$400 and /or 30% on 2017/18 rates payable.*

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2. *Authorise the Chief Executive Officer to grant the concession of up to 12.5% of rates payable upon application after consultation with qualified property holders up to seventy days from initial advertising and waive interest for the period of concession.”*

At the 23 October 2018 Ordinary meeting, Council addressed complaints concerning rate rises in Onslow, largely due to the removal of the previous rate concession. In addition, a presentation was received from Onslow ratepayers requesting further assistance from Council with respect to rate relief in Onslow. In this regard, Council revoked the 19 September 2018 resolution and resolved (in part) as follows:

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

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

Acknowledging the concession provided at the October 2018 Ordinary meeting, Council (at the 21 May 2019) considered (in part) the introduction of a further conditional rate concession for residential properties associated with the adoption of the 2019/20 Budget:

- “8. *Request the Chief Executive Officer to consider as part of the review of submissions the possible introduction of a conditional rate concession for residential properties as outlined in the report.”*

At the Ordinary meeting of 18 June 2019, Council resolved (in part):

- “6. *Requested the Chief Executive Officer review the rating of residential properties in First and Second Avenue, Onslow and report back to Council as part of the budget considerations at the Ordinary Meeting of Council to be held 16 July 2019.”*

Comment

This Report addresses the above matters as resolved by Council in May and June 2019.

Possible introduction of a conditional rate concession for residential properties

Whilst no submissions in relation to the 2019/20 rates were received concerning GRV Residential / Community rate concessions, Council will no doubt recall the impact the 2018/19 rates had on some residential land owners (particularly in Onslow) when adopted. Council’s resolution of 21 May 2019 clearly indicates it wants to address a conditional rate concession for certain residential properties. Based on the principles and information provided to Council in October 2018, the following concessions could reasonably be considered:

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- *Concession Option 1*
A 30% concession for property holders *with up to three GRV Residential / Community properties* within the town-sites of Onslow, Paraburdoo and Tom Price.

If granted, the forecast cost to the Shire for this concession in 2019/20 would be \$242,288.

- *Concession Option 2*
A 30% concession for property holders *with up to five GRV Residential / Community properties* within the town-sites of Onslow, Paraburdoo and Tom Price.

If granted, the forecast cost to the Shire for this concession in 2019/20 would be \$278,916.

Council is requested to consider which concession option for property holders is sought.

Rating of residential properties in First and Second Avenue, Onslow

It is understood that the intent of the resolution as referred was to seek clarification on the rating arrangements for single dwellings located on land (in Onslow) zoned 'Commercial and Civic' under the Shire of Ashburton Local Planning Scheme No. 7 (as per below):



LOCAL SCHEME ZONES



Commercial and Civic



Residential

Zoning sketch with particular reference to land zoned 'Residential' and 'Commercial and Civic' under the Shire of Ashburton Local Planning Scheme No. 7

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It would appear that Council was concerned that land owners who had single dwellings and were 'non-commercial' on land zoned 'Commercial and Civic' were not able to benefit from a residential rating concession (should one apply).

However, the rating arrangements established include (non-commercial) single dwellings on land zoned 'Commercial and Civic' as 'residential'. Accordingly, should a concession apply, the owners of these lots would be eligible for the concession. To ensure this is clearly defined, it is recommended that any residential concession approved by Council also reference single dwellings on land zoned 'Commercial and Civic'.

Consultation

Elected Members
Executive Management Team
Finance Team

Statutory Environment

The *Local Government Act 1995* following sections apply:

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

Local Government (Financial Management) Regulations 1996 Part 5.

Financial Implications

A concession would have the impact on the 2019/20 Budget as identified in the scenarios provided.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027 (Desktop Review 2019)

Goal 05 – Inspiring Governance
Objective 01 – Effective Planning for the Future

Risk Management

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

Policy Implications

ELM10 Financial Sustainability Policy

Voting Requirement

Absolute Majority Required

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Officers Recommendation

That with respect to the Potential Rating Concession to GRV Residential/Community Property Holders, Council adopt the following:

1. Pursuant to *section 6.47 of the Local Government Act 1995* and Regulation 69A of the *Local Government (Financial Management) Regulations 1996* Council exercise its authority and grant rating concession option **(Council to adopt a concession option)** to GRV Residential/Community property holders and for such concession to apply to those existing single dwellings (and which are non-commercial in use) located on land zoned 'Commercial and Civic' under the Shire of Ashburton Local Planning Scheme No. 7.

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13. PROPERTY AND DEVELOPMENT SERVICES REPORTS

13.1 OUTCOME OF PUBLIC NOTICE OF PROPOSED PERMANENT CLOSURE OF PORTION OF PEDESTRIAN ACCESS WAY BETWEEN ACALYPHA AND HIBISCUS STREETS, TOM PRICE

FILE REFERENCE:	ACA.0414
AUTHOR'S NAME AND POSITION:	Janelle Fell Manager Land and Asset Compliance
AUTHORISING OFFICER AND POSITION:	Brian Cameron Director Property and Development Services
NAME OF APPLICANT/RESPONDENT:	John Marshall On behalf of the Proprietor Adrian Marshall
DATE REPORT WRITTEN:	24 June 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.2 (Minute No. 549/2019) - Ordinary Meeting of Council 23 April 2019

Summary

At the Ordinary Meeting of Council on 23 April 2019, Council resolved:

- "1. Pursuant to s. 58 of the Land Administration Act 1997, authorise local public notice be given of the proposal to initiate the procedure to permanently close the Right-of-Way known as Lot 62 on Plan 15205 located between Acalypha and Hibiscus Street Tom Price, as described in ATTACHMENT 13.1; and*
- 2. At the conclusion of advertising the public notice as referred to 1 above, that the Chief Executive Officer be requested to prepare a further report for Council's consideration."*

Advertising of the proposed road closure was undertaken from 7 May 2019, closing on 14 June 2019 with no objections or comments received.

Background

The land subject to the proposed permanent closure is described as Lot 62 on Plan 15205, which was developed as a Public Access Way (PAW), located approximately halfway along Acalypha and Hibiscus Streets. Lot 62 is held by the State of WA, c/- Department of Planning, Lands and Heritage, having been vested under *section (s.) 20A of the Town Planning and Development Act 1928 (TPDA)* (superseded) for the purpose of PAW.

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As PAWs created under s.20A of the TPDA are owned in freehold by the State of Western Australia, this category of thoroughfare, defined as a private road under the *Land Administration Act 1997* (LAA), can be closed by simply re-vesting the land *under s.82 of the LAA*.

PAWs and Right of Ways (ROW/s) are created as part of a land planning requirement in new subdivisions to provide access for a number of users and for access to a range of facilities. Local Government must assess the impact of closing a PAW or ROW and in considering a closure request, a balance needs to be found between resident accessibility to facilities and public transport, and security and amenity. Where Local Government proceeds with a closure request, it is required to prepare a summary report that includes confirmation that the Local Government has resolved to recommend the closure.

Generally, a PAW or ROW will only be closed when it can be sold to the adjoining landowner/s or reserved and vested in an appropriate agency for public utility purposes. Where the land is to be sold, the Local Government informs the Minister of the proposed future disposition of the land in the closed PAW or ROW to adjoining land holders.

To mitigate water inundation to the owner's premises during rain events, caused by the elevation of the lots on the eastern side of the PAW, the owner of Lot 414 Acalypha Street, Tom Price, has requested to permanently close the ~270 sqm portion of the PAW linking Acalypha Street to Hibiscus Street. Lot 414's owner proposes to address issues associated with drainage and foundation damage caused by the elevation of neighboring properties and advanced trees located in the PAW by directing the water ingress away from the premises through a Shire endorsed solution.

Comment

Public notice of the proposed closure was undertaken from 7 May 2019, closing on 14 June 2019. No comments were received.

Upon support from Minister for Lands, the owner would progress acquisition of the portion of PAW for amalgamation into Lot 414.

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As a guide, a recent indicative value of land in Tom Price estimated \$3,000 for 200m². A formal valuation would be undertaken by the Valuer General should the Department of Planning, Lands and Heritage (DPLH) consent to the land closure and sale.

Consultation

Executive Management Team

Public Advertising (comprising correspondence to adjacent landowners and relevant agencies and site signage)

Statutory Environment

Pedestrian Access Ways (PAW), where there isn't an 'owner', are the responsibility of the Shire in accordance with s.3.53 of the *Local Government Act 1995 (LG Act)*. This responsibility includes removal of trees, rubbish, ongoing maintenance etc.

Section 3.53(2) of the *LG Act* states that "A local government is responsible for controlling and managing every otherwise unvested facility within its district unless subsection (5) states that [section (2)] does not apply."

As defined by s.3.53 of the *LG Act*, an "otherwise unvested facility" means "a thoroughfare, bridge, jetty, drain or watercourse belonging to the Crown, the responsibility for controlling or managing which is not vested in any person other than under this section."

A PAW satisfies the definition of a "thoroughfare" under s.1.4 of the *LG Act*: a "thoroughfare" refers to "a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end".

The PAW requires actions under s.58 of the *Land Administration Act 1997 (LAA)* and regulation 9 of the respective legislation. In this case, the land is not dedicated as a public road, but Crown land acquired by the Minister for Lands for the purpose of a PAW pursuant to s.20A of the *Town Planning Act 1928* (superseded). A request to close such a PAW requires actions under the LAA comprising:

Requirement	Comment
An information report summarising the proposed closure	This report fulfills this requirement
Consideration of alternatives to the closure	This report fulfills this requirement
Documentation of anti-social behavior and crime being experienced, and Council's policy to combat this	No anti-social behavior or crimes associated with this PAW
Relevant government department/agencies comments	Will be requested assuming Council support for the closure
Consultation details	Will be submitted with request to Minister if Council supports closure
Correspondence with adjoining landowners regarding the closure	Correspondence will be attached to Minister request if Council supports closure
Council resolution supporting the closure	Resolution to this agenda item satisfies this requirement

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Financial Implications

There are no known financial implications in relation to this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027 (Desktop Review 2019)

Goal 01 – Vibrant and Active Communities:

Objective 02 – Sustainable Services, Club, Associations and Facilities

Goal 04 – Distinctive and Well Serviced Places

Objective 01 – Quality Public Infrastructure

Objective 02 – Accessible and Safe Towns

Risk Management

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

Policy Implications

There are no known policy implications for this matter

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the Outcome of Public Notice of Proposed Permanent Closure of Portion of Pedestrian Access Way between Acalypha and Hibiscus Streets, Tom Price, Council

1. Resolve in accordance with *section 58 of the Land Administration Act 1997*, to request the Minister for Lands to permanently close the 270m² portion of the Public Access Way linking Acalypha Street to Hibiscus Street as shown as addressed in the Shire report.

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13.2 REQUIRED REMEDIATION WORKS ON RESERVE 39327 FOR THE PURPOSE OF RECREATION (SPEEDWAY) COMPRISING LOT 53 ON DEPOSITED PLAN 186853 NAMELESS VALLEY DRIVE, TOM PRICE

FILE REFERENCE:	RC39327
AUTHOR'S NAME AND POSITION:	Janelle Fell Manager Land and Asset Compliance
AUTHORISING OFFICER AND POSITION:	Brian Cameron Director Property and Development Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	20 June 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.2 (Minute No. 502/2019) – Ordinary Meeting of Council 12 February 2019

Summary

At the January 2019 Ordinary Meeting of Council, Council endorsed termination of the Lease between the Shire of Ashburton and the Tom Price Speedway Club. Negotiations with a new lessee are progressing. To progress remediation and make good works, Council consideration of the proposed remediation works is requested.

Background

Reserve 39327, for the purpose of Recreation (Speedway), comprises Lot 53 on Deposited Plan 186853 Nameless Valley Drive, Tom Price. 133,118 sqm lot.

Council were presented with a report outlining non-compliance issues relevant to REC05 - Community Lease and Licence Agreements at the 28 January 2015 Ordinary Meeting of Council.

The report outlined legislative non-compliance, proposed solutions, timelines and rectification costs. Council approved a donation of \$16,197.32 to the Speedway Club for mini excavator and grader hire for the removal and disposal of several loads of waste after consideration of the application for waste compliance funding at the June 2015 Ordinary Meeting of Council.

At the October 2015 Ordinary Meeting of Council, Council endorsed the allocation of \$20,000 cash and \$2,500 in kind to the Speedway Club to assist with compliance. The \$20,000 was to be held in the Shire's municipal fund until the Speedway Club were able to demonstrate full funding and contracts for the demolition of existing and purchase of new portable ablutions. There is no record of these funds being released to the Speedway Club.

Council endorsed termination of the Lease (entered into in December 2015 and expiring in November 2020) between the Shire of Ashburton (Shire) and Tom Price Speedway Club at the January 2019 Ordinary Meeting of Council as the club was not active, had no committee, nor was it financial. Council also endorsed further investigations into each structure on Reserve 39327 to determine the suitability for occupancy.

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A considerable amount of clean up and make good is required at the Leased Premises to remediate the land to its natural state, including the removal of structures, car bodies, scrap metal and light vehicle tyres.

At the January 2019 Ordinary Meeting of Council, Council endorsed termination of the Lease between the Shire of Ashburton and the Tom Price Speedway Club. Council:

1. Endorsed termination of the Lease between the Shire of Ashburton and Tom Price Speedway Club;
2. Authorised the debt write-off of Tom Price Speedway Club for the sum of \$550 as per invoice 31453;
3. Acknowledged the update on the status of the 2015 Implementation Plan for the Tom Price Speedway Club;
4. Approved the Chief Executive Officer to further investigate each structures suitability for occupancy on Reserve 39327, providing a report to Council, outlining actions required and costs for remediation, upon completion;
5. Authorised the Chief Executive Officer to negotiate the terms of a Lease Agreement with the Tom Price Nameless Car Club and report back to Council;
6. Authorised the Chief Executive Officer to request the Department of Planning, Lands and Heritage to change the purpose of the reserve to allow the use proposed by the Tom Price Nameless Car Club Inc. for a burnout pad and club meeting room.

Negotiations with a new lessee are progressing. In accordance with point 4 and to progress remediation and make good, Council consideration of the proposed works is requested.

Comment

To meet the requirements of the Health (Public Buildings) Regulations 1992, and ensure the Shire is maintaining good community governance and to protect future Lessees, its members and members of the public, remediation actions have been ascertained after inspection by the Shire's Building Surveyor and Compliance Officer. Actioning the required issues prior to occupancy through a new lease will mitigate the risk of injury.

ATTACHMENT 13.2

The remediation works are classified into five scopes:

Scope Item	Details	Item	Description	Action Required	Cost Estimate
Removal of structures and rubbish	These works include the removal of all items identified for removal and clean-up of general rubbish on the reserve.	Accommodation Transportable	<ol style="list-style-type: none"> 1. Water damage 2. Flashing repairs required 3. Toilet and shower damage and rusting 4. Building not anchored 	Removal of structure	Indicative cost estimate is \$110,000.00. An additional \$15,000.00 is required for waste site fees.
		Kitchen Facilities	<ol style="list-style-type: none"> 1. Water damage 2. Flashing repairs required 3. Building not anchored 	Removal of structure	

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Scope Item	Details	Item	Description	Action Required	Cost Estimate
		Patio Roof	1. Not structurally sound	Removal of structure	
		Garden Shed	1. Not structurally sound	Removal of structure	
		Starters Box	1. General disrepair 2. Welding does not display good workmanship 3. Windows not adequately fixed to openings 4. Not secured to ground	Removal and replacement of structure	
Supply and install of ablutions	It is proposed a single universal access toilet (UAT) be installed. This provides the opportunity to locate the UAT closer to the bar facility for the convenience of patrons.	Ablutions Transportable	1. Not fit for purpose	Removal of structure. Supply and install of new ablutions	Initially costings indicate \$55,000.00.
Repairs to structures	An access solution is required to allow disability access over the sliding door channel. It is proposed a lightweight solution somewhat like an electrical cable cover be sourced to allow easy manoeuvring and versatility. An entrapment	Bar Facilities	1. No disability access 2. Cold room needs modifications for compliance with BCA – entrapment alarm	Ramp over door channel Entrapment alarm	Not yet known
		Storage Building	1. Water damage 2. External cladding repairs required 3. Building not anchored	If repairs to this structure are deemed excessive, it is proposed a container stored at the Tom Price Waste Site be utilised as a replacement	Not yet known

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Scope Item	Details	Item	Description	Action Required	Cost Estimate
	alarm is required to comply with the BCA.				
Engineer assessment	Should the engineers report advise remediation works to the tank hardstand, this will be used to inform future budgets. If any action is deemed urgent, this will be actioned accordingly.	Water Tank	1. Foundation constructed from used tyres and backfilled with soil	Engineer assessment required	Not yet known
Electrical compliance	Byblos undertook an electrical inspection in 2017 which identified the requirement for a switchboard upgrade and cable and conduit repairs to light poles. UAT connection is required.	Electrical	1. Main distribution board upgrade required 2. Light pole supply non-compliant	Electrical upgrades	\$20,000.00 is an indicative cost estimate to address these compliance issues

Consultation

Executive Management Team
Leasing Officer
Building Surveyor and Compliance Officer
Environmental Health Officer

Statutory Environment

Land Administration Act 1997 states in part:

46. *Care, control and management of reserves*

(7) *A person with whom the care, control and management of a reserve is placed by order has, by virtue of this subsection, the capacity, functions and powers to hold and deal with the reserve in a manner consistent with the order, any order conferring power on that person under subsection (3) (a) and this Act to the extent that the person does not already have that capacity or those functions and powers.*

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Local Government Act 1995

3.54 Reserves under control of local government

(1) If land reserved under the Land Administration Act 1997 is vested in or placed under the control and management of a local government, the local government may do anything for the purpose of controlling and managing that land...

Health Act 1911 and Health (Public Buildings Regulations) 1992

Legislation outlining occupancy conditions, including certificate of approval, certification of electrical work, exit doors and lighting, facility lighting, sanitary facilities, evacuation plans etc.

Food Act 2008

The premises would not receive registration under the Food Act due to the state of disrepair.

Disability Services Act 1993

This Act defines the functions of the Disability Service Commission who administer policy and planning, legislation, advisory bodies, standards, community education, advocacy support, information and referral, Disability Access and Inclusion Plans and funding and providing services.

Building Act 2011

National Construction Code

The Building Code of Australia

Financial Implications

The 2019/20 budget includes \$350,000 to address this site and other sites identified with compliance issues throughout the financial year.

The proposed remediation works total \$200,000.00. Tendering in the competitive market may see a reduction in the funds required.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017 - 2027 (Desktop Review 2019)

Goal 01 – Vibrant and Active Communities

Objective 02 – Sustainable Services, Clubs, Associations and Facilities

Goal 04 – Quality Services and Infrastructure

Objective 03 – Well Planned Towns

Risk Management

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

Policy Implications

REC05 Community Lease and Licence Agreements of Shire Assets (Facilities, Buildings and Land)

FIN12 Purchasing Policy

Disability Access Inclusion Plan 2018 - 2022

Voting Requirement

Absolute Majority Required

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Officers Recommendation

That with respect to required remediation works on Reserve 39327 for the purpose of Recreation (Speedway) comprising Lot 53 on Deposited Plan 186853 Nameless Valley Drive, Tom Price, Council:

1. Authorise expenditure up to \$200,000 for remediation of Reserve 39327 from GL 111223; and
2. Authorise the Chief Executive Officer to undertake the remediation works as generally outlined with this Report.

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**13.3 LICENCE AGREEMENT BETWEEN THE SHIRE OF ASHBURTON AND
PILBARA IRON COMPANY (SERVICES) PTY LTD FOR OFFICE 16, 70
DEEPDALE DRIVE PANNAWONICA**

FILE REFERENCE:	CP86
AUTHOR'S NAME AND POSITION:	Janelle Fell Manager Land and Asset Compliance
AUTHORISING OFFICER AND POSITION:	Brian Cameron Director Property and Development Services
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	27 June 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Licence Agreement for Office 16, 70 Deepdale Drive, Pannawonica between the Shire and Pilbara Iron Company (Services) Pty Limited as agent for the Robe River Joint Venture expires in September 2019.

Council endorsement is requested to execute the new agreement to continue the provision of Shire of Ashburton services in Pannawonica.

Background

Execution of a Licence Agreement for Office 16, 70 Deepdale Drive, Pannawonica between the Shire and Pilbara Iron Company (Services) Pty Limited as agent for Robe River Joint Venture (comprising Robe River Mining Co. Pty Ltd, North Mining Ltd, Mitsui Iron Ore Development Pty Ltd, Cape Lambert Iron Associates, and Pannawonica Iron Associates [collectively the Landlord]) was executed under Declaration of Authority, for a term of 3 years commencing 15 September 2016 and expiring on 14 September 2019.

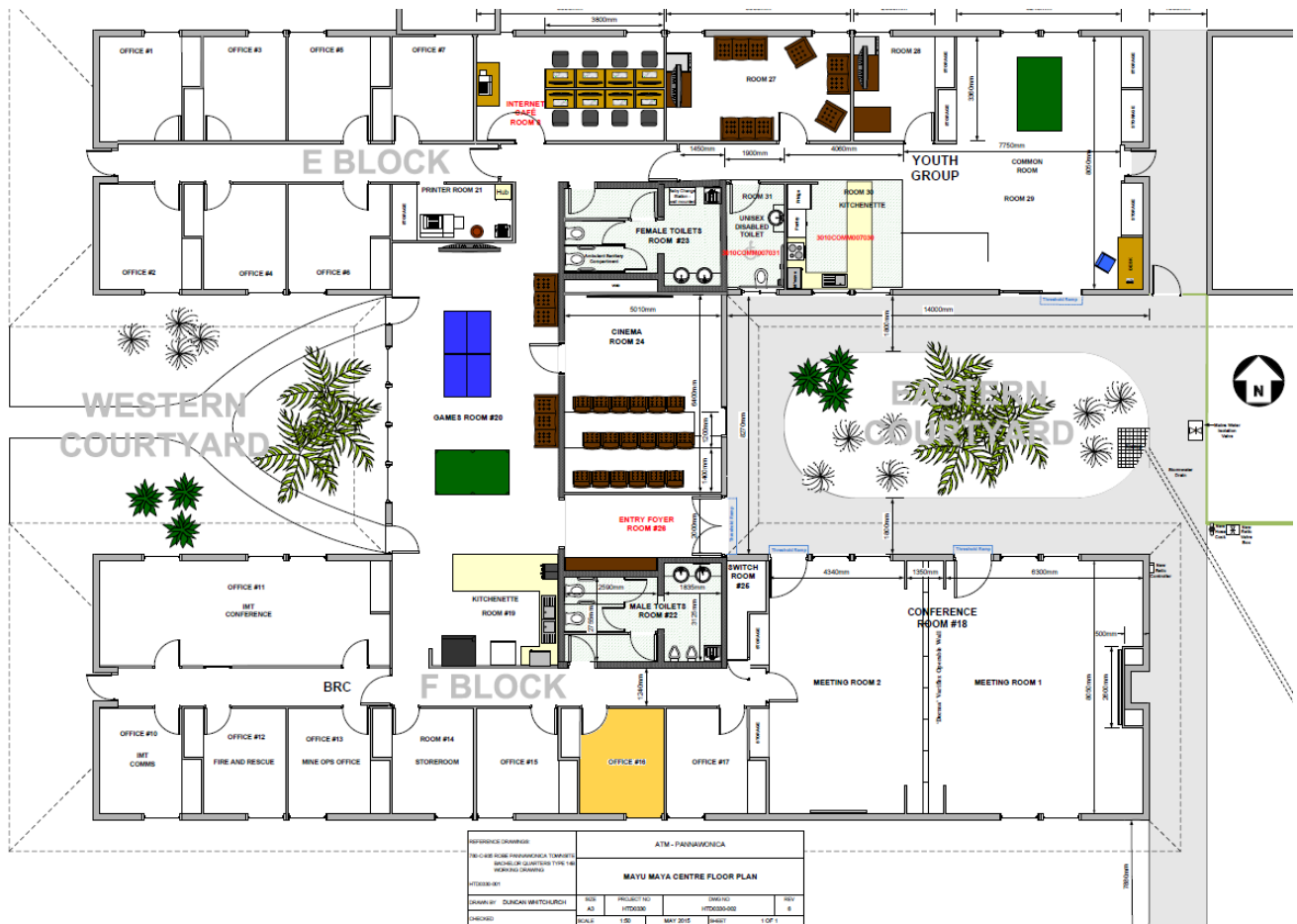
The Shire of Ashburton utilises the office for the provision of human resource activities and meetings.

70 Deepdale Drive, Pannawonica is sited within Rio Tinto's Crown Lease 308/1970.

Comment

Office 16, 70 Deepdale Drive is approximately 10m² and is hachured orange on the following plan:

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The terms of the Agreement **ATTACHMENT 13.3** is as follows:

Schedule	Office 16 70 Deepdale Drive
Term	3 years, commencing on 1 September 2019 and expiring on 31 August 2022
Further Term	Not Applicable
Rent	<p>\$224.97 per annum (plus GST), payable by monthly instalments of \$18.74 (plus GST).</p> <p>The Owner and the User agree that the User is not required to pay a Licence Fee to the Owner during the Term of this Licence. Any clauses relating to the payment of a Licence Fee is not applicable in this Licence. For the purposes of clarity, all other costs relating to the use of the Premises will still continue to be payable by the User.</p>
Permitted Use	General office and administration use for local government purposes.
Public Liability Insurance	\$20 million

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Schedule	Office 16 70 Deepdale Drive
Utilities	Landlord provided
Maintenance (relevant to site) Tenant Responsibility	<ul style="list-style-type: none"> • Bin collection beyond what is normally undertaken by the local authority • General pest treatment • Fire extinguisher installation • Fire extinguisher routine testing • Exit lights and routine RCD testing • Maintenance and repairs to any tenant improvement • General cleaning of premises • Light globes • Smoke alarm batteries • Damage as a result of tenants negligence • Storm water drain cleaning and maintenance • Rubbish bin collection • Maintain Premises and make good at expiry • Building minor maintenance • Repainting at termination of lease • Air conditioning – preventative and maintenance repairs including breakdowns • Electrical, communications and reticulation systems maintenance and repairs • Plumbing system maintenance • Mould prevention

Consultation

Executive Management Team
Manager Human Resources
Rio Tinto

Statutory Environment

Local Government Act 1995 -Section 9.49A – Affixing the Common Seal states in part:

“9.49A. Execution of documents

- (1) A document is duly executed by a local government if —*
 - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) The common seal of the local government is to be affixed to a document in the presence of —*
 - (a) the mayor or president; and*
 - (b) the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.”*

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Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027 (Desktop Review 2019)

Goal 05 Inspiring Governance

Objective 04 – Exemplary team and work environment

Risk Management

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

Policy Implications

ELM13 Affixing of the Shire of Ashburton Common Seal

Voting Requirement

Absolute Majority Required

Officers Recommendation

That with respect to the Licence Agreement Between the Shire of Ashburton and Robe River Mining Co Pty Ltd for Office 16, 70 Deepdale Drive, Pannawonica, Council:

1. Authorise the Shire President and Chief Executive Officer to affix the Common seal to, and execute the Licence Agreement **ATTACHMENT 13.3**.

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**13.4 EXECUTING THE PURCHASE OF No. 8 (LOT 1) ANKETELL COURT,
ONSLOW WITH APPLICATION OF COUNCIL'S COMMON SEAL**

FILE REFERENCE:	CP100
AUTHOR'S NAME AND POSITION:	Brian Cameron Director Property and Development Services
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	1 July 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Shire has undertaken to purchase three (3 bedroom) units for Shire housing needs at No. 8 (Lot 1) Anketell Court, Onslow. Council is requested to authorise the execution of the purchase with application of Council's Common Seal.

Background

The property consists of three (3 bedroom) units which are considered by the Shire to be ideally suited for Shire housing accommodation needs in Onslow.

Comment

The Shire has undertaken to purchase three (3 bedroom) units for Shire housing needs at No. 8 (Lot 1) Anketell Court, Onslow.



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Prior to the purchase, all Councillors were contacted either in person or by phone and duly notified of the availability of the units for sale and the maximum purchase price.

Councillors were formally advised of the offers and kept abreast through emails from the Director Property & Development Services. No objections were received at any stage and accordingly, an offer for purchase was submitted and eventually accepted.

Consultation

Councillors
Executive Management Team

Statutory Environment

Local Government Act 1995

“S 9.49A. Execution of documents

- (1) A document is duly executed by a local government if —
 - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.**
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) The common seal of the local government is to be affixed to a document in the presence of —
 - (a) the mayor or president; and*
 - (b) the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.**
- (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.”*

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027 (2019 Desktop Review)

Goal 04 – Quality Services and Infrastructure

Objective 03 – Well-planned towns

Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton’s Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be ‘Low’ risk that will be managed by policy, procedures and monitoring.

Policy Implications

No known policy implications at this stage, however upon the reform, any legislative changes will be reviewed and implemented as need be.

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Voting Requirement

Absolute Majority Required

Officers Recommendation

That with respect to executing the purchase of No. 8 (Lot 1) Anketell Court, Onslow with application of Council's Common Seal, Council:

1. Acknowledge the purchase of No. 8 (Lot 1) Anketell Court, Onslow; and
2. Authorise the President and Chief Executive Officer to execute the purchase of No. 8 (Lot 1) Anketell Court, Onslow and affix the Common Seal.

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14. COMMUNITY SERVICES REPORTS

15. INFRASTRUCTURE SERVICES REPORTS

15.1 AWARD OF REQUEST FOR TENDER (RFT) 06.19 DESIGN AND CONSTRUCTION OF ONSLOW DEPOT SITE OFFICE AND STAFF FACILITIES

FILE REFERENCE:	CM06.19
AUTHOR'S NAME AND POSITION:	Shane Godfrey Technical Officer
AUTHORISING OFFICER AND POSITION:	Ian Hamilton Director Infrastructure Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	28 June 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in this report.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

A Request for Tender (RFT) 06.19 Design and Construction of Onslow Depot Site Office and Staff Facilities was issued via the Shire's e-tendering portal known as TenderLink on 25 May to the 18 June 2019 and advertised via state wide public notice in The West Australian Newspaper on the 25 May 2019.

Seven tenders (all conforming) were received in response to the RFT 06.19. The evaluation panel has completed its assessment of the submissions and makes its recommendation.

Council is requested to authorise the engagement of a contractor to design and construct a new office and staff facilities at the Onslow depot.

Background

The Shire of Ashburton depots are key service delivery hubs to the community. To ensure continued quality standards are met the depots have been identified to undergo upgrades that will improve the standards of safety and functionality.

After recent inspections the Onslow depot requires improvements to key structures to meet the level of service required in the reports and the Shire of Ashburton's Strategic Community Plan.

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This project will deliver new offices and staff facilities at the Onslow depot and is the first stage in the overall development of the Onslow depot with other staged projects to be developed and completed in the future. The project will focus on key deliverables of sustainability, accessibility, functionality and operational capacity.

Overview of the Works

The facility will include an office reception area, a virtual meeting room, offices and printer stations, lunch room facilities and amenities. The building will be disability compliant, use solar power resources, use building materials compliant with the regional design standards and meet ascetics of the Onslow landscape.

Selection Criteria

In line with FIN12 Purchasing Policy, the advertised selection criteria is as follows:

Criteria	Weighting
Relevant Experience	10%
Key Personnel	10%
Past Company Performance	10%
Resources, Plant and Equipment	10%
Methodology/Quality and OHS Systems/Life Cycle/Risk Management	20%
Price	40%

Only tenders that meet the initial compliance criteria are deemed compliant for assessment against the selection criteria and value for money. The evaluation and recommendation report, including the overall evaluation scores and rankings, is attached as a confidential item.

CONFIDENTIAL ATTACHMENT 15.1

Consultation

Executive Management Team
Manager Operations East
Manager Governance
Senior Procurement Officer
Financial Support Officer
Technical Administration
Technical Officer Tom Price
Technical Officer Onslow

Statutory Environment

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

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

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

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

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Local Government (Functions and General) Regulations 1996

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

Financial Implications

The budgeted provision for the design and construction of Onslow depot site office and staff facilities is \$454,703 for the 2019/2020 financial year. This budget provision includes the works that are the subject of this report.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027 (2019 Desktop Review)

Goal 04 – Quality Services and Infrastructure

Objective 03 – Well planned towns

Goal 04 – Quality Services and Infrastructure

Objective 04 - Exemplary team and work environment

Risk Management

This item has been evaluated against the Shire of Ashburton’s Risk Management Policy CORP5 Risk Matrix. The perceived level of risk from the Risk Matrix is “Minor (3)” considering the potential impacts to natural environment and project items, time and cost. As the Risk Acceptance is “Minor”, the Director Infrastructure Services will monitor progress of this item.

Policy Implications

Policy FIN12 Purchasing Policy

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

Voting Requirement

Absolute Majority Required

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Officers Recommendation

That with respect to RFT 06.19 Design and Construction of the Onslow Depot Site Office and Staff Facilities, Council:

1. Resolve that **CONFIDENTIAL ATTACHMENT 15.1** is confidential in accordance with s5.23 (2) of the Local Government Act 1995 because it deals with matters affecting s5.23 (2) (c):

“a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;”
2. Note the attached Evaluation report **CONFIDENTIAL ATTACHMENT 15.1**;
3. Award RFT 06.19 Design and Construction of the Onslow Depot Site Office and Staff Facilities to Modular WA for \$353,831.20 excluding GST; with an allowance for cost variation of up to but not exceeding \$25,000.00. Variation may be required to modify some of the accessories fitted to the facility;
4. Authorise the Chief Executive Officer to enter into a contract with the preferred contractor; and
5. Authorise the Chief Executive Officer to manage the contract, including the provision of possible variations, providing the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract and managed within the overall budget for the project.

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15.2 RESPONSE TO NOTICE OF MOTION OF 12 FEBRUARY 2019 IN REGARD TO 'REQUEST FOR PEDESTRIAN CROSSING'

FILE REFERENCE:	GV04
AUTHOR'S NAME AND POSITION:	Les Morgan Manager Projects and Assets
AUTHORISING OFFICER AND POSITION:	Ian Hamilton Director Infrastructure Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	25 June 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in this report.
PREVIOUS MEETING REFERENCE:	Agenda Item 16.2 (Minute No. 510/2019) – Ordinary Meeting of Council 12 February 2019

Summary

This report seeks to respond to Cr Foster's Notice of Motion of 12 February 2019 in regard to 'Request for Pedestrian Crossing. Council is requested to endorse the actions as provided in the Recommendation.

Introduction

Councillor Foster tabled the following Notice of Motion in regards to the Request for a Pedestrian Crossing at the Ordinary Meeting on 12 February 2019 Agenda Item 16.2 reading:

"That the Chief Executive Officer prepare as a matter of urgency, a report to Council that addresses matters including the installation of a pedestrian crossing across Central Road Tom Price to provide for the safe crossing of young children between the hours 7.30-8.00am and 2-2.30pm weekdays".

Comment

Subsequently, concerns have been raised about the safety of pedestrians crossing the 100m section of Central Road from Tom Price Library to the Stadium Road intersection. Particular concern has been raised about the safety of children going to and from the Tom Price Primary School.

The subject section of road is the main route of access between the main shopping precinct and community facilities including the Library, Doctors Surgery, Tom Price Primary School and the community centre.

There are 3 main crossing points in this section of road, being directly from the main shopping precinct to the Library, across Tamarind Street, immediately west of Central Road and across Central Road immediately south of Stadium Road.

For the purposes of this analysis these crossings will be referred to as Crossing Points A, B and C as depicted in Figure 1 on the next page.

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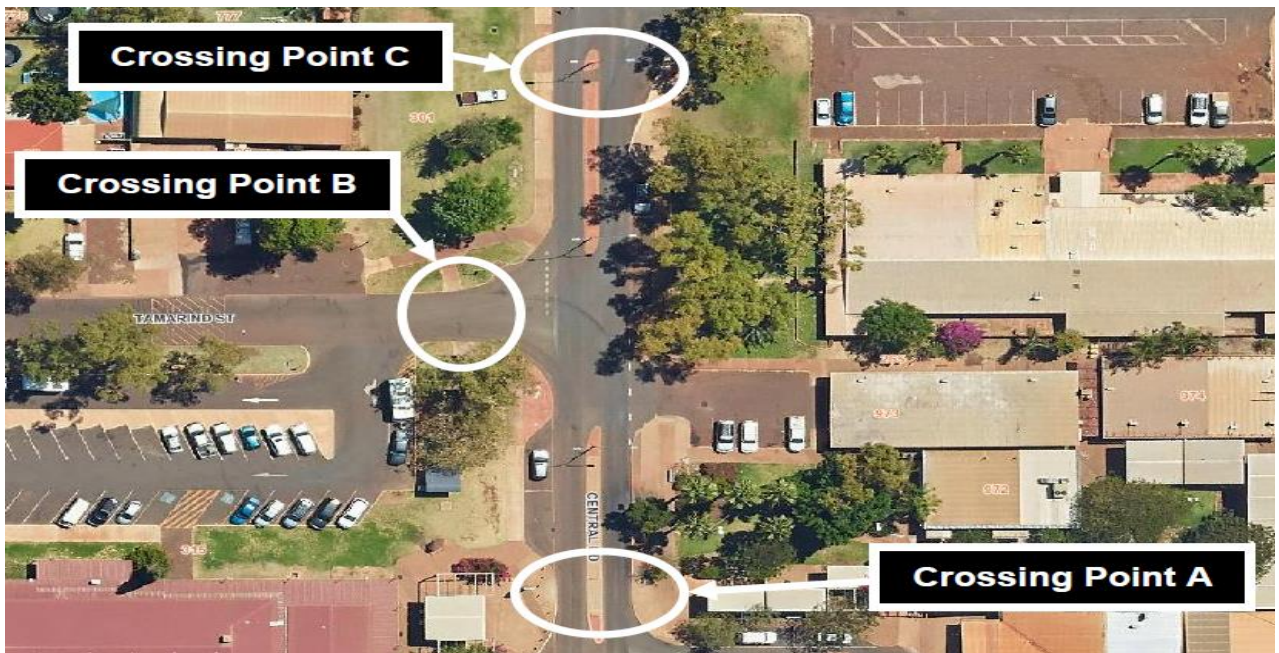


Figure 1. Site Plan

Link between Pedestrian Safety and Vehicle Speeds

Monash University of Melbourne have undertaken a number of studies to find a connection between risk of a pedestrian fatality and the speed of the vehicle colliding with them. In short the results of their study are given in Figure 2 below:

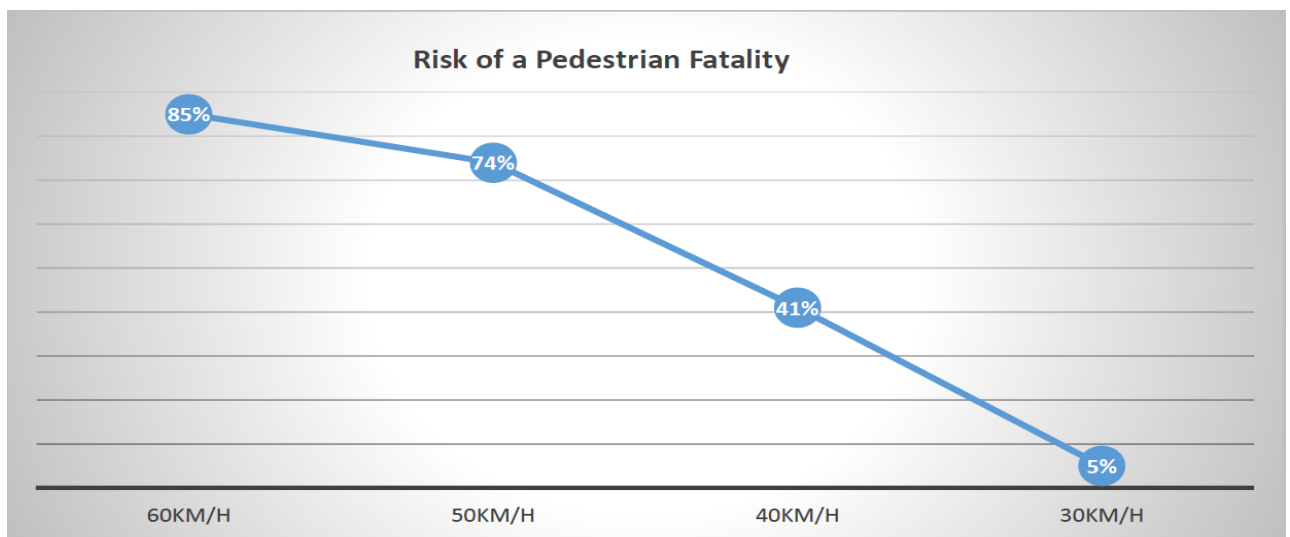


Figure 2. Risk of Pedestrian Fatality

These results show a marked difference in the chances of a pedestrian fatality as vehicle speeds get lower. Therefore, by providing an environment where vehicles are travelling at less than 30km/h there is a good chance that a pedestrian will survive an accident.

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Analysis of Existing Situation

Level of Use

Pedestrian counts were taken at each crossing point on 19 June 2019 from 2:10pm to 3:10pm (the hour immediately following school closure). Counts were also taken of vehicles using Central Road at the same locality for the same period of time as shown in the below table:

Table 1. Pedestrian and Vehicle Counts – Central Road, Tom Price				
Location	School Aged Children	Adults	Passenger Vehicles	Buses
Crossing Point A	63	59	267	3
Crossing Point B	5	5		
Crossing Point C	15	12		

Vehicle Speeds

The subject section of road is in a 50km/h speed zone. Hence, using the findings of the Monash University Study it can be reasonably assumed that if a vehicle collided with a pedestrian on this section of road there may be as high as a 74% chance that the pedestrian will not survive.

Motorists and Pedestrian Awareness

Figure 3 depicts the pedestrian view of Crossing Point A and motorists view of the section of road.



Figure 3. Motorists and Pedestrian Views

As highlighted in these photos there is nothing to alert motorists heading in both directions that they are approaching a place where significant levels of pedestrians cross. There is also no obvious change in the driving conditions.

Signposting

Currently, there is no warning signs or speed zone signs on this section of road to alert motorists that they are approaching an area frequented by pedestrians.

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Conclusions

There are two main factors that enhance the safety of pedestrians crossing a road. These being the provision of a low speed environment (30km/h or less) and the provision of measures to raise the awareness of motorists and pedestrians. Currently, neither of these factors are evident at the 3 crossing points and for the subject section of road.

The subject section of road has a significant level of use by children going to and from the primary school and by all pedestrians at all times and there is nothing in place to alert motorists that they are approaching an area frequented by pedestrians to slow them down to a relatively safe speed. Hence, measures need to be taken to heighten the awareness of motorists and enhance the safety of pedestrians using this section of road.

Options to Improve Safety

There are five main options to enhance safety at this crossing as follows:

1. Marked Pedestrian Crossing (zebra crossing).
2. Warden Controlled Children's Crossing
3. Warning signs and speed zone signs.
4. Raised Plateau Speed Hump.
5. Shared Traffic Zone.

Marked Pedestrian Crossing (Zebra Crossing)

The Main Roads Western Australia (MRWA) standard "Planning and Designing for Pedestrians" outlines that a zebra crossing may be considered if in two separate hours on an average weekday:

- The number of pedestrians crossing in close proximity of the site (generally within 30m) exceeds 60 per hour
- The number of vehicles exceeds 600 per hour (total both directions)
- The product of the number of pedestrians crossing and vehicles passing the site exceeds 90,000 in the same hour.

This location meets the number of pedestrian requirements but falls well short of the vehicle and product requirements. It is also important to remember that pedestrians using zebra crossings often assume all motorists can/or will stop and give way and walk onto the crossing when a vehicle does not have time to stop, thereby leading to an accident. This problem is particularly more evident amongst the young. Zebra crossings can also be poorly respected by motorists, especially where pedestrian volumes are low, thus the underlying need for the mentioned warrants. Accordingly, it is considered that a zebra crossing is not appropriate for this site.

Warden Controlled Children's Crossing

A warden or guard controlled children's crossing may be approved as either a Type 'A' or a Type 'B' crossing. Following approval a trained crossing guard is appointed by the Police in the case of a Type A crossing and by the school for a Type B crossing.

A Type A (Primary School or combined Primary / High School) crossing requires that there be a minimum of 20 students and 200 vehicle movements within the hour immediately before and immediately after school.

A Type B (Primary School or combined Primary/High School) crossing requires that there be a minimum of 10 students and 100 vehicle movements occur within the hour immediately before and immediately after school.

Crossing Point A does meet the warrants for a Type A and B Warden Controlled Children's Crossing.

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However, this location is frequented by all ages throughout the day and as such the safety of these pedestrians would not be enhanced outside of the operational hours of the Children's Crossing. Hence, a Warden Controlled Children's Crossing is not considered suitable for this site as it doesn't protect many pedestrians crossing in the vicinity.

Warning signs and Speed Zone signs.

Regardless of the path taken to resolve the issues outlined in this report, it is imperative that adequate signage be installed to raise the awareness of motorists travelling through this locality. In their current form, Crossing Points A and C are essentially acting as Pedestrian Refuges. As an example, the signage that would be required for a Pedestrian Refuge is given below.

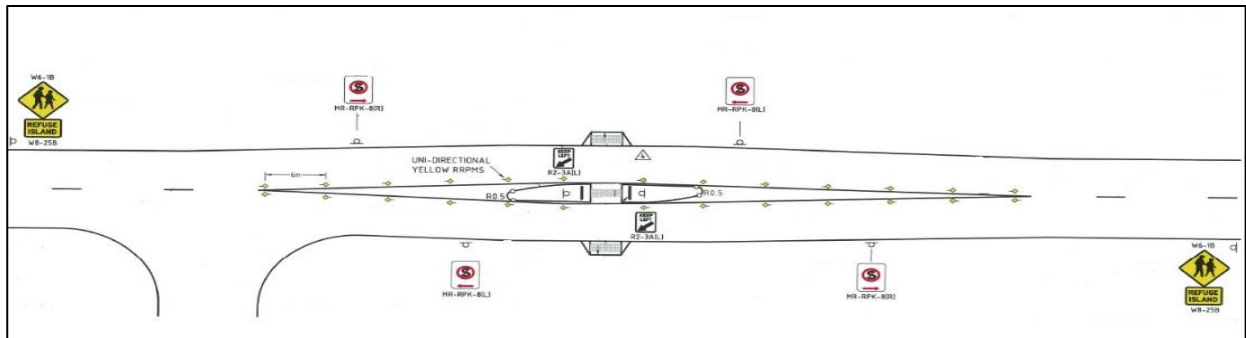


Figure 4. Example Layout – Pedestrian Refuge

The signs and line marking shown above plan must be installed at Crossing Points A and C.

Raised Plateau Speed Hump

Figure 5 below shows a Raised Plateau Speed Hump on Central Road at Crossing Point A.



Figure 5. Impression of a Raised Plateau Speed Hump on Central Road

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Figure 6 below shows a longitudinal cross section of a Raised Plateau Speed Hump.

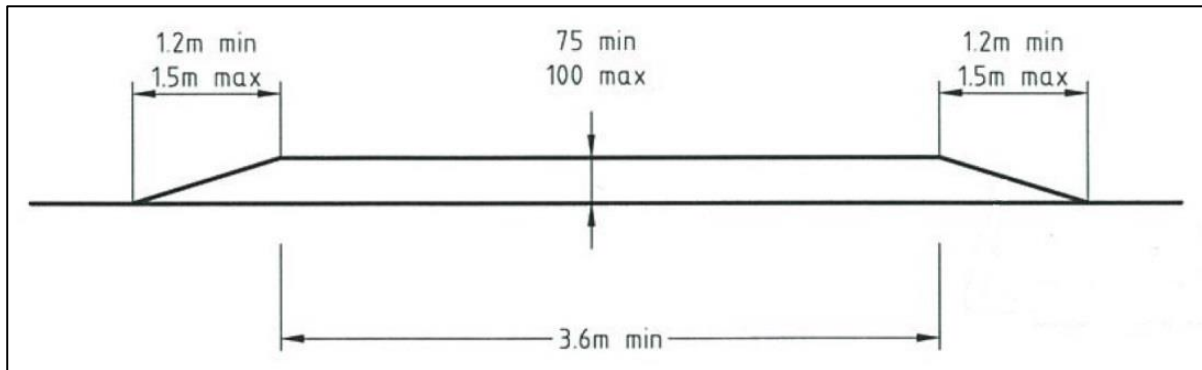


Figure 6. Raised Plateau Speed Hump – Longitudinal Cross Section

A device such as this resolves many of the issues at the subject location, as follows:

- Vehicle speeds are reduced to 30km/h or less, significantly reducing the risk of a fatality;
- The awareness of pedestrian activity should be sharpened for approaching motorists, due to warning signs, line marking and pavement markers, further reducing the risk of a fatality;
- The safety of all pedestrians will be enhanced at all times; and
- It creates a low speed environment that is self-enforcing as vehicles are forced to travel at speeds more conducive to pedestrian safety.

The nature and locality of Crossing Points A and C lend themselves to this type of facility.

Shared Traffic Zones

A Shared Traffic Zone is an area utilised by both pedestrians and vehicles in which motorists must give way to pedestrians at all times, and where the street environment has been adapted for a very low speed environment. Shared Traffic Zones attempt to change the character of a street so that motorists are made aware that they are entering a low speed environment with a heightened awareness of impending pedestrian activity.

Pedestrians have legal right-of-way over all other road users in these zones (MRWA Planning and Designing for Pedestrians) which is reflected by the signage, layout and construction. The extent of the zone is defined by signs displaying the change in speed limit at the entrances and exits. Speed reduction techniques are used within shared traffic zones to reinforce the low speed environment. For example, the use of different coloured and / or textured pavement surfaces.

Shared traffic zones must have the following characteristics and meet MRWA criteria after construction:

- Traffic volumes must be less than 300 vehicles per day;
- The speed limit is 10 km/h and other limits are not permitted;
- The driving environment for motorised vehicles shall be such that vehicle-operating speeds are generally no more than 10 km/h; Raised kerbs are removed to give visual cues to drivers that pedestrians have right of way;
- The surface texture of the Shared Traffic Zone shall be different from the surrounding road network;
- Entrance and exit widths shall be narrowed so there is a physical entry and exit to the zone;

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- The roads shall have significant physical interruption to vehicular traffic by the use of bollards, parallel parking bays, plants and landscaped areas;
- Parking spaces and loading zones, where provided, shall be located adjacent to the trafficable path and clearly signed and marked;
- Service and Emergency vehicles shall be able to use all roads; and
- All roads within the area shall have street lighting in accordance with AS/NZS1158.3.1

Figure 7 below depicts an example Shared Traffic Zone.



Figure 7. Example Shared Traffic Zone

Figure 8 below, provides aerial view of an artistic impressions of how a shared traffic zone may look at the subject location.

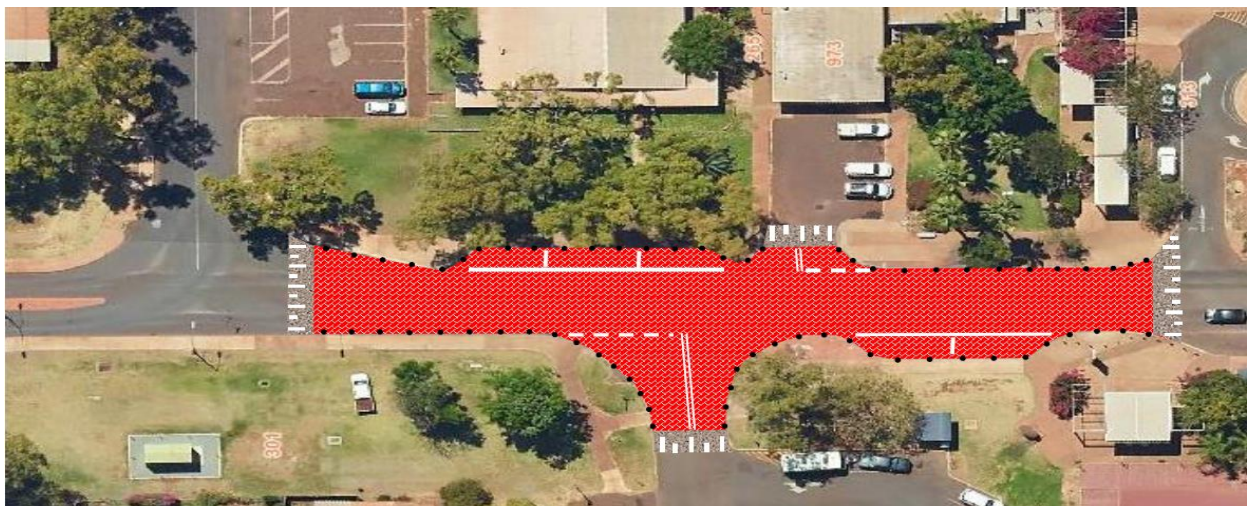


Figure 8. Shared Traffic Zone – Central Road, Tom Price

A Shared Traffic Zone will provide the low speed environment and level of motorist awareness necessary to enhance pedestrian safety. A Shared Traffic Zone can also create significantly enhanced aesthetical appeal and an overall improved sense of community.

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However, a shared traffic zone can also incur other unforeseen impacts such as a change in vehicle usage that may see many vehicles taking alternate routes to their destination which may impact streets such as Willow Road and Stadium Road. A Shared Traffic Zone will also incur a significantly higher cost than previous options.

Accordingly, it is recommended that a Traffic Impact Study be undertaken on the impact of creating a Shared Traffic Zone in Central Road, Tom Price. If this study proves favourable, then full survey, design and cost estimation can then be carried out.

Conclusion

The section of Central Road, Tom Price, from the Library to Stadium Road had a significant level of pedestrian and vehicular activity throughout the day. However, currently the locality does not provide the low speed environment and level of motorist awareness necessary to enhance the safety of pedestrians frequenting this locality. The two main factors leading to this undesirable situation are the lack of facilities to raise the awareness of motorists travelling along Central Road and the speed of traffic using the road.

Despite the locality not meeting the warrants for a zebra crossing, this type of facility will also not create the low speed environment required for safe pedestrian use. A warden controlled children's crossing will protect children going to and from Tom Price Primary School immediately before and after school, however, children and adults alike will still be at risk at all other times. These two types of crossings will also only provide a level of safety at Crossing Point A.

Warning signs and speed zone signs will enhance the awareness of motorists. However, they won't provide the low speed environment necessary to reduce the risk of pedestrian fatalities. Nonetheless, these signs should be provided immediately in the interim and should also be provided with any traffic slowing devices recommended.

Raised Plateau Speed Humps at Crossing Points A and C will provide the low speed environment and motorist awareness necessary to optimise the safety of pedestrians at these crossings points as will a shared traffic zone. A Shared Traffic Zone will also provide a low speed environment for all pedestrians using the subject section of Central Road.

It is also important to note that Council will require MRWA endorsement for each of the facilities outlined in this report.

Strategic Direction

The level of motorist awareness should be addressed immediately through the implementation of warning signs and road markings in accordance with the Main Roads Western Australia standards for Pedestrian Refuges.

Creating a low speed environment can be addressed through the installation of Raised Plateau Speed Humps at Crossing Points A and C. Works on the design and cost estimation of these traffic calming measure can also commence almost immediately. If budget limitations permit these should then be installed as soon as practicable.

A full Traffic Impact Study should also be undertaken to assess the viability of implementing a Shared Traffic Zone in the subject section of Central Road. If found viable this should be viewed as a long term solution and planned and costed for accordingly. It is important to remember that the recommended Raised Plateau Speed Humps can be incorporated into a Shared Traffic Zone if necessary.

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Looking at the Shires urban areas more widely, it is clear that areas such as Second Avenue Onslow and the shopping/sporting precinct of Paraburdoo may also lend themselves to the installation of Shared Traffic Zones.

It would also be more cost effective to undertake traffic impact studies on all 3 urban areas at the same time to address pedestrian and vehicle movements and the creation of more pedestrian safe environments.

Consultation

Cr Foster
Executive Management Team
Deputy Principal – Tom Price Primary School
Sodexo Buses

Statutory Environment

Section 5B of the Civil Liability Act 2002 (Act) outlines that:

- (1) A person is not liable for harm caused by that person's fault in failing to take precautions against a risk of harm unless:
 - (a) the risk was foreseeable (that is, it is a risk of which the person knew or ought to have known); and
 - (b) the risk was not insignificant; and
 - (c) in the circumstances, a reasonable person in the person's position would have taken those precautions.
- (2) In determining whether a reasonable person would have taken precautions against a risk of harm, the court is to consider the following (amongst other relevant things) —
 - (a) the probability that the harm would occur if care were not taken;
 - (b) the likely seriousness of the harm;
 - (c) the burden of taking precautions to avoid the risk of harm;
 - (d) the social utility of the activity that creates the risk of harm.

In light of the *Act*, the current situation at this crossing could be considered a significant foreseeable risk, which if left unchanged could expose Council to litigation.

Financial Implications

\$50,000 has been allocated to these works in the 2019/2020 Budget. Initial estimates indicate that this will be sufficient for the recommended signposting, line marking and construction of 2 raised plateau speed humps. However, this will need to be verified after detailed design and estimation.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027 (Desktop Review 2019)

Goal 04 – Quality Services and Infrastructure
Objective 01 – Quality Public Infrastructure

Risk Management

Implementing the recommendations contained within this report will reduce Council's exposure to liability under the Civil Liability Act – 2002.

Policy Implications

There are no known policy implication for this matter

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Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to response to Notice of Motion of 12 February 2019 in regard to 'Request for Pedestrian Crossing', Council:

1. Note the Report in response the Notice of Motion;
2. Approve the design and installation of 'Raised Plateau Speed Humps' in accordance with Main Roads Western Australia (MRWA) Standards at the crossing point from the shopping area to the library and immediately south of Stadium Road in principal;
3. Approve the installation of warning signs and road markings in accordance with the MRWA standards for 'Pedestrian Refuges' at the crossing points from the shopping area to the library and immediately south of Stadium Road;
4. Authorise the Chief Executive Officer to refer all works to MRWA for approval and undertake negotiations as required; and
5. Approve commissioning of a Traffic Impact Study's for Shared Traffic Zones in Onslow, Paraburdoo and Tom Price as determined necessary by the Chief Executive Officer.

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

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

1. *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:***
 - (I) *a matter that if disclosed, would reveal:***
 - (II) *a trade secret;***
 - (III) *information that has a commercial value to a person; or***
 - (IV) *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.

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

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18.1 CONFIDENTIAL ITEM - WITTENOOM LITIGATION UPDATE

FILE REFERENCE:	LS34
AUTHOR'S NAME AND POSITION:	Keith Pearson Special Projects Advisor Janyce Smith Executive Officer
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	3 July 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 9.3.6 – Ordinary Meeting of Council Audit and Risk Committee Meeting 18 June 2019

REASON FOR CONFIDENTIALITY

The Chief Executive Officer's Report is confidential in accordance with s5.23 (2) *the Local Government Act 1995* because it deals with matters affecting s5.23 (2):

- (b) *the personal affairs of any person;*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.*

Officers Recommendation

That with respect to the *Confidential Item – Wittenoom Litigation Update*, Council:

1. Support the following approach:
 - The Chief Executive Officer to review "Wittenoom related" records and progress to obtaining a legal opinion as to the Shire's legal obligations in relation to "Wittenoom Asbestos Claims"; and
 - The Chief Executive Officer continue to negotiate Shire contributions to individual claim settlements in accordance with current Policy.

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18.2 CONFIDENTIAL ITEM - APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

FILE REFERENCE:	LS34
AUTHOR'S NAME AND POSITION:	Rob Paull Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	3 July 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author/ authorising officer is the person requesting leave and has a financial interest in the Item.
PREVIOUS MEETING REFERENCE:	Not Applicable

REASON FOR CONFIDENTIALITY

The Chief Executive Officer's Report is confidential in accordance with s5.23 (2) *the Local Government Act 1995* because it deals with matters affecting s5.23 (2):

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

Officers Recommendation

That with respect to the Confidential Item – Appointment of Acting Chief Executive Officer, Council:

1. Approve the annual leave for the Chief Executive Officer (CEO) for the period 12 August 2019 to 30 August 2019 (inclusive);
2. Consider Mr John Bingham a suitable person in accordance with s5.36(2) *of the Local Government Act, 1995*; and
3. Appoint Mr John Bingham, Acting CEO for the period 12 August 2019 to 30 August 2019 (inclusive) to be paid 80% of the current CEO's salary as higher duties during this time.

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19. NEXT MEETING

The next Ordinary Meeting of Council will be held on 13 August 2019, at the Council Chambers, Onslow Shire Complex, Second Avenue, Onslow commencing at 1.00 pm.

20. CLOSURE OF MEETING

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