

# Ordinary Meeting of Council

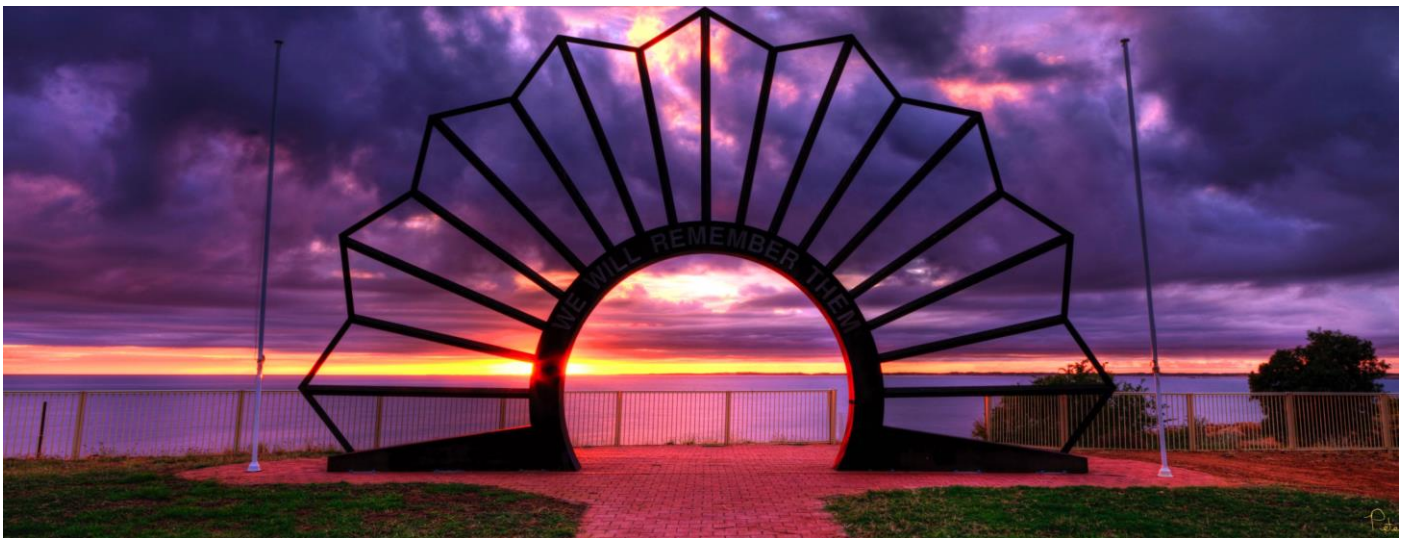
Onslow



## Agenda

22 May 2018

Council Chambers,  
Onslow Shire Complex,  
Second Avenue, Onslow  
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.

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# 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



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





**SHIRE OF ASHBURTON  
ORDINARY MEETING OF COUNCIL**

**AGENDA**

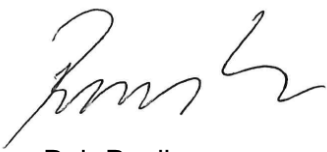
**Council Chambers, Onslow Shire  
Complex, Second Avenue, Onslow  
22 May 2018  
1.00 pm**

# AGENDA - ORDINARY MEETING OF COUNCIL 22 MAY 2018

## 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 22 May 2018 at the Council Chambers, Onslow Shire Complex, Second Avenue, Onslow 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.*

## AGENDA - ORDINARY MEETING OF COUNCIL 22 MAY 2018

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## AGENDA - ORDINARY MEETING OF COUNCIL 22 MAY 2018

### 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 and present.

### 2. ANNOUNCEMENT OF VISITORS

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

### 3. ATTENDANCE

#### 3.1 PRESENT

<b>Elected Members:</b>	Cr K White Cr L Rumble Cr D Dias Cr P Foster Cr M Lynch Cr D Diver Cr L Thomas Cr M Gallanagh	Shire President, (Presiding Member) Onslow Ward Deputy Shire President, Paraburdoo Ward Paraburdoo Ward Tom Price Ward Tom Price Ward Tom Price Ward Tableland Ward Pannawonica Ward
<b>Staff:</b>	Mr R Paull Mr J Bingham Mr B Hall Ms L Reddell Mr K Hannagan Ms J Smith Mrs M Lewis Mr N Benson Mr J Muir Ms K Fisher	Chief Executive Officer Director Corporate Services Acting Director Strategic & Community Development Director Development & Regulatory Services Acting Director Infrastructure Services Executive Officer CEO & Councillor Support Officer Acting Manager Operations Shire of Ashburton Contract Technical Officer Shire of Ashburton Finance Manager
<b>Guests:</b>		
<b>Members of Public:</b>	There were _____ members of the public in attendance at the commencement of the meeting.	
<b>Members of Media:</b>	There were _____ members of the media in attendance at the commencement of the meeting.	

#### 3.2 APOLOGIES

#### 3.3 APPROVED LEAVE OF ABSENCE

### 4. QUESTION TIME

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

#### 4.2 PUBLIC QUESTION TIME

## AGENDA - ORDINARY MEETING OF COUNCIL 22 MAY 2018

### 5. APPLICATIONS FOR LEAVE OF ABSENCE

An application for Leave of Absence has been received from Cr D Dias for the Ordinary Meeting of Council to be held on 19 September 2018.

### 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	Type of Interest	Nature/Extent of Interest
<b>12.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS</b>		
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.

## 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 OF PREVIOUS MEETING**

**9.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 23 APRIL 2018 (ATTACHMENT 9.1)**

**Officer Recommendation**

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 23 April 2018 at the Clem Thompson Sports Pavilion, Stadium Road, Tom Price (**ATTACHMENT 9.1**) be confirmed as a true and accurate record.

**9.2 MINUTES OF THE SHIRE OF ASHBURTON PILBARA REGIONAL WASTE MANAGEMENT FACILITY COMMITTEE HELD ON 23 APRIL 2018 (ATTACHMENT 9.2)**

**Officer Recommendation**

That the Unconfirmed Minutes of the Shire of Ashburton Pilbara Regional Waste Management Facility Committee held on 23 April 2018 at the Clem Thompson Sports Pavilion, Stadium Road, Tom Price (**ATTACHMENT 9.2**) be confirmed as a true and accurate record.

**Matters to be considered**

**9.2.1 FUNDING AND GOVERNANCE ARRANGEMENTS FOR THE PILBARA REGIONAL CLASS IV WASTE MANAGEMENT FACILITY, ONSLOW**

**Officer Recommendation**

That the Pilbara Regional Waste Management Facility Committee recommend to Council to note the funding and governance arrangements for the Pilbara Regional Class IV Waste Management Facility, Onslow as outlined in the Report be received.

**9.2.2 PROJECT PROGRESS REPORT FOR THE PILBARA REGIONAL CLASS IV WASTE MANAGEMENT FACILITY, ONSLOW**

**Officer Recommendation**

That the Pilbara Regional Class IV Waste Management Facility Committee recommend to Council to note the Project Progress Update for the Pilbara Regional Waste Management Facility project in Onslow

## AGENDA - ORDINARY MEETING OF COUNCIL 22 MAY 2018

### 9.2.3 **INCOME & EXPENDITURE REPORT FOR THE PILBARA REGIONAL CLASS IV WASTE MANAGEMENT FACILITY, ONSLOW**

#### **Officer Recommendation**

That the Pilbara Regional Class IV Waste Management Committee recommend to note the Income and Expenditure Report for the Pilbara Regional Waste Management Facility project in Onslow.

### 9.2.4 **BUILDING BETTER REGIONS FUND MILESTONE 2 REPORT FOR THE PILBARA REGIONAL CLASS IV WASTE MANAGEMENT FACILITY, ONSLOW (ATTACHMENT 9.5)**

#### **Officer Recommendation**

That the Pilbara Regional Class IV Waste Management Facility Committee recommend to Council to note the Building Better Regions Fund Milestone 2 Report for the Pilbara Regional Waste Management Facility project in Onslow.

### 9.2.5 **WEBSITE DEVELOPMENT AND COMMUNITY / STAKEHOLDER ENGAGEMENT FOR THE PILBARA REGIONAL CLASS IV WASTE MANAGEMENT FACILITY, ONSLOW**

#### **Officer Recommendation**

That the Pilbara Regional Class IV Waste Management Facility Committee recommend to Council to note the website development and future community/stakeholder engagement for the Pilbara Regional Waste Management Facility project in Onslow as outlined in the Report.

### 9.2.6 **REVIEW OF FINANCIAL MODEL FOR THE PILBARA REGIONAL CLASS IV WASTE MANAGEMENT FACILITY, ONSLOW**

#### **Officer Recommendation**

That the Pilbara Regional Class IV Waste Management Facility Committee recommend to Council to note that a review of the Financial Model is to be undertaken for the Pilbara Regional Waste Management Facility project at Onslow as outlined in the Report.

### 9.2.7 **REVIEW OF WASTE TRANSFER STATION MODELS FOR THE PILBARA REGIONAL CLASS IV WASTE MANAGEMENT FACILITY, ONSLOW**

#### **Officer Recommendation**

That the Pilbara Regional Class IV Waste Management Facility Committee recommend to Council to note that a review of Waste Transfer Station Models is to be undertaken for the Pilbara Regional Waste Management Facility project at Onslow as outlined in the Report.

## **AGENDA - ORDINARY MEETING OF COUNCIL 22 MAY 2018**

### **9.3 MINUTES OF PILBARA REGIONAL COUNCIL ORDINARY MEETING HELD ON 1 MAY 2018 (ATTACHMENT 9.3)**

#### **Officer Recommendation**

That the Minutes of the Pilbara Regional Council Ordinary Meeting of Council held at the Crown Events and Conferences Perth on 1 May 2018 as provided in **(ATTACHMENT 9.3)** be received.

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

**10.1 '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."*



## AGENDA - ORDINARY MEETING OF COUNCIL 22 MAY 2018

### 11. OFFICE OF THE CEO REPORTS

#### 11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS STATUS REPORT FOR APRIL 2018

<b>FILE REFERENCE:</b>	GV04
<b>AUTHOR'S NAME AND POSITION:</b>	Michelle Lewis CEO & Councillor Support Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Rob Paull Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	2 May 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 10.1 (Minute No. 11477) - Ordinary Meeting of Council 10 April 2013

#### **Summary**

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

#### **Background**

The 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, Strategic & Economic Development, Community Development and Development & Regulatory Services.

**ATTACHMENT 11.1**

#### **Consultation**

Chief Executive Officer  
Executive Management Team

## AGENDA - ORDINARY MEETING OF COUNCIL 22 MAY 2018

### **Statutory Environment**

Section 2.7 of the Local Government Act 1995 states:

*“Role of council*

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

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

### **Financial Implications**

Not Applicable

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 4 – Exemplary Team and Work Environment

### **Risk Management**

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

### **Policy Implications**

Not Applicable

### **Voting Requirement**

Simple Majority Required

### **Officers Recommendation**

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

## AGENDA - ORDINARY MEETING OF COUNCIL 22 MAY 2018

### 11.2 USE OF COMMON SEAL AND ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF APRIL 2018

<b>FILE REFERENCE:</b>	GV21 CM02
<b>AUTHOR'S NAME AND POSITION:</b>	Janyce Smith Executive Officer  Brooke Beswick Administration Assistant Planning
<b>AUTHORISING OFFICER AND POSITION:</b>	Rob Paull Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	2 May 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The authors and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

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

#### **Background**

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

#### **Comment**

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

**ATTACHMENT 11.2A**  
**ATTACHMENT 11.2B**

#### **Consultation**

Relevant officers as listed in the Attachment.

#### **Statutory Environment**

*Local Government Act 1995*

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

#### **Financial Implications**

As outlined in **ATTACHMENT 11.2**.

## **AGENDA - ORDINARY MEETING OF COUNCIL 22 MAY 2018**

### **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 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**.

## 12. CORPORATE SERVICES REPORTS

### 12.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID

<b>FILE REFERENCE:</b>	FM03
<b>AUTHOR'S NAME AND POSITION:</b>	Kerry Fisher Finance Manager
<b>AUTHORISING OFFICER AND POSITION:</b>	John Bingham Director Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	8 May 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	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).
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### Summary

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

The Financial Reports for April 2018 are presented with comments on variances for Actuals to 2017/18 Budget amounts. A Capex Tracker is also presented.

#### Background

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

#### Comment

Capital expenditure continues to remain lower than year to date budget due to the profile of budgeted amounts across monthly periods as well as project delivery. The notes in the 'Report on Significant Variances' identify and provide further commentary on the material variances for each project as well as operational revenue and expenditure at program level.

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



**AGENDA - ORDINARY MEETING OF COUNCIL 22 MAY 2018**

<b>GL/Job No.</b>	<b>General Ledger Description</b>	<b>Current Budget</b>	<b>Variation Amount</b>	<b>Revised Budget</b>	<b>Reason</b>
114369	Pannawonica Admin Building New Air Conditioner GEN	15,000	(1,632)	13,368	Installation of an Air Conditioner at Pannawonica Admin Building will be completed under budget.
18047	Tom Price Diamond Club Air Conditioner	32,631	1,632	34,263	New Switch Board required, as it was non-compliant with the upgraded Air Conditioner at the Tom Price Diamond Club.
B438	Ocean View Caravan Park	29,334	(10,000)	19,334	Maintenance cost for the Ocean View Caravan Park will be under budget with two months to go.
135097	Works program Ocean View Caravan Park GEN	25,000	(23,000)	2,000	\$2,000 will be sufficient to cover the cost related to the works at the Ocean View Caravan Park.
18043	Onslow Ocean View Caravan Park Old Ablutions & Linen Upgrade	177,000	(37,000)	140,000	This project will be completed under budget.
O438	Ocean View Caravan Park	226,649	70,000	296,649	Currently over budget as a result of high water consumption invoices, due to a water leak that had previously not been able to be detected.

**Consultation**

Chief Executive Officer  
Executive Management Team  
Finance Team

**Statutory Environment**

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

## AGENDA - ORDINARY MEETING OF COUNCIL 22 MAY 2018

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

(b) Is authorised in advance by resolution\*

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

\*requires an absolute majority of Council.

### **Financial Implications**

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

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 4 – Exemplary Team and Work Environment

### **Risk Management**

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

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

In Chevron’s objection their submitted opinion as to the correct UV’s for the two properties are: (i) Wheatstone \$6,572,500; and (ii) Barrow Island \$2,612,500. Should the objections lead to a State Administrative Hearing (SAT) appeal and the decision be unfavourable to Council the maximum quantum of liability will be around \$8.5m based on the abovementioned.

To mitigate any risk with this formal objection that may lead to a State Administrative Tribunal appeal, the Council retains a cash backed Financial Risk Reserve with a forecast balance at the end of the financial year (subject to no adverse appeals) of \$6.5 Million. This major risk is categorised as potentially *extreme* on the Council’s adopted risk management framework and thresholds due to the potential risk being greater than \$5 Million of current year and a comparable amount to future revenues.

The Valuer General Office (VGO) has advised the full SAT hearing will be held on 3 September 2018. The *State Administration Act 2004* (s.37 and s.38) provides Council the opportunity to become a joinder to proceedings. The Shire has now prepared the documents required for the application and filing with the SAT was made on 11 April 2018. The hearing to decide the outcome of the application is scheduled for 22 May 2018.

### **Policy Implications**

There are no policy implications for this matter.

### **Voting Requirement**

Absolute Majority Required

## AGENDA - ORDINARY MEETING OF COUNCIL 22 MAY 2018

### Officers Recommendation 1

That with respect to the Monthly Financial Report, Council:

1. Receive the Financial Report for April 2018 **ATTACHMENT 12.1A**; and
2. Approve budget variations for the 2017/18 Budget as outlined below:
  - a) Decrease Expenditure Account 114369, Pannawonica Administration Building New Air Conditioner GEN by \$1,632, from \$15,000 to \$13,368;
  - b) Increase Expenditure Account 18047, Tom Price Diamond Club Air Conditioner by \$1,632, from \$32,631 to \$34,263;
  - c) Decrease Expenditure Account B438, Ocean View Caravan Park by \$10,000 from \$29,334 to \$19,334;
  - d) Decrease Expenditure Account 135097, Works Program for the Ocean View Caravan Park GEN by \$23,000 from \$25,000 to \$2,000;
  - e) Decrease Expenditure Account 18043, Onslow Ocean View Caravan Park Old Ablutions & Linen Upgrade by \$37,000 from \$177,000 to \$140,000;
  - f) Increase Expenditure Account O438, Ocean View Caravan Park by \$70,000 from \$226,649 to \$296,649; and
  - g) Note that the Budgeted Surplus position carried forward (Net Current Assets position) forecast as at 30 June 2018 remains at \$1,500,000.
3. Receive the Capital Expenditures Progress Tracker for April 2018 **ATTACHMENT 12.1B**; and
4. Receive the Budget Amendment Register as at 30 April 2018 **ATTACHMENT 12.1C**;
5. Receive the Schedule of Accounts and Credit Card paid in April 2018 (approved by the Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds) **ATTACHMENT 12.1D**; and

### Officers Recommendation 2

That with respect to the Monthly Financial Report to Council:

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

## AGENDA - ORDINARY MEETING OF COUNCIL 22 MAY 2018

### 12.2 ELM26 CEO PERFORMANCE REVIEW – NEW POLICY

<b>FILE REFERENCE:</b>	GV20
<b>AUTHOR'S NAME AND POSITION:</b>	Nicky Tyson Procurement Coordinator
<b>AUTHORISING OFFICER AND POSITION:</b>	Rob Paull Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	3 May 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial, proximity or impartiality interests in the proposal. Whilst the authorising officer has no financial, proximity or impartiality interests in the proposal, should Council agree to the Policy ELM26 CEO Performance Review the Chief Executive Officer will have a need to declare a financial interest in any related CEO Performance Review Committee Meeting
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### Summary

The purpose of this Policy is to accord with *s5.38 of the Local Government Act 1995* in undertaking the performance review of the Chief Executive Officer (CEO).

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

The final draft is now presented to Council for review and adoption in order to provide consistent guidelines for the CEO Performance Review Committee.

#### Background

To accord with *s5.38 of the Local Government Act 1995*, Council is required to undertake the performance review of the Chief Executive Officer (CEO).

At the April 2018 Ordinary meeting, Council established the 'Shire of Ashburton Chief Executive Officer Performance Review Occasional Committee' ('Committee') in relation to each year of the CEO's employment.

#### Comment

To provide guidance to the President, Council and the Committee, Council is requested to adopt a new policy as provided for in **ATTACHMENT 12.2**.

#### Consultation

Shire President  
Chief Executive Officer  
Governance and Policy

## AGENDA - ORDINARY MEETING OF COUNCIL 22 MAY 2018

### **Statutory Environment**

*The Local Government Act 1995*

Local Government (Administration) Regulations 1996

### **Financial Implications**

There are no financial implications for this matter.

### **Strategic Implications**

Community Strategic Plan 2017 – 2027

Goal 05 – Inspiring Governance

Objective 03 - Council Leadership

### **Risk Management**

This item has been evaluated against the Shire of Ashburton's Risk Management Policy 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**

New Policy ELM26

### **Voting Requirement**

Simple Majority Required

### **Officers Recommendation**

That with respect to ELM26 CEO Performance Review, Council:

1. Adopt the new ELM26 CEO Performance Review Policy as per **ATTACHMENT 12.2**.



## AGENDA - ORDINARY MEETING OF COUNCIL 22 MAY 2018

### 12.3 REVIEW OF ELM05 COUNCILLOR TRAINING AND CONFERENCE ATTENDANCE

<b>FILE REFERENCE:</b>	GV20
<b>AUTHOR'S NAME AND POSITION:</b>	Nicky Tyson Procurement Coordinator
<b>AUTHORISING OFFICER AND POSITION:</b>	Rob Paull Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	10 May 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 13.3 (Minute No. 265/2017) – Ordinary Meeting of Council 21 November 2017

#### Summary

The purpose of the Policy Review is to update *ELM05 Councillor Training and Conference Attendance* in order to provide consistent guidelines for when associates accompany Councillors to a work related conference or event.

#### Background

In order for the Shire of Ashburton to sustain an excellent level of governance, it is important that policy *ELM05 Councillor Training and Conference Attendance* is updated where identified to ensure ethical and professional behavior from all parties involved in dealings with the Shire of Ashburton.

#### Comment

*ELM05 Councillor Training and Conference Attendance*, provides consistent guidelines for when Councillors attend a work related conference or training event.

The Policy has been updated to reflect the following change:

*'Should a Councillors have the opportunity to be accompanied by a family member or partner to a work related conference or event, any administration in relation to transport and/or bookings or accommodation and/or any associated costs are the responsibility of the Councillor in all instances.*

*Should a Councillor attend an authorised conference dinner (or similar), where available, the Shire will pay for the cost of one family member or partner to accompany the Councillor. Any family members or other attendees accompanying the Councillor is not covered under the Council's relevant insurance policies'*

**ATTACHMENT 12.3**

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### **Consultation**

Chief Executive Officer  
Procurement Coordinator

### **Statutory Environment**

*The Local Government Act 1995*  
*Local Government (Administration) Regulations 1996*

### **Financial Implications**

There are no direct financial implications for this matter.

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027  
Goal 05 – Inspiring Governance  
Objective 03 – Council leadership

### **Risk Management**

This item has been evaluated against the Shire of Ashburton's Risk Management Policy 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**

Amendment to ELM05 – Councillor Training and Conference Attendance Procedure.

### **Voting Requirement**

Simple Majority Required

### **Officers Recommendation**

That with respect to ELM05 Councillor Training and Conference Attendance, Council:

1. Adopt the reviewed ELM05 Councillor Training and Conference Attendance as per **ATTACHMENT 12.3.**

### 13. STRATEGIC AND COMMUNITY DEVELOPMENT REPORTS

#### 13.1 APPLICATION ACCEPTANCE OF COMMUNITY SUPPORT GRANT ALLOCATIONS ROUND 2, 2017/18 ANNUAL FINANCIAL YEAR

<b>FILE REFERENCE:</b>	GS01
<b>AUTHOR'S NAME AND POSITION:</b>	Dee Walkington Administration Officer Strategic and Community Development
<b>AUTHORISING OFFICER AND POSITION:</b>	Brenton Hall Acting Director Strategic and Community Development
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	30 April 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 12.1 (Minute No 246/2017) – Ordinary Meeting of Council 24 October 2017

#### **Summary**

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

Thirty seven applications were received for Community Support Grants.

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

The applications were assessed and workshopped at the 23 April 2018 Ordinary Meeting of Council, and the results of the workshops were issued to Councillors via EMACCESS for further comment.

#### **Background**

There are two funding rounds each year, one opening in July and closing in August and one opening in February and closing in March. At the close of March round thirty seven Community Support Grant applications were received, sixteen from Tom Price, eleven from Paraburdoo, three from Pannawonica and seven from Onslow were received. Two applications received were from a non-incorporated group or club and as such did not meet the funding requirements and were declined in accordance with the REC08 Community Donations, Sponsorship and Funding Policy.

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### Comment

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

Thirty seven groups applied for grants in Round 2 of the Community Support Grants 2017/18 financial year and are summarised in **Table 13.1A**.

**TABLE 13.1A. - COMMUNITY SUPPORT GRANTS – GENERAL ROUND**

Name Organisation	of	Event/Project	Cash \$	In-Kind \$	Total \$
<b>ONSLOW</b>					
St John Ambulance		Triage banners and outdoor chairs and equipment	2,339.33	0.00	2,339.33
Onslow Sports Club		NAIDOC Darts	2,500.00	0.00	2,500.00
Onslow Sports Club		Fishing Competition	2,500.00	0.00	2,500.00
Onslow Primary P & C		Healthy Eating Program	2,500.00	0.00	2,500.00
Buurabalayji Thalanyji Aboriginal Corporation		Thalanyji Basketball Competition	2,500.00	0.00	2,500.00
Onslow Swimming Club		Team bathers and equipment	2,500.00	0.00	0.00
<b>PANNAWONICA</b>					
Pannawonica P & C		Refurbishment of Community and Student Services Room	2,454.00	0.00	2,454.00
Pannawonica Sporting Club		Purchase of pizza oven	2,500.00	0.00	2,500.00
Pannawonica Volunteer Fire and Rescue Services		Update and renovate outdoor area	2,500.00	0.00	2,500.00
<b>PARABURDOO</b>					
Paraburdoo Toy Library		Purchase of iPad for centre	2,144.69	0.00	2,144.69
Paraburdoo Motorcycle Club Inc		New kitchen equipment for club room	2,500.00	0.00	2,500.00
Paraburdoo Amateur Swimming Club		To fabricate lockable/movable sports locker	2,500.00	0.00	2,500.00
Paraburdoo Golf Club		Rebuild and insulate the store room at the club house	2,500.00	0.00	2,500.00
Karingal Neighbourhood Centre Inc.		Interactive PA system	2,500.00	0.00	2,500.00
Paraburdoo Junior Football		New football equipment for upcoming programs	2,087.50	0.00	2,087.50
Paraburdoo Bowling Club		New equipment suitable for youth to participate	1,666.70	0.00	1,666.70

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<b>Name of Organisation</b>	<b>Event/Project</b>	<b>Cash \$</b>	<b>In-Kind \$</b>	<b>Total \$</b>
Paraburdoo Netball Association	In-kind donation for court hire and light charges for the season	0.00	2,500.00	2,500.00
Paraburdoo Saints Football & Sporting Club Inc	Cost of lighting for season and essential medical supplies	2,500.00	0.00	2,500.00
Paraburdoo Horse Club	Upgrade of horse shelters and upgrade of yards at venue	2,500.00	0.00	2,500.00
Paraburdoo Volunteer Fire Brigade	Purchase and install new personal protective equipment storage racks	2,500.00	0.00	2,500.00
<b>TOM PRICE</b>				
Mountain View Golf Club	To build shed behind indoor cricket for storage of motorised buggies	2,500.00	0.00	2,500.00
Tom Price Panthers Football Club	Purchase of gazebos, bases, eskys and chairs	2,500.00	0.00	2,500.00
Tom Price Motorcycle Club	To cover the cost of St John Ambulance to be on standby for 2018 round	2,500.00	0.00	2,500.00
Tom Price Emergency Services Cadets TPSHS	Upgrade of cadet trailer and to replace equipment	2,500.00	0.00	2,500.00
Tom Price Teeball Association	Purchase of new equipment for association	2,500.00	0.00	2,500.00
Ashburton Little Athletics	To purchase portable discus cage	2,500.00	0.00	2,500.00
Tom Price Volunteer Bush Fire Brigade	To purchase Mavic Pro Drone	2,500.00	0.00	2,500.00
Tom Price Diamond Club	To install permanent home run fence	2,500.00	0.00	2,500.00
Tom Price BMX Club	Purchase BMX bikes to be used at "Ride in 2 BMX" event for potential members to hire	2,500.00	0.00	2,500.00
Tom Price Amateur Swim Club	To assist with the cost of flights of officials for the "Hancock Prospecting Pilbara Swimming Championships"	2,500.00	0.00	2,500.00
Tom Price Junior Soccer Club	To purchase new equipment and to bring Perth based coach to Tom Price.	2,500.00	0.00	2,500.00

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<b>Name of Organisation</b>	<b>Event/Project</b>	<b>Cash \$</b>	<b>In-Kind \$</b>	<b>Total \$</b>
Tom Price Tennis Club	Refurbishment of club rooms	2,500.00	0.00	2,500.00
Tom Price Netball Association	To bring a B Grade umpire to Tom Price for the Green Shirt Development Program	2,500.00	0.00	2,500.00
Tom Price Arts And Community Arts Cultural Centre	To purchase HD projector	2,500.00	0.00	2,500.00
Impala Cart Club	To purchase track safety lights	2,500.00	0.00	2,500.00
Ashburton Women's Football Association Inc.	To purchase nominated regional representative player guernsey's	2,500.00	0.00	2,500.00
<b>Total</b>		<b>85,692.22</b>	<b>5,000.00</b>	<b>88,192.22</b>

There is \$42,561.46 remaining in the 17/18 budget for the Annual Community Support Grant funding.

All applicants in **TABLE 13.1A** have been assessed on the criteria outlined in REC08 Community Donations, Sponsorship and Funding Policy, and satisfy the conditions and criteria.

Recommendations for General Community Support Grant Applications being allocated from account 081877 (Sponsorships and Grants listed below **TABLE 13.1B**)

**TABLE 13.1B. – GENERAL COMMUNITY SUPPORT GRANT**

<b>Name of Organisation</b>	<b>Proposed Funding \$</b>
<b>ONSLow</b>	
Onslow St John Ambulance	1,316.33
Onslow Sports Club NAIDOC	2,500.00
Onslow Sports Club Fishing Comp.	2,500.00
Onslow Primary School P & C	0.00
Buurabalayji Thalanyji Aboriginal Corporation	0.00
Onslow Swimming Club	0.00
<b>SUB TOTAL</b>	<b>6,316.33</b>
<b>PANNAWONICA</b>	
Pannawonica P&C	2,454.00
Pannawonica Sporting Club	2,500.00
Pannawonica Volunteer Fire and Rescue Services	2,500.00
<b>SUB TOTAL</b>	<b>9,954.00</b>

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<b>Name of Organisation</b>	<b>Proposed Funding \$</b>
<b>PARABURDOO</b>	1,358.47
Paraburdoo Toy Library	1,358.47
Paraburdoo Motorcycle Club Inc	1,358.47
Paraburdoo Amateur Swimming Club	1,358.47
Paraburdoo Golf Club	2,022.72
Karingal Neighbourhood Centre Inc.	1,358.47
Paraburdoo Junior Football	1,358.47
Paraburdoo Bowling Club	1,358.47
Paraburdoo Netball Association	1,358.47
Paraburdoo Saints Football & Sporting Club Inc	1,358.47
Paraburdoo Horse Club	1,358.47
Paraburdoo Volunteer Fire Brigade	1,358.47
<b>SUB TOTAL</b>	<b>16,965.89</b>
<b>TOM PRICE</b>	
Ashburton Little Athletics	979.16
Tom Price Volunteer Bush Fire Brigade	2,000.00
Tom Price Senior High School Emergency Services Cadets	979.16
Tom Price Teeball Association	979.16
Mountain View Golf Club	979.16
Tom Price Panthers Football Club	0.00
Tom Price Motorcycle Club	0.00
Tom Price Diamond Club	979.16
Tom Price BMX	979.16
Tom Price Amateur Swim Club	979.16
Tom Price Tennis Club	979.16
Tom Price Netball Association	979.16
Tom Price Arts and Community Arts And Cultural Centre	0.00
Impala Kart Club	979.16
Ashburton Women's Football Association Inc.	979.16
Tom Price Junior Soccer Club	979.16
Tom Price Motorcycle Club	979.16
<b>SUB TOTAL</b>	<b>14,729.08</b>
<b>TOTAL</b>	<b>47,965.30</b>

Four (4) signature events (Onslow Rodeo, Pannawonica Rodeo, Red Dirt Rocks and Tom Price Camp Draft) have been identified in this funding round. As Signature Events they are recommended for payment after the 2018/19 Annual Budget is adopted by Council. It is also recommended that the signature events be separated from the Community Support Grant rounds and to have an application form for these created specifically to enable them to be processed in February in line with Policy REC08 Community Donations, Sponsorship and Funding Policy

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**TABLE 13.1C- SIGNATURE EVENTS – RECOMMEND FOR PAYMENT AFTER 2018/19 ANNUAL BUDGET HAS BEEN APPROVED AND ADOPTED BY COUNCIL**

<b>Name of Organisation</b>	<b>Event/Project</b>	<b>Cash \$</b>	<b>In-Kind \$</b>	<b>Total \$</b>	<b>GL Code</b>
Onslow Rodeo Association	Onslow Rodeo	10,000.00	0.00	10,000.00	EV 725
Robe River Rodeo Association	Pannawonica Rodeo	10,000.00	0.00	10,000.00	EV 802
Tom Price Camp Draft Association	Tom Price Camp Draft	10,000.00	0.00	10,000.00	EV 203
Red Dirt Rocks Association	Red Dirt Rocks	10,000.00	0.00	10,000.00	EV 222

Note made that Funding has previously been approved for Red Dirt Rocks Ball in Paraburdoo but was not utilised as the event did not eventuate. Clarification will be sort from the Red Dirt Rocks Committee concerning this event occurring in 2018.

### **Consultation**

Chief Executive Officer  
 Shire of Ashburton Councillors  
 Acting Director – Strategic and Community Development  
 Manager Facilities & Recreation Services – Strategic and Community Development  
 Administration Officer – Strategic and Community Development

### **Statutory Environment**

There are no statutory impediments.

### **Financial Implications**

The following budget allocations are provided in the 17/18 budget:

Community Support Grants	\$75,000.00
Signature Event	\$40,000.00

### **Strategic Implications**

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

### **Risk Management**

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

### **Policy Implications**

REC08 Community Donations, Sponsorship and Funding Policy

### **Voting Requirement**

Simple Majority Required



## AGENDA - ORDINARY MEETING OF COUNCIL 22 MAY 2018

### Officers Recommendation

That with respect to the acceptance of Community Support Grant Allocations, Round 2, 2017/18 Financial year, that Council approve the:

1. Recommendations for General Community Support Grant Applications being allocated from account GL 081877 (Sponsorships and Grants) as stated in **TABLE 13.1B** of the report.
2. Signature Events as stated in **TABLE 13.1C** of the report for payment after the 2018/19 budget has been approved and recommend that these events be separated from the Community Support Grant Application form and a separate application form created with applications opening in February, as per REC08 - Community Donations, Sponsorship and Funding Policy.

## AGENDA - ORDINARY MEETING OF COUNCIL 22 MAY 2018

### 13.2 THE BUURABALAYJI THALANYJI ABORIGINAL CORPORATION REQUEST FOR IN KIND FUNDING FOR THE 2018 ONSLOW BASKETBALL CARNIVAL

<b>FILE REFERENCE:</b>	GS01
<b>AUTHOR'S NAME AND POSITION:</b>	Narelle Coates Community Services Coordinator-West
<b>AUTHORISING OFFICER AND POSITION:</b>	Brenton Hall Acting Director Strategic and Community Development
<b>NAME OF APPLICANT/ RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	3 May 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### Summary

The Buurabalayji Thalanyji Aboriginal Corporation are seeking 'In-Kind' funding from the Shire of Ashburton for the 2018 Onslow Basketball Carnival to be held in October 2018.

#### Background

The Onslow Basketball Carnival is a two day event held annually (September 2018) with a number of different age divisions. This carnival is an opportunity for families and communities to come together to share a mutual passion for basketball, showcase their skills and promote a healthy competition.

When the Onslow Basketball Carnival began in 2009 the event was supported by BHP Billiton who were major sponsors. In 2017 this partnership ceased and the Shire of Ashburton in conjunction with the Buurabalayji Thalanyji Aboriginal Corporation hosted the event. The original intent of the agreement between the Shire of Ashburton and BHP Billiton was for the Onslow Basketball Carnival to build capacity within the Buurabalayji Thalanyji Aboriginal Corporation and its members so they will be able to run this major event.

This year the Buurabalayji Thalanyji Aboriginal Corporation are hosting the event with transitioning support from the Shire of Ashburton.

#### Comment

The Buurabalayji Thalanyji Aboriginal Corporation have requested the Shire of Ashburton supply the following In-Kind support for the 2018 Onslow Basketball Carnival based on the fees and charges and possible increases when the 2018/19 budget is approved by Council. The total cost of the in kind funding is shown in **TABLE 13.2**.

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**TABLE 13.2 SUMMARY OF IN KIND FUNDING**

Provide, erect and then remove flags in town centre and at the MPC	\$ 2,440.00
Waste management and disposal – 10 x 240L Bins at \$100 per Bin	\$ 1,000.00
Additional rubbish removal at \$100 per 5 bin collection	\$ 100.00
2 x 1100L Bins at \$250 per bin	\$ 500.00
2 x Additional rubbish removal of 2 x 1100L bins	\$ 365.00
Cleaning staff for 2 x 12 hour day x 2 staff (48hrs)	\$ 1,440.00
Friday night 1 x staff x 3 hours to clean	\$ 90.00
2 x Event staff at 4 hrs each day 16 hours registration desk	\$ 592.00
Basketball Court Hire at \$54 per day for 2 nights and 2 days	\$ 173.80
Kitchen Hire	\$ 85.00
Light Hire at 5 hours	\$ 53.50
MPC Hire 2 x Days	\$ 465.00
	<b>TOTAL \$ 7,304.30</b>

### **Consultation**

Chief Executive Officer  
Acting Director Strategic and Community Development  
Manager Facilities & Recreation Services  
Facilities Officer  
Community Services Coordinator-West  
Waste Coordinator  
Town Maintenance Supervisor  
Acting Manager Environmental Health

### **Statutory Environment**

There are no statutory impediments.

### **Financial Implications**

There would need to be an allocation of funds to cover this donation in the 2018/19 Annual Budget.

### **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, Sponsorship and Funding Policy.

### **Voting Requirement**

Absolute Majority Required

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### Officers Recommendation

That with respect to the request for 'In Kind' funding from Buurabalayji Thalanyji Aboriginal Corporation for the 2018 Onslow Basketball Carnival, that Council:

1. Acknowledge the important role of the 2018 Onslow Basketball Carnival plays in the community; and
2. Give in principal support for a provision in the 2018/19 budget for the 2018 Onslow Basketball Carnival as stated in **TABLE 13.2**.

## AGENDA - ORDINARY MEETING OF COUNCIL 22 MAY 2018

### 13.3 REQUEST FOR EXCISION AND DEDICATION OF PORTIONS OF UNALLOCATED CROWN LAND AND PORTION OF MINE ROAD AS A ROAD

<b>FILE REFERENCE:</b>	RC39204 RC39327 RC39328 PR42467 RC42510 MIN.0000
<b>AUTHOR'S NAME AND POSITION:</b>	Janelle Fell Economic and Land Development Manager
<b>AUTHORISING OFFICER AND POSITION:</b>	Brenton Hall Acting Director Strategic and Community Development
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	26 April 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 14.2 (Minute No. 11912) – Ordinary Meeting of Council 18 February 2015

#### Summary

Council endorsement is sought to formally request the Minister for Planning, Lands and Heritage to:

1. Dedicate the subject portions of Unallocated Crown Land as depicted in the attached plans and being Lots 23, 24 and 26 on Plan 241873 and Lot 500 on Plan 409463 as public roads in accordance with s24KA of the *Native Title Act 1993* and s56 of the *Land Administration Act 1997*;
2. Dedicate that portion of Lot 9 on DP 047851 (Mine Road) and portion of adjacent Unallocated Crown Land described as Lot 26 on Deposited Plan 241873 as a public road in accordance with 56 of the *Land Administration Act 1997*.

**ATTACHMENT 13.3**

#### Background

The Shire holds Management Orders for Reserves 39204 (archery club), 39327 (speedway), 39328 (BMX), 42467 (cultural tours) and 42510 (motocross). During the 2014 Council endorsed Implementation Plan project to assist Community Groups to obtain planning and building approval for historical community activities conducted on Reserves in the Shire, it was noted that a number of the Reserves had no direct access to a dedicated road. Access was, and remains, via unsealed tracks constructed on Unallocated Crown land.

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In order to issue retrospective planning approval to the users, it is necessary to secure formal access arrangements and accordingly the Department of Planning, Lands and Heritage's advice was sought on the most appropriate mechanism to achieve this. All existing tracks are constructed on land that is subject to native title. As the proposed road for Reserve 39204 crosses Hamersley Iron Lease N269938 (Power Transmission Line), an easement in lieu of dedication may be required for the subject area.

In a related matter in 1994, and again in 2012, Council resolved to make a request to the (now) Minister for Planning, Lands and Heritage to dedicate Lot 356 on DP 216348, now identified as Lot 9 on DP 047851 and partly contained within Hamersley Iron Lease I195323 L47/740 and portion of the adjacent Unallocated Crown Land, Lot 26 on Plan 241873 to encompass the road that deviates outside the lease area, dedicating the constructed road within the correct alignment. Processes to dedicate this as a public road did not proceed.

### **Comment**

Section 24KA of the *Native Title Act 1993* permits the use, maintenance or repair of facilities for services to the general public. Use of this section of the Act creates an interest (non-extinguishment principle) that does not prevent native title holders having reasonable access to the land following its development for a public use (in this case a road).

Section 24KA permits the land to be dedicated as a public road without extinguishing Native Title, a lengthy and often costly process. Instead, 24KA allows for Native Title to be suppressed for as long as the road remains dedicated.

As noted in the report summary, Section 56 (4) of the LAA requires the Shire is to indemnify the State, the Department of Planning, Lands and Heritage and the Minister against any and all costs associated with dedication and use of the roads.

Dedication of the roads will also allow the finalisation of a lease agreement with Mr Wayne Stevens for cultural tours as endorsed by Council in February 2015. Department of Planning, Lands and Heritage will not support the lease until the access issue is resolved.

In order to dedicate a public road, Section 9 of the *Land Administration Regulations 1998* requires the Shire confirm in writing the public has had uninterrupted use of the road for a period of ten years, a description of the public who have had that use and a description of how the private road is constructed. Relevant Shire Officers have advised Black Spot Funding has been applied for with the works including survey and design, road widening, resealing and countermeasures such as guideposts and audio tactile line marking. The public has had unfettered access to all tracks since the towns construction to access sport and recreation locations.

Road maintenance to the reserve access track has been minimal in the past with the only recorded maintenance in the past six months being floodway crossing repairs to the BMX/Speedway/Mt Nameless Walk Trail track.

Mine Road is captured on the Shire's Asset Register (as depicted below) as a secondary road. The Shire's maintenance responsibility is from Bingarn Road and ends approximately 270 metres before the Mine Road Light Industrial Area intersection. Mine Road is currently Restricted Access Vehicle (RAV) rated 10 on Main Road Western Australia's Heavy Vehicle Network Road Table up to the boundary of the Unallocated Crown Land. Should Council support the recommendations of this report, it would be appropriate for Main Roads Western Australia to be notified for the purposes of updating the Heavy Vehicle Network Road Network database.

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It is requested that Council resolve, in accordance with section 56 of the *Land Administration Act 1997* to request the excision and dedication of portion of Lot 9 on DP 047851 and partly contained within Hamersley Iron Lease I195323 L47/740 and portion of the adjacent Unallocated Crown Land, Lot 26 on Plan 241873 for the purpose of a dedicated road.

Further to this, in accordance with section 24KA of the *Native Title Act 1993*, Council is requested to formally request the excision and dedication of the portions of Unallocated Crown Land as depicted in the attached plans for the purpose of public roads.

### **Consultation**

Chief Executive Officer  
Acting Director Strategic & Community Development  
Director Infrastructure Services  
Principal Planner  
Manager Technical Services  
Works Coordinator  
Asset & GIS Officer  
Department of Planning, Lands and Heritage

### **Statutory Environment**

Section 56 of the *Land Administration Act 1997*  
Section 9 of the *Land Administration Regulations 1998*  
Section 24KA of the *Native Title Act 1993*

### **Financial Implications**

Dedication of a public road to each reserve is considered normal to provide the community group access. Minimal costs have been incurred over the last year maintaining some of these unsealed tracks which indicate any future maintenance costs can be absorbed into Council's current budget without difficulty. Mine Road will require additional road maintenance expenditure due to it being a sealed road. There is a budget allocation in the 17/18 year for the resurfacing of Mine Road. Re-surfacing works have been on hold pending the outcome of a Black Spot Application for works along Mine Road. It is prudent to undertake the works set out in the Black Spot application first before re-surfacing the road.

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Given the announcement of the State Budget recently, the Shire is waiting for advice if the Black Spot Nomination was successful. A request has been made to carry over the resurfacing budget into 18/19. Ongoing maintenance of the road after the re-surfacing works can be accommodated into the Shire's ongoing operating budget for road maintenance.

In accordance with Section 56 (4) of the *Land Administration Act 1997* and Section 24KA of the *Native Title Act 1993*, Council is required to indemnify the Minister of Planning, Lands and Heritage against all costs reasonably incurred in granting this request. Two of the subject reserves (motocross and cultural tours) fall within Native Title Determination WAD6208/1998 therefore rights and interests arising from traditional owners may be subject to financial compensation. This is not anticipated to arise from this process. The remaining reserves are subject to claimant (Eastern Guruma) applications.

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 01– Vibrant and Active Communities

Objective V1 – Connected, Caring and Engaged Communities

Objective V2 – Sustainable Services, Clubs, Association and Facilities

Goal 02 – Economic Prosperity

Objective E1 – Strong Local Economies

Objective E2 – Enduring Partnerships with Industry and Government

Objective E3 – Well-managed Tourism

Goal 03 – Unique Heritage and Environment

Objective U1 – Flourishing Natural Environments

Goal 04 – Quality Services and Infrastructure

Objective 1 – Quality Public Infrastructure

### **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 policy implications for this matter.

### **Voting Requirement**

Simple Majority Required



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### Officers Recommendation

That with respect to the request to dedicate the subject portions of Unallocated Crown Land and Mine Road, Tom Price, Council:

1. Resolve, in accordance with section 56 of the *Land Administration Act 1997*, to request the excision and dedication of the portions of Unallocated Crown Land as depicted in the attached plans, being Lots 23, 24 and 26 on Deposited Plan 241873 and Lot 500 on Plan 409463, for the purpose of public roads;
2. Advise the Department of Planning, Lands and Heritage in writing of the Shire of Ashburton's commitment to indemnify the State, the Department and the Minister for Planning, Lands and Heritage;
3. Resolve, in accordance with section 56 of the *Land Administration Act 1997*, to request the excision and dedication of that portion of Mine Road being Lot 9 on Plan 047815 as depicted in the attached plan, for the purpose of a public road; and
4. Request Main Roads Western Australia of the Recommendations 1 and 3, above for the purposes of updating the Heavy Vehicle Network Road Network database.

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### 13.4 TOM PRICE AMATEUR SWIMMING CLUB – IN KIND FUNDING TO HOST 2018 HANCOCK PROSPECTING PILBARA SWIMMING CHAMPIONSHIPS AT THE VIC HAYTON MEMORIAL SWIMMING POOL

<b>FILE REFERENCE:</b>	CR01
<b>AUTHOR'S NAME AND POSITION:</b>	Brenton Hall Acting Director Strategic and Community Development
<b>AUTHORISING OFFICER AND POSITION:</b>	Brenton Hall Acting Director Strategic and Community Development
<b>NAME OF APPLICANT/RESPONDENT:</b>	Tom Price Amateur Swimming Club
<b>DATE REPORT WRITTEN:</b>	3 May 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### Summary

Tom Price Amateur Swimming Club (TPASC) is hosting the 2018 Hancock Prospecting Pilbara Swimming Championships at Vic Hayton Memorial Swimming Pool, Tom Price commencing on the 23 November 2018, concluding on the 25 November 2018.

TPASC has written to the Shire formally requesting an in kind Donation for fees and charges attributed to hiring of the Vic Hayton Memorial Swimming Pool for the event including entry fees and extra training before the 2018/19 pool season commences.

#### Background

TPASC is a non-profit incorporated club with approximately 80 members all based in Tom Price and actively seeking more members to strengthen the club. TPASC is set up to promote competitive swimming, skill training and social swimming.

The annual event has proud history across the Pilbara and brings great benefit to the community and local economy. Accommodation facilities across Tom Price such as the Tom Price Tourist Park has had all chalets and cabins completely booked for the championships as well as several camping/caravan sites.

The weekend of the Championships will also see the Annual Local "Movember" Cricket Charity Match being held at the Clem Thompson Sports Pavilion and both groups are working collaboratively to coordinate activities between the two areas so that local business benefit and are effectively utilised across these major events.

The TPASC advised the Shire on 27 March 2018 that Tom Price had been selected to host the 2018 Hancock Prospecting Pilbara Swimming Championships. The Championships will require exclusive use of the pool.

**ATTACHMENT 13.4**

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TPASC is seeking:-

1. an in kind donation for fees and charges that are associated with the hire and entry fees for the Vic Hayton Memorial Swimming Pool
2. to utilise the Kiosk at Vic Hayton Memorial Swimming Pool as a secure room to house Chief Recorders and Officials for administrative duties throughout the championship weekend.

### Comment

The TPASC is seeking in kind donation as follows:-

Training sessions – 2 hour sessions, 4 times a week, over 4 weeks leading up to the Championships				
Hourly Fee	Lanes	Hours per week	Fee Per week	Total
\$5.10	6	8	\$244.80	\$979.20

Hire of Vic Hayton Memorial Swimming Pool 23 November 2018 – 25 November 2018			
Hourly Fee	Lanes	Hours	Total
\$5.10	6	27	\$1,530.00

Pool Entry Fees (Competitors, Spectators, Coaches and Volunteers)			
Competitors – up to age 17	Competitors – 17 years and over	Fee Spectators/Other	Total
\$3.50	\$5.00	\$1.00	
Estimate 250 - \$875.00	Estimate 20 - \$100.00	Estimate 150 - \$150.00	\$1,125.00

Use of Kiosk for administration	Total
Estimated loss of income	\$1,000.00

TOTAL = \$4,634.20

TPASC is seeking to utilise the Kiosk at Vic Hayton Memorial Swimming Pool as a secure room to house Chief Recorders and Officials for administrative duties throughout the championship weekend. As the kiosk will not be operating during the swimming championships it is estimated that a loss of income from the kiosk could be approximately \$1,000.00.

Overall the in kind donation from the Shire would be \$4,634.20, it should also be noted this is based on 2017/18 fees and charges adopted by Council.

### In-Kind Donation

In considering the request from the TPASC it is recommended that Council take the following into account:

- The success of the TPASC in the community and the efforts to date and ongoing fundraising for not only the championships but also remaining a sustainable club; and
- Community participation and economic benefits.

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### **Consultation**

Chief Executive Officer  
Director Corporate Services  
Acting Director Strategic & Community Development  
Pool Manager – Tom Price  
Community Development Officer

### **Statutory Environment**

There are no statutory impediments.

### **Financial Implications**

The financial implication is \$4,634.20 as an in kind donation to the Tom Price Amateur Swimming Club if Council were to support the waiver of the fees and estimated loss of income from the kiosk.

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027  
Goal 1 – Vibrant and Active Communities  
Objective 01 – Connected, caring and engaged communities  
Objective 02 – Sustainable Services, Clubs, Associations and Facilities  
Objective 03 – A rich cultural life

### **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 "Low", can be managed by routine procedures, and are unlikely to need specific application of resources.

### **Policy Implications**

There are no policy implications identified.

### **Voting Requirement**

Absolute Majority Required

### **Officers Recommendation**

That with respect to the Tom Price Amateur Swimming Club request for an In Kind donation for fees and charges associated with the hiring, entry fees at Vic Hayton Memorial Swimming Pool for hosting the 2018 Hancock Prospecting Pilbara Swimming Championships Council:

1. Acknowledge the important role of the Tom Price Amateur Swimming Club plays to the community;
2. Continue to provide the Tom Price Amateur Swimming Club with support and help to continues its success in the Tom Price Community, and
3. Provide as In Kind funding for hosting the 2018 Hancock Prospecting Pilbara Swimming Championships, the loss of income from the kiosk which is estimated to be \$1000.

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### 13.5 RFT 03.18 - DEMOLITION, DESIGN AND CONSTRUCTION OF PLAYGROUND, ONSLOW W.A.

<b>FILE REFERENCE:</b>	CM03.18
<b>AUTHOR'S NAME AND POSITION:</b>	Sean Ripley Strategic Project Manager
<b>AUTHORISING OFFICER AND POSITION:</b>	Brenton Hall Acting Director Strategic and Community Development
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	3 May 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 13.6 Ordinary Meeting of Council 23 April 2018

#### **Summary**

An administrative issue on behalf of Active Discovery and Proludic Pty Ltd relating to their tender submission for RFT 03.18 presented to Council on the 23 April 2018 has been discovered.

Active Discovery is owned and operated by Mr Benjamin Humphries who is the sole agent in WA for Proludic Playground equipment. Proludic design, manufacture and supply the playground equipment, and Active Discovery are sub contracted to deliver and install the playground project.

The Tender submission was from Proludic Pty Ltd but uploaded to Tenderlink via the Active Discovery profile.

The Tender submission and evaluation process has been confirmed as compliant, there was simply an administration error in the wording of the Agenda Item 13.6 Ordinary Meeting of Council 23 April 2018 stating Active Discovery be awarded the tender when in fact the company to be awarded the tender should have read Proludic Pty Ltd.

This Report is essentially the same as presented as Agenda Item 13.6 Ordinary Meeting of Council 23 April 2018 apart from the change to Proludic Pty Ltd and the inclusion of a specific option for the playground design.

#### **Background**

In 2015 the Shire appointed a consultant to undertake a compliance audit on all its public playground facilities. The outcome of this report was that all of the Shire's playground assets were deteriorated and not conforming to the current Australian Standards. A plan was developed to upgrade of all the Shire's playgrounds including the Thalanyji Oval playground between 2016 and 2018 and appropriate budget was forecasted in the Shire of Ashburton's Long Term Financial Plan. With upgrades having been completed in Tom Price and Paraburdoo the Onslow, Thalanyji Oval playground is scheduled for upgrade in the 17/18 financial year.

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A Design and Construction RFT was drafted for the Thalanyji Oval upgrade that included the removal and appropriate disposal of the existing playground equipment. Design specification informed Tenderers that the playground shall target the age group of 2-12 years of age and be compliant with the Shire of Ashburton's Disability Access and Inclusion Plan.

The selection criteria was amended from the FIN12 Purchasing Policy to better meet the requirements of the project. This was approved under Delegation DA06-2 by Anika Serer – Director Strategic and Community Development. The advertised selection criteria were:

Criteria		Weighting
(a)	Relevant Experience	10%
(b)	Key Personnel	10%
(c)	Quality/ Life Cycle and OHS Systems	15%
(d)	Design and Methodology Risk Management	15%
(e)	Price	50%

After an initial compliance assessment, all submissions were deemed compliant for further assessment. The evaluation panel then assessed the submissions against the selection criteria and value for money.

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

### **CONFIDENTIAL ATTACHMENT 13.5A**

Proludic have provided 2 concept design options as part of their tender submission for the playground upgrade. If Council proceed with the recommendation to award the RFT to Proludic. They can also recommend their preferred design Option to progress the project without the requirement for further consultation.

### **ATTACHMENT 13.5B ATTACHMENT 13.5C**

#### **Comment**

The tenders have been assessed with the below scores and rankings. Complete details of the assessment are provided in **CONFIDENTIAL ATTACHMENT 13.5A**

Rank	Tenderer	Score (/100)
1	Proludic	76.5
2	Nature Play Solutions	72.3
3	Moduplay	65.9
4	Miracle Recreation	65.1

The evaluation panel concluded that the highest scoring tenderer is Proludic.

#### **Consultation**

Director Corporate Services  
Strategic Project Manager  
Manager Facilities and Recreation Services  
Acting, Director Strategic and Community Development  
Procurement Coordinator

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### 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

The Shire of Ashburton has a committed budget in the 17/18FY of \$313,000.00 to undertake the upgrade project. The recommended tender submission is within this budget. As the project is an upgrade/replacement, an allocation for ongoing maintenance and inspections of the playground is provided in the Shire’s annual budget.

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 4 – Quality Services and Infrastructure

Objective 01 – Quality Public Infrastructure

Objective 03 – Distinctive and Well-Functioning Towns

### Risk Management

This item has been evaluated against the Shire of Ashburton’s Risk Management Policy CORP5 Risk Matrix. The perceived level of risk for the project is considered to be “Low”. The low level of risk is being driven by the “minor” consequence of time and/or cost impacts and the “Unlikely” likelihood that a time and/or cost risk could occur. The “Low” risk rank is considered acceptable with adequate controls, managed by routine procedures and subject to annual monitoring by the Operational Manager.

### Policy Implications

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

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### Voting Requirement

Absolute Majority Required for Recommendation 1

Simple Majority Required for Recommendation 2

### Officers Recommendation 1

That with respect to **MINUTE: 358/2018** Tender RFT 03.18 - Demolition, Design and Construction of Playground, Onslow WA, that Council in accordance with *Regulation 10(1a) of the Local Government (Administration) Regulations 1996*, Council Resolution dated 17 August 2010, Item 4.3, being:

*"That with respect to Tender RFT 03.18 - Demolition, Design and Construction of Playground, Onslow, Council:*

1. *Resolve that Report **ATTACHMENT 13.5A** is confidential in accordance with s5.23 (2) the Local Government Act because it deals with matters affecting s5.23 (2):*
  - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;"*
2. *Note the attached Evaluation Report, **CONFIDENTIAL ATTACHMENT 13.5A**;*
3. *Award the contract for RFT 03.18 to Active Discovery for \$300,000 exclusive of GST for the Option 1 playground as referred in the report;*
4. *Authorise the Chief Executive Officer to enter into a contract with the appointed Contractor; and*
5. *Authorise the Chief Executive Officer to manage the Contract, including variations, providing the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract and managed within the overall budget for the project."*

**be REVOKED.**

### Officers Recommendation 2

That with respect to Tender RFT 03.18 - Demolition, Design and Construction of Playground, Onslow, Council:

1. *Resolve that Report **ATTACHMENT 13.5A** is confidential in accordance with s5.23 (2) the Local Government Act because it deals with matters affecting s5.23 (2):*
  - (c) *"a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;"*
2. *Note the attached Evaluation Report, **CONFIDENTIAL ATTACHMENT 13.5A**;*
3. *Award the contract for RFT 03.18 to Proludic Pty Ltd for \$300,000 exclusive of GST for the Option 1 playground as referred in the report;*
4. *Authorise the Chief Executive Officer to enter into a contract with the appointed Contractor; and*



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5. Authorise the Chief Executive Officer to manage the contract, including variations, providing the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract and managed within the overall budget for the project.

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### 14. DEVELOPMENT AND REGULATORY SERVICES REPORTS

### 15. INFRASTRUCTURE SERVICES REPORTS

#### 15.1 PARABURDOO SHOPS REAR CARPARK CROSSOVER

<b>FILE REFERENCE:</b>	RD03
<b>AUTHOR'S NAME AND POSITION:</b>	Kevin Hannagan Acting Director Infrastructure Services
<b>AUTHORISING OFFICER AND POSITION:</b>	Rob Paull Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	7 May 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in this report.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### **Summary**

The vehicular crossover between the two car parks at the rear of the Paraburdoo shopping centre car parks has been raised as a safety concern. The vehicular crossover does not meet current Australian Design Guidelines. Alternative treatments to make the crossover safe have been investigated but have been unsuccessful. It is recommended that the crossover be decommissioned.

#### **Background**

At the rear or northern side of the Paraburdoo shopping centre is a vehicular crossover that provides access between two car parks. A pedestrian footpath traverses the crossover. It is the interaction between pedestrians and vehicles that has been raised by a Councillor as a safety concern. Concerns have been raised (see comment below) that this could cause a safety hazard to pedestrians using the walkway. The footpath provides access to the school, pool and new Community Hub. The current crossover does not meet Australian Design Guidelines. Shire Officers were requested to look at options to calm the traffic and make the crossing safer for pedestrians.

#### **Comment**

The Shire advises that the concerns with the current arrangement are as follows:

1. The speed of vehicles travelling between the car parks,
2. The footpath is a key pedestrian route, before and after school (morning and afternoon),
3. Majority of vehicles using the carpark are 4WD and the current crossover does not satisfactorily act as a traffic calming device; and

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4. The area immediately east of the Child Care will be the site of the new Community Hub which will increase pedestrian traffic using the footpath,

Based on this advice, it is understood that the principal concern is vehicles crossing the footpath at speed which is creating an unsafe environment for the pedestrians on the path.

It is not clear whether vehicles are complying with the existing "Give Way" signage. However, if there is excessive speed over the crossing there may also be a risk that vehicles are also not giving way to pedestrians.

Attached are photos of the crossover.

### ATTACHMENT 15.1



Layout of car park at rear of Paraburdoo Shopping Centre

Shire Staff sought options from an external experienced traffic consultant for traffic calming designs but the options all have disadvantages as they only partly address the problem as it is difficult to design a solution to a practice that does not currently conform to an Australian Standard.

#### Traffic Management Philosophy - Engineering Controls

Australian Standards reiterate that the highest effective control for minimizing the risk of vehicle / pedestrian interactions is separation between vehicle and pedestrians, which is consistent with the standard hierarchy of control. In this instance, it is not possible to achieve effective separation whilst maintaining the existing vehicle crossover of the pedestrian crossing by utilising first principals of Traffic Management Engineering.

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### Engineering Hierarchy of Control

Current design standards require a business or undertaking do all that is reasonably practicable to eliminate or minimise risks. This is endorsed by Austroads - Guide to Traffic Management:

Part 11 – Parking: describes the process of determining the demand for, and supply of, parking and provides a parking policy framework, provides comprehensive traffic management guidance for practitioners involved in traffic engineering, road design and road safety and makes reference to relevant Australian Standards:

AS 2890.1 Car Park Facilities  
AS 2890.2 Commercial Parking Facilities  
AS 1742.11 Parking Controls

The ways of controlling risks are ranked from the highest level of protection and reliability to the lowest. This ranking is known as the hierarchy of risk control. Based on first principals the Shire must consider if the hazard can be completely removed from the area. For example, risks can be eliminated by physically separating pedestrian routes from vehicle areas.

This could be done by conducting activities at times when pedestrians are not present, using physical barriers or overhead walkways. If it is not reasonably practicable to completely eliminate the risk then consider one or more of the following options in the order they appear below to minimise risks, so far as is reasonably practicable:

1. Substitute the hazard for something safer.
2. Isolate the hazard from people e.g. by creating an area away from other pedestrians or activities.
3. Use engineering controls e.g. physical traffic control devices, presence sensing devices or interlocked gates.
4. Use administrative controls e.g. warning signs or restrict vehicles to avoid or reduce the need for pedestrians and vehicles to interact.
5. Use personal protective equipment (PPE) e.g. high visibility clothing.

After lengthy consideration of options to try and manage the risk, Shire Officers do not think this can be achieved. As such the vehicle crossover should be de-commissioned as this is a low cost option and removes the public risk. Shire Officers observation is that the vehicle crossover is used as a short cut from the streets to the east of Degrey Road to the supermarket. It has been estimated that the increase in time to exit one carpark and enter the other carpark via the public road network is two minutes.

### **Consultation**

Formal consultation with the Community has not occurred. Consultation has occurred between the two Councillors based in Paraburdoo. As a result of this consultation one Councillor is in favour of closing the vehicular crossover and one Councillor is not in favour of closing the crossover.

### **Statutory Environment**

Road Traffic Code 2000 provides the regulatory mechanism to enforce the proper use of the pedestrian crossing by vehicles but this could not be implemented as the treatments don't meet any Australian Design Guideline standards.

### **Financial Implications**

Estimate for decommissioning and reinstatement of reticulation, landscaping etc. is \$11,000. A budget item can be included in the 2018/19 operational budget for this work.

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### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 4 – Quality Services and Infrastructure

Objective 01 – Quality Public Infrastructure

Objective 02 – Accessible and Safe Towns

Objective 03 – Distinctive and Well-Functioning Towns

### **Risk Management**

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Medium" in light of the public risk and potential impacts to Shire reputation. As a medium risk matter, the Manager Technical Services will monitor progress of this item.

### **Policy Implications**

There are no policy implications for this matter.

### **Voting Requirement**

Simple Majority Required

### **Officers Recommendation**

That with respect to the vehicular crossover in the northern car park of the Paraburdoo Shopping Centre referred to in the report, Council:

1. Notes this report;
2. Supports the closing of the vehicular crossover in the northern car park of the Paraburdoo Shopping Centre; and
3. Instructs the Chief Executive Officer to make a budget provision of \$ 11,000 in the 2018/19 Budget to decommission the vehicle crossover in the northern car park of the Paraburdoo Shopping Centre.

## AGENDA - ORDINARY MEETING OF COUNCIL 22 MAY 2018

### 15.2 RFQ 23.18 – ONSLOW AIRPORT SECURITY SCREENING STAFF

<b>FILE REFERENCE:</b>	CMQ23.18
<b>AUTHOR'S NAME AND POSITION:</b>	Megan Walsh Onslow Airport Manager
<b>AUTHORISING OFFICER AND POSITION:</b>	Kevin Hannagan Acting Director Infrastructure Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	26 April 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

#### Summary

A Request for Quotation for the Onslow Airport Security Screening Services was issued via WALGA eQuotes platform to the panel of prequalified suppliers on Contract C037\_16 – Aerodrome Management Services for the period 28 March 2018 to 16 April 2018.

Responses were requested from all 4 suppliers on the panel, 3 suppliers declined to respond, with 1 compliant submission received.

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

#### Background

Onslow Airport is categorized by the Federal Department of Infrastructure & Transport as a security controlled airport, for which an airside security zone has been established. The airport currently receives Open Charter aircraft operations weighing greater than 20,000kg Maximum Take-Off Weight (MTOW), and therefore Council is required to provide aviation security screening services in accordance with the Australian Government requirements and legislative framework for aviation security.

Onslow Airport is a category 3 security controlled airport. This category involves a level (or band) 3 screening regime requiring full passenger screening as well as checked baggage screening (CBS) utilizing explosive detection system (EDS) x-ray equipment.

On the 6 July 2015 Aerodrome Management Services (AMS) were engaged by the CEO under delegation DA06-6 to undertake the passenger screening operations. The original agreement (contract 37/14) was for an initial period of two years with the option to extend the agreement for a further one year at the discretion of the Principal. As per Clause 2.1 of the RFT document under contract 37/14 the Shire exercised its rights and extended the contract for a further and final period expiring on the 6 July 2018.

Therefore it is crucial another contract is in place before this date so airport operations are not interrupted.

## AGENDA - ORDINARY MEETING OF COUNCIL 22 MAY 2018

The Contract that is the subject of RFQ 23.18 – Onslow Airport Security Screening Staff is for an initial period of 1 year with the option of 2 x 1 year extensions at the discretion of the Shire.

WALGA eQuotes was utilised as suppliers on the panel have been pre-qualified and appointed by WALGA to supply the goods or services to Local Governments established for local government. This follows a rigorous public procurement process that is fully compliant with legal and best practice purchasing requirements. The Arrangements are established using aggregated or group purchasing to ensure superior value for money to Members. Tender threshold exemption applies to Preferred Supply Arrangements. So Local Governments can purchase any value of goods or services from a Preferred Supplier without going to Tender.

The selection criteria to evaluate the submission is as per below:

Criteria		Weighting
(a)	Relevant Experience	30%
(b)	Resources	20%
(c)	Price	50%

After an initial compliance assessment, the evaluation panel then assessed the submission against the selection criteria and value for money.

The Evaluation and Recommendation Report, including the overall evaluation score is attached as a confidential item.

### CONFIDENTIAL ATTACHMENT 15.2

#### Comment

At the closing of quotes only 1 submission was received from Aerodrome Management Services (AMS). AMS submitted 1 conforming and one non-conforming submission. The non-conforming submission was a proposal from AMS to take over management of the airport. The non-conforming submission did not meet the scope of works, therefore has not been included in the evaluation process.

The evaluation panel concluded that although Council received only one submission, Council and staff can be confident that the expertise and pricing is competitive given the schedule of rates is from the WALGA preferred supplier contract.

#### Consultation

Director Infrastructure Services  
Onslow Airport Manager

#### Statutory Environment

*Local Government Act 1995*

*Section 5.23 Meetings generally open to public, (2) (c)*

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

*Local Government (Functions and General) Regulations 1996, Part 4, Sections 11A - 24*

## AGENDA - ORDINARY MEETING OF COUNCIL 22 MAY 2018

### Financial Implications

The anticipated annual expenditure is \$612,718.60 per annum. This expenditure will be in accordance with the adopted operational budget for Onslow Airport. This is based upon:

- \$2,356.61 per flight, exclusive of GST, based on steady state operations of 5 flights per week.
- AMS recognising this may not be the case by the time a new contract is put in place and have offered a rate of \$1161.60 (including GST) per turnaround for any additional flights over and above 5 flights per week.
- This reduced cost is based on a maximum 4 hour turnaround time. For time overruns that continue past the four hour turnaround time for the additional flights, a rate of \$290.40 per hour (including GST) will apply.

A security fee applies to departing passengers therefore the staffing of security screening operations is cost recoverable.

### Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 4 – Quality Services and Infrastructure

Objective 01 – Quality Public Infrastructure

Objective 02 – Accessible and Safe Towns

Objective 03 – Distinctive and Well-Functioning Towns

### 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". The high level of risk is being driven by the high compliance requirements and the timing of several project schedules. It is considered that the likelihood of a risk event occurring is "Unlikely" but it will be managed by specific monitoring and response procedures, overseen by the Onslow Airport Manager.

### Policy Implications

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

### Voting Requirement

Absolute Majority Required



## AGENDA - ORDINARY MEETING OF COUNCIL 22 MAY 2018

### Officers Recommendation

That with respect to RFQ 23.18 – Onslow Airport Security Screening Services, Council:

1. Resolve that Report **ATTACHMENT 15.2** is confidential in accordance *with s5.23 (2) the Local Government Act* because it deals with matters affecting s5.23 (2):
  - (c) “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;”
2. Note the attached Evaluation Report, **CONFIDENTIAL ATTACHMENT 15.2**;
3. Award the contract to Aerodrome Management Services for:
  - a. \$2,356.61 per flight, exclusive of GST, based on steady state operations of 5 flights per week.
  - b. \$1,056.00 per turnaround, exclusive of GST, for any additional flights over and above 5 flights per week.
  - c. \$264.00 per hour, exclusive of GST, for time overruns that continue past the four hour turnaround time for any additional flights.
4. Authorise the Chief Executive Officer to enter into a contract with the appointed Contractor for 1 year with the option of 2 x 1 year extensions; and
5. Authorise the Chief Executive Officer to manage the contract, including variations, providing the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract.

- 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;*
  - (e) *a matter that if disclosed, would reveal:*
    - (I) *a trade secret;*
    - (II) *information that has a commercial value to a person; or*
    - (III) *information about the business, professional, commercial or financial affairs of a person,*

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

## **AGENDA - ORDINARY MEETING OF COUNCIL 22 MAY 2018**

### **19. NEXT MEETING**

The next Ordinary Meeting of Council will be held on 19 June 2018 at the Ashburton Hall, Ashburton Avenue, Paraburdoo commencing at 1.00 pm.

### **20. CLOSURE OF MEETING**

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