

Ordinary Meeting of Council

Paraburdoo



PUBLIC AGENDA

18 June 2019

Ashburton Hall
Ashburton Avenue
Paraburdoo

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**

**Ashburton Hall, Ashburton Avenue
Paraburdoo**

**18 June 2019
1.00 pm**

**PUBLIC AGENDA - ORDINARY MEETING OF COUNCIL
18 JUNE 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 18 June 2019 at Ashburton Hall, Ashburton Avenue, Paraburdoo 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 K White 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	Shire President, (Presiding Member) Onslow Ward Deputy Shire President, 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 Mrs S Johnston Mr B Cameron Mr J Bingham Mrs N Tyson Mrs M Lewis Ms K Nicholson	Chief Executive Officer Director Infrastructure Services Acting Director Community Services Director Property & Development Services Director Corporate Services Governance Manager 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

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4. QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

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.

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2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the *Local Government Act*, or
 - 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		
14.2 ADDITIONAL SPONSORSHIP REQUEST FOR THE 50TH ANNIVERSARY OF THE NAMELESS JARNDUNMUNHA FESTIVAL		
Cr Rumble	Financial	The nature of my interest is I am a shareholder with Rio Tinto The extent of my nature is I have shares of greater value than \$10,000 in Rio Tinto.
Cr Foster	Financial interest	Financial - The nature of my interest is 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 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		
14.2 ADDITIONAL SPONSORSHIP REQUEST FOR THE 50TH ANNIVERSARY OF THE NAMELESS JARNDUNMUNHA FESTIVAL		
Cr Foster	Impartiality interest	The nature of my interest is Impartiality– I'm a member of the Nameless Jarndunmunha Festival Committee. The extent of my interest is I'm a member of the Nameless Jarndunmunha Festival Committee who is responsible for expending the sponsorship funds on the 2019 Festival program.
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. We have shares of greater than \$10,000 in Rio Tinto.
Cr Diver	Financial	The nature of my interest is I am employed by Rio Tinto. The extent of my interest is I receive a salary, I also receive subsidised utilities (water/power) and rent as part of my salary package.
Cr de Pledge	Financial	The nature of my interest is I am a shareholder with Rio Tinto Pty Ltd. The extent of my nature is I have shares to a value less than \$10,000.
Cr Lynch	Financial	The nature of my interest is I am an employee of Rio Tinto and a tenant. The extent of my interest is I am paid a salary by Pilbara Iron.
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 we 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 /gifts offered to employees and /or shareholders. The extent of my interest is Direct Financial.
Sarah Johnston	Indirect Financial	The nature of my interest is that my husband is a Rio Tinto employee. The Extent of my interest is my husband earns an income from Rio Tinto, we live in a Rio Tinto house provided as part of his employment contract and he has shares in excess of \$10,000 with Rio Tinto.

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Item Number/ Name		
14.3 REQUEST FOR TENDER (RFT) 02.19 PASSION OF THE PILBARA-EVENT MANAGEMENT SERVICES – VARIATION		
Rob Paull	Financial	The nature of my interest is my Self-Managed Superannuation Fund is a shareholder in BHP. The Extent of my interest is my Fund own BHP shares is less than \$10,000.
Sarah Johnston	Financial	The nature of my interest is my husband and I are shareholders in BHP. The Extent of my interest is my husband and I own BHP shares in excess of \$10,000.

- 7. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**
- 8. PETITIONS / DEPUTATIONS / PRESENTATIONS**
 - 8.1 PETITIONS**
 - 8.2 DEPUTATIONS**
 - 8.3 PRESENTATIONS**
- 9. CONFIRMATION OF MINUTES**
 - 9.0 UNCONFIRMED MINUTES ORDINARY MEETING OF COUNCIL HELD ON 21 MAY 2019 (ATTACHMENT 9.0)**

Officer Recommendation

That the Unconfirmed Minutes of the Ordinary Meeting of Council held 21 May 2019, as previously circulated on 28 May 2019 (**ATTACHMENT 9.0**) be confirmed as a true and accurate record, subject to the following amendment:

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9.1 RECEIPT OF COMMITTEE MINUTES – ‘EN BLOC’

9.2 RECEIPT OF COMMITTEE AND OTHER MINUTES

9.2.1 ONSLOW LOCAL EMERGENCY MANAGEMENT COMMITTEE MINUTES HELD ON 7 MAY 2019 AT THE ONSLOW VFES COMPLEX (ATTACHMENT 9.2.1)

Officer Recommendation

That the Minutes of the Onslow Local Emergency Management Committee Meeting **(ATTACHMENT 9.2.1)** held on 7 May 2019 at Onslow VFES Complex be received.

9.2.2 SHIRE OF ASHBURTON INLAND LOCAL EMERGENCY MANAGEMENT COMMITTEE MINUTES HELD ON 10 MAY 2019 AT THE TOM PRICE VOLUNTEER BUSH FIRE BRIGADE (ATTACHMENT 9.2.2)

Officer Recommendation

That the Minutes of the Shire of Ashburton Inland Local Emergency Management Committee Meeting **(ATTACHMENT 9.2.2)** held on 10 May 2019 at the Tom Price Volunteer Bush Fire Brigade be received.

9.2.3 STATE COUNCIL MEETING MINUTES HELD ON 8 MAY 2019 AT THE CITY OF PERTH (ATTACHMENT 9.2.3)

Officer Recommendation

That the Minutes of the State Council Meeting Minutes **(ATTACHMENT 9.2.3)** held on 8 May 2019 at the City of Perth be received.

9.2.4 UNCONFIRMED MINUTES OF THE AUDIT & RISK COMMITTEE TO BE HELD ON 18 JUNE 2019 (ATTACHMENT 9.2.4 TO BE PRESENTED TO COUNCIL)

Officer Recommendation

That the Unconfirmed Minutes of the Audit & Risk Committee Meeting to be held on 18 June 2019, **(ATTACHMENT 9.2.4 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 MAY 2019**

FILE REFERENCE:	GV04
AUTHOR'S NAME AND POSITION:	Michelle Lewis Council Support Officer
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	4 June 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 558/2019) - Ordinary Meeting of Council 21 May 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:

"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.

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- (2) *Without limiting subsection (1), the council is to —*
(a) oversee the allocation of the local government's finances and resources; and
(b) determine the local government's policies."

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

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

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 4 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation

That Council receive the "*Council Decisions Status Reports*" for the month of May 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 MAY 2019**

FILE REFERENCE:	GV21 CM02
AUTHOR'S NAME AND POSITION:	Michelle Lewis Councillor Support Officer Brooke Beswick Administration Assistant Planning
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	4 June 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 May 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

Goal 5 – Inspiring Governance

Objective 4 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

ELM 13 – Affixing the Shire of Ashburton Common Seal

FIN12 – Purchasing and Tendering Policy

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the Use of Common Seal and Actions Performed under Delegated Authority for the month of May 2019, that Council receive the reports relating to:

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

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11.3 SHIRE OF ASHBURTON STRATEGIC COMMUNITY PLAN - DESKTOP REVIEW

FILE REFERENCE:	CM03
AUTHOR'S NAME AND POSITION:	Nicky Tyson Manager Governance
NAME OF APPLICANT/RESPONDENT:	Rob Paull Chief Executive Officer
DATE REPORT WRITTEN:	4 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 13.4 (Minute No 123) - Ordinary Meeting of Council 14 March 2017

Summary

The Shire's current Strategic Community Plan 2017 – 2027 was adopted by Council in March 2017. In line with the departments Integrated Planning and Reporting Guidelines and relevant legislation, the plan is required to be reviewed.

Guidelines require Council to conduct a desktop (minor) review every two years and legislation stipulates a major review every four years of which community consultation is required. A desktop review has been conducted in 2019 with a major review planned for 2021.

The *Living Life - Strategic Community Plan 2017-2027 Desktop Review* draft is presented to Council for consideration.

Background

The Strategic Community Plan (SCP) outlines the visions, values, aspirations and priorities of the Shire of Ashburton communities in the longer term (10+ years).

It is just one part of a suite of documents that form the Integrated Planning and Reporting Framework (IPR) and is closely aligned, with the Long Term Financial Plan, Workforce Plan, Asset Management Plans and the Annual Report. Amendments made in the SCP will flow through to the Corporate Business Plan (CBP).

Comment

In line with the departments Integrated Planning and Reporting Framework regarding Strategic Community Plans, the shire has conducted a strategic review. The strategic review alternates between the minor and major versions. The minor version is a desktop review process conducted every two years and focuses on resetting the CBP. The major version conducted every four years involves re-engagement with the community on vision, outcomes and priorities, and a comprehensive review of the whole IPR suite.

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The amended document will be disseminated throughout the Shire, via the Shire of Ashburton website, and advertised via local public notice to ensure that our communities and key stakeholders are able to access the updated document.

ATTACHMENT 11.3

Consultation

Executive Management Team
Manager Media & Communications

Statutory Environment

Local Government Act 1995

Section 5.56. Planning for the Future

(1) A local government is to plan for the future of the district.

(2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

Local Government (Administration) Regulations 1996

19C. Strategic community plans, requirements for (Act s. 5.56)

(1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.

Financial Implications

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

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017- 2027

Goal 05 – Inspiring Governance

Objective 03 – Council Leadership

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 "High" risk but can be managed by senior management, and is unlikely to need specific allocation of resources beyond staff time and minor costs for public communications.

Policy Implications

There were no known policy implications for this matter

Voting Requirement

Absolute Majority Required

Officers Recommendation

That with respect to the *Shire of Ashburton Strategic Community Plan 2017- 2027 Desktop Review*, that Council:

1. Adopt the revised *Shire of Ashburton Strategic Community Plan 2017- 2027 Desktop Review* as provided in **ATTACHMENT 11.3**; and
2. Provide local public notice of the revised document as required under s19D of the *Local Government (Administration) Regulations 1996*.

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**11.4 SHIRE OF ASHBURTON CORPORATE BUSINESS PLAN – QUARTERLY
PROGRESS REPORT**

FILE REFERENCE:	CM03
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:	4 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:	Audit & Risk Committee Meeting (Minute No: 517/2019) 12 March 2019

Summary

Council adopted its latest iteration of the Shire of Ashburton Corporate Business Plan (CBP) 2018 – 2022 on 18 June 2018.

While formal reporting of progress in relation to the CBP is to occur annually (via the Shire's Annual Report) local government 'best practice recommends that progress reports should be presented to Council on more regular basis.

This Report provides progress of the CBP to Council on a three monthly basis.

Background

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

This is underpinned by a series of informing strategies and plans which include:

- the Shire's *Long-Term Financial Plan*;
- the Shire's *Workforce Plan* that is reviewed every four years in conjunction with the CBP;
- the Shire's *Asset Management Plan/s* for the life cycle of all assets including maintenance and replacement programs;
- the Council's adopted *Annual Budget*; and
- Any relevant issue specific strategies and plans for major projects or key developments.

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Comment

The CBP identifies five Focus Areas in line with Council's *Strategic Community Plan (SCP)*, as shown below:

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

This report (**ATTACHMENT 11.4**) includes all 2018/19 Capital Expenditure (CAPEX) projects linked to the relevant actions within our current CBP. This data is generated from a new module directly linked to Synergy to give up to date financials, similar to that of previous CAPEX Tracker reports however includes commentary on the relevant projects status.

It is proposed that trends and outcomes of the previously reported monthly CAPEX will no longer be provided as all details and outcomes are included in this comprehensive CBP Quarterly Progress Report.

Each action in the Shire's CBP links to Council's SCP and allows us to ensure Council and the Shire are meeting compliance requirements for the '*Plan for the Future*'.

ATTACHMENT 11.4

This Report is the fourth and final progress reports for the 2018/19 financial year, showing progress of how we are meeting the actions in our current CBP that links to Council's strategic directions of the *Living Life – Strategic Community Plan*.

The next report will revert to quarter one of the 2019/20 financial budget and is proposed for the 22 October 2019 Ordinary Meeting of Council.

Consultation

Executive Management Team

Statutory Environment

Local Government Act 1995

Section 5.56. Planning for the Future

(1) A local government is to plan for the future of the district.

(2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district

Local Government (Administration) Regulations 1996

Section 19DA Corporate Business Plans, requirements for (Act s5.56)

Section 19DB (5) Corporate Business Plans, requirements for (Act s5.56).

Financial Implications

All items as per the adopted 2018/19 budget.

Strategic Implications

- Shire of Ashburton 10 Year Community Strategic Plan 2017-2027; and
- Multiple Goals and Objectives will be achieved over the course of the financial year.

ATTACHMENT 11.4 references actions linked to the relevant Goal and Objective.

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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 Chief Executive Officer.

There is a level of reputational risk to the organisation in not achieving the proposed projects, this will be closely managed by the Chief Executive Officer, Manager Governance along with the individual responsible officers of each linked project.

Policy Implications

There are no known policy implications for this matter

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to *Shire of Ashburton Corporate Business Plan – Quarterly Progress Report*, that Council:

1. Accept the fourth and final quarterly progress report for the 2018/19 Financial Year of the *Shire of Ashburton Corporate Business Plan 2018 -2022 (ATTACHMENT 11.4)*; and
2. Request the Chief Executive Officer to continue providing *Council Corporate Business Plan – Quarterly Progress Reports* as required.

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11.5 SHIRE OF ASHBURTON CORPORATE BUSINESS PLAN - 2019 REVIEW

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:	6 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: 391/2018) 18 June 2018

Summary

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

Council adopted its original Shire of Ashburton Corporate Business Plan (CBP) 2018 - 2022 on 18 June 2018.

In line with the Regulations and in conjunction with the adoption of Councils *Strategic Community Plan 2017 – 2027 Desktop Review 2019* (Note Item 11.3), this Report is presented to Council with the next iteration of the Corporate Business Plan for the 2019 – 2023 period.

Background

The CBP outlines the local government's 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.

The CBP is underpinned by a series of informing strategies and plans which include:

- the Shire's *Long-Term Financial Plan*;
- the Shire's *Workforce Plan* that is reviewed every four years in conjunction with the CBP;
- the Shire's *Asset Management Plan/s* for the life cycle of all assets including maintenance and replacement programs;
- the Council's adopted *Annual Budget*; and
- Any relevant issue specific strategies and plans for major projects or key developments.

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Comment

The CBP identifies five Focus Areas in line with Council's Strategic Community Plan, as shown below:

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

The document **ATTACHMENT 11.5** reports directly on each of Council's Strategic Goals and links the required action and funding year/s.

Main areas of amendment include:

- an updated Forecast Statement of Funding derived from the Shire's reviewed Long Term Financial Plan
- Additions and deletions to Council's Capital Program (focusing on the next financial year); and
- minor amendments throughout the document under 'Actions' that assist with the development of Council's proposed annual budget.

Consultation

Executive Management Team
Acting 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
Goal 5 – Inspiring Governance
Objective 4 – 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 Chief Executive Officer.

Policy Implications

There are no known Policy Implications for this matter

Voting Requirement

Absolute Majority Required

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Officers Recommendation

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*; and
2. Give public notice of this plan in accordance with Regulation 19DB (5) of the *Local Government (Administration) Regulations 1996*.

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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 June 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 May 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 1996 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**

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Comment

There following budget variations are recommended for May 2019.

GL/Job No.	General Ledger Description	Current Budget	Variation Amount	Revised Budget	Reason
040382	Meetings and Seminars	1,244.41	5,000	6,244.41	Increase in accommodation costs due to staff visits / meetings in Onslow.
041013	Consultants / Project Costs	10,000	(5,000)	5,000	Strategic Planning consultancy actual costs not required for 2018/19.
143002	Consultant Fuel Tax Credits (FTC)	8,430.30	1,500	9,930.30	Ongoing consultancy required to complete handover to Shire staff for preparation of FTCs.
041093	Consultants / Project Costs	180,000	(1,500)	178,500	General Administration consultancy actual costs favourable to budget for 2018/19.
NEW	Touch Screen for Tom Price Visitors Centre	0	12,900	12,900	New Capital Expenditure request – see attached business case.
138742	Consultancy	15,000	(8,000)	7,000	Visitors Centre consultancy actual costs are favourable to budget for 2018/19.
B432	Visitors Centre Building	22,177	(4,900)	17,277	Visitors Centre building actual costs are favourable to budget for 2018/19.
039126	Transfer to Future Projects Reserve	34,266	1,000,000	1,034,266	Replenish reserve to provide funds for Future Capital Projects determined in LTFP.
039116	Transfer to Employee Entitlement Reserve	11,866	500,000	511,866	Replenish reserves to contribute towards funding the Councils liability for payments of employee benefits.
093613	Transfer to Housing Reserve	26,087	1,000,000	1,026,087	Replenish reserves to assist the Council to maintain and improve Council housing stock.
124670	Transfer to Infrastructure Reserve	323,627	1,000,000	1,323,627	Replenish reserves for provision and maintenance of new and existing infrastructure assets.

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GL/Job No.	General Ledger Description	Current Budget	Variation Amount	Revised Budget	Reason
042494	Transfer to Tom Price Admin Building Reserve	3,020,688	1,000,000	4,020,688	Increase Reserve for replacement of the Tom Price Administration Building.
124214	Transfer to Plant Reserve	8,753	500,000	508,753	Replenish reserves for funding of Council plant and equipment.
Various	Materials and Contracts	16,590,280	(3,549,788)	13,040,492	Materials and Contracts actual costs are favourable to budget for 2018/19.
Various	Employee Costs	18,353,593	(1,450,212)	16,903,381	Employee Costs actuals are favourable to budget for 2018/19.

New Capital Expenditure Request - Touch Screen for Tom Price Visitors Centre

An interactive standalone touch screen ('kiosk') is intended to outline the activities available in the Tom Price, Karijini and Millstream National Parks and surrounding areas.

The screen will link up with the TPVC website for online bookings and websites for the Shire, individual tourism operators, Main Roads and Department of Biodiversity, Conservation and Attractions.

The purchase of the kiosk aligns with The Tom Price Visitors Centre Strategic Plan 2018 Strategic Plan as a high priority to enable self-service needs with IT solutions. Additionally the kiosk will add to the customer's journey by enhancing the visitor's experience within the Visitors Centre.

A project brief for the new Tom Price Visitors Centre Touch Screen is attached.

ATTACHMENT 12.1F

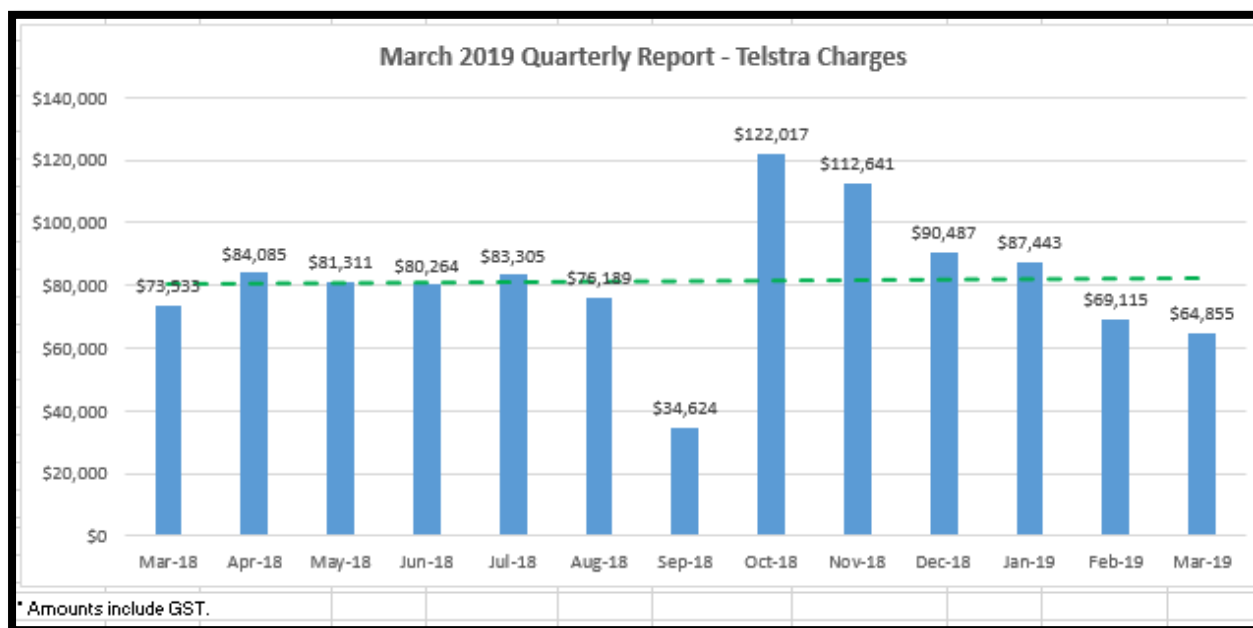
Telstra Costs Update

Telecommunication charges for the twelve months to March 2019 have fluctuated significantly with an average monthly cost of \$73,870 (ex GST). This is mainly due to incorrect billing by Telstra and the use of its Loyalty Fund since October 2018.

The issue for the Shire appears to have now been resolved since receiving a bill in March for \$137,227 being a credit note of \$74,483 which was subsequently issued in April 2019 resulting in \$62,794 being payable for March 2019.

The following graph indicates the annual trend for Telstra costs to March 2019.

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The Shire continues to use its Loyalty Fund credit for redemption of hardware items such as phones, network equipment and digital signatures. The balance as at 11 February 2019 was \$167,710. Further to this the Shire continues to look for ways to reduce costs whilst ensuring adequate and reliable service levels are maintained.

Consultation

Executive Management Team
Finance Team
ICT Specialist

Statutory Environment

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

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 4 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Absolute Majority Required

Officers Recommendation 1

That with respect to the Monthly Financial Report, Council:

1. Receive the Financial Report for May 2019 **ATTACHMENT 12.1A**; and
2. Approve budget variations for the 2018/19 Budget as outlined below;
 - a. Increase Expenditure Account GL 040382, Meetings and Seminars by \$5,000, from \$1,244.41 to \$6,244.41;
 - b. Decrease Expenditure Account GL 041013, Consultants / Project Costs by \$5,000, from \$10,000 to \$5,000;
 - c. Increase Expenditure Account GL 143002, Consultant Fuel Tax Credits by \$1,500, from \$8,430.30 to \$9,930.30;
 - d. Decrease Expenditure Account GL 041093, Consultants / Project Costs by \$1,500, from \$180,000 to \$178,500;
 - e. Increase a New Expenditure Job Account, Touch Screen for Tom Price Visitors Centre by \$12,900, from \$0 to \$12,900;
 - f. Decrease Expenditure Account GL 138742, Consultants by \$8,000, from \$15,000 to \$7,000;
 - g. Decrease Expenditure Job Account B432, Visitors Centre Building by \$4,900, from \$22,177 to \$17,277;
 - h. Increase Expenditure Account GL 039126, Transfer to Future Projects Reserve by \$1,000,000 from \$34,266 to \$1,034,266;
 - i. Increase Expenditure Account GL 039116, Transfer to Employee Entitlement Reserve by \$500,000 from \$11,866 to \$511,866;
 - j. Increase Expenditure Account GL 093613, Transfer to Housing Reserve by \$1,000,000, from \$26,087 to \$1,026,087;
 - k. Increase Expenditure Account GL 124670, Transfer to Infrastructure Reserve by \$1,000,000 from \$323,627 to \$1,323,627;
 - l. Increase Expenditure Account GL 042494, Transfer to Tom Price Admin Building Reserve by \$1,000,000 from \$3,020,688 to \$4,020,688;

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- m. Increase Expenditure Account GL 124214, Transfer to Plant Reserve by \$500,000 from \$8,753 to \$508,753;
 - n. Decrease Materials and Expenditure Accounts, by \$3,549,788 from \$16,590,280 to \$13,040,492;
 - o. Decrease Employee Cost Accounts, by \$1,450,212 from \$18,353,593 to \$16,903,381; and
 - p. Note that the Budgeted Surplus position carried forward (Net Current Assets position) forecast as at 30 June 2019 is \$1,370,000.
- 3. Receive the Capital Expenditures Progress Tracker for May 2019 **ATTACHMENT 12.1B**;
 - 4. Receive the Budget Amendment Register as at 31 May 2019 **ATTACHMENT 12.1C**; and
 - 5. Receive the Schedule of Accounts and Credit Card payments made in May 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, Council:

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

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12.2 CONSIDERATION OF SUBMISSIONS - DIFFERENTIAL RATES 2019/20

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 June 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. 562/2019) – Ordinary Meeting of Council 21 May 2019

Summary

Following the 21 May 2019 Ordinary Meeting of Council public notice was given as follows:

- (i) for Councils intention to adopt the 2019/20 Proposed Differential Rates;
- (ii) to advertise the Objects and Reasons for the Proposed Differential Rates; and
- (iii) to invite submissions for at least 21 days from Thursday 23 May 2019 until midday of Friday 14 June 2019.

This Report considers those submissions received before the deadline of 12.00pm Friday 14 June 2019 and recommends Council endorse rates in the dollar for each rating category as advertised.

Background

The following 2019/20 Proposed Differential Rates was advertised in The West Australian on Friday 23 June as well as exhibited on public notice boards in accordance with s1.7 of the *Local Government Act 1995*:

ATTACHMENT 12.2A

Rate Code Description	18/19 Rate in the \$	19/20 Rate in the \$	Change YOY	General Minimum	Lesser Minimum
GRV - Residential/Community	0.100357	0.102364	2%	1,010.00	727.50
GRV - Commercial/Industrial/Tourism	0.064633	0.065926	2%	1,262.50	NA
GRV - Transient Workforce Accommodation	NA	0.131845	New	1,262.50	NA
UV - Pastoral	0.060976	0.062196	2%	1,262.50	NA
UV - Tourism	0.165704	0.169018	2%	1,262.50	NA
UV - Mining/Industrial	0.369571	0.369571	0%	1,262.50	NA

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The rate revenue level is based on an increase in the rate in the dollar of 2 per cent on 2018/19 for:

- GRV – Residential / Community
- GRV – Commercial / Industrial / Tourism
- UV – Pastoral
- UV – Tourism

There is no increase to the rate in the dollar proposed for UV Mining / Industrial and GRV – Transient Workers Accommodation (TWA) is a new rating category and therefore no change year on year is applicable.

Comment

The Shire wrote to each of the property holders in the UV Tourism rating category as is required by the Department of Local Government Sport and Cultural Industries (DLGSCI) 'Rating Policy for Differential General Rates'.

As of writing this report one submission has been received and is addressed below.

Submissions

The following submission (from McMahon Mining Title Services) was received in the period Thursday 23 May 2019 and Friday 14 June 2019:

ATTACHMENT 12.2B

Category	Properties	Ratepayer
UV Mining / Other	Various	McMahon Mining Title Services
Main points of Submission GRV for mining tenements is based on the rent imposed by Department of Mines, Industry Regulation and Safety (DMIRS). From 1 July 2019 rates will increase by 1.5% for Exploration Licenses and 6% for all other mining tenements. This will deliver a functional increase in rates payable for these properties, despite the Shire of Ashburton not increasing the UV Mining rate in the dollar. Additionally McMahon has stated the Shire's minimum rate is one of the highest in the State for UV Mining and has requested it be reduced.		
Recommended Shire Response The proposed rates model is based on valuations effective 1 July 2019 as advised by Landgate and incorporates a 2% increase as at 1 July 2019. Any interim valuations received throughout 2019/20 will be actioned accordingly and can include both positive and negative movements. The minimum valuations have been set based on the Shire's rating strategy as agreed by Council. McMahon's statement can be considered when the 2020 rating strategy is reviewed.		

Should any further submissions be received on or before the Council meeting, such submissions will be provided to Council for consideration (under separate cover).

Consultation

Executive Management Team
Finance Team
(Rating Consultant) Moore Stephens
Councillor Workshop

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Statutory Environment

The *Local Government Act 1995* following sections apply:

- S6.32 provides Council with the power to apply rates to property;
- S6.33 provides Council with the power to apply differential general rates although Ministerial approval is required where a Differential Rate is more than twice the lowest differential rate to be applied;
- S6.35 provides Council with the power to apply a minimum payment which is greater than the general rate which would otherwise be payable on that land and a lesser minimum in respect of any portion of the district;
- S6.36 requires Council to give public notice of its intention to impose Differential Rates, inviting submissions within 21 days (or more is desired). Council is also required to consider any submissions received prior to imposing the proposed rate or minimum payment;
- S6.47 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);
- S5.63 (1) (b) specifically excludes the need for Elected Members to 'Declare a Financial Interest' in imposing a rate, fee or charge.

Local Government (Financial Management) Regulations 1996 Part 5.

The Department of Local Government and Communities prepared a Rating Policy in March 2016 giving guidance on Legislation (the Act S 6.33 and Financial Regulations 52A), the five key principles and the steps involved in submitting an Application to the Minister, if an application is / was required.

Financial Implications

The proposed Differential Rates will raise rate revenue of \$37,689,036.

Strategic Implications

Shire of Ashburton 10 year Strategic Community Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 1 – Effective Planning for the Future

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

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Officers Recommendation

That with respect to the proposed 2019/20 Differential Rates, Council:

1. Acknowledge and note the submission received as per **ATTACHMENT 12.2C**;
2. Note and endorse the Shire's response to the submission as per **ATTACHMENT 12.2D** and request the Chief Executive Office to advise the submitter of Council's response;
3. Adopting the following advertised 2019/20 Differential Rates for consideration for 2019/20 Budget;

Rate Code Description	2019/20 Rate in the \$	General Minimum	Lesser Minimum
GRV - Residential/Community	0.102364	1,010.00	727.50
GRV - Commercial/Industrial/Tourism	0.065926	1,262.50	NA
GRV - Transient Workforce Accommodation	0.131845	1,262.50	NA
UV - Pastoral	0.062196	1,262.50	NA
UV - Tourism	0.169018	1,262.50	NA
UV - Mining/Industrial	0.369571	1,262.50	NA

4. Request the Chief Executive Officer seek Ministerial approval for UV Tourism and UV Mining /Industrial Differential Rating categories in accordance with *Section 6.33 of the Local Government Act 1995*; and
5. Acknowledge that the proposed Differential Rates (as per 3. above) aligns with the principles:
 - of Councils Rating Strategy, Long Term Financial Plan; and
 - as stated in the Department of Local Government Sport and Cultural Industries Rating Policy.

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12.3 PROPOSED SCHEDULE OF FEES AND CHARGES 2019/20

FILE REFERENCE:	FM28
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 June 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 12.3 (Minute No.390/2018) – Ordinary Meeting of Council 19 June 2018

Summary

The Shire's proposed Fees and Charges are presented to Council for consideration (and adoption) for the Financial Year 2019/20. The proposal is required to be advertised for seven days prior to taking effect on 1 July 2019.

Background

A local government may impose and recover a fee or charge for goods or services it provides.

The proposed Fees and Charges recommended by the Shire have been collated and compiled in consultation with the Shire's Executive and their respective teams who are responsible for providing the relevant services to the community and ensuring appropriate levels of income / cost recovery are generated for the Shire.

Comment

The proposed Fees and Charges 2019/20 include the following assumptions and changes:

- 2% increase (per *Long Term Financial Plan*) applies for annual inflationary pressure;
- Statutory changes are effective from 1 July 2019 or applied throughout 2019/20 when notification is provided;
- Where a 2% increase or statutory changes do not apply the explanation for the proposed 2019/20 fee or charge is due to market / competition forces, community expectations and / or benchmarking with neighboring local governments;
- Rounding where deemed appropriate is to the nearest dollar; and
- No increase in Bonds incurred by facility users.

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The recommended 2019/20 Schedule of Fees and Charges have been workshopped with Councillors (May 2019) prior to preparation of this Report. The recommended 2019/20 Schedule of Fees and Charges are all subject to amendment should Council so desire.

ATTACHMENT 12.3A

Once adopted by Council the intention to impose the 2019/20 Fees and Charges will be advertised in accordance with Section 6.19 of the *Local Government Act 1995 (the Act)*.

ATTACHMENT 12.3B

Consultation

Councillor Workshop
Executive Management Team
Finance Team

Statutory Environment

The following sections of the *Local Government Act 1995* apply:

- S6.16 sets out the Councils power to impose and recover fees and charges including what fees and charges can be imposed i.e. use of facilities, providing services etc. It also states Fees and Charges are to be imposed when adopting the Annual Budget but may be imposed during the financial year as well as amended from time to time during the financial year.
- S6.17 addresses the level of funding to be set including consideration of costs to the local government based on such considerations as the importance of the service and the price at which the goods and services could be provided by an alternative provider.
- S6.19 states that once adopted the Shire must give local public notice of its intention to do so and the date from which it is proposed the fees and charges will be imposed.
- S1.7 requires a public notice to be given in a newspaper circulating in the district, exhibited on public notice boards at the local government's administration office as well as libraries.

Financial Implications

Fees and Charges income for 2019/20 is \$12,522,986 based on year 3 of the Long Term Financial Plan 2017-2032 (for 2019/20 this is approximately 21.5% of operating revenues). The level of revenue is highly dependent on mining (e.g. Waste fees) and oil and gas (Airport Fees) activity.

A proposed reduction to Passenger Fees is intended to promote new business by increasing the number of flights to the Airport. Current modeling forecasts it will be necessary to subsidise any potential operating deficits as a result of the reduction to the Passenger Fees with current modelling indicating a provisional figure of +/- \$597k. Budgeted Airport Reserves as at 30 June 2019 are \$13.2M.

Strategic Implications

Shire of Ashburton 10 year Strategic Community Plan 2017-2027
Goal 5 – Inspiring Governance
Objective 1 – Effective Planning for the Future

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Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. Even though the total revenues collected from fees and charges is significant, the level of increase is the risk driver and the perceived level of risk is therefore considered to be a "*Low Risk: Managed by routine procedures*".

If Council was to direct that fees and charges be modified significantly without complimentary changes in other parts of the budget, then the level of risk would need to be reassessed.

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Absolute Majority Required

Officers Recommendation

That with respect to the proposed Fees & Charges for the 2019/20 financial year, Council:

1. Pursuant to *Section 6.16 of the Local Government Act 1995* adopt the Fees & Charges Schedule as per the **ATTACHMENT 12.3B** and give local public notice of the changes with effect from the date of that notice;
2. Pursuant to *Section 53 of the Cemeteries Act 1986* adopt the Fees and Charges for all Cemeteries in the Shire of Ashburton as referenced in **ATTACHMENT 12.3A** with effect from the date of advertisement in the WA Government Gazette;
3. Pursuant to *Regulation 53 of the Building Regulations 2012* adopt a swimming pool inspection fee as referenced in **ATTACHMENT 12.3A**; and
4. Pursuant to *Section 67 of the Waste Avoidance and Resources Recovery Act 2007*, adopt the charges for the removal and deposit of domestic and commercial waste as referenced in **ATTACHMENT 12.3A**.

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13. PROPERTY AND DEVELOPMENT SERVICES REPORTS

13.1 REQUEST FOR EXCISION OF PORTION OF RESERVE 39923 FOR AMALGAMATION WITH LOT 1193 PINDARI PLACE, TOM PRICE

Council Decision

That with respect to Agenda Item “13.1 Request for Excision of Portion of Reserve 39923 for Amalgamation with Lot 1193 Pindari Place, Tom Price” Agenda Item 13.2 (Minute No. 564/2019) – Ordinary Meeting of Council 21 May 2019, Council Raise the agenda item from the table.

FILE REFERENCE:	PR39923 PIN.1193
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:	Nathan and Misty Bouwer Proprietors of Lot 1193 Pindari Place, Tom Price
DATE REPORT WRITTEN:	5 May 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

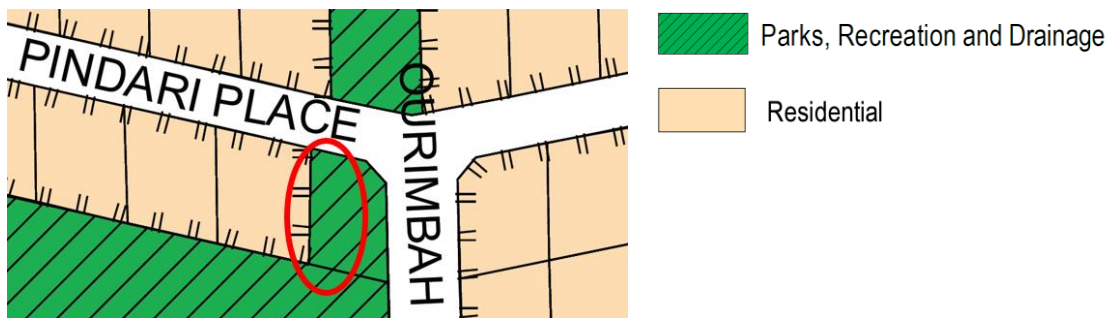
Summary

A request has been received from the owner of Lot 1193 Pindari Place, Tom Price to excise portion of the adjoining Lot 280 on Deposited Plan 15095, that is held as a managed Crown reserve with a Management Order to the Shire of Ashburton for the purpose ‘Drainage’. If approved, the excised portion of land will be purchased by the owner of Lot 1193 and amalgamated with this Lot.

Background

Reserve 39923, being Lot 280 on Plan 15095, is a 732.795m² Crown Reserve located on the corner of Ourimbah Street and Pindari Place, Tom Price, with Management Order issued to the Shire of Ashburton for its care, control and management. The Reserve was created as a 20A reserve under the superseded *Town Planning and Development Act 1928* for the purpose of “Drainage”. The *Shire of Ashburton Town Planning Scheme No. 7* (TPS7) reserves Lot 280 for ‘Parks, Recreation and Drainage’, with Lot 1193 being zoned ‘Residential’ with an applied density code of ‘R20’.

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In March 2019, it was brought to the Shire's attention that fencing and structures installed on Reserve 39923 did not align with the cadastral boundary, as depicted below in red. Staff contacted the owner of Lot 1193, advising that the unauthorised development would need to be removed and the land returned to its former state.

As an alternative, the owner could request that the Shire surrender that portion of land, allowing it to be purchased from the Crown and amalgamated with Lot 1193. The landowner has elected to explore the second option, with the goal of purchasing the portion of Lot 280. Requesting 'Power to Lease' on the Management Order is not considered viable as the reserve purpose of "Drainage" does not allow for ancillary residential development and, a commercial arrangement to allow disposal by way of lease would not be supported by the Department of Planning, Lands and Heritage.



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Boundary encroachments include boundary fence, driveway, road base for caravan 'park-up', mobile equipment (trailers) and a chicken pen.



Comment

Lot 1193's owner proposes to address the boundary encroachment through a boundary rationalisation to encompass the current use within the freehold lot. It is proposed approximately ~7.7m (north boundary) x ~34.5m (east and west boundaries) x ~4.0m (south boundary) (subject to survey) be excised from Reserve 39923 for amalgamation into Lot 1193 on Plan 15095.

Alternatively, rationalisation of the boundary for the driveway only of Lot 1193 is an option. This area is approximately 45m² being ~3.0m (north boundary) x ~15.5m (west boundary) x ~14.8m (east boundary). This would require the Applicant to remove all structures and remediate the reserve. The aerial below depicts the cadastral boundary of Lots 1193 and 1192 (owned by Hamersley Iron Pty Ltd) which shows the built form (hachured red) and cadastral boundaries do not correspond. The Owners of Lot 1192 and 1193 will be requested to seek a boundary rationalization with the Department of Planning Lands and Heritage to rectify this anomaly.



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Reserve 39923 is zoned parks, recreation and drainage. A scheme amendment will ultimately be required for the excised portion, however as the TPS7 zoning for the reserve is unlikely to affect use and development of the excised portion of land, this created zoning anomaly could be rectified at the next full Scheme review.

Upon consent to excise portion from the Minister for Lands, Reserve 39923 will be reduced with the excised portion becoming unallocated Crown land. The Application will then seek to purchase this portion of land following a formal valuation by the Valuer Generals office. The land would be amalgamated into Lot 1193. The Applicant has agreed to cover all costs, including purchase of the land from the Crown, survey costs, and any modifications to the drainage function of the remaining reserve.

The current structures/development have not impeded the flow of water with the water run-off route visible, running diagonal then adjacent to the southern boundary, through the undulating Reserve. The land proposed for excision from the Reserve for amalgamation into Lot 1193 is higher than the drainage channel and therefore does not affect drainage. To alleviate damage to the Applicant's development due to an extreme weather event, the Applicant will be requested to install a Shire approved retaining wall and be responsible for reinstatement and any modifications to the drainage function.

Given Council's concerns as raised at the May 2019 Council meeting, three (3) options are presented for Council consideration:

Option One:

1. Resolve in accordance with *s51 of the Land Administration Act 1997*, to request the Minister for Planning, Lands and Heritage to:
 - a. Excise approximately 207m² from Reserve 39923 generally in accordance with the attached plan, dated 7 May 2019 to enable its purchase and amalgamation with Lot 1193 on Deposited Plan 15095, **ATTACHMENT 13.1A**; and
 - b. Request a new Management Order for the balance of Reserve 39923.

Option Two:

1. Resolve in accordance with *s51 of the Land Administration Act 1997*, to request the Minister for Planning, Lands and Heritage to:
 - a. Excise approximately 45sqm from being the driveway area and a conservative boundary offset from Reserve 39923 generally in accordance with the attached plan, dated 3 June 2019 to enable its purchase and amalgamation with Lot 1193 on Deposited Plan 15095, **ATTACHMENT 13.1B**; and
 - b. Request a new Management Order for the balance of Reserve 39923.

Option Three:

1. Resolve not to support any excision of portion of Reserve 39923 for amalgamation with Lot 1193 Pindari Place, Tom Price.

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Consultation

Executive Management Team
Senior Ranger
Principal Planner
Infrastructure Services – Manager Operations East
Landgate – Valuer General's Office

Statutory Environment

S51 Land Administration Act 1997: Cancelling, changing etc. reserves, Minister's powers as to.

Subject to ss42, 43 and 45, the Minister may by order cancel, change the purpose of or amend the boundaries of, or the locations or lots comprising, a reserve.

Shire of Ashburton Town Planning Scheme No. 7.

Financial Implications

There are no known significant financial implications in relation to this matter as the Applicant has agreed to cover all costs associated with the excision and purchase, including survey and any modification to the drainage function of the remaining reserve.

Landgate's Valuations & Property Analytics team have advised an indicative purchase (by the Applicant) price for the 200m² is estimated at \$7,000. Accordingly, a 45m² portion would be circa \$2,500.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027
Goal 4 – Distinctive and Well Serviced Places
Objective 01 – Quality Public Infrastructure

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to Request for Excision of Portion of Reserve 39923 for Amalgamation with Lot 1193 Pindari Place, Tom Price, Council consider the Officer Report and determine as appropriate.

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**13.2 PROPOSED COMMUNITY LEASE BETWEEN THE SHIRE OF
ASHBURTON AND PARABURDOO SOCCER CLUB INCORPORATED -
RESERVE 39572 (CHUB)**

FILE REFERENCE:	RC39572
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:	Michael Rennard - President Paraburdoo Soccer Club Incorporated
DATE REPORT WRITTEN:	29 May 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 13.1 (Minute No. 563/2019) – Ordinary Meeting of Council 21 May 2019

Summary

Paraburdoo Soccer Club Incorporated (A1019793A) has requested to lease a storage cage within the Paraburdoo Sports, Fitness and Community Complex.

Council endorsement is sought to negotiate and execute a Community Lease Agreement.

Background

The new multipurpose hall is sited on Reserve 39572, which has the purpose "Public Recreation" with the Power to Lease for any term not exceeding 21 years. The multipurpose hall is known as the Paraburdoo Sports, Fitness and Community Complex (Complex). Practical Completion with Pindan Contracting Pty Ltd for Design and Construction of the facility was reached in March 2019.

Four storage cages are located in the western end of the Complex. Council endorsed occupancy of the storage cages at the November 2018 OCM to Paraburdoo Saints Football and Sporting Club Inc. (Saints), Paraburdoo Netball Association Incorporated (Netball), Paraburdoo Amateur Swimming Club (Inc.) and Paraburdoo Cricket Club (Cricket).

Comment

Netball has taken up occupancy of the shed located between the Karingal Neighbourhood Centre and the netball courts.

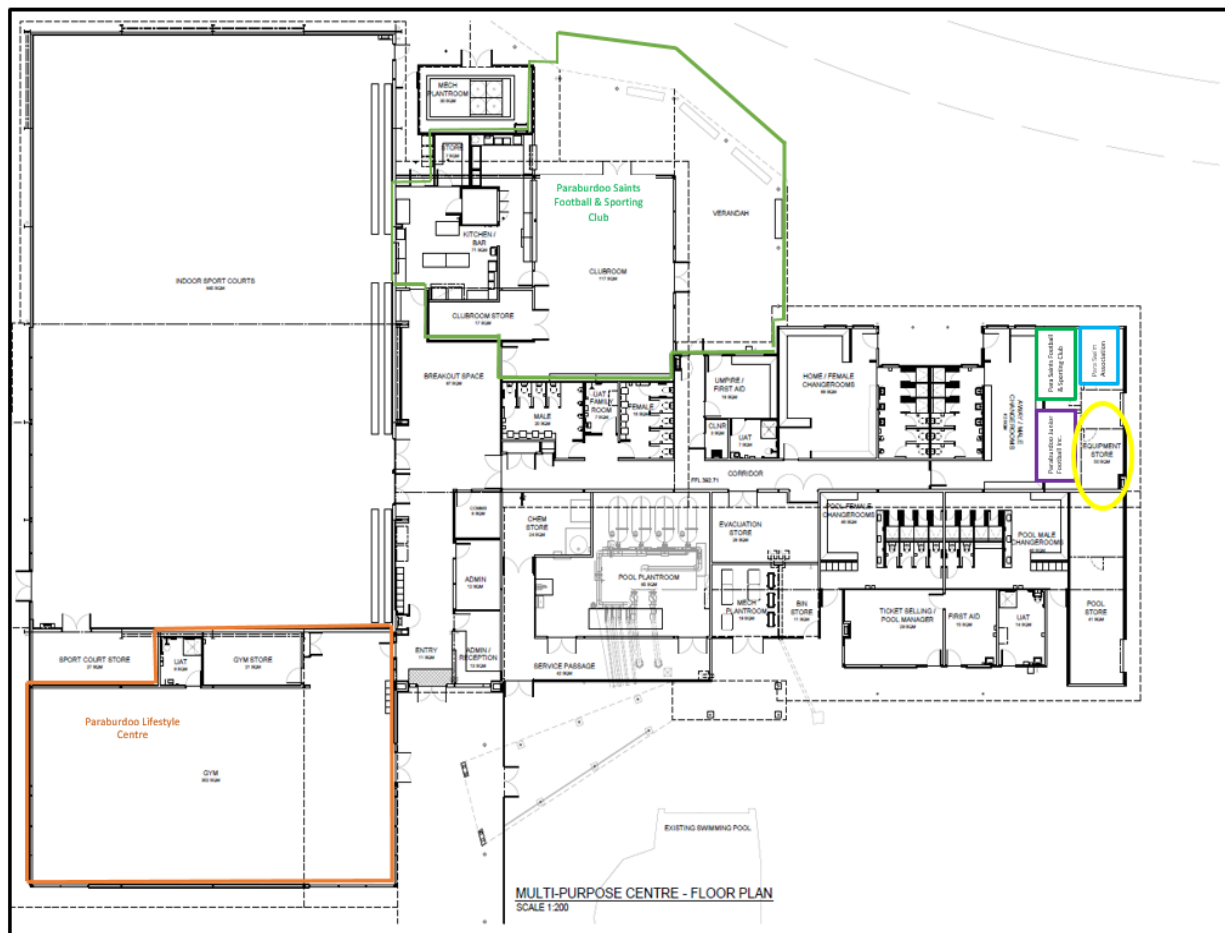
Saints has provided storage space for Cricket within their leased storage cage as Cricket members have failed to form a committee. This arrangement will be ongoing as both parties agree to the shared use.

Swimming is yet to execute their Minister for Lands consented Lease.

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Paraburdoo Soccer Club Incorporated (A1019793A) has requested storage space for their equipment. Soccer propose to utilise the indoor sports court for soccer and have secure sponsorship from Bennco Pty Ltd to make their equipment conveniently located between both the outdoor sports oval and indoor sports court, storage within the Complex has been requested. One cage remains available within the Complex, circled yellow (below).



The proposed terms of the Lease Agreement are:

Lease/Licence	Term	Further Term	Rent (per REC05)	Maintenance Costs	Lessees Outgoings
Lease – Storage	5 years	5 years	\$100 p.a. plus GST	Lessee must maintain the Lease Premises in good condition and state of repair. The Shire is responsible for fair wear and tear and damage which will be reinstated from the proceeds of insurance.	<ul style="list-style-type: none"> • Cost of installation of meter, wiring or other device • Cleaning of Lease Area

ATTACHMENT 13.2

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Paraburdoo Soccer Club Incorporated will be required to maintain insurance for their property and public liability insurance for the term of their Agreement.

Should Council accept the Shire's recommendation the Lease will be sought from the Minister for Planning, Lands and Heritage in accordance with *Section 18 of the Land Administration Act 1997*, approval.

Consultation

Executive Management Team
Community Development Officer – Paraburdoo
Development Land and Asset Compliance Support Officer

Statutory Environment

Local Government Act 1995 Section 3.58 - Disposing of Property. *Local Government (Function and general regulations 1996* Regulation 30 - "Dispositions of property to which section 3.58 does not apply". Under Regulation 30(2)(b) if land is disposed to an organisation that has objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions; then the disposition is exempt. Section 5.42 – Delegation of some powers and duties to the Chief Executive Officer.

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."*

Land Administration Act 1997 Section 18 – Crown land transactions that need Minister's approval

Financial Implications

Policy REC05 states the annual lease fee for users.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 01 Vibrant and Active Communities

Objective 01 - Connected, Caring and Engaged Communities

Objective 02 – Sustainable Services, Clubs, Associations and Facilities

Goal 04 Quality Services and Infrastructure

Objective 01 – Quality Public Infrastructure

Goal 05 Inspiring Governance

Objective 02 – Community Ownership

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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

REC05 Community Leases and Licence Agreement of Shire Assets (Facilities, Buildings and Land)

EML13 Affixing of the Shire of Ashburton Common Seal

Voting Requirement

Absolute Majority Required

Officers Recommendation

That with respect to the Proposed Community Lease between the Shire of Ashburton and Paraburdoo Soccer Club Incorporated - Reserve 39572 (CHUB), Council:

1. Authorise the Chief Executive Officer to negotiate the terms of a Lease Agreement between the Shire of Ashburton and Paraburdoo Soccer Club Incorporated (A1019793A) **ATTACHMENT 13.2;**
2. Authorise the Chief Executive Officer to seek formal approval from the Minister for Planning, Lands and Heritage of the Lease Agreement in accordance with *Section 18 of the Land Administration Act 1997*; and
3. Subject to approval from the Minister for Planning, Lands and Heritage, authorise the Shire President and the Chief Executive Officer to affix the Common Seal to, and execute the Lease Agreement between the Shire of Ashburton and Paraburdoo Soccer Club Incorporated.

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**13.3 PROPOSED LEASE BETWEEN SHIRE OF ASHBURTON AND
PARABURDOO TEE BALL ASSOCIATION INC OF PETER SUTHERLAND
STOREROOMS AND AMENITIES (RESERVE 39572)**

FILE REFERENCE:	RC39572
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:	Paraburdoo Tee Ball Association Inc.
DATE REPORT WRITTEN:	31 May 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 13.6 (Minute No. 460/2018) – Ordinary Meeting of Council 20 November 2018

Summary

The Paraburdoo Community Hub project included conversion of the Peter Sutherland change rooms into storerooms. Practical completion of the conversion project was reached on 30 May 2018. Paraburdoo Tee Ball Association Inc. (Association No. A1002494W) has requested lease of one storeroom. Council endorsement is sought for delegated authority to be awarded to the Chief Executive Officer to negotiate and execute the required Community Lease Agreements.

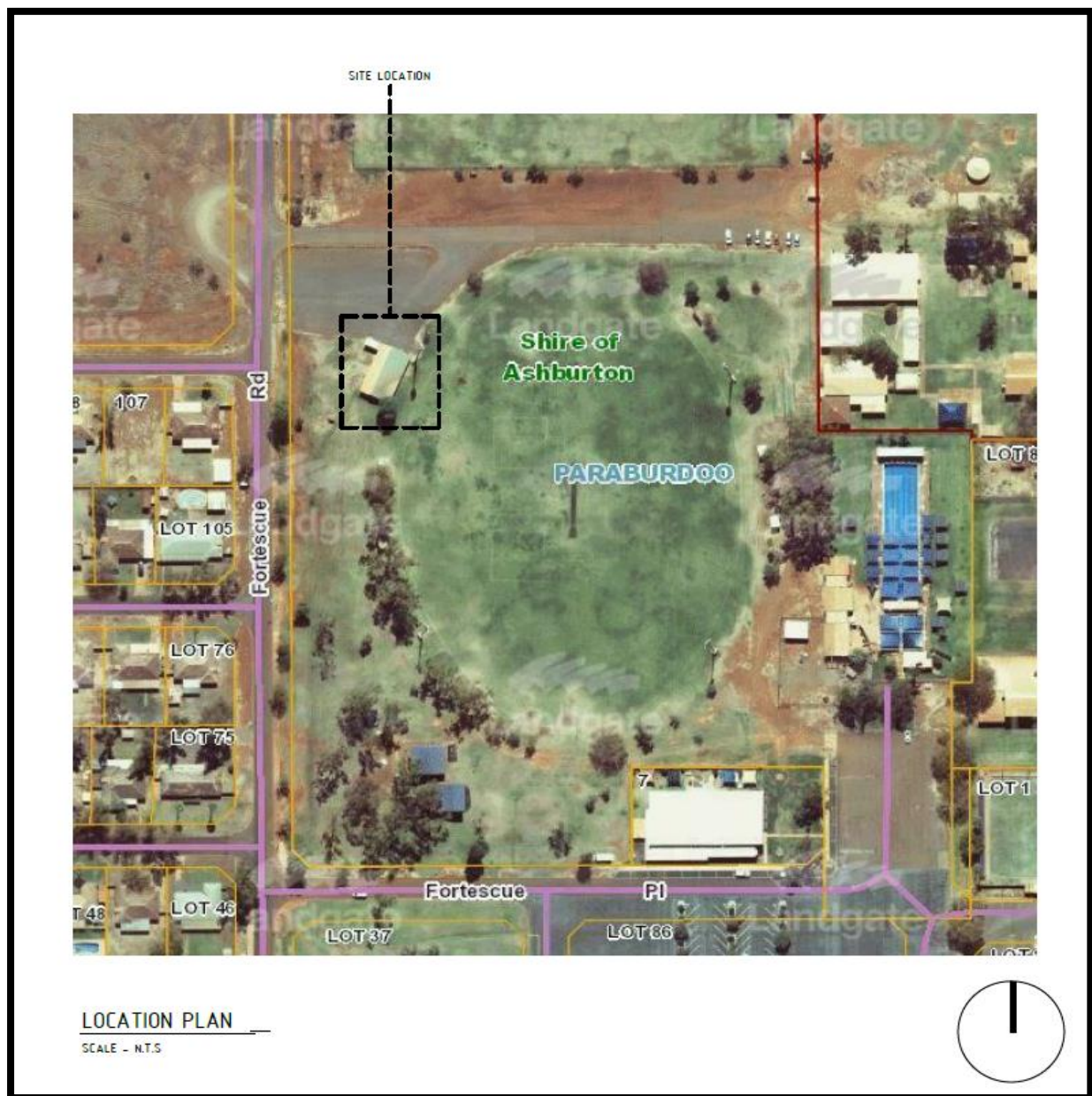
Background

A Memorandum of Understanding was signed by Shire of Ashburton and Rio Tinto in July 2012, creating a long term partnership to work together to revitalize existing and develop new civic, sporting and community facilities and programs in the towns that Rio Tinto has a significant presence. The Paraburdoo Community Hub (CHUB) project has been a primary focus of that partnership.

A business case for the proposed CHUB was endorsed by Council at its Ordinary Meeting of Council on 26 April 2016 for the new multipurpose hall, swimming pool facility upgrades, refurbishment of Lesser Hall, oval change room conversion and external works including landscaping, car parking and footpaths.

RFQ 07.19 for conversion of the change rooms (located on the Fortescue Road side of Peter Sutherland Oval) into storage was awarded to Neowest Building. The change rooms have become redundant with the provision of new facilities within the Paraburdoo Sports, Fitness & Community Complex. Therefore prompting conversion of the change rooms for provision of five storerooms, four internal and one external. It is proposed storerooms three and four are retained by the Shire for the storage of items associated with delivery of the Community Infrastructure and Services Program between the Shire and Rio Tinto as these provide ease of access and compliance with *Occupational Safety and Health Act 1984* in relation to the prevention of accidents and injury related to manual tasks. The remaining storerooms will be made available to community groups.

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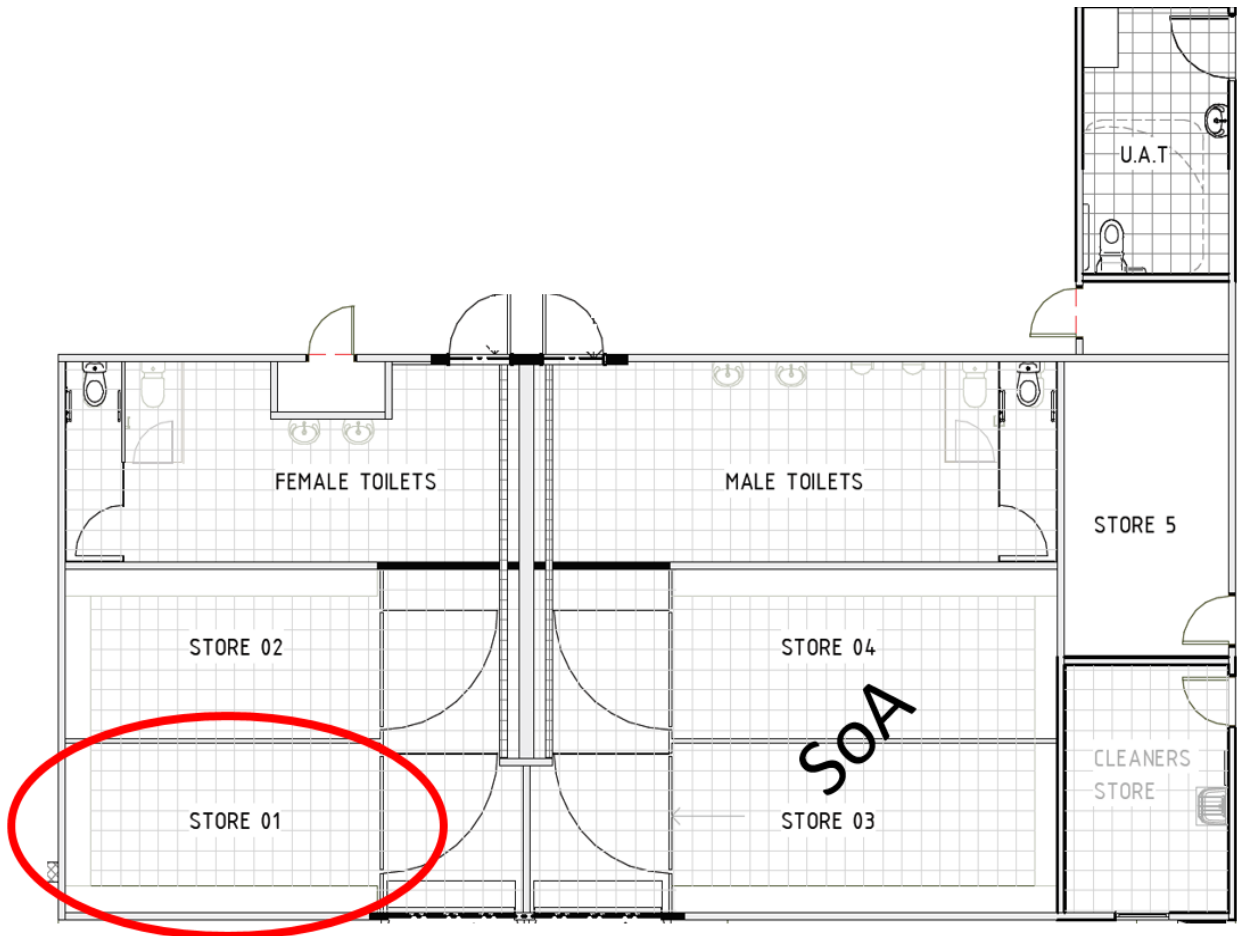
Paraburdoo Tee Ball Association Inc. (Association No. A1002494W) has requested lease of one storeroom within the Peter Sutherland Storerooms and Amenities facility.

The Peter Sutherland Storerooms and Amenities facility is sited on Reserve 39572, which has the purpose "Public Recreation" with the Power to Lease for any term not exceeding 21 years.

Comment

The available storerooms are shown on the plan below, with the Paraburdoo Tee Ball Association Inc. proposed ~9m² lease area, Store 01, circled red (below):

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The proposed terms of the Lease Agreement are:

Lease/Licence	Term	Further Term	Rent (per REC05)	Maintenance Costs	Lessees Outgoings
Lease – Storage	5 years	5 years	\$100 p.a. plus GST	Lessee must maintain the Lease Premises in good condition and state of repair. The Shire is responsible for fair wear and tear and damage which will be reinstated from the proceeds of insurance.	<ul style="list-style-type: none"> Cost of installation of meter, wiring or other device Cleaning of Lease Area

ATTACHMENT 13.3

Paraburdoo Teeball Association Inc. will be required to maintain insurance for their property and public liability for the term of their Agreement.

In accordance with *Section 18 of the Land Administration Act 1997*, approval of the Lease will be sought from the Minister for Planning, Lands and Heritage.

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Consultation

Executive Management Team
Community Development Officer – Paraburdoo
Development Land and Asset Compliance Support Officer
Manager Facilities and Building Maintenance

Statutory Environment

Local Government Act 1995 Section 3.58 - Disposing of Property. *Local Government (Function and General Regulations 1996* Regulation 30 - "Dispositions of property to which Section 3.58 does not apply". Under Regulation 30(2)(b) if land is disposed to an organisation that has objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions; then the disposition is exempt. Section 5.42 – Delegation of some powers and duties to the Chief Executive Officer.

"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."**

Land Administration Act 1997 Section 18 – Crown land transactions that need Minister's approval

Financial Implications

Policy REC05 states the annual lease fee for users.

Operational and Building allocations will be included in the 2019/20 budget.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 1 Vibrant and Active Communities

Objective 1 - Connected, Caring and Engaged Communities

Objective 2 – Sustainable Services, Clubs, Associations and Facilities

Goal 04 Quality Services and Infrastructure

Objective 1 – Quality Public Infrastructure

Goal 05 Inspiring Governance

Objective 2 – Community Ownership

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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

REC05 community Leases and Licence Agreement of Shire Assets (Facilities, Buildings and Land)

EML13 Affixing of the Shire of Ashburton Common Seal

Voting Requirement

Absolute Majority Required

Officers Recommendation

That with respect to the Proposed Lease Between Shire of Ashburton and Paraburdoo Tee Ball Association Inc. of Peter Sutherland Storerooms and Amenities (Reserve 39572), Council:

1. Authorise the Chief Executive Officer to negotiate the terms of a Lease Agreement between the Shire of Ashburton and Paraburdoo Tee Ball Association Inc. (A1002494W);
2. Authorise the Chief Executive Officer to seek formal approval from the Minister for Planning, Lands and Heritage of the Lease in accordance with *Section 18 of the Land Administration Act 1997*; and
3. Subject to approval from the Minister for Planning, Lands and Heritage, authorise the Shire President and the Chief Executive Officer to affix the Common Seal to, and execute the Lease Agreement between the Shire of Ashburton and Paraburdoo Tee Ball Association Inc.

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13.4 REQUEST FOR PARTIAL ROAD CLOSURE, STADIUM ROAD, TOM PRICE

FILE REFERENCE:	RD09 STA.0979
AUTHOR'S NAME AND POSITION:	Andrew Davis Principal Town Planner
AUTHORISING OFFICER AND POSITION:	Brian Cameron Director Property and Development Services
NAME OF APPLICANT/RESPONDENT:	Ray Fitzgerald Proprietor of Lot 979 Stadium Road, Tom Price
DATE REPORT WRITTEN:	10 May 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 received a request from the owner of Lot 979 on Deposited Plan 15098 (Applicant) to close a 56.2m² portion of Stadium Road identified as 'Area to be acquired' on **ATTACHMENT 13.4A**. If approved, this road closure will permit the Applicant to purchase the land from the Crown and amalgamate it with Lot 979, thereby rationalising the existing land use and development. The Applicant further requests that the Shire purchase a similar-sized portion of Lot 979 identified as 'Area to be relinquished'.

This request follows lengthy discussions between the Shire and Applicant regarding use and development of the subject land. Specifically, the use and development of land that is gazetted as a public road but fenced and made available for the exclusive use of Lot 979.

Purchase of a similar-sized portion of Lot 979 is not considered warranted.

Background

Lot 979 comprises an irregular-shaped lot of 1095m² and zoned 'Commercial and Civic' in the Shire of Ashburton Town Planning Scheme No. 7 (TPS7). The land is developed with a single building containing a number of commercial tenancies, including an electrical retailer, restaurant, hairdresser, and office. No space is available on the lot to accommodate customer parking, with customer and employee parking provided on the adjacent Reserve 42330.

As illustrated in **ATTACHMENT 13.4B**, that portion of dedicated road fenced for exclusive use by Lot 979 has been occupied and restricted for public use since at least 2001, with this situation most likely in existence since the town's normalisation.

Considerations prior to closure

Prior to considering permanently closing a portion of public road, the impacts on local connectivity should be considered. In this regard, it is noted that the affected portion of road has been fenced and gated since at least 2001, and that the land would not provide any useable, trafficable area available for public use.

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Another consideration when considering the permanent closure of a portion of public road is the potential impact on any services located in the affected land. The Shire is not aware of any services located within this section of Stadium Road, but if Council supports the closure, the matter will be formally submitted to all service providers to ensure infrastructure is not impacted.

Statutory Process

Given that there is no evidence of the subject portion of Stadium Road being used by the public, with clear evidence of it being closed to any public access for several years, no impact on car parking, pedestrian or cycle permeability, and no objection from any member of the public regarding the current lack of access to the subject portion of Stadium Road, it is proposed that advertising be limited to written notice to service providers, and publishing a notice on the Shire notice board, Shire website and Facebook page.

Should there be any objections to this proposed formal closure from service providers or the public, these would be presented for Council consideration to determine whether to proceed with the road closure. If no objections are received, it is proposed that the request be forwarded directly to the Minister for Lands to determine.

As noted in the report Summary, the Applicant has also requested that Council purchase a 56.2m² portion of Lot 979, noted as 'Area to be relinquished' on **ATTACHMENT 13.4A**. This land has been landscaped by the Shire with the Applicant's knowledge. However, the Shire does not consider that there is any perceived benefit to purchase the subject portion of land.

Comment

When considering the permanent closure of a public road, the impact of its closure should be carefully balanced against the benefit to the adjoining landowner seeking the closure. In this case, there is no apparent community benefit to retaining the subject portion of Stadium Road, and its closure is therefore supported.

It is worth noting that, while Western Australian legislation does allow for an occupier to claim adverse possession of land that has been used exclusively by someone who is not the registered landowner, this right does not apply against the Crown, and so these provisions will not apply in this instance.

Should Council resolve not to support this closure, the Applicant will be advised accordingly and required to remove any unauthorised development, with any relocated fencing to follow the cadastral boundary.

Consultation

Executive Management Team
Development Control Group

Statutory Environment

Closing public roads requires actions pursuant to section 58 of the *Land Administration Act 1997* (LAA) and Regulation 8 of the *Land Administration Regulations 1998*.

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Requirement	Comment
An information report summarising the proposed closure	This report fulfills this requirement
Consideration of alternatives to the closure	No alternatives considered necessary or possible
Documentation of anti-social behavior and crime being experiences, and Council's policy to combat this;	No anti-social behavior or crimes associated with this road as it is fenced off an inaccessible to the public
Relevant government department/agencies comments;	Comments will be requested following Council's support for the closure
Consultation details;	Will be submitted with request to Minister if Council supports closure
Correspondence with adjoining landowners regarding the closure; and	Apart from the Shire-controlled road, the Applicant is the only adjoining landowner.
Council resolution supporting the closure.	Resolution to this agenda item satisfies this requirement.

Section 58 (closing roads) of the *Land Administration Act 1997*
Part 5, Division 1, Section 58 – Closing Roads:

- "1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- 2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- 3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice."*

Financial Implications

There are no financial implications for the Shire unless Council resolves to purchase that portion of Lot 979 as proposed by the Applicant.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027
Goal 4 – Quality services and infrastructure
Objective 3 – 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 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.

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Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the Proposed Partial Road Closure, Stadium Road, Tom Price, Council:

1. Advertise the proposed closure of the portion 56.2m² of Stadium Road, Tom Price and shown as identified as 'Area to be acquired' on Plan 10370-003 dated 02/2011 (**ATTACHMENT 13.4A**) in accordance with *Section 58 of the Land Administration Act 1997*;
2. Should no objections be received, the Minister for Planning, Lands and Heritage be asked to permanently close the subject portion of Stadium Road; and
3. Advise the Applicant accordingly and further advise that the Council does not wish to purchase the 'Area to be relinquished' as identified on Plan 10370-003 dated 02/2011 (**ATTACHMENT 13.4A**).

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**13.5 APPLICATION FOR DEVELOPMENT APPROVAL 19-13 FOR A SHOP
(ONSLow HARDWARE STORE) AT LOT 1000 ON DEPOSITED PLAN
32782, SECOND AVENUE, ONSLOW**

FILE REFERENCE:	SEC.1000; DA19-13
AUTHOR'S NAME AND POSITION:	Casey Gillespie Town Planner Andrew Davis Principal Planner
AUTHORISING OFFICER AND POSITION:	Brian Cameron Director Property & Development Services
NAME OF APPLICANT/RESPONDENT:	Jeff Freeman Architects
DATE REPORT WRITTEN:	27 May 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 received an application for development approval for a 15.92m (L) x 9.4m (W) x 4.35m (H) steel-framed building at Lot 1000 (35) Second Ave, Onslow. The proposed building would have a custom orb colourbond façade with compressed figure cement cladding and colourbond roofing. If approved, the building is to be used as a hardware store, replacing the existing store.

Lot 1000 comprises 2002m² and is located at the corner of Second avenue and Third Street and is developed with the Onslow IGA and bottle shop, an existing hardware store, and associated utility and storage buildings. The Shire of Ashburton Town Planning Scheme No. 7 (TPS7) zones Lot 1000 as 'Civic and Commercial.'

Background

Lot 1000 is currently developed with an IGA supermarket and bottle shop, a hardware store, and associated utility and storage building. No car parking is available on the lot, with customer parking accommodated on public parking bays on Second Ave, constructed and maintained by the Shire.

This site has been subject to a number of development approvals, all of which relate to the IGA supermarket. There are no approvals on file for the hardware store.

ATTACHMENT 13.5A

It is noted that the Applicant has submitted another development application seeking approval for a Warehouse on the same lot that will provide additional storage space for the hardware store.

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In splitting the applications, the Applicant avoids the overall application being designated as 'Commercial – Strategic', and thus permitting application of TPS7 Appendix 12, clause 8 that permits development at 4m AHD where:

- i. the application includes a strategy and management measures to -
 - (a) ensure that any storage, warehousing, electrical fittings/switchboards (but not including electrical power-points) are provided above 5.9m AHD;
 - (b) address how an approved use can be removed or adapted as the case may be by the date referred to in ii. below;
- ii. an approved use is removed or adapted as the case may be from the land as follows -
 - (a) where the finished floor level is between 4.0m - 4.8m AHD, the development shall be removed by 31 December 2040; and
 - (b) where the finished floor level is between 4.9m - 5.8m AHD, the development shall be removed or adapted by 31 December 2060.

As the proposed development has a FFL of 4.0m AHD, the Officer recommendation will include a condition requiring that all electrical fittings are installed at 5.9m AHD, and that the buildings are removed or adapted to meet relevant flooding conditions prior to 31 December 2040.

Site and Locality

Located at the western corner of the intersection of Second Avenue and McRae Place Onslow, the subject site is located within the Commercial and Civic zone. The Commercial and Civic zone allows for a variety of uses and is intended to be developed as the administrative and commercial centre of each town.

TPS7 defines the use 'Shop' as:

"...being any building where goods are displayed or offered indoors for sale by retail or hire of non-industrial goods or where services of a personal nature are provided, including a betting agency, laundromat, libraries and loan outlets, but excluding a showroom, take-away food outlet or a garage sale".

Accordingly, the proposed development is consistent with the intent of the zone and aims of the TPS7. A detailed assessment however has been undertaken due to the proposed alternatives particularly in relation to car parking, landscaping and stormwater triggering this development application.

Built Form

TPS7 establishes no specific built form standards for commercial buildings in the Commercial and Civic zone. The proposed building is set back 6.6 metres from the front boundary, however approximately 3.6 metres of this space will be occupied with a new universal access ramp and steps. The proposed building will present a custom orb colourbond façade with a steel-framed colourbond verandah, similar to the existing shop front.

As such, the built form is considered acceptable and conditions requiring the development to be finished in materials compatible with the surrounding development shall be included.

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Car Parking

The planning approval granted by Council on 15 February 2000, and amended on 21 March 2000, includes a site plan and associated condition requiring the construction of 25 car parking bays on Lot 1000 (the subject site). These car parking bays have not been constructed and there appears to have been no compliance action undertaken to enforce the condition.

The plans submitted with this development application include a pedestrian access ramp that will occupy the space previously intended for car parking by reference to the existing approval on site. Whilst this area (approximately 6.6m x 12m) was previously available for car parking, customers and staff appear to exclusively park on the public street parking bays available along Second Ave, with no record of this proving insufficient. As such, the existing car parking arrangement is considered suffice to the functionality of the use on site.

Based on the 150m² nett lettable area (NLA) for the Shop proposal, the Scheme requires a minimum provision of eight (8) parking bays, based on an applicable rate of one bay per 20m² NLA. As an alternative to the provision of car parking, a cash-in-lieu payment can be applied under Local Planning Policy 11– *Cash in Lieu Car Parking Requirements*, this allows for a developer to contribute the cash equivalent of the parking shortfall. However, based on the previous approvals on this site this policy has not been applied. In considering the nature of the proposed development as a replacement of an existing building with a similar footprint, no additional parking requirements or conditions will be imposed based on a fit for purpose analogy. Considering that the continued use of the car parking bays external to the site that are a Shire assets are being relied upon to facilitate the development on the site, it is considered appropriate to impose a condition requiring monetary contributions to the Shire for the ongoing maintenance of these bays. The final amount shall be by way of agreement in consultation with the Shire's Infrastructure Services directorate.

Landscaping

Section 6.19 of the TPS7 requires that for all development applications, landscaping shall be provided on site. The Applicant has not indicated any proposed landscaping works or indicated same on the accompanying material submitted in support of their proposal. As such, standard conditions shall be imposed requiring submission of a detailed landscape intent plan inclusive of all landscaping elements, both hard and soft, to be provided on the site and any proposed works external to the site.

Special Control Areas (SCA)

The subject site is identified with the Onslow Coastal Hazard Area (OCHA), and must be assessed pursuant to Appendix 12 of the Planning Scheme. The purpose of the OCHA and Appendix 12 is to ensure that all development within the area is designed and developed with finished floor levels to reflect the direction of State Planning Policy 2.6 – *State Coastal Planning* and 3.4 – *Natural Hazards and Disasters*.

In accordance with Appendix 12, the proposed use of a Shop is considered to be consistent with the Appendix 12 designation of 'Temporary and/or Transient' use, as the shop shall have a floor area greater than 150m². The proposal cannot be considered for the assessment against the OCHA as a "Commercial non-strategic" designation for this reason. Reference to the proposed plans indicates a FFL of 4.0m, which is consistent with the floor level existing for the IGA supermarket on site and the proposed and required FFL under Appendix 12 for the Showroom component abutting the Shop to which the development is directly related. For ease of construction and to manage potential coastal hazards as a complete development on the site, including stormwater as discussed below, the shop component shall have a FFL of 4.0m

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As such, the development shall require a minimum FFL of 4.0m AHD, and a condition to be included requiring the development to be removed by 31 December 2040 consistent with the requirements of Appendix 12.

Stormwater

As part of the assessment process, the development application has been referred to the Shire's Infrastructure Services technical team for review. The following comments are noted:

- Due to site constraints and the overall footprint of the existing and proposed buildings it will be difficult to retain the likely stormwater/overland flow within the subject lot. The current proposal allows for this water to flow to the rear of the lot. There is currently no stormwater infrastructure in that area. This will have an impact on the access laneway to the rear of this lot including the ongoing long term maintenance of this asset.
- It is recommended to have the stormwater and overland flow channel towards the front of the lot (Second Avenue frontage), install a subsoil access chamber near the front of the buildings then a 300mm connection to a new trafficable grated entry pit constructed on the existing stormwater pipeline on Second Avenue. It should be located centrally within the access area to the disabled parking area, and it will ensure little or no standing water will remain. This will be the most appropriate method of dealing with the sites stormwater and overland flow.
- Proposed delivery positions and conditions will increase to service the hardware store and bulk store together with the supermarket in the area that is currently just gravel. Currently it is unsatisfactory.
- It is recommended that the area be classed as a heavy vehicle hard standing/crossover. As such, the driveway crossover shall be removed and re-instated constructed to the relevant heavy duty standard at full cost to the Applicant.

The Applicant has been advised of the concerns in relation to on site stormwater management and the proposed remedy works required. As such, conditions shall be included to ensure the relevant works as recommended by the Shire's Infrastructure Services directorate be carried out in accordance with the relevant standard requirements and at the Applicant's full cost, prior to the use commencing on site.

Conditions shall also be included relating to the removal of existing crossover and construction of new vehicle crossover in accordance with the standards for a heavy duty crossover.

Consultation

Executive Management Team
Development Control Group

Statutory Environment

Under the Shire of Ashburton Town Planning Scheme No. 7, the subject site is zoned 'Commercial and Civic'. The intent of the 'Commercial and Civic' zone is to allow:

"...for a variety of uses and is intended to be developed as the administrative and commercial centre of each town."

Financial Implications

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

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

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", 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 Application for Development Approval 19-13 for a Shop (Onslow Hardware Store) at Lot 1000 on Deposited Plan 32782, Second Avenue, Onslow, Council Resolve to approve the application for development approval subject to conditions **ATTACHMENT 13.5B.**

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13.6 APPLICATION FOR DEVELOPMENT APPROVAL 19-14 FOR A SHOP (BULK STORE) AT LOT 1000 ON DEPOSITED PLAN 32782, SECOND AVENUE, ONSLOW

FILE REFERENCE:	SEC.1000; DA19-14
AUTHOR'S NAME AND POSITION:	Casey Gillespie Town Planner Andrew Davis Principal Town Planner
AUTHORISING OFFICER AND POSITION:	Brian Cameron Director Property and Development Services
NAME OF APPLICANT/RESPONDENT:	Jeff Freeman Architects
DATE REPORT WRITTEN:	27 May 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 received an application for development approval for a 15.9m (L) x 9.4m (W) x 4.35m (H) steel-framed building at Lot 1000 (35) Second Ave, Onslow. The proposed building would have a custom orb colourbond cladding and colourbond roofing. If approved, the building is to be used as a bulk storeroom for the adjacent hardware store.

Lot 1000 comprises 2002m² and is located at the corner of Second avenue and Third Street and is developed with the Onslow IGA and bottle shop, an existing hardware store, and associated utility and storage buildings. The Shire of Ashburton Town Planning Scheme No. 7 (TPS7) zones Lot 1000 as 'Civic and Commercial'.

Background

The Shire has received an application for development approval from the owner of Lot 1000 (Number 35) Second Avenue, Onslow for the construction of a steel-framed and clad building to be used as a store room for the adjacent hardware store that is the subject of a separate application for development approval (DA 19-13).

Lot 1000 is currently developed with an IGA supermarket and bottle shop, a hardware store, and associated utility and storage buildings. No car parking is available on the lot, with customer parking accommodated on public parking bays on Second Ave, constructed and maintained by the Shire.

This site has been subject to a number of development approvals, all of which relate to the IGA supermarket. There are no approvals on file for the hardware store.

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ATTACHMENT 13.6A

As noted, the Applicant has submitted an application for development approval for the construction of a similar sized building that is intended to act as a replacement for the existing Onslow Hardware Store. Splitting these applications avoids a combined applications that would exceed the Scheme definition that considers a single application with a Gross Leasable Area (GLA) of greater than 150m² as 'Commercial – Strategic', and thus being held to a higher standard with regard to its finished floor level. While the Scheme is silent with regard to the consideration of the cumulative GLA on a single lot, it permits the consideration of an application for development approval of a shop that is not greater than 150m² with a finished floor level (FFL) of 4m AHD where:

- iii. the application includes a strategy and management measures to -
 - (a) ensure that any storage, warehousing, electrical fittings/switchboards (but not including electrical power-points) are provided above 5.9m AHD;
 - (b) address how an approved use can be removed or adapted as the case may be by the date referred to in ii. below;
- iv. an approved use is removed or adapted as the case may be from the land as follows -
 - (a) where the finished floor level is between 4.0m - 4.8m AHD, the development shall be removed by 31 December 2040; and
 - (b) where the finished floor level is between 4.9m - 5.8m AHD, the development shall be removed or adapted by 31 December 2060.

As the proposed development has a FFL of 4.0 m AHD, the Officer recommendation will include a condition requiring that all electrical fittings are installed at 5.9m AHD, and that the buildings are removed or adapted to meet relevant flooding conditions prior to 31 December 2040.

Planning History

9 March 1979 - Plans for original general store on Lot 356 Second Ave found from 9/03/1979 – no approval or certification stamp found on plans;

15 Feb 2000 – Proposed Extension to Onslow Supermarket – Lots 355/356 Second Avenue approved at 15 Feb 2000 OCM. Proposal was for a 120sqm extension. Approved subject to standard conditions

21 March 2000 – Proposed extension to Onslow General Store subject to approval from 15 Feb 2000 OCM was reconsidered at 21 March 2000 OCM in particular the car parking arrangements/conditions. Car parking variation supported to a reduction of a total of 25 car parking bays with there being no requirement for cash-in-lieu of parking. All previous standard conditions from approval on 15 Feb 2000 in place except for D24 which was reduced from 26 to 25 car parking bays.

14 Feb 2012 – Retrospective planning approval (201100503P) issued for “Temporary use of refrigerated sea containers” at Lot 1000 Second Ave, Onslow. Approval for sea containers was for a period of 2 years of which they were to be removed unless the planning approval was extended as agreed to in writing by the CEO.

2 Dec 2013 – Planning approval (13-14) issued for “additional storeroom and ablutions” at Lot 1000 Second Ave, Onslow. Approved at 20 Nov 2013 OCM.

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21 Feb 2014 – Modification to 13-14 issued. Storerooms and ablutions to be removed from approved location to the north of the existing freezer along the third street frontage to a more central location within the subject lot.

No approvals have been located on file for the existing hardware store.

Site and Locality

Located at the western corner of the intersection of Second Avenue and McRae Place, Onslow, the subject site is located within the Commercial and Civic zone and is currently improved by a commercial development, more commonly known as the IGA supermarket and Hardware Shop.

The Commercial and Civic zone allows for a variety of uses and is intended to be developed as the administrative and commercial centre of each town. The proposed land use is defined as “Showroom” being any building or part of a building used or intended for use for displaying or offering for sale by wholesale or retail, automotive spare parts, carpets, large electrical appliances, furniture, hardware or goods of a bulky nature.

The proposed development is a discretionary development within the Commercial and Civic zone, consistent with the intent of the zone and aims of the TPS7. A detailed assessment has been undertaken due to the proposed alternatives particularly in relation to car parking, landscaping and stormwater.

Built Form

The TPS7 establishes no specific built form standards for commercial buildings in the Commercial and Civic zone. This proposal will be obscured from public view by existing and/or proposed buildings. Notwithstanding, conditions requiring the development to be finished in materials compatible with the surrounding development shall be included in the Officer’s recommendation

Car Parking

The proposed storage facility is not anticipated to create any additional parking requirements.

Landscaping

Section 6.19 of the TPS7 requires that for all development applications, landscaping shall be provided on site. The applicant has not indicated any proposed landscaping works or indicated same on the accompanying material submitted in support of their proposal. As such, standard conditions shall be imposed requiring submission of a detailed landscape intent plan inclusive of all landscaping elements, both hard and soft, to be provided on the site and any proposed works external to the site.

Special Control Areas (SCA)

The subject site is identified with the Onslow Coastal Hazard Area (OCHA), and must be assessed pursuant to Appendix 12 of the TPS7. The purpose of the OCHA and Appendix 12 is to ensure that all development within the area is designed and developed with finished floor levels to reflect the direction of State Planning Policy 2.6 – *State Coastal Planning* and 3.4 – *Natural Hazards and Disasters*.

In accordance with Appendix 12, the proposed use of a Showroom is consistent with the Appendix 12 designation of “Commercial non-strategic” use. As such, the development shall require a minimum FFL of 4.9 m AHD. Reference to the proposed plans indicate a FFL of 4.0m, which is consistent with the floor level existing for the IGA supermarket on site and the proposed and required under Appendix 12 for the Shop (Hardware shop) component abutting the store room to which the development is directly related.

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For ease of construction and to manage potential coastal hazards as a complete development on the site, including stormwater as discussed below, the showroom component shall have a FFL of 4.0m.

Stormwater

As part of the assessment process, the development application has been referred to the Shire's Infrastructure Services technical team for review. The following comments are noted:

- Due to site constraints and the overall footprint of the existing and proposed buildings it will be difficult to retain the likely stormwater/overland flow within the subject lot. The current proposal allows for this water to flow to the rear of the lot. There is currently no stormwater infrastructure in that area. This will have an impact on the access laneway to the rear of this lot including the ongoing long term maintenance of this asset.
- It is recommended to have the stormwater and overland flow channel towards the front of the lot (Second Avenue frontage), install a subsoil access chamber near the front of the buildings then a 300mm connection to a new trafficable grated entry pit constructed on the existing stormwater pipeline on Second Avenue. It should be located centrally within the access area to the disabled parking area, and it will ensure little or no standing water will remain. This will be the most appropriate method of dealing with the sites stormwater and overland flow.
- Proposed delivery positions and conditions will increase to service the hardware store and bulk store together with the supermarket in the area that is currently just gravel. Currently it is unsatisfactory.
- It is recommended that the area be classed as a heavy vehicle hard standing/crossover. As such, the driveway crossover shall be removed and re-instated constructed to the relevant heavy duty standard at full cost to the applicant.

The applicant has been advised of the concerns in relation to on site stormwater management and the proposed remedy works required. As such, conditions shall be included to ensure the relevant works as recommended by Infrastructure Services be carried out in accordance with the relevant standard requirements and at the applicant's full cost, prior to the use commencing on site.

Conditions shall also be included relating to the removal of existing crossover and construction of new vehicle crossover in accordance with the standards for a heavy duty crossover.

Consultation

Executive Management Team
Development Control Group

Statutory Environment

Under the Shire of Ashburton Town Planning Scheme No. 7, the subject site is zoned 'Commercial and Civic'. The intent of the 'Commercial and Civic' zone is to allow:

"....for a variety of uses and is intended to be developed as the administrative and commercial centre of each town."

Financial Implications

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

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

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", 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 Application for Development Approval 19-14 for a Shop (Bulk Store) at Lot 1000 on Deposited plan 32782, Second Avenue, Onslow, Council resolves to approve the application for development approval subject to conditions **ATTACHMENT 13.6B**.

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14. COMMUNITY SERVICES REPORTS

**14.1 APPLICATION ACCEPTANCE OF SIGNATURE EVENT ALLOCATIONS
2019/20**

FILE REFERENCE:	GS01
AUTHOR'S NAME AND POSITION:	Sarah Johnston Acting Director Community Services
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	27 May 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 recently promoted and invited applications for Signature Event Funding Grants. The submissions were specifically for Signature Events as per REC08 Community Donations, Sponsorship and Funding Policy with applications closing 31 March 2019.

Background

There is one funding round each year, opening in February and closing in March. At the close of the March round four (4) applications were received.

Comment

The Signature Event funding was promoted directly to clubs and organisations via email, public notice boards, Inside Ashburton, Onslow Pipeline and the Shire of Ashburton website and Facebook page.

Applications received for the 2019/20 annual financial year are summarised in Table 14.1A

TABLE 14.1A SIGNATURE EVENT APPLICATIONS 2019/20 FINANCIAL YEAR

Organisation	Event	Amount Requested
Onslow Rodeo Association	Onslow Rodeo	10,000
Tom Price Camp Draft Club Inc.	Tom Price Camp Draft	10,000
Robe River Rodeo Association	Pannawonica Robe River Rodeo	10,000
Paraburdoo Red Dirt Rocks	Paraburdoo Gala Event - Garden Party	10,000

Consultation

Executive Management Team
Club Development Officers

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Statutory Environment

There are no known statutory impediments for this matter.

Financial Implications

The cost of \$40,000 being for the four signature event applications.

Strategic Implications

Shire of Ashburton Strategic Community Plan 2017-2027

Goal 01 – Vibrant and Active Communities

Objective 02 – Sustainable services, clubs, associations and facilities

Risk Management

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

Policy Implications

REC08 Community Donations, Grants and Funding Policy

Voting Requirement

Absolute Majority Required

Officers Recommendation

That with respect to the Application Acceptance of the Signature Event Allocations for 2019/20, Council:

1. Consider a submission to the 2019/20 Annual Budget that provides for \$40,000 towards signature events.

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**14.2 ADDITIONAL SPONSORSHIP REQUEST FOR THE 50TH ANNIVERSARY
OF THE NAMELESS JARNDUNMUNHA FESTIVAL**

FILE REFERENCE:	CS16.1
AUTHOR'S NAME AND POSITION:	Sarah Johnston Acting Director Community Services
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Nameless Jarndunmunha Festival Committee
DATE REPORT WRITTEN:	30 May 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author has an indirect financial interest for this item due to her husband being employed by Rio Tinto. The authorising officer has no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 16.1 (Minute No. 206/2017) – Ordinary Meeting of Council 18 July 2017

Summary

The Nameless Jarndunmunha Festival committee is seeking an additional \$50,000 support from the Shire and/or Rio Tinto for the 50th Annual Nameless Jarndunmunha Festival in August 2019.

Background

2019 is the Jubilee Anniversary of the Nameless Jarndunmunha Festival (the Festival). The Festival has been a community driven event, run solely by volunteers for the community of Tom Price for 50 consecutive years.

Formal financial and in-kind support through the Community Infrastructure and Services Partnership (CISP) has been provided for the Festival since the inception of the first partnership in 2012. The sponsorship support provided through the CISP is a combination of cash and in-kind support. Prior to 2012, Shire support for the festival was done on an informal basis.

Comment

The committee of volunteers have undertaken fundraising and sought additional sponsorship in the lead up to the Festival. As the Festival is the 50th year celebration the committee are now seeking additional funding for the 2019 “Jubilee in the Dust: Celebrating 50 Years”. The additional funding is proposed to be utilised on the following activities;

- Creation of a kids zone, where all the entertainment within the zone is free of charge, inclusive of a petting zoo, an interactive circus tent, craft activities, the freedom fairies, a local face painter and a silent disco;
- Provision of acrobatic performers;
- Additional CCTV cameras and security; and
- Additional promotion of the Festival promoting the 50th Jubilee Anniversary.

ATTACHMENT 14.2

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Consultation

Executive Management Team
Community Services Officers
Rio Tinto Community Engagement team

Statutory Environment

There are no known statutory impediments for this matter.

Financial Implications

There is a current budget provision in GL EV009 of \$150,000 for sponsorship of the Festival. The Festival contribution is made up of \$75000 Shire funding and \$75000 Rio Tinto funding. The sponsorship is provided to the Festival committee as a mixture of cash and in-kind support.

At the time of the agenda item being prepared by Rio Tinto officers had been provided a copy of the letter sent by the festival committee, seeking co-contribution to the support but no response had been received.

It is anticipated that if the funding contribution is supported by Rio Tinto \$25,000 funding would be provided by Rio Tinto through the CISP underspend held in the Shire reserve.

Strategic Implications

Shire of Ashburton Strategic Community Plan 2017-2027
Goal 01 – Vibrant and Active Communities
Objective 01 – Connected, caring and engaged communities.

Risk Management

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

Policy Implications

REC08 Community Donations, Grants and Funding Policy

Voting Requirement

Absolute Majority Required

Officers Recommendation

That with respect to Additional Sponsorship Request for the 50th Anniversary of the Nameless Jarndunmunha Festival, Council:

1. Approve a transfer from reserve from GL 138084 for \$25,000 income; and
2. Subject to confirmation of funding from Rio Tinto for \$25,000, budget variation of \$50,000 (with the balance of \$25,000 to be Shire funded) additional expenditure be approved by Council for GL EV009 Nameless Festival.

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

FILE REFERENCE:	CM02.19 CS16.2
AUTHOR'S NAME AND POSITION:	Sarah Johnston Acting Director Community Services
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	11 June 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author has a financial interest for this item due both her and her husband owning Shares with BHP. The authorising officer has no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 14.2 (Minute No. 534/2019) – Ordinary Meeting of Council 12 March 2019

Summary

Request for Tender (RFT) 02.19 Passion of the Pilbara Festival – Event Management Services was awarded to Wrapped Creations at the March Ordinary Meeting of Council. Funding has now been secured for the Celebrity Chef Showcase from a third party and Council is requested to authorise a variation of \$25,000 to RFT 02.19 to be incurred in 2019/20.

Background

The Request for Tender (RFT) 02.19 Passion of the Pilbara Festival – Event Management Services was awarded to Wrapped Creations at the March Ordinary Meeting of Council for \$300,000. At the time of the tender funding had not been secured for the Celebrity Chef Showcase and was therefore excluded from the scope of works.

The Celebrity Chef Showcase did not form part of the scope of works in RFT 02.19 as the component of the event was subject to additional funding that was yet to be secured at the time of the RFT.

The Celebrity Chef Showcase has been an integral part of the festival historically and has been funded by BHP.

Comment

The Celebrity Chef Showcase is made up of multiple components such as;

- Celebrity chef breakfast at the Onslow Community Garden in the morning. Allowing the Chefs to showcase local produce to residents and tourists on the Saturday morning.
- Celebrity chef tent at the main festival event on the Saturday afternoon/evening.
- Chef demonstrations, cooking classes for both adults and children, including an interactive community and stakeholder 'master chef' type cook off.

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The Celebrity Chef Showcase has been traditionally funded by BHP and is a signature component of the event. The cost of \$25000 for the provision of event management services for the Celebrity Chef Showcase will require a variation of \$25,000 to RFT 02.19 to be incurred in 2019/20.

Consultation

Executive Management Team
Community Services Team
Manager Media and Communication

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;”*

Local Government (Functions and General) Regulations 1996

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

Financial Implications

RFT 02.19 Passion of the Pilbara- Event Management Services was awarded to Wrapped Creations for \$300,000. To date \$127,000 has been secured through Chevron, \$20,000 has been secured through Pilbara Ports and a number of other funding, \$35,000 from BHP and various other financial and in-kind commitments from local businesses have been received.

The anticipated Shire funding contribution to the festival in the 2019/20 financial year is approximately \$143,000. The cost of \$25000 being for the provision of event management services for the Celebrity Chef Showcase.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 01 – Vibrant and Active Communities

Objective 01 – Connected, caring and engaged communities

Objective 04 – A rich cultural life

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Risk Management

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

Policy Implications

FIN12 Purchasing Policy (FIN12). 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.

Voting Requirement

Absolute Majority Required

Officers Recommendation

That with respect to Request for Tender (RFT) 02.19 Passion of the Pilbara- Event Management Services – Variation, Council:

1. Approve the variation of \$25,000 to RFT 02.19 to be incurred in 2019/20.

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

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

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

- (a) a matter affecting an employee or employees;*
- (b) the personal affairs of any person;*
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting:*
 - (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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19. NEXT MEETING

The next Ordinary Meeting of Council will be held on 16 July 2019, at the Clem Thompson Sports Pavilion, Stadium Road, Tom Price commencing at 1.00 pm.

20. CLOSURE OF MEETING

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