

Ordinary Meeting of Council

Tom Price



Amended Public Minutes

22 October 2019

Clem Thompson Sports Pavilion
Stadium Road, Tom Price

1.00pm



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

Our Vision

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



STRATEGIC DIRECTIONS

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



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



**SHIRE OF ASHBURTON
AMENDED PUBLIC MINUTES**

**CLEM THOMPSON SPORTS PAVILION,
TOM PRICE**

**22 October 2019
1.00 pm**

**AMENDED PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL
22 OCTOBER 2019**

**SHIRE OF ASHBURTON
ORDINARY MEETING OF COUNCIL**

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

CEO: _____

Date: 22.10.2019

These minutes were confirmed by Council as a true and correct record of proceedings of the Ordinary Meeting of Council on the 22/10/2019.

Presiding Member: _____

Date: _____

DISCLAIMER

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

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SWEARING IN OF COUNCILLORS ELECT

In accordance with section 2.29 of the *Local Government Act 1995* Councillors Elect will be sworn in by making the Declaration by an Elected Members of Council Form (Electoral Form 7) prior to the Opening of the Ordinary Meeting of Council.

The following Councillors were sworn in before the Chief Executive Officer prior to the commencement of the meeting:

Mrs Kerry White will be sworn in as a Councillor for the Onslow Ward
Mr Linton Rumble will be sworn in as a Councillor for the Paraburdoo Ward
Mr Peter Foster will be sworn in as a Councillor for the Tom Price Ward
Mr Rory de Pledge was sworn in as a Councillor for the Ashburton Ward
Mr Jamie Richardson will be sworn in as a Councillor for the Tablelands Ward

1. DECLARATION OF OPENING

Being the first meeting of the Council following a biennial election day, the Chief Executive Officer assumed the role of Presiding Member until such time as a Shire President is elected.

The Chief Executive Officer declared the meeting open at 1.00 pm.

1.1 ACKNOWLEDGEMENT OF COUNTRY

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

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1.2 ELECTION OF PRESIDENT

MINUTE: 655/2019

FILE REFERENCE: GV04

AUTHOR'S NAME AND POSITION: Rob Paull
Chief Executive Officer

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 5 October 2019

DISCLOSURE OF FINANCIAL INTEREST: The author and the authorising officer have no financial, proximity or impartiality interests in the proposal

PREVIOUS MEETING REFERENCE: Ordinary Meeting of Council 20 October 2017

Summary

The Chief Executive Officer will conduct this election of the President as per clause 4(2) of Schedule 2.3 of the *Local Government Act 1995*.

Background

Pursuant to clause 4 of Division 1 of Schedule 2.3 of the *Local Government Act 1995 (Act)*, the Council is required to appoint a President at its first meeting following an election day. The Chief Executive Officer (CEO) is to preside at the meeting until the office is filled and the election is to be conducted by the CEO in accordance with the procedure prescribed in the Act. Accordingly, the CEO will call for Councillors to nominate as candidates at the meeting.

All Councillors, including newly elected Councillors, are eligible to nominate.

Consultation

Executive Management Team

Statutory Environment

Local Government Act 1995:

The roles and responsibilities of the President are outlined in the *Local Government Act 1995*:

“2.8 Role of mayor or president

(1) The mayor or president —

- (a) presides at meetings in accordance with this Act; and*
- (b) provides leadership and guidance to the community in the district; and*
- (c) carries out civic and ceremonial duties on behalf of the local government; and*
- (d) speaks on behalf of the local government; and*
- (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and*

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- (f) *liaises with the CEO on the local government's affairs and the performance of its functions."*

In the event that there is more than one nomination for the position of President, the CEO will act in the position of Returning Officer to conduct the ballot as required under the *Local Government Act 1995*. The ballot for the position of President will be conducted pursuant to the provisions of clause 4 of Division 1 of Schedule 2.3 of the Act as outlined below:

"4. How mayor or president is elected

- (1) The council is to elect a councillor to fill the office.*
- (2) The election is to be conducted by the CEO in accordance with the procedure prescribed.*
- (3) Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.*
 - (3a) Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.*
- (4) If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.*
- (5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.*
- (6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.*
- (7) As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any."*

The ballot for President will be undertaken using the preferential voting system with the CEO being the Returning Officer.

The winner will be declared elected to the position of President for a two-year term and will be required to read (and sign) a form titled "Declaration for the Office of President" (Electoral Form 7) in accordance with Regulation 13(1)(c) of the *Local Government (Constitution) Regulations 1996*.

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

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

- Goal 05 Inspiring Governance
Objective 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.

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Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

The CEO confirmed that he has received one written nomination from Cr Kerry White for the position of President. The CEO then called for any further nominations for the position of President.

There were no further nominations received and as there was only one nomination received, the CEO declared Cr Kerry White elected as President for a term of 2 years.

On being elected Cr Kerry White completed her Declaration by Elected Member for the position of President.

Officers Recommendation and Council Decision

MOVED: Cr M Lynch

SECONDED: Cr M Gallanagh

That Council by Simple Majority, in relation to the Ordinary election, as carried out under Schedule 2.3 (When and How mayors, presidents, deputy mayors and deputy presidents are elected by the council) of the *Local Government Act 1995*, Council resolve to:

- 1 Affirm that Cr Kerry White has been elected President.**

CARRIED 9/0

Councillors White, Rumble, Dias, Foster, Diver, Gallanagh, de Pledge, Lynch and Richardson voted for the motion

President Cr White on completing her declaration, assumed the chair.

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1.3 ELECTION OF DEPUTY PRESIDENT

MINUTE: 656/2019

FILE REFERENCE: GV04

AUTHOR'S NAME AND POSITION: Rob Paull
Chief Executive Officer

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 5 October 2019

DISCLOSURE OF FINANCIAL INTEREST: The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

PREVIOUS MEETING REFERENCE: Ordinary Meeting of Council 20 October 2017

Summary

The President will conduct this election of the Deputy President as per clause 7 of Schedule 2.3 of the *Local Government Act 1995*.

Background

Pursuant to clause 7 of Division 2 of Schedule 2.3 of the *Local Government Act 1995 (Act)*, the Council is required to appoint a Deputy President at its first meeting following an election day. Accordingly, the Shire President will call for Councillors to nominate as candidates at the meeting.

All Councillors (not including the President) along with newly elected Councillors, are eligible to nominate.

Consultation

Executive Management Team

Statutory Environment

Local Government Act 1995:

The roles and responsibilities of the Deputy President are outlined in the *Local Government Act 1995*:

*"2.9 Role of the deputy mayor or deputy president
The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34."*

Section 5.34 states:

*5.34. When deputy mayors and deputy presidents can act
If —*

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- (a) *the office of mayor or president is vacant; or*
- (b) *the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president, then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires."*

The roles and responsibilities of the President are outlined in the *Local Government Act 1995*:

"2.8 *Role of mayor or president*

(1) *The mayor or president —*

- (a) *presides at meetings in accordance with this Act; and*
- (b) *provides leadership and guidance to the community in the district; and*
- (c) *carries out civic and ceremonial duties on behalf of the local government; and*
- (d) *speaks on behalf of the local government; and*
- (e) *performs such other functions as are given to the mayor or president by this Act or any other written law; and*
- (f) *liaises with the CEO on the local government's affairs and the performance of its functions."*

The Deputy President is also entitled to one quarter of the Shire Presidents allowance in addition to Council sitting fees.

In the event that there is more than one nomination for the position of Deputy President, the CEO will act in the position of Returning Officer to conduct the ballot as required under the *Act*. The ballot for the position of Deputy President will be conducted pursuant to the provisions of clause 8 of Division 2 of Schedule 2.3 of the *Act* as outlined below:

"8. *How deputy mayor or deputy president is elected*

- (1) *The council is to elect a councillor (other than the mayor or president) to fill the office.*
- (2) *The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.*
- (3) *Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.*
 - (3a) *Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.*
- (4) *If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.*
- (5) *The council members are to vote on the matter by secret ballot as if they were electors voting at an election.*
- (6) *Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.*
- (7) *As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any."*

The ballot for Deputy President will be undertaken using the preferential voting system with the CEO being the Returning Officer.

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The winner will be declared elected to the position of Deputy President and will be required to read (and sign) a form titled "Declaration for the Office of Deputy President" (Electoral Form 7) in accordance with *Regulation 13(1)(c) of the Local Government (Constitution) Regulations 1996*.

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

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

Goal 05 Inspiring Governance
Objective 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

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

The President Cr Kerry White called for nominations for the position of Deputy President. Two written nominations were received from Cr Rumble and Cr Diver. In order to determine the order on the ballot paper, names were placed in blue opaque spheres. On drawing of the spheres, the order on the ballot paper was Cr Diver and then Cr Rumble. Ballot papers were then prepared and circulated to all Elected Members to cast their votes.

On the counting of the votes the results were:

Cr Diver	4 votes
Cr Rumble	3 votes
Informal	2 votes

The President then declared Cr Diver elected as Deputy President for a term of 2 years.

On being elected Cr Douglas Diver completed his Declaration by Elected Member for the position of Deputy President.

Officers Recommendation and Council Decision

MOVED: Cr M Lynch

SECONDED: Cr de Pledge

That Council by Simple Majority, in relation to the Ordinary election, as carried out under Schedule 2.3 (When and How mayors, presidents, deputy mayors and deputy presidents are elected by the council) Local Government Act 1995 resolve to:

1 Affirm that Cr Douglas Diver has been elected Deputy President.

CARRIED 9/0
Councillors White, Rumble, Dias, Foster, Diver, Gallanagh, de Pledge, Lynch and Richardson voted for the motion

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1.4 PROVIDING LOCAL GOVERNMENT ACT 1995 AND LOCAL LAWS TO COUNCILLORS

MINUTE: 657/2019

FILE REFERENCE: GV04

AUTHOR'S NAME AND POSITION: Rob Paull
Chief Executive Officer

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 5 October 2019

DISCLOSURE OF FINANCIAL INTEREST: The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The Chief Executive Officer provided reference to the *Local Government Act 1995* and local laws regulating and governing the administration of the Shire of Ashburton to Councillor/s

Background

Councillors need to be familiar with appropriate legislation and local laws regulating and governing the administration of the Shire of Ashburton

Comment

To ensure a manageable size of the Agenda, the following links provide a Web based access to the Act and local government local laws:

Local Government Act 1995

http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_551_homepage.htm

Local Government Local Laws

<https://www.ashburton.wa.gov.au/library/file/Standing%20Orders%20Local%20Law%202012%20-%20Government%20Gazette%20Signed%20and%20Sealed%20Copy.pdf>

A 'hard copy' of the Act and local laws (along with other relevant Council publications) can be provided to Councillors upon request.

All other Western Australian Acts and Regulations

<http://www.slp.wa.gov.au/legislation/statutes.nsf/default.html>

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In addition to the above, the Shire staff will provide any new Councillor with an 'information pack' addressing the roles, responsibilities and general information on the operations of the Shire.

Consultation

Executive Management Team

Statutory Environment

As referred in this Report.

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

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

Goal 05 Inspiring Governance
Objective 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 and can be managed by routine procedures, and is unlikely to need specific application of resources.

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Diver

That with respect to Providing *Local Government Act 1995* and Local Laws to Councillors, Council note the Report.

CARRIED 9/0
Councillors White, Rumble, Dias, Foster, Diver, Gallanagh, de Pledge, Lynch and Richardson voted for the motion

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2. ANNOUNCEMENT OF VISITORS

There were no members of the public in the gallery.

3. ATTENDANCE

3.1 PRESENT

Elected Members:	Cr K White Cr L Rumble Cr D Dias Cr de Pledge Cr P Foster Cr M Lynch Cr D Diver Cr J Richardson Cr M Gallanagh	Onslow Ward Paraburdoo Ward Paraburdoo Ward Ashburton Ward Tom Price Ward Tom Price Ward Tom Price Ward Tablelands Ward Pannawonica Ward
Staff:	Mr R Paull Mr B Cameron Mrs J Fell Mr A Davis Mrs N Tyson Mr J Kelly Mrs M Lewis Mrs K Cameron	Chief Executive Officer Director Property and Development Services Manager Land and Asset Compliance Principal Town Planner Governance Manager Environmental Health Officer Council Liaison Officer Governance Officer
Guests:	Narelle Steele Mr S Deckert	Manager Media and Communications Visitor
Members of Public:	There were no members of the public in attendance at the commencement of the meeting.	
Members of Media:	There were no members of the media in attendance at the commencement of the meeting.	

3.2 APOLOGIES

There were no apologies for this meeting.

3.3 APPROVED LEAVE OF ABSENCE

There were no Councillors on approved leave of absence.

4. QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTION TIME

There were no questions from the public.

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5. APPLICATIONS FOR LEAVE OF ABSENCE

Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Diver

That Council approve the application for Leave of Absence from Cr Douglas Ivan Dias for the Ordinary Meeting of Council to be held on 17 December 2019.

CARRIED 9/0
Councillors White, Rumble, Dias, Foster, Diver, Gallanagh, de Pledge, Lynch and Richardson voted for the motion

6. DECLARATION BY MEMBERS

6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

All Councillors noted that they had given due consideration to all matters contained in the Agenda presently before the meeting.

6.2 DECLARATIONS OF INTEREST

Councillors to Note

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

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

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

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

NOTES ON DECLARING INTERESTS (FOR YOUR GUIDANCE)

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

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

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measured in money terms. There are exceptions in the *Local Government Act 1995* but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor

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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
13.1 APPLICATION FOR MISCELLANEOUS LICENCE 47/909 ENCROACHING PANNAWONICA TOWNSITE		
Cr Diver	Proximity	The nature of my interest is I am employed by Rio Tinto. The extent of my interest is I receive a salary, I also receive subsidised utilities (water/power) and rent as part of my salary package.
Cr Foster	Financial	The nature of my interest is Financial. The extent of my interest is my partner is employed by Rio Tinto, my partner owns over 10k in Rio Tinto shares and as a family we live in a Rio Tinto property paying rent and subsidised utilities.
Cr Rumble	Financial	The nature of my interest is I am a Shareholder of Rio Tinto. The extent of my interest is I have shares of greater value than \$10,000 in Rio Tinto.
Cr Lynch	Proximity	The nature of my interest is I am an employee and tenant of Rio Tinto. The extent of my interest is I am paid a salary by Pilbara Iron.
Cr Gallanagh	Financial	The nature of my interest is myself and my husband are employed by Rio Tinto, have company housing and shares in Rio Tinto. The extent of my interest is myself and my husband are employed by Rio Tinto, have company housing and shares in Rio Tinto. We have shares of greater value than \$10,000 in Rio Tinto.

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Item Number/ Name	Type of Interest	Nature/Extent of Interest
13.1 APPLICATION FOR MISCELLANEOUS LICENCE 47/909 ENCROACHING PANNAWONICA TOWNSITE		
Cr Dias	Financial	The nature of my interest is my wife and I are Hamersley Iron Pty Ltd and Rio Tinto Ltd employees respectively and we both own shares in Rio Tinto Ltd individually and collectively. Our primary residence is a house provided by Rio Tinto. We are potential recipients of all the lucrative company benefits/gifts offered to employees and/or shareholders. The extent of my interest is Direct Financial.
Cr de Pledge	Financial	The nature of my interest is I am a shareholder with Rio Tinto Pty Ltd. The extent of my interest is I have shares to a value greater than \$10,000.
Item Number/ Name	Type of Interest	Nature/Extent of Interest
13.2 TOM PRICE CHILDCARE CENTRE		
Cr Diver	Indirect Financial	The nature of my interest is I am an employee and tenant of Rio Tinto. The extent of my interest is I am paid a salary by Pilbara Iron.
Cr Foster	Financial	The nature of my interest is Financial. The extent of my interest is my partner is employed by Rio Tinto, my partner owns over 10k in Rio Tinto shares and as a family we live in a Rio Tinto property paying rent and subsidised utilities.
Cr Rumble	Financial	The nature of my interest is I am a Shareholder of Rio Tinto. The extent of my interest is I have shares of greater value than \$10,000 in Rio Tinto.
Cr Lynch	Indirect Financial	The nature of my interest is I am an employee and tenant of Rio Tinto. The extent of my interest is I am paid a salary by Pilbara Iron.
Cr Gallanagh	Financial	The nature of my interest is myself and my husband are employed by Rio Tinto, have company housing and shares in Rio Tinto. The extent of my interest is myself and my husband are employed by Rio Tinto, have company housing and shares in Rio Tinto. We have shares of greater value than \$10,000 in Rio Tinto.
Cr Dias	Financial	The nature of my interest is my wife and I are Hamersley Iron Pty Ltd and Rio Tinto Ltd employees respectively and we both own shares in Rio Tinto Ltd individually and collectively. Our primary residence is a house provided by Rio Tinto. We are potential recipients of all the lucrative company benefits/gifts offered to employees and/or shareholders. The extent of my interest is Direct Financial.

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Item Number/ Name	Type of Interest	Nature/Extent of Interest
13.2 TOM PRICE CHILDCARE CENTRE		
Cr de Pledge	Financial	The nature of my interest is I am a shareholder with Rio Tinto Pty Ltd. The extent of my interest is I have shares to a value greater than \$10,000.
Item Number/ Name	Type of Interest	Nature/Extent of Interest
14.1 APPLICATION ACCEPTANCE OF COMMUNITY SUPPORT GRANT ALLOCATIONS ROUND 1, 2019/20 ANNUAL FINANCIAL YEAR		
Cr Rumble	Impartiality	The nature of my interest is I am a Committee Person. The extent of my interest is I am the Bowling Club Captain.
Cr Rumble	Impartiality	The nature of my interest is I am a Committee Person. The extent of my nature is I am Vice President of the Paraburdoo Mens shed.
Cr Dias	Impartiality	The nature of my interest is I am a Committee member of the Paraburdoo Mens Shed. The extent of my interest is Impartiality.
Cr Foster	Impartiality	The nature of my interest is impartiality. The extent of my interest is my partner is the President of the TPPS P&C.

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The Chief Executive Officer read out aloud to the meeting the following correspondence from the Department of Local Government, Sport and Cultural Industries:

"Dear Mr Paull

I refer to your correspondence dated 15 October 2019 and advise that, in accordance with authority delegated by the Minister for Local Government, the Deputy Director General - Regulation has approved your application, under section 5.69(3)(a) of the Local Government Act 1995 (the Act).

This approval allows disclosing members Cr Linton Rumble, Cr Douglas Diver and Cr Matthew Lynch and Cr Rory de Pledge to fully participate in the discussion and decision making relating to the following agenda items at the Shire's Ordinary Council Meeting of 22 October 2019.

13.1 APPLICATION FOR MISCELLANEOUS LICENCE 47/909 ENCROACHING PANNAWONICA TOWNSITE; and

13.2 TOM PRICE CHILDCARE CENTRE

Subject to the following conditions :

- 1. The approval is only valid for the 22 October 2019. Ordinary Council Meeting when agenda item 13.1 and 13.2 are considered;*
- 2. The abovementioned Councillors must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided;*
- 3. The CEO is to provide a copy of the Department's letter of approval to the abovementioned Councillors;*
- 4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;*
- 5. The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to the Department, to allow the Department to verify compliance with the conditions of this approval; and*
- 6. The approval granted is based solely on the interests disclosed by the abovementioned Councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.*

Should you require further information in relation to this matter, please contact Mr Steve Spallarossa, Acting Legislation Officer via the details provided above.

Yours sincerely

*Michael Connolly
Deputy Director General – Regulation
17 October 2019".*

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7. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS WITHOUT DISCUSSION

The President:

1. Welcomed returning Councillors:
 - Cr L Rumble;
 - Cr P Foster; and
 - Cr De Pledge.
2. Welcomed and congratulated Cr Richardson on his win in the Tablelands Ward election held on 19 October 2019.
3. Thanked outgoing Tablelands Ward Councillor, Cr Thomas for her 24 years of dedicated service to the community, the Shire and her part played in helping to shape the services and facilities Shire residents currently enjoy.
4. Advised that on 2 October 2019, the Hon Rita Saffioti, Minister for Transport; Planning visited Onslow and the site of the Onslow Road Upgrade project, where work on the final stage of upgrades has commenced.
5. Advised that on 10 October 2019, she was pleased to welcome Deputy Prime Minister and Federal Minister for Infrastructure, Transport and Regional Development, Michael McCormack MP and Vincent Catania MLA, Member for North West Central, to Onslow, where he spent time seeing first hand some of the recent developments, as well as the numerous opportunities for economic enhancement.

Cr Peter Foster

1. Conversation with Ronnelle Campbell and Cheryl Morgan, Department of Communities, regarding reformation of the Early Years Network in Tom Price on Wednesday 4th September 2019.
2. Nintirri Centre, Governance Sub-Committee Meeting on Tuesday 24th September 2019.
3. Nintirri Centre, General Board Meeting on Thursday 26th September 2019.
4. Teleconference with BOM, Tom Price LEMC members and Department of Communities staff regarding Cyclone Season Outlook 2019/2020 and community messaging, Monday 14th October 2019.
5. Conversation with Marian Hearne, TPYSA CEO and Gavin Douglas, Pastor Tom Price Baptist Church, regarding Community Christmas Carols in Tom Price, Wednesday 16th October 2019.
6. Conversation with Ray Edwards, regarding Cricket Nets at back of the Mountain View Sporting Club, planned refurbishments and alternative proposal, Wednesday 16th October 2019.

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7. Conversation with Sara Ward, regarding Tom Price Gymnastics Club, outlining their need for a dedicated space for the club to develop and be sustainable, Thursday 17th October 2019.
8. Conversation with Felicity Guthrie, Alex Villanova, Tim Smith and Troy Bloxsidge, from Tom Price Basketball Association, regarding a previous submission to Shire with a proposal to cover the courts, for sun and inclement weather protection for the players, which in turn boosts participants numbers and sustainability of the Club into the future, Sunday 20th October 2019.
9. Nameless Jarndunmunha Festival AGM where although quorum was achieved, office bearers were not elected, and special meeting has been rescheduled, Sunday 20th October 2019.

8. PETITIONS / DEPUTATIONS / PRESENTATIONS

8.1 PETITIONS

There were no petitions presented to Council.

8.2 DEPUTATIONS

There were no deputations presented to Council.

8.3 PRESENTATIONS

There were no presentations for Council.

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9. CONFIRMATION OF MINUTES

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

Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Diver

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

13.7 RFT 10.19 DESIGN AND CONSTRUCT SOFTBALL, SOCCER AND RUGBY FACILITIES

Correction to the Officers Recommendation and Council Decision:

3. Approve budget variation of \$80,000 to Capital Income account no. 113280, Loan Borrowings from \$726,000 to \$806,000 and to Capital Expenditure Job no. ~~BN386 – CHUB External Works from \$150,000 to \$230,000;~~ CORRECTION – Capital Expenditure Job no AP2009 – Paraburdoo Softball Diamond (New Softball Field) \$450,000 to \$530,000.

And Agenda Item:

17.1 AMEND THE SIGN ERECTED AT ASHBURTON RIVER ASSOCIATED WITH CAMPING AND CARAVANNING

Council Decision – Mover and Seconder were not stated in the Minutes as per below;

MOVED: Cr P Foster

SECONDED: Cr M Lynch

CARRIED 9/0

Councillors White, Rumble, Dias, Foster, Diver, Gallanagh, de Pledge, Lynch and Richardson voted for the motion

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9.1 RECEIPT OF COMMITTEE MINUTES – ‘EN BLOC’

Council Decision

MOVED: Cr D Dias

SECONDED: Cr P Foster

That the following Minutes be received ‘En Bloc’

9.2.1 State Council Summary Minutes for WALGA held 6 September 2019.

9.2.2 The Onslow Local Emergency Management Committee Minutes held on 1 October 2019.

**CARRIED 9/0
Councillors White, Rumble, Dias, Foster, Diver, Gallanagh, de Pledge, Lynch
and Richardson voted for the motion**

9.2 RECEIPT OF COMMITTEE AND OTHER MINUTES

The Committee and other minutes were received “En Bloc” at item 9.1.

9.3 RECOMMENDATIONS OF COMMITTEE

There were no recommendations from Committees.

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10. AGENDA ITEMS ADOPTED "EN BLOC"

10.1 AGENDA ITEMS ADOPTED 'EN BLOC'

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

"Part 5 – Business of a meeting

Clause 5.6 Adoption by exception resolution:

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

There were no agenda items carried 'En Bloc' for this meeting.

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11. OFFICE OF THE CEO REPORTS

**11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS STATUS
REPORT FOR SEPTEMBER 2019**

MINUTE: 658/2019

FILE REFERENCE: GV04

**AUTHOR'S NAME AND
POSITION:** Kathy Cameron
Governance Officer

**AUTHORISING OFFICER AND
POSITION:** Rob Paull
Chief Executive Officer

**NAME OF APPLICANT/
RESPONDENT:** Not Applicable

DATE REPORT WRITTEN: 3 October 2019

**DISCLOSURE OF FINANCIAL
INTEREST:** The author and authorising officer have no financial,
proximity or impartiality interests in the proposal.

**PREVIOUS MEETING
REFERENCE:** Agenda Item 11.1 (Minute No 632/2019) - Ordinary Meeting
of Council 18 September 2019

Summary

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

Background

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

Comment

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

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

ATTACHMENT 11.1

Consultation

Executive Management Team

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

"Role of council

(1) The council —

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

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

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

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

Financial Implications

There are no known financial implications for this matter

Strategic Implications

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

Goal 05 Inspiring Governance
Objective 4 Exemplary team and work environment

Risk Management

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

Policy Implications

There are no known policy implications for this matter

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr M Lynch

That Council receive the "Council Decisions Status Reports" for the month of September 2019 as per ATTACHMENT 11.1.

CARRIED 9/0
Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

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

MINUTE: 659/2019

FILE REFERENCE: GV21
CM02

**AUTHOR'S NAME AND
POSITION:** Kathy Cameron
Governance/Councillor Liaison Officer

Brooke Beswick
Administration Assistant Planning

**AUTHORISING OFFICER AND
POSITION:** Rob Paull
Chief Executive Officer

**NAME OF APPLICANT/
RESPONDENT:** Not Applicable

DATE REPORT WRITTEN: 3 October 2019

**DISCLOSURE OF FINANCIAL
INTEREST:** The authors and authorising officer have no financial,
proximity or impartiality interests in the proposal.

**PREVIOUS MEETING
REFERENCE:** Not Applicable

Summary

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

Background

Council has historically sought a monthly update of the more significant activities for the organisation relative to (1) use of the Common Seal, and (2) actions performed under delegated authority requiring referral to Council as per the Shire of Ashburton Delegated Authority Register 2019.

Comment

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

**ATTACHMENT 11.2A
ATTACHMENT 11.2B**

Consultation

Relevant officers as listed in the Attachment.

Statutory Environment

Local Government Act 1995

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

Delegated Authority Register

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Financial Implications

There are no known financial implications for this matter.

Strategic Implications

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

Goal 05 Inspiring Governance
Objective 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 Policy

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr M Lynch

SECONDED: Cr D Diver

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

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

CARRIED 9/0
Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

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Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Rumble

That Council suspend Standing Orders at 1.26 pm.

**CARRIED 9/0
Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and
Richardson voted for the motion**

Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That Council resume Standing Orders at 1.30 pm.

**CARRIED 9/0
Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and
Richardson voted for the motion**

UNCONFIRMED MINUTES

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**11.3 REVIEW OF COUNCIL DELEGATIONS AND AUTHORISATIONS
REGISTERS**

MINUTE: 660/2019

FILE REFERENCE: GV01

**AUTHOR'S NAME AND
POSITION:** Nicky Tyson
Manager Governance

**AUTHORISING OFFICER AND
POSITION:** Robert Paull
Chief Executive Officer

**NAME OF APPLICANT/
RESPONDENT:** Not Applicable

DATE REPORT WRITTEN: 4 October 2019

**DISCLOSURE OF FINANCIAL
INTEREST:** The authors and authorising officer have no financial,
proximity or impartiality interests in the proposal.

**PREVIOUS MEETING
REFERENCE:** Agenda Item 11.5 (Minute Number 437/2018) Ordinary
Meeting of Council 23 October 2018

Summary

A review of the Delegations and Authorisations Registers has been undertaken to address suggested/required changes since October 2018. Minor amendments have been made to in line with legal requirement and/or relevance to the operation of the organisation.

This review is in line with improving the day to day function of the Shire and to comply with the legal requirement to review the registers at least once every financial year. Council is requested to adopt the Delegation and Authorisation Registers as attached.

Background

The last review of the Delegations and Authorisations Registers occurred at the Ordinary Council Meeting held 23 October 2018. Governance have since initiated a review of the registers in consultation with Western Australian Local Government Association (WALGA).

This review of delegations and authorisations forms part of the annual and constant review process to ensure that the internal procedures of the organisation reflect current, efficient and complaint practices.

Comment

The Delegations Register has modifications "track-changed" where applicable. The register reflect current legislation as well as meeting the specific requirements of the Shire.

The Council's Authorisations Register has modifications "track-changed" where applicable. Modifications have been undertaken to align with statutory powers in relation to power of authorisation.

Please refer to the attachments for the details.

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**ATTACHMENT 11.3A
ATTACHMENT 11.3B**

Consultation

Executive Management Team
WA Local Government Association

Statutory Environment

The following section of the *Local Government Act 1995* applies:

Section 5.18 states that 'A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.'

Section 5.42 Delegation of some powers and duties to CEO

(1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under*

(a) this Act other than those referred to in section 5.43; or

(b) the Planning and Development Act 2005 section 214(2), (3) or (5).

** Absolute majority required.*

Financial Implications

There are no known financial implications in this matter.

Strategic Implications

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

Goal 05	Inspiring Governance
Objective 3	Council leadership
Objective 4	Exemplary team and work environment

Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP05 Risk Matrix. The overall level of risk is considered to be acceptable at level (3) 'Medium' with adequate controls, but will be managed by specific procedures and subject to semi-annual monitoring by Governance and the Chief Executive Officer.

Policy Implications

There are no known policy implications in this matter.

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Voting Requirement

Absolute Majority Required

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr P Foster

That with respect to the Review of Council Delegation and Authorisation Registers, Council:

- 1. Adopts Delegation and Authorisation Registers as per ATTACHMENT 11.3A and ATTACHMENT 11.3B.**

**CARRIED BY ABSOLUTE MAJORITY 9/0
Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion**

UNCONFIRMED MINUTES

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11.4 APPOINTMENT OF MEMBERS TO COMMITTEES OF COUNCIL

MINUTE: 661/2019

FILE REFERENCE: GV04

AUTHOR'S NAME AND POSITION: Rob Paull
Chief Executive Officer

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 5 October 2019

DISCLOSURE OF FINANCIAL INTEREST: The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

PREVIOUS MEETING REFERENCE: Ordinary Meeting of Council 20 October 2017

Summary

Council is requested to establish the purpose and operations of its committees along with appointing members to the respective committee and where acceptable, delegating responsibilities to the committees.

Background

Following the 2017 Local Government elections, Council established the following Committees and appointed the following persons as members as follows:

"That with respect to the appointment of Councillors and Staff to committees, Council:

1. *Confirm that all previous appointments of Councillors and Staff to Shire of Ashburton Committees, and the Committees themselves, have expired.*

2. *Establish the following Committees of Council and make the following appointments to those Committees:*

2.1 *Aboriginal Reference Committee*

Members: Crs Thomas, Foster, Rumble.

Deputies: All other Councillors.

Secretariat: Director Development and Regulatory Services or nominee.

Membership: 3 Councillors.

Quorum: 2 Councillors.

Purpose: To develop a proposal for Council's consideration, including the suggested role and purpose, membership, meeting frequency and locations, and likely resourcing costs of operating an Aboriginal Community Committee and any possible long term budget expectations.

Meeting cycle: As required.

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2.2 Ashburton Tourism Development Committee

- Members:* Crs Thomas, Diver, Lynch, Rumble, White, Gallanagh.
(Ideally one elected member from each ward)
- Deputies:* All other Councillors.
- Secretariat:* Director Strategic and Community Development or nominee.
- Membership:* 6 Councillors.
- Quorum:* 4 Councillors.
- Purpose:* To identify and develop strategies to promote tourism so there is a positive impact at the regional level. To advise Council on suggested actions the Council should consider to address relevant issues raised with and by the Committee.
- Meeting cycle:* As required.

2.3 Audit and Risk Committee

- Members:* Crs Foster, White, Dias, Dellar.
- Deputies:* All other Councillors.
- Secretariat:* Chief Executive Officer or nominee.
- Membership:* 4 Councillors.
- Quorum:* 3 Councillors.
- Purpose:* Under the Local Government Act 1995, Local Governments are required to appoint an Audit Committee (section 7.1A of the Local Government Act 1995).
- 1) Is to provide guidance and assistance to the local government —
 - (i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and
 - (ii) as to the development of a process to be used to select and appoint a person to be an auditor.
 - 2) May provide guidance and assistance to the local government as to —
 - (i) matters to be audited; and
 - (ii) the scope of audits; and
 - (iii) its functions under Part 6 of the Act; and
 - (iv) the carrying out of its functions relating to other audits and other matters related to financial management (LG (Audit) Regulations, Regulation 16).
 - 3) Is to review a report given to it by the CEO under Regulation 17.3 (the Regulations) and is to —
 - (i) Report to the Council the results of that review; and
 - (ii) Give a copy of the CEO's report to the Council.
 - 4) Is to meet with the auditor at least once in every year (Section 7.12A of the Act).
 - 5) Is to review the annual Department of Local Government Compliance Audit Return and report to Council the results of that review (Regulation R14 (3A)) of the Regulations).
- Meeting cycle:* At least once annually to recommend the adoption of the Annual Report.

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2.4 Committee on Ageing

Members: Crs Thomas, Foster, White.
Deputies: All other Councillors.
Secretariat: Director Strategic and Community Development or nominee.
Membership: 3 Councillors.
Quorum: 2 Councillors.
Purpose: To recommend to Council actions regarding the provision of services for the Aged that can be considered for inclusion in the Shire's future Corporate Business Plans.
Meeting cycle: As required.

2.5 Paraburdoo Community Hub (CHUB) Committee

Members: Crs Lynch, Rumble, White.
Deputies: All other Councillors.
Secretariat: Director Strategic and Community Development or nominee.
Membership: 3 Councillors.
Quorum: 2 Councillors.
Purpose: The Committee is to undertake the task of overseeing the CHUB construction project and to make recommendations to Council as per the Roles and Responsibilities outlined in the continuing terms of reference.
Meeting cycle: As required.

2.6 Bush Fire Advisory Committee

Delegates: Cr Dias, Cr Diver, Director Development and Regulatory Services, Emergency Management Co-ordinator and Fire Control Officers. Other delegates and the quorum in accordance with the Bush Fire Policy ENG08.

NOTE: One of the Councillor representatives to be the chairperson.

Secretariat: Director Development and Regulatory Services or nominee.
Purpose: As defined in the Bush Fire Policy ENG08 and the Bush Fires Act 1954.
Meeting Cycle: As required.

2.7 Onslow Local Emergency Management Committee

Delegates: Crs White, Dellar and Director Development and Regulatory Services and Emergency Management Co-ordinator.
Deputies: All other Councillors.
Secretariat: Director Development and Regulatory Services or nominee.
Membership: Shire of Ashburton – Emergency Management Co-ordinator (Presiding Person).
Other representation as per determination of the delegate Councillors and the Director Development and Regulatory Services.
Quorum: Pursuant to S38 (4) of the Emergency Management Act 2005.
Purpose: Pursuant to S39 of the Emergency Management Act 2005.
Meeting Cycle: As required.

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2.8 *Onslow Local Recovery Committee*

Delegates: Crs White, Dellar and Director Development and Regulatory Services and Emergency Management Co-ordinator.

Deputies: All other Councillors.

Membership: Shire of Ashburton – Emergency Management Co-ordinator (Presiding Person).

Other representation as per determination of the delegate Councillors and the Director Development and Regulatory Services.

Quorum: Not applicable.

Purpose: Pursuant to S36 (b) of the Emergency Management Act 2005.

Meeting Cycle: As required.

2.9 *Shire of Ashburton Inland Local Emergency Management Committee*

Delegates: Crs Dias, Diver, Director Development and Regulatory Services and Emergency Management Co-ordinator.

Deputies: All other Councillors.

Secretariat: Director Development and Regulatory Services or nominee.

Membership: Shire of Ashburton – Emergency Management Co-ordinator (Presiding Person).

Other representation as per determination of the delegate Councillors and the Director Development and Regulatory Services.

Quorum: Pursuant to S38 (4) of the Emergency Management Act 2005.

Purpose: Pursuant to S39 of the Emergency Management Act 2005.

Meeting Cycle: As required.

2.10 *Shire of Ashburton Inland Local Recovery Committee*

Delegates: Crs Dias, Diver, Director Development and Regulatory Services and Emergency Management Co-ordinator.

Deputies: All other Councillors.

Secretariat: Director Development and Regulatory Services or nominee.

Membership: Shire of Ashburton - Emergency Management Co-ordinator (Presiding Person).

Other representation as per determination of the delegate Councillors and the Director Development and Regulatory Services.

Quorum: Not applicable.

Purpose: Pursuant to S36 (b) of the Emergency Management Act 2005.

Meeting Cycle: As required.

2.11 *Pannawonica Local Emergency Management Committee*

Delegates: Cr Gallanagh and Director Development and Regulatory Services and Emergency Management Co-ordinator.

Deputies: All other Councillors.

Secretariat: Director Development and Regulatory Services or nominee.

Membership: Shire of Ashburton – Emergency Management Co-ordinator (Presiding Person).

Other representation as per determination of the delegate Councillors and the Director Development and Regulatory Services.

Quorum: Pursuant to S38 (4) of the Emergency Management Act 2005.

Purpose: Pursuant to S39 of the Emergency Management Act 2005.

Meeting Cycle: As required.

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2.12 *Pannawonica Local Recovery Committee*

Delegates: Cr Gallanagh and Director Development and Regulatory Services and Emergency Management Co-ordinator.

Deputies: All other Councillors.

Secretariat: Director Development and Regulatory Services or nominee.

Membership: Shire of Ashburton, Emergency Management Co-ordinator / Rio Tinto (Presiding Person).
Other representation as per determination of the delegate Councillors and the Director Development and Regulatory Services.

Quorum: Not applicable.

Purpose: Pursuant to S36 (b) of the Emergency Management Act 2005.

Meeting Cycle: As required."

* Note: Cr Deller resigned in March 2018 and his committee commitments were replaced by Cr De Pledge

The tenure of members of Council Committees expired on Local Government Election Day, 19 October 2019.

Comment

Any delegation available to a committee is prescribed in respective Instrument of Appointment and Delegation. For all Committees, the Chief Executive Officer and other Shire staff members will provide advice and administrative support to the Committee. Council may add to or remove any of the committees listed as below:

	COMMITTEES WITHIN THE SHIRE	REQUIRED	MEETINGS	APPROXIMATE DURATION
1	<i>Audit and Risk Management Committee (Attachment 11.4A)</i>	<i>All Elected Members</i>	<i>Quarterly</i>	<i>Up to 2 hours</i>
2	<i>Chief Executive Officer's Performance Review Occasional Committee (Attachment 11.4B)</i>	<i>All Elected Members</i>	<i>Once yearly</i>	<i>Up to 2 hours</i>
3	<i>Reconciliation Action Plan Committee * (Attachment 11.4C)</i>	<i>Comprising 5 Elected Members</i>	<i>Quarterly</i>	<i>Up to 2 hours</i>
4	<i>Ashburton Economic and Tourism Development Committee (Attachment 11.4D)</i>	<i>Comprising 6 Elected Members</i>	<i>Quarterly</i>	<i>Up to 2 hours</i>
5	<i>Paraburdoo Community Hub (CHUB) Committee (Attachment 11.4E)</i>	<i>Comprising 3 Elected Members</i>	<i>Quarterly</i>	<i>Approximately 1 hour</i>
6	<i>Bush Fire Advisory Committee (Attachment 11.4F)</i>	<i>Comprising 2 Elected Members</i>	<i>Quarterly</i>	<i>1 hour</i>

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	COMMITTEES WITHIN THE SHIRE	REQUIRED	MEETINGS	APPROXIMATE DURATION
7	<i>Onslow Local Emergency Management Committee (Attachment 11.4G)**</i>	<i>Comprising 2 Elected Members</i>	<i>Quarterly</i>	<i>1 hour</i>
8	<i>Shire of Ashburton Inland Local Emergency Management Committee (Attachment 11.4H) **</i>	<i>Comprising 2 Elected Members</i>	<i>Quarterly</i>	<i>1 hour</i>
9	<i>Pannawonica Local Emergency Management Committee (Attachment 11.4J) **</i>	<i>Comprising 2 Elected Members</i>	<i>Quarterly</i>	<i>1 hour</i>
10	<i>Shire of Ashburton Inland Local Recovery Coordination Group (Attachment 11.4I) **</i>	<i>Comprising 2 Elected Members</i>	<i>Quarterly</i>	<i>1 hour</i>
11	<i>Pannawonica Local Recovery Coordination Group (Attachment 11.4K)**</i>	<i>Comprising 2 Elected Members</i>	<i>Quarterly</i>	<i>1 hour</i>
12	<i>Onslow Local Recovery Coordination Group (Attachment 11.4L)**</i>	<i>Comprising 2 Elected Members</i>	<i>Quarterly</i>	<i>1 hour</i>

* Commencement of the *Reconciliation Action Plan Committee* will be subject to a comprehensive report from the Shire that addresses the process, cost and initiation requirements to establish a Reconciliation Action Plan.

** Attachment to be provided under separate cover

The Shire President has the right to be represented on any Council committee. The Shire President is to call for nominations for each of the above committees and preside over any required ballot to determine appointment(s) to the committees. Should the Shire President not wish to be a member of a committee, Council may need to appoint an additional Councillor, depending on the respective *Instrument of Appointment and Delegation*.

Consultation

Executive Management Team
Councillors (via the August 2019 Information Session).

Statutory Environment

Local Government Act 1995

5.8. Establishment of committees

A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

** Absolute majority required.*

5.11. Committee membership, tenure of

(1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —

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- (a) *the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or*
 - (b) *the person resigns from membership of the committee; or*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day, whichever happens first.*
- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until*
- (a) *the term of the person's appointment as a committee member expires; or*
 - (b) *the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day, whichever happens first.*

Emergency Management Act 2005:

20. *Directions to, and duties of, public authorities*

20(4) *A public authority that is given a role and responsibilities under a State Emergency Management Policy is to comply with the State Emergency Management Policy. Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members are to be determined by the SEMC"*

38. *Local emergency management committees*

- (1) *A local government is to establish one or more local emergency management committees for the local government district;*
- (3) *A local emergency management committee consists of –*
 - (a) *A Chairman and other members appointed by the relevant local government in accordance with sub section (4);*
 - (b) *If the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.*
- (4) *Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members are to be determined by the SEMC.*

Financial Implications

Budgeted expenditure for meeting fees and cost associated with committees.

Strategic Implications

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

Goal 05 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

There are no known policies or policy implications relating to this Item.

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Voting Requirement

Absolute Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That Council suspend Standing Orders at 1.31 pm.

CARRIED 8/1

**Councillor White, Rumble, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson
voted for the motion**

Councillor Dias voted against the motion

Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That Council resume Standing Orders at 1.59 pm.

CARRIED 9/0

**Councillor White, Rumble, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson
voted for the motion**

Councillor Dias voted against the motion

Officers Recommendation 1 and Council Decision

MOVED: Cr M Lynch

SECONDED: Cr P Foster

**That with respect to the appointment of Councillors and Staff to committees, Council,
confirms that all previous appointments of Councillors to Shire of Ashburton Committees,
and the Committees themselves, have expired.**

CARRIED BY ABSOLUTE MAJORITY 9/0

**Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and
Richardson voted for the motion**

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Officers Recommendation 2 and Council Decision

MOVED: Cr M Lynch

SECONDED: Cr D Dias

That Council, in accordance with the Instrument of Appointment and Delegation of the Audit and Risk Management Committee (ATTACHMENT 11.4A) and s 5.10 & 5.11A *Local Government Act 1995* all Councillors to be members of the Audit and Risk Management Committee.

CARRIED BY ABSOLUTE MAJORITY 9/0
Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

Officers Recommendation 3 and Council Decision

MOVED: Cr D Dias

SECONDED: Cr P Foster

That Council, in accordance with the Instrument of Appointment and Delegation of the Chief Executive Officer's Performance Review Occasional Committee (ATTACHMENT 11.4B) and s 5.10 & 5.11A *Local Government Act 1995* all Councillors to be members of the Chief Executive Officer's Performance Review Occasional Committee.

CARRIED BY ABSOLUTE MAJORITY 9/0
Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

Officers Recommendation 4 and Council Decision

MOVED: Cr M Gallanagh

SECONDED: Cr D Diver

That Council, in accordance with the Instrument of Appointment and Delegation of the Reconciliation Action Plan Committee (ATTACHMENT 11.4C) and s5.10 & 5.11A *Local Government Act 1995* the following Councillors to be members of the Reconciliation Action Plan Committee:

- Councillor P Foster as a member of the Reconciliation Action Plan Committee;
- Councillor M Gallanagh as a member of the Reconciliation Action Plan Committee;
- Councillor M Lynch as a member of the Reconciliation Action Plan Committee;
- Councillor D Diver as a member of the Reconciliation Action Plan Committee;
- Councillor K White as a member of the Reconciliation Action Plan Committee; and
- Deputies: All other Councillors.

CARRIED BY ABSOLUTE MAJORITY 9/0
Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

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Officers Recommendation 5 and Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Diver

That Council, in accordance with the Instrument of Appointment and Delegation of the Ashburton Economic and Tourism Development Committee (ATTACHMENT 11.4D) and s5.10 & 5.11A *Local Government Act 1995* the following Councillors to be members of the Ashburton Economic and Tourism Development Committee:

- Councillor D Diver as a member of the Ashburton Economic and Tourism Development Committee;
- Councillor M Lynch as a member of the Ashburton Economic and Tourism Development Committee;
- Councillor P Foster as a member of the Ashburton Economic and Tourism Development Committee;
- Councillor M Gallanagh as a member of the Ashburton Economic and Tourism Development Committee;
- Deputies: All other Councillors.

CARRIED BY ABSOLUTE MAJORITY 9/0

Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

Officers Recommendation 6 and Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That Council, in accordance with the Instrument of Appointment and Delegation of the Paraurdoo Community Hub (CHUB) Committee (ATTACHMENT 11.4E) and s5.10 & 5.11A *Local Government Act 1995* the following Councillors to be members of the Paraurdoo Community Hub (CHUB) Committee:

- Councillor L Rumble as a Paraurdoo Community Hub (CHUB) Committee;
- Councillor D Dias as a Paraurdoo Community Hub (CHUB) Committee;
- Councillor K White as a Paraurdoo Community Hub (CHUB) Committee; and
- Deputies: All other Councillors.

CARRIED BY ABSOLUTE MAJORITY 9/0

Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

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Officers Recommendation 7 and Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Gallanagh

That Council, in accordance with the Instrument of Appointment and Delegation of the Bush Fire Advisory Committee (ATTACHMENT 11.4F) and s5.10 & 5.11A Local Government Act 1995 the following Councillors to be members of the Bush Fire Advisory Committee:

- **Councillor D Diver as Bush Fire Advisory Committee;
Councillor D Dias as Bush Fire Advisory Committee;
Councillor R de Pledge
Councillor M Gallanagh as Bush Fire Advisory Committee; and**
- **Deputies: All other Councillors.**

**CARRIED BY ABSOLUTE MAJORITY 9/0
Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and
Richardson voted for the motion**

Officers Recommendation 8 and Council Decision

MOVED: Cr M Gallanagh

SECONDED: Cr R de Pledge

That Council, in accordance with the Instrument of Appointment and Delegation of the Onslow Local Emergency Management Committee (Attachment 11.4G) and s5.10 & 5.11A Local Government Act 1995 the following Councillors to be members of the Onslow Local Emergency Management Committee:

- **Councillor R de Pledge as Onslow Local Emergency Management Committee;**
- **Councillor K White as Onslow Local Emergency Management Committee.**

**CARRIED BY ABSOLUTE MAJORITY 9/0
Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and
Richardson voted for the motion**

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Officers Recommendation 9 and Council Decision

MOVED: Cr R de Pledge

SECONDED: Cr M Gallanagh

That Council, in accordance with the Instrument of Appointment and Delegation of the Shire of Ashburton Inland Local Emergency Management Committee (Attachment 11.4H) and s5.10 & 5.11A Local Government Act 1995 the following Councillors to be members of the Shire of Ashburton Inland Local Emergency Management Committee:

- **Councillor D Dias as Shire of Ashburton Inland Local Emergency Management Committee;**
- **Councillor D Diver as Shire of Ashburton Inland Local Emergency Management Committee; and**
- **Councillor P Foster as Shire of Ashburton Inland Local Emergency Management**

CARRIED BY ABSOLUTE MAJORITY 9/0
Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

Officers Recommendation 10 and Council Decision

MOVED: Cr R de Pledge

SECONDED: Cr M Gallanagh

That Council, in accordance with the Instrument of Appointment and Delegation of the Pannawonica Local Emergency Management Committee (Attachment 11.4I) and s5.10 & 5.11A Local Government Act 1995 the following Councillors to be members of the Pannawonica Local Emergency Management Committee:

- **Councillor M Gallanagh as Pannawonica Local Emergency Management Committee; and**
- **Councillor M Lynch as Pannawonica Local Emergency Management Committee;**
- **Deputies: All other Councillors.**

CARRIED BY ABSOLUTE MAJORITY 9/0
Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

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Officers Recommendation 11 and Council Decision

MOVED: Cr P Foster

SECONDED: Cr R de Pledge

That Council, in accordance with the Instrument of Appointment and Delegation of the Shire of Ashburton Inland Local Recovery Management Coordination Group (Attachment 11.4J) and s5.10 & 5.11A Local Government Act 1995 the following Councillors to be members of the Shire of Ashburton Inland Local Recovery Management Coordination Group:

- **Councillor D Dias as Shire of Ashburton Inland Local Recovery Management Coordination Group;**
- **Councillor P Foster as Shire of Ashburton Inland Local Recovery Management Coordination Group; and**
- **Councillor D Diver as Shire of Ashburton Inland Local Recovery Management Coordination Group;**
- **Deputies: All other Councillors.**

CARRIED BY ABSOLUTE MAJORITY 9/0
Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

Officers Recommendation 12 and Council Decision

MOVED: Cr M Lynch

SECONDED: Cr D Dias

That Council, in accordance with the Instrument of Appointment and Delegation of the Pannawonica Local Recovery Coordination Group (Attachment 11.4K) and s 5.10 & 5.11A Local Government Act 1995 the following Councillors to be members of the Pannawonica Local Recovery Coordination Group:

- **Councillor M Gallanagh as Pannawonica Local Recovery Coordination Group;**
- **Councillor M Lynch as Pannawonica Local Recovery Coordination Group; and**
- **Deputies: All other Councillors.**

CARRIED BY ABSOLUTE MAJORITY 9/0
Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

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Officers Recommendation 13 and Council Decision

MOVED: Cr J Richardson

SECONDED: Cr M Gallanagh

That Council, in accordance with the Instrument of Appointment and Delegation of the Onslow Local Recovery Coordination Group (Attachment 11.4L) and s 5.10 & 5.11A Local Government Act 1995 the following Councillors to be members of the Pannawonica Local Recovery Coordination Group:

- **Councillor R de Pledge as Onslow Local Recovery Coordination Group;**
- **Councillor K White as Onslow Local Recovery Coordination Group; and**
- **Deputies: All other Councillors.**

CARRIED BY ABSOLUTE MAJORITY 9/0
Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

Council Decision

MOVED: Cr M Lynch

SECONDED: Cr K White

That Council, in accordance with the Instrument of Appointment and Delegation of the Pilbara Regional Waste Management Facility (PRWMF) Committee (Attachment 11.4M) and s 5.10 & 5.11A Local Government Act 1995 the following Councillors to be members of the Pilbara Regional Waste Management Facility (PRWMF) Committee:

- **Councillor K White as Pilbara Regional Waste Management Facility (PRWMF) Committee;**
- **Councillor M Lynch as Pilbara Regional Waste Management Facility (PRWMF) Committee;**
- **Councillor D Diver as Pilbara Regional Waste Management Facility PRWMF) Committee; and**
- **Councillor R de Pledge as Pilbara Regional Waste Management Facility PRWMF) Committee; and**
- **Deputies: All other Councillors.**

CARRIED BY ABSOLUTE MAJORITY 9/0
Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

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11.5 APPOINTMENT OF MEMBERS TO WORKING GROUPS AND EXTERNAL GROUPS OF COUNCIL

MINUTE: 662/2019

FILE REFERENCE: GV04

AUTHOR'S NAME AND POSITION: Rob Paull
Chief Executive Officer

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 5 October 2019

DISCLOSURE OF FINANCIAL INTEREST: The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

PREVIOUS MEETING REFERENCE: Agenda Item 11.4 (Minute No: 245/2017) – Ordinary Meeting of Council 24 October 2017

Summary

Council is requested to establish the purpose and operations of working groups along with appointing members to working groups and external groups of Council.

Background

Following the 2017 Local Government elections, Council established the following working groups and external groups and appointed the following persons as members as follows:

“That with respect to the appointment of Councillors and Staff to committees, Council:

1. *Confirm that all previous appointments of Councillors and Staff to Shire of Ashburton Committees, and the Committees themselves, have expired.*

3. *Establish the following Working Groups of Council and make the following appointments to those Working Groups:*
 - 3.1 *Partnership Governing Committee (Rio Tinto)*
 - Delegates:* Shire President (Presiding Person), Cr Rumble (Paraburdoo Ward Councillor), Cr Foster (Tom Price Ward Councillor), Chief Executive Officer, Director Strategic and Community Development, and Strategic Partnership Manager.
 - Secretariat:* Director Strategic and Community Development or the nominee.
 - Membership:* Rio Tinto Iron Ore representatives / Shire of Ashburton representatives.

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Purpose: A Partnership, through a Memorandum of Understanding, between Rio Tinto and the Shire of Ashburton that sets out a shared vision with supporting strategies and defines specific roles and responsibilities in the delivery of community infrastructure and related services for the towns of Tom Price, Paraburdoo and Pannawonica.

Meeting Cycle: Two per year, or more if required.

3.2 Working Together Onslow (Chevron)

Delegates: Shire President, Director Strategic and Community Development, and Community Development Co-ordinator.

Secretariat: Director Strategic and Community Development or the nominee.

Membership: Three Chevron representatives / Three Shire of Ashburton representatives.

Purpose: Working Together Onslow (WTO) is a partnership between the Shire of Ashburton and Chevron for the town of Onslow.

Meeting Cycle: Every 3 months.

3.3 CEO Performance Review Panel

Members: Shire President, Cr Diver.

Deputies: Crs Rumble, Dellar.

Secretariat: External or one of the members.

Purpose: Undertake reviews of the CEO's Performance and to make recommendations to Council as a result of those reviews as required.

Meeting Cycle: Anniversay of the CEO's contract and then biannually or as required.

3.4 Australia Day WA – Community Citizen of the Year Award Working Group

Delegates: Shire President, Ward Councillors relevant to each townsite and the CEO or their delegate.

Secretariat: Director Strategic and Community Development or the nominee.

Purpose: To select recipients of the Community Citizen of the Year, Community Citizen of the Year (Senior), Community Citizen of the Year (Youth), and Active Citizenship (Group/Event) for each town.

Meeting Cycle: As required.

NOTE: Pursuant to policy REC09 Australia Day WA Community Citizen of the Year.

3.5 Onslow Senior Citizens Units Working Group

Members: Cr White (Onslow Ward Councillor, Presiding Person), Director Strategic and Community Development or the Officer's Delegate, Community Representative, Tenant from Carinya Units Representative, Tenant from Senior Citizen Units, and Department of Community – Housing Representative.

Deputies: All other Councillors.

Secretariat: Director Strategic and Community Development or the nominee.

Purpose: To form the function of a Management Committee to oversee the Carinya Senior Units pursuant to the Joint Venture Agreement.

To establish a sub-committee comprising a representative of the Dept of Housing and the Committee (Cr representative) to oversee allocation of tenants to the Carinya Senior Units.

To establish a sub-committee to oversee allocation of tenants to the Senior Citizens Units.

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To appoint tenant or community representatives (Cr representative in conjunction with the Director).

To recommend to Council rents and future major maintenance.

Meeting Cycle: As required.

4. *Nominate or appoint (as applicable) the following appointments to External Groups:*

4.1 *Pilbara Regional Council (PRC)*

Delegates: Crs Foster, Cr White

Deputies: Crs Rumble, Cr Diver

In the absence of the above Councillors all other Councillors.

Meeting Cycle: Every 2 months.

4.2 *PRC Various Project Working Groups*

Delegates: Officers, as per CEO nomination.

Meeting Cycle: As required.

4.3 *Regional Road Group*

Delegates: Crs Foster, Cr White.

Deputies: Crs Rumble, Cr Diver.

In the absence of the above Councillors all other Councillors

NOTE: As this meeting occurs on the same date as the Pilbara Regional Council meeting it's preferable the Delegates are the same.

Meeting Cycle: Every 2 months and coincides with PRC.

4.4 *Regional Road Group - Technical Working Group*

Delegates: Director, Infrastructure Services or nominee/s.

Meeting Cycle: As required.

4.5 *Paraburdoo Community Advisory Group (Rio Tinto)*

Delegates: Cr _____ (Paraburdoo Ward Councillor),

*Cr _____ (Paraburdoo Ward Councillor), and
Strategic Partnership Manager.*

Membership: Rio Tinto Iron Ore representatives / Shire of Ashburton representatives, representatives from key community organisations such as Primary School, Police, Hospital etc.

Meeting Cycle: Quarterly.

4.6 *Onslow Community Garden Management Committee*

Delegate: Cr White.

Delegate: Director Strategic and Community Development or the Officer's Delegate.

NOTE: The Council is entitled to nominate two delegates which may include an officer(s).

Meeting Cycle: To meet at least every three months (or more frequently if required).

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- 4.7 *Pilbara District Emergency Management Committee*
Delegates: *Emergency Management Coordinator and Director Development & Regulatory Services or nominee.*
Deputy: *Cr Diver*
Meeting Cycle: *As required*
- 4.8 *Western Australian Local Government Association Pilbara Country Zone*
Delegates: *Crs White, Foster.*
Deputies: *Crs Rumble, Diver.*
In the absence of the above Councillors all other Councillors.
Meeting Cycle: *As required.*
NOTE: *As this meeting occurs with the Pilbara Regional Council meeting it's preferable the Delegates and Deputies are the same.*
- 4.9 *Development Assessment Panels*
Delegates: *Cr Dias (expiring 26 July 2018).*
Cr White (expiring 26 July 2018).
Deputies: *Cr Foster (expiring 26 July 2018).*
Cr Rumble (expiring 26 July 2018).
Meeting Cycle: *As required.*
- 4.10 *Onslow Tourism and Progress Association*
Delegate: *Cr White.*
Deputy: *Director Strategic and Community Development or nominee.*
Meeting Cycle: *As required.*
- 4.11 *Ashburton Land Conservation District Committees (LCDC)*
Delegate: *Cr Dias expires 4 December 2018.*
Meeting Cycle: *As required.*
- 4.12 *Roebourne/Port Hedland Land Conservation District Committee (LCDC)*
Delegate: *Cr Thomas expires 31 January 2018.*
Meeting Cycle: *As required.*
- 4.13 *Lyndon Land Conservation District Committee (LCDC)*
Delegate: *Kimberly De Pledge (Yanrey Station) expiry date to be advised.*
Meeting Cycle: *As required.*
- 4.14 *Onslow Chamber of Commerce & Industry*
Council felt that a delegate was not required at this time
Delegate: _____
Meeting Cycle: *As required.*
NOTE: *Non voting unless the Council takes up membership of the Association and / or is elected to the Board.*
- 4.15 *Pilbara Inland Chamber of Commerce & Industry*
Delegate: *Cr Foster*
Meeting Cycle: *As required.*

NOTE: *Non voting unless the Council takes up membership of the Association and / or is elected to the Board."*

* Note: Cr Deller resigned in March 2018 and his commitments were replaced by Cr De Pledge

**AMENDED PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL
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The tenure of members of working groups and external groups expired on Local Government Election Day, 19 October 2019.

Comment

Any delegation available to a committee is prescribed in respective Instrument of Appointment and Delegation.

For all Committees, the Chief Executive Officer and other Shire staff members will provide advice and administrative support to the Committee. Council may add to or remove any of the committees listed as below:

	WORKING GROUPS WITHIN THE SHIRE	REQUIRED	MEETINGS	APPROXIMATE DURATION
1	<i>Partnership Governing Committee (Rio Tinto)</i>	<i>Comprising 3 Elected Members</i>	<i>Twice a year</i>	<i>Up to 2 hours</i>
2	<i>Working Together Onslow (Chevron)</i>	<i>Comprising 1 Elected Member</i>	<i>Every 3 months</i>	<i>Up to 2 hours</i>
3	<i>Australia Day WA – Community Citizen of the Year Award Working Group</i>	<i>Comprising: President and 1 Elected Member from each town</i>	<i>As required</i>	<i>Up to 2 hours</i>
4	<i>Onslow Senior Citizens Units Working Group</i>	<i>Comprising 1 Elected member (Onslow Ward Councillor)</i>	<i>As required</i>	<i>Up to 2 hours</i>

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	EXTERNAL GROUPS WITHIN THE SHIRE	REQUIRED	MEETINGS	APPROXIMATE DURATION
1	<i>Pilbara Regional Council (PRC)</i>	<i>Comprising 3 Elected Members</i>	<i>As required</i>	<i>Up to 2 hours</i>
2	<i>Regional Road Group</i>	<i>Comprising 3 Elected Members</i>	<i>As required</i>	<i>Up to 2 hours</i>
3	<i>Regional Road Group Technical Working Group</i>	<i>Director, Infrastructure Services or nominee/s</i>	<i>As required</i>	<i>Up to 2 hours</i>
4	<i>Onslow Community Garden Management Committee</i>	<i>Comprising 1 Elected member (Onslow Ward Councillor)</i>	<i>As required</i>	<i>Approximately 1 hour</i>
5	<i>Pilbara District Emergency Management Committee</i>	<i>Comprising 1 Elected Member; Director Property and Development Services or nominee; and Manager, Manager Community Safety or nominee</i>	<i>As required</i>	<i>Up to 2 hours</i>
6	<i>Western Australian Local Government Association Pilbara Country Zone</i>	<i>Comprising 2 Elected Members (Delegates) Comprising 2 Elected Members (Deputies)</i>	<i>As required</i>	<i>Up to 2 hours</i>
7	<i>Development Assessment Panels</i>	<i>Delegates: Cr Dias & Cr White Deputies: Cr Foster & Cr Rumble</i>	<i>As required</i>	<i>Up to 2 hours</i>
8	<i>Onslow Tourism and Progress Association</i>	<i>Comprising 1 Elected member (Onslow Ward Councillor)</i>	<i>As required</i>	<i>Up to 2 hours</i>
9	<i>Ashburton Land Conservation District Committee</i>	<i>Comprising 1 Elected member</i>	<i>As required</i>	<i>Up to 2 hours</i>

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	EXTERNAL GROUPS WITHIN THE SHIRE	REQUIRED	MEETINGS	APPROXIMATE DURATION
10	<i>Roebourne/Port Hedland Land Conservation District Committee</i>	<i>Comprising 1 Elected member</i>	<i>As required</i>	<i>Up to 2 hours</i>
11	<i>Lyndon Land Conservation District Committee</i>	<i>Comprising 1 Elected member</i>	<i>As required</i>	<i>Up to 2 hours</i>
12	<i>Onslow Chamber of Commerce & Industry</i>	<i>Comprising 1 Elected member (Onslow Ward Councillor)</i>	<i>As required</i>	<i>Up to 2 hours</i>
13	<i>Pilbara Inland Chamber of Commerce</i>	<i>Comprising 1 Elected member (Tom Price or Paraburdoo Ward Councillor)</i>	<i>As required</i>	<i>Up to 2 hours</i>

The Shire President has the right to be represented on any working groups and external groups of Council. The Shire President is to call for nominations for each of the above working groups and external groups and preside over any required ballot to determine appointment(s) to the committees.

Consultation

Executive Management Team
Councillors (via the August 2019 Information Session).

Statutory Environment

The Emergency Management Act 2005:

20. Directions to, and duties of, public authorities

20(4) A public authority that is given a role and responsibilities under a State Emergency Management Policy is to comply with the State Emergency Management Policy. Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members are to be determined by the SEMC"

38. Local emergency management committees

- (1) A local government is to establish one or more local emergency management committees for the local government district;*
- (3) A local emergency management committee consists of –*
 - (a) A Chairman and other members appointed by the relevant local government in accordance with sub section (4);*
 - (b) If the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.*
- (4) Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members are to be determined by the SEMC.*

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Financial Implications

Budgeted expenditure for meeting fees and costs associated with committees.

Strategic Implications

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

Goal 05 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

There are no known policies or policy implications relating to this Item.

Voting Requirement

Absolute Majority Required

UNCONFIRMED MINUTES

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Officers Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr P Foster

That with respect to the Appointment of Members to Working Groups and External Groups of Council, Council:

- 1. Confirm that all previous appointments of Councillors and Staff to Shire of Ashburton Committees, and the Committees themselves, have expired.**
- 2. Establish the following Working Groups of Council and make the following appointments to those Working Groups:**

2.1 Partnership Governing Committee (Rio Tinto)

Delegates: Shire President (Presiding Person);

**Cr L Rumble (Paraburdoo Ward Councillor),
Cr P Foster (Tom Price Ward Councillor),
Chief Executive Officer, Director**

Community Services and Strategic Partnership Manager.

Secretariat: Director Community Services or the nominee.

Membership: Rio Tinto Iron Ore representatives / Shire of Ashburton Representatives.

Purpose: A Partnership, through a Memorandum of Understanding, between Rio Tinto and the Shire of Ashburton that sets out a shared vision with supporting strategies and defines specific roles and responsibilities in the delivery of community infrastructure and related services for the towns of Tom Price, Paraburdoo and Pannawonica.

Meeting Cycle: Two per year, or more if required.

2.2 Working Together Onslow (Chevron)

Delegates: Shire President (Presiding Person);

**Cr R de Pledge
Director Community Services**

Secretariat: Director Community Services or the nominee.

Membership: Three Chevron representatives / Three Shire of Ashburton Representatives.

Purpose: Working Together Onslow (WTO) is a partnership between the Shire of Ashburton and Chevron for the town of Onslow.

Meeting Cycle: Every 3 months.

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2.3 Australia Day WA – Community Citizen of the Year Award Working Group

Delegates: Shire President (Presiding Person);

**Cr M Gallanagh (Pannawonica Ward Councillor),
Cr D Dias (Paraburdoo Ward Councillor),
Cr P Foster (Tom Price Ward Councillor),
Director Community Services or the nominee**

Secretariat: Director Community Services or the nominee.

Purpose: To select recipients of the Community Citizen of the Year, Community Citizen of the Year (Senior), Community Citizen of the Year (Youth), and Active Citizenship (Group/Event) for each town.

Meeting Cycle: As required.

NOTE: Pursuant to policy REC09 Australia Day WA Community Citizen of the Year.

2.4 Onslow Senior Citizens Units Working Group

Members: Delegates

Cr K White (Shire President)

~~Director Community Services and~~ Director Property and Development Services or the nominee, Community Representative, Tenant from Carinya Units Representative, Tenant from Senior Citizen Units, and Department of Community – Housing Representative.

Deputies: All other Councillors.

Secretariat: ~~Director Community Services~~ Director Property and Development Services or the nominee.

Purpose:

- To form the function of a Management Committee to oversee the Carinya Senior Units pursuant to the Joint Venture Agreement.
- To establish a sub-committee comprising a representative of the Department of Housing and the Committee (Cr representative) to oversee allocation of tenants to the Carinya Senior Units.
- To establish a sub-committee to oversee allocation of tenants to the Senior Citizens Units.
- To appoint tenant or community representatives (Cr representative in conjunction with the Director).
- To recommend to Council rents and future major maintenance.

Meeting Cycle: As required.

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3. Nominate or appoint (as applicable) the following appointments to External Groups:

3.1 Pilbara Regional Council (PRC)

Delegates: Shire President (Presiding Person);
Cr P Foster (Councillor),

Deputies: Cr D Diver (Councillor),
Cr L Rumble (Councillor),

In the absence of the above Councillors all other Councillors.

Meeting Cycle: As required.

3.2 PRC Various Project Working Groups

Delegates: Officers, as per CEO nomination.

Meeting Cycle: As required.

3.3 Regional Road Group

Delegates: Shire President (Presiding Person);
Cr J Richardson (Councillor),

Deputies: Cr R de Pledge (Councillor),
Cr P Foster (Councillor),

In the absence of the above Councillors all other Councillors

Meeting Cycle: As required.

3.4 Regional Road Group - Technical Working Group

Delegates: Director, Infrastructure Services or nominee/s.

Meeting Cycle: As required.

3.5 Onslow Community Garden Management Committee

Delegate: Cr K White (Shire President),

Delegate: Director Community Services or the Officer's Delegate.

NOTE: The Council is entitled to nominate two delegates which may include an officer(s).

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Meeting Cycle: To meet at least every three months (or more frequently if required).

3.6 Pilbara District Emergency Management Committee

Delegates: Cr D Diver (Councillor)

Deputy: Director Property and Development Services or nominee; and
Deputy: Manager Community Safety or nominee

Meeting Cycle: As required.

3.7 Western Australian Local Government Association Pilbara Country Zone

Delegates: Shire President (Presiding Person);
Cr P Foster (Councillor),

Deputies: Cr L Rumble (Councillor),
Cr D Diver (Councillor),

In the absence of the above Councillors all other Councillors

Meeting Cycle: As required.

NOTE: As this meeting occurs with the Pilbara Regional Council meeting its preferable the Delegates and Deputies are the same.

3.8 Development Assessment Panels

Delegates: Cr Dias
Cr White

Deputies: Cr Foster
Cr Rumble

Meeting Cycle: As required.

3.9 Onslow Tourism and Progress Association

Delegate: Cr K White (Shire President),
Delegate: Chief Executive officer or the CEOs Delegate.

Deputy: Director Strategic and Community Development or nominee.

Meeting Cycle: As required.

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3.10 Ashburton Land Conservation District Committees (LCDC)

Delegate: Cr R de Pledge (Councillor).

Meeting Cycle: As required.

3.11 Roebourne/Port Hedland Land Conservation District Committee (LCDC)

Delegate: Cr J Richardson (Councillor).

Meeting Cycle: As required.

3.12 Lyndon Land Conservation District Committee (LCDC)

Delegate: Cr R de Pledge (Councillor).

Meeting Cycle: As required.

3.13 Onslow Chamber of Commerce & Industry

Delegate: Cr R de Pledge (Councillor)

Meeting Cycle: As required.

NOTE: Voting rights as Council has taken up membership of the Association.

3.14 Pilbara Inland Chamber of Commerce & Industry

Delegate: Cr P Foster, Cr M Lynch and Cr D Diver (Tom Price or Paraburdoo Ward Councillor).

Meeting Cycle: As required.

NOTE: Voting rights as Council has taken up membership of the Association.

**CARRIED BY ABSOLUTE MAJORITY 9/0
Councillors White, Rumble, Dias, Foster, Diver, Gallanagh, de Pledge, Lynch and
Richardson voted for the motion**

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12. CORPORATE SERVICES REPORTS

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr P Foster

Change in the Order of Business:

That consideration of agenda item 12.1 be deferred until after agenda item 13.8.

CARRIED 9/0
Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

12.2 REMOTE AREA TAX CONCESSIONS AND PAYMENTS

MINUTE: 663/2019

FILE REFERENCE:

RV01

AUTHOR'S NAME AND POSITION:

John Bingham
Director Corporate Services

AUTHORISING OFFICER AND POSITION

Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT:

Not Applicable

DATE REPORT WRITTEN:

2 October 2019

DISCLOSURE OF FINANCIAL INTEREST:

The author and authorising officer have no financial, proximity or impartiality interests in the proposal.

PREVIOUS MEETING REFERENCE:

Not Applicable

Summary

The Productivity Commission (the 'Commission') is undertaking a study to examine the operation and impacts of the zone tax offset (ZTO) and related remote area tax (RAA) concessions and payments. The Commission is consulting widely, including in regional Australia.

This agenda item reviews the Commission's draft report and highlights the impact for the Shire of Ashburton.

Background

In 2018 the Commission was instructed by the Federal Government to undertake an inquiry into whether or not remote area tax assistance is 'fair and contemporary'. An issues paper was released on 12 March 2019 following on from which a draft report was made available on 4 September 2019.

ATTACHMENT 12.2A

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The draft report reviews three longstanding tax concessions and payments for residents and businesses in remote and certain regional areas:

- **The zone tax offset (ZTO)** – introduced to recognize the disadvantages that residents in certain parts of Australia were subjected to because of the uncongenial climatic conditions, isolation and high cost of living in comparison with other parts of Australia;
- **The remote area allowance (RAA)** – introduced to ensure that those on government transfer payments also received the same benefits; and
- **Fringe benefits tax (FBT) remote area concessions** – introduced to acknowledge the nature of certain employees' employment or to limit tax on reasonable amounts expended to compensate for additional expenses or disadvantages suffered by the employee for having to live away from their home in order to perform duties for their employer.

The ZTO and RAA do not impact Shire staff and operations. However the FBT remote area concessions do apply and any changes made to tighten exemptions and concessions to employer provided housing for example will potentially be a burden on future workforce plans and budgets.

The recommendations and findings of the draft report are listed on pages 37 to 43.

Submissions to the draft are to be accepted by the Commission up to and including Friday 11 October 2019. The Shire has partnered with the Town of Port Hedland and Shire of East Pilbara to professionally prepare a submission.

A WALGA delegation will also be meeting with the Productivity Commission on the morning of Tuesday, 15 October at its Head Office, to discuss the recommendations in the draft report. The Shire is currently planning to have a representative in attendance.

Comment

On 23 September 2019 the Chief Government Whip in the Senate of Western Australia, Mr Dean Smith, wrote to the Shire President to provide some important information about the matters detailed in the Productivity Commission draft report.

ATTACHMENT 12.2B

Mr Smith followed up with another letter to the Shire on 25 September 2019 advising he had published an opinion piece in *The West Australian* agreeing the concessions are indeed outdated but also advocating the important role of the tax benefits in mitigating the challenges of living in remote WA.

**ATTACHMENT 12.2C
ATTACHMENT 12.2D**

Further Fringe benefits tax – remote areas

The Fringe Benefits Tax Assessment Bill was introduced in 1986 to apply tax to the value of benefits provided to an employee or an employee's associates (typically, the employee's spouse or children) by an employer in respect of the employee's employment activities.

A range of exemptions and concessions were included to acknowledge the nature of certain employees' employment or to limit tax on reasonable amounts expended to compensate for additional expenses or disadvantages suffered by the employee for having to live away from their home in order to perform duties for their employer.

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To that end, the FBT concessions were not intended as incentives to encourage remote area employment, but rather were an acknowledgement that particular forms of employment would necessitate certain costs which were not a 'benefit' to the employee but would have otherwise been taxable under the *Fringe Benefits Tax Assessment Act 1986 (FBTAA)*.

The FBT provisions specific to remote areas are contained in the *FBTAA* and are mainly related to housing. The definition of a remote area is determined by the population as at the 1981 Census, its classification for the zone tax offset and a number of distance-population parameters. There is a separate provision for certain regional employers which gives greater concessions to these entities – public services / government, charities and hospitals.

Fringe benefits tax – remote areas and fly-in fly-out

The most visible examples of fly-in fly-out (FIFO) employment are in mining where the decision to offer FIFO employment arrangements is driven by the need for workers to operate in locations where there is an insufficient supply of appropriate local labour. Other dominant industry examples include healthcare and government services. The comparatively high levels of remuneration are a primary incentive for workers, especially for those who may not find comparable wages given their level of skills and education, with employers funding the cost of travel and accommodation without the imposition of FBT.

The itinerant nature of parts of the remote area workforce suggests that employees will generally not intend to relocate permanently and that employers facilitate their presence in remote areas by providing suitable accommodation and transport. When there is the predictable downturn in economic activity (e.g. fall in iron ore prices or the mine is exhausted), these workers will naturally shift to other locations to pursue alternative employment.

The remote area housing benefit FBT exemption applies to employer-provided accommodation in remote areas, regardless of whether the employee is a FIFO or regular employee. The travel to and from the place of employment is also an exempt residual fringe benefit. The three types of accommodation the Shire provides to its employees (owned, leased and the FBT implications for each.

ATTACHMENT 12.2E

Anecdotal feedback from local government staff and Councillors is as follows:

'I think there would be greater significant impacts than just Shire employee housing. If the remote area assistance is abolished in the manner that the PC report indicates, there will be nearly zero incentives to live remote, as we do now. More residents will opt for FIFO as there would be no advantage to living here. Worst case scenario is that mining companies will consolidate their residential workforce, while some sites may move to solely FIFO and towns may close. This will not just affect Shire of Ashburton, Newman has been struggling to attract residents to the town. Without remote area assistance it may be even harder.'

"The Shire should strongly refute a lot of the unsubstantiated statements in the Productivity Commission's draft report (e.g. everyone gets high wages so can afford to suck it up, it is a lifestyle choice to live remotely etc.)'

'This could potentially also affect business who have worked hard in recent years to transition from a FIFO to residential workforce';

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Fringe Benefits Tax implications on proposed changes to FBT remote area concessions

The Shire engaged Moore Stephens to provide comments in relation to the proposed changes to FBT remote area concessions outlined in the August 2019 Productivity Draft Report. The purpose of the report is twofold:

1. Comment on the FBT impact on the Shire's residential properties provided to employees (owned and leased) under the suggested changes and the commentary outlined in the draft report. This will quantify the impact of these potential changes from currently being exempt, to either a 50% concession, or no concession at all (if ineligible); and
2. Provide supporting information to the Shire's submission to the Commission.

The following table is taken from the report highlighting the impact of the proposed changes

Location	No. Owned	Estimated Cost (\$)*(A)	No. Leased	Cost of Lease Payments (\$) (B)	Total Cost (A) + (B)
Tom Price	28	\$873,600	28	\$440,757	\$1,314,357
Onslow	18	\$514,800	14	\$385,152	\$ 899,952
Paraburdoo	10	\$208,000	2	\$ 41,600	\$ 249,600
		\$1,596,400		\$867,509	
					\$2,463,909

**The total cost of the Shire's owned property is calculated by the average rental market price per week multiplied by the number of properties in each location.*

Total cost to the Shire of Ashburton if eligible for the 50% concession under the proposed changes:

Taxable Value of the benefit	\$2,463,909
Gross up factor	1.8868
Gross up taxable value	\$4,648,903
FBT RATE	47%
Gross FBT Payable	\$2,184,984
Less: Proposed 50% concession	\$1,092,492
Net FBT Payable	\$1,092,492
Add actual cost	\$2,463,909
Total Cost	\$3,556,401

ATTACHMENT 12.2F

Draft Submission to the Commission

The Shire has prepared a joint response (alongside Town of Port Hedland and Shire of East Pilbara) to the Commission's draft report, giving due regard to the preliminary assumptions and recommendations therein.

The submission acknowledges the complexity of the task ahead for the Commission in light of the absence of sufficient empirical evidence and the disparate nature of the regions of eligible for the concessions. The submission also stresses the Pilbara local government's high level of concern re: the application of some of the preliminary assumptions to the Pilbara, the Commission's methodology (in some instances) and the impact of the Commission's draft recommendations on the viability of the Pilbara towns, the economy, and regional Indigenous communities.

The following recommendations are made:

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- Commission negotiates with Government for an extension on the report delivery timeframe to ensure impacts on proposed changes to FBT are quantified and fully considered;
- Redefine the definitions of remote and very remote (and retain special areas), with all recommendations reconsidered in the context of the new definitions. The definitions should be based on identified parameters as opposed to lines on a map, demonstrating a contemporary approach to policy.
- Apply the new definitions of remote and very remote, (and special areas) to the remote area tax concessions under the following circumstances:
 - An indexed ZTO that appropriately reflects the cost of living and other hardships experienced by remote, very remote and special area residents. This should be based on effective financial modelling that recognises and assists in countering the costs and conditions of living remotely.
 - Retain the 'customary' provision under (2) (d)(iii) of Section 58ZC of the FBTA 1986 for employer-provided housing.
 - Retain the full FBT exemption for employer-provided or employer-subsidised housing.
 - Retain the 50 percent exemption for fuel associated with employer-provided or employer-subsidised housing.
 - Index the Remote Area Allowance (RAA) for income support recipients to meet cost of living in the defined areas.
 - If the definition of 'eligible urban area' is retained, ensure that population thresholds account for the impacts of remoteness on towns like Port Hedland (population nearly 14,000).
- Any reassessment of eligibility for ZTO and FBT must provide long term certainty for local governments, businesses and investors or it will destabilise the regional economy.

The full report is attached for Councils further consideration.

ATTACHMENT 12.2G

Consultation

Executive Management Team
WALGA
Moore Stephens
Edge Writing
Town of Port Hedland
Shire of East Pilbara

Statutory Environment

Fringe Benefits Tax Assessment Act 1986

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Financial Implications

The Shire has commissioned Moore Stephens to report on the financial implications including:

- An assessment of whether the Shires houses will still be eligible under the proposed changes being put forward by the Productivity Commission; and
- The financial impact of the proposed changes for employer-provided housing from being exempt, to a 50% concession, to no concession at all. This calculation will be based off the number of properties currently listed in the Shire's housing stock and the associated rates.

The Moore Stephens report is due to be available Wednesday 9 October 2019. The total cost of preparing the submission in partnership with the Town of Port Hedland and Shire of East Pilbara is estimated to be around \$4,000 to \$6,000.

Strategic Implications

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

Goal 05 Inspiring Governance
Objective 3 Council leadership

Risk Management

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

Policy Implications

EMP37 Salary Sacrifice

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr L Rumble

SECONDED: Cr P Foster

That with respect to the Remote Area Tax Concessions and Payments, Productivity Commission Draft Report, Council:

- 1. Acknowledge the Productivity Commissions Draft Report August 2019, and support the findings and recommendations as stated in the submission made on 11 October 2019 (ATTACHMENT 12.2A).**

CARRIED 9/0
Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

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12.3 2020/21 PRE BUDGET SUBMISSION

MINUTE: 664/2019

FILE REFERENCE: GR01

AUTHOR'S NAME AND POSITION: John Bingham
Director Corporate Services

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 11 October 2019

DISCLOSURE OF FINANCIAL INTEREST: The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

Council is requested to consider that the Shire prepare and submit a 2020-2021 Budget submission to the Government of Australia ("Federal Government").

Background

At the 18 September 2019 Ordinary Meeting, Council requested the Chief Executive Officer prepare and submit a pre-budget submission to the WA Treasurer in relation to the State's 2020/21 Budget. Following on from this Councillor Foster has suggested the Shire make a submission for the Federal Budget 2020-2021 in response to an invitation posted on the Australian Local Government Association website. Submissions close on 20 December 2019.

Comment

In a similar vein to the pre-budget submission to the State's 2020/21 Budget it is appropriate for the Shire to prepare one for the Federal Government in relation to the 2020/21 Budget. As with the State Budget important Shire projects, including the Tom Price Child Care Facility and Onslow Marina would benefit from Federal Government investment. Regional projects such as Stage 4 of the Tom Price - Karratha Road are already backed by Federal funding.

Consultation

Cr Foster
Executive Management Team

Statutory Environment

There are no known statutory implications for this matter.

Financial Implications

There are no known financial implications for this matter.

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Strategic Implications

Shire of Ashburton 10 year Community Strategic Plan 2017 – 2027 (Desktop Review 2019)

Goal 05 Inspiring Governance
Objective 3 Council leadership
Objective 4 Exemplary team and work environment

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That with respect to a 2020/21 Pre Budget Submission to the Government of Australia, Council:

- 1. Request the Chief Executive Officer to prepare and submit a pre-budget submission to the Federal Government in relation to the State of Western Australia’s 2020/21 Budget requesting the Treasurer to allocate funds to identified projects that will assist the community of the Shire of Ashburton.**

CARRIED 9/0

Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

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13. PROPERTY AND DEVELOPMENT SERVICES REPORTS

**13.1 APPLICATION FOR MISCELLANEOUS LICENCE 47/909 ENCROACHING
PANNAWONICA TOWNSITE**

Declaration of Interest

Prior to consideration of this Agenda Item:

***Cr Dias declared a financial interest
Cr Rumble declared a financial interest
Cr Lynch declared a proximity interest
Cr Foster declared a financial interest
Cr Diver declared a proximity interest
Cr Gallanagh declared a financial interest
Cr de Pledge declared a financial interest***

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

Councillors Gallanagh, Foster and Dias left the Chambers at 2.08 pm due to a declaration of interest for financial interests in Agenda Items 13.1 and 13.2.

Councillor Lynch, Diver, de Pledge and Rumble remained in the Chamber in line with the approval given by the Deputy Director General of the Department of Local Government, Sport and Cultural Industries as noted at item 6.2.

MINUTE: 665/2019

FILE REFERENCE: ED01

AUTHOR'S NAME AND POSITION: Janelle Fell
Manager Land and Asset Compliance

AUTHORISING OFFICER AND POSITION: Brian Cameron
Director Property and Development Services

NAME OF APPLICANT/RESPONDENT: Department of Mines, Industry Regulation and Safety

DATE REPORT WRITTEN: 12 September 2019

DISCLOSURE OF FINANCIAL INTEREST: The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

PREVIOUS MEETING REFERENCE: Not Applicable

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Summary

Application for Miscellaneous Licence 47/909 by DDG Fortescue River Pty Ltd & Tec Pilbara Pty Ltd, encroaching the Pannawonica townsite, has been referred by Department of Mines, Industry Regulation and Safety (DMIRS) to Council for consideration.

DMIRS seeks Council's comments and recommendation for Miscellaneous Licence 47/909 which encroaches the Pannawonica townsite.

Background

The Shire of Ashburton has received referral of Application from the Department of Mines, Industry Regulation and Safety under *s23 to 26 of the Mining Act 1978* for Miscellaneous Licence 47/909. The 828.90 Hectare area of the Licence covers the Fortescue River Gas Pipeline (FRGP), Pump Station and Road.

Construction of the FRGP was completed in March 2015. The underground pipeline is 268km long, which runs from Compressor Station 1 (CS1) on the Dampier to Bunbury Natural Gas Pipeline to Fortescue Metals Group's Solomon Hub operations.

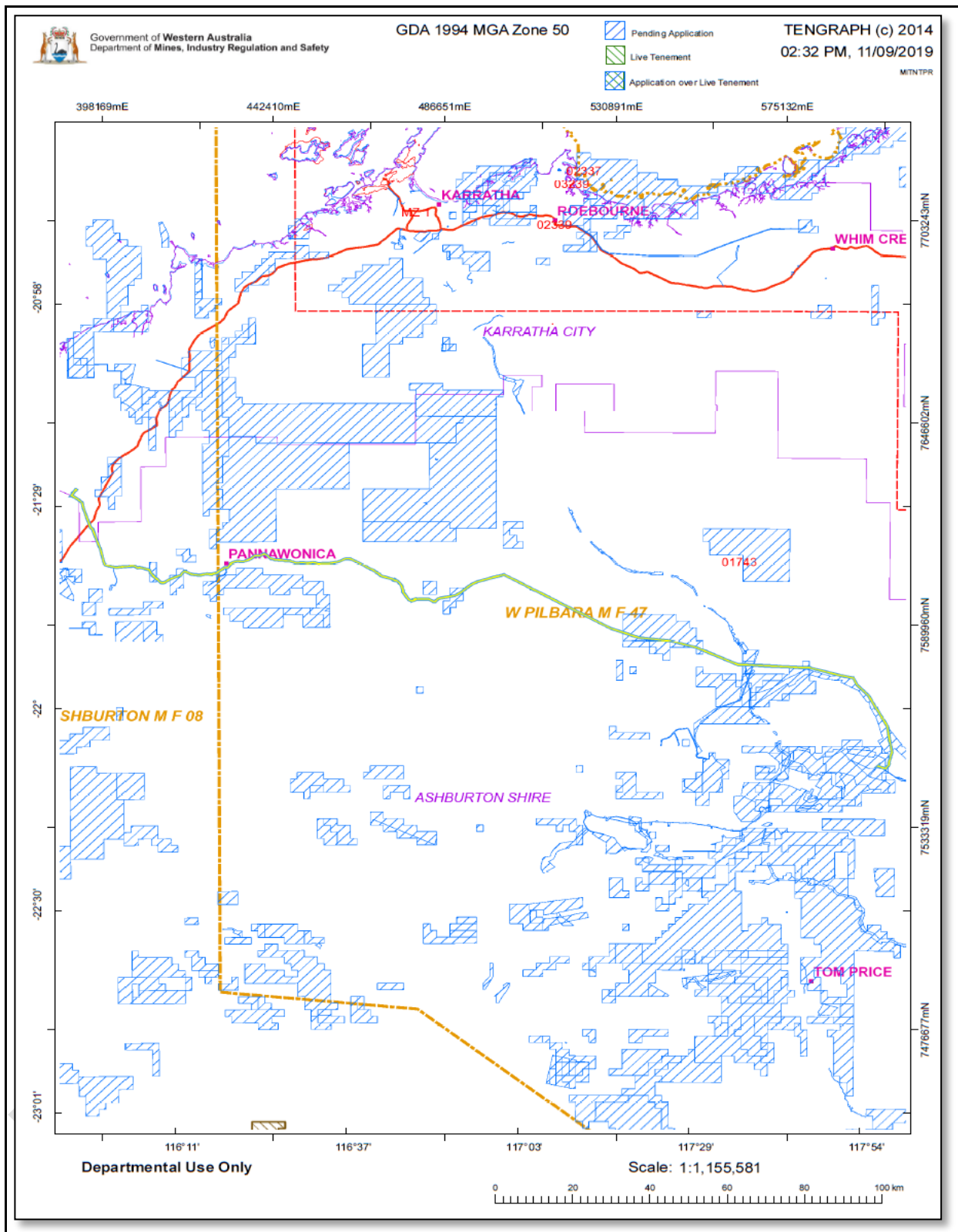
The above ground main line valve (pump station) is located approximately 115kms from CS1, located on the southern side of the Pannawonica-Millstream Road. The access road is required for ongoing operational maintenance works.

No further new construction works will be undertaken. Ongoing operational and maintenance works are required to:

- Access the main line valve;
- Rehabilitation and maintenance of the asset, required depth of cover for ongoing structural integrity;
- Maintain warning signs;
- Aerial inspection surveillance;
- Inspection of cathodic protection system and coating system.

The Licence Application area is shown in green below.

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Comment

Construction of the FRGP was undertaken pursuant to a range of temporary land tenure along pipeline route. This included licences and authorisations issued by the Minister for Lands under sections 91 and 186 of the *Land Administration Act 1997* and consent from relevant interest holders (e.g. pastoral lessees, Reserve management bodies) and native title parties.

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DMIRS proposes the following condition on the tenement.

“Condition: Access to the surface of land within Pannawonica Townsite for mining purposes being subject to the approval of the local Authority or relevant reserve vestees, and mining activities within the first 100 metres below the surface of the land being limited to such exploration activities as may be approved by the Director, Environment, DMIRS.”

As the pipeline is constructed and Pannawonica is owned and operated by RTIO, it is recommended Council do not oppose the application.

Consultation

Executive Management Team
Department of Mines, Industry Regulation and Safety

Statutory Environment

Mining Act 1978 – s23 to 26 Public reserves, etc. and Commonwealth land
Under s23 to 26 of the *Mining Act 1978*, mining may be carried out on certain classes of land with the written consent of the Minister for Mines and Petroleum. In respect to townsites, the Minister for Mines and Petroleum is to first consult and obtain the recommendation of the local municipality and the Minister for Lands before he can grant consent to mine.

Land Administration Act 1997 – s91 and s186

Financial Implications

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

Strategic Implications

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

Goal 04 Quality Services and Infrastructure
Objective 1 Quality public infrastructure

Risk Management

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

Policy Implications

Town Planning Scheme No. 7

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr R de Pledge

That with respect to the Application for Miscellaneous Licence 47/909 Encroaching Pannawonica Townsite, Council offer no objection to Miscellaneous Licence 47/909.

CARRIED 6/0

Councillor White, Lynch, Diver, de Pledge, Rumble and Richardson voted for the motion

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13.2 TOM PRICE CHILDCARE CENTRE

Declaration of Interest

Prior to consideration of this Agenda Item:

***Cr Dias declared a financial interest
Cr Rumble declared a financial interest
Cr Lynch declared an indirect financial interest
Cr Foster declared a financial interest
Cr Diver declared an indirect financial interest
Cr Gallanagh declared a financial interest
Cr de Pledge declared a financial interest***

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

MINUTE: 666/2019

FILE REFERENCE: POI.0400

AUTHOR'S NAME AND POSITION: Janelle Fell
Manager Land and Asset Compliance

AUTHORISING OFFICER AND POSITION: Brian Cameron
Director Property and Development Services

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 2 October 2019

DISCLOSURE OF FINANCIAL INTEREST: The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

PREVIOUS MEETING REFERENCE: Agenda Item 13.1 (Minute No. 490/2019) – Ordinary Meeting of Council 15 January 2019

Summary

A new Tom Price Childcare Centre continues to be a priority project of the Community Infrastructure and Services Partnership between the Shire of Ashburton and Rio Tinto Iron Ore, as endorsed by Council at the Ordinary Meeting of Council on 23 May 2017.

This report is to update Council on the project and to seek direction.

Background

At the Ordinary Meeting of Council (OMC) 23 May 2017, Council endorsed the Memorandum of Understanding (MOU) between the Shire of Ashburton and Rio Tinto Iron Ore for the Community Infrastructure and Services Partnership. Annexure Two of the MOU outlines the priority projects agreed between the parties, including the Tom Price Childcare Centre.

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In May 2011, the Shire of Ashburton engaged the services of Creating Communities Australia Pty Ltd to undertake a study for the proposed redevelopment of the Nintirri Neighbourhood Centre (including little Geckos Childcare Centre) and the Tom Price Youth Centre.

The study aimed to look at community services organisations more holistically to identify potential synergies of combining projects. Inadequate childcare places was deemed to be the highest priority of the report.

Community Childcare Cooperative (NSW), in partnership with Cred Community Planning, were engaged to further investigate the demand for childcare services in Tom Price in October 2015. The assessment focused on the Tom Price community as a whole. The number of places necessary to meet demand for long day care and out of school hours care at that time, as well as future demand was considered. Based on a population estimate of 3000 people, the high level estimate for childcare at that time was 96 places (73 long-term and 25 out-of-school).

Due to the time that has elapsed since the study in 2015 the waitlist data and current utilisation rates have been reviewed to ensure that consistent demand for 96 places exists.

The waitlist data over a period of time and initial conversations with Little Gecko's indicates that the demand has been consistent for a number of years and the supporting information is available to validate a 96 place centre.

In 2016, CODA Studio Pty Ltd was engaged by Rio Tinto to undertake a study to identify the options of increasing the childcare capacity in Tom Price and the development of a Project Definition Plan.

The study looked at three main options being:

Option One: upgrade and refurbish the existing childcare facility;

Option Two: upgrade and refurbish the neighbourhood centre for the purpose change to childcare; or,

Option Three: a new purpose built facility.

The report was reviewed by the Partnership Governing Committee for the Community Infrastructure and Services Partnership (CISP), where Options One and Two were deemed not appropriate as both options did not adequately increase the childcare places required to meet the current demand of the community. The committee agreed to recommend to both Council and Rio Tinto Executive Committee, the construction of a new purpose built childcare facility as the only viable option to meet the expected need. In addition, the Committee recommended that the facility size be further increased to a capacity of up to 125 childcare places to enable future-proofing.

At the March 2018 OMC, Council endorsed Lot 400 Poinsettia Street as the preferred site for the Tom Price Childcare Centre which was deemed most appropriate after several objections to the alternative site were received by neighbouring residents.

The CEO was delegated authority to undertake concept designs of a new facility and development of a business case for the Tom Price Childcare Centre Project at the April 2018 OMC.

Council endorsed an application to the Australian Government's Building Better Regions Fund (BBRF) at the January 2019 Ordinary Meeting of Council. The application requested \$3.52M funding for the project. A Letter of Support was provided by Rio Tinto outlining their financial commitment to the project to support the BBRF application. Rio Tinto have committed to contribute \$3M to the project. Included in the Letter of Support were conditions which relate to

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both Rio Tinto's and the Shire's obligations to the operational model of the facility. At the time of writing the report, negotiations relating to Rio Tinto's conditions were not yet finalised.

A further \$300,000 was included in the Shire's 2018/19 budget to meet the cost estimate for construction of the facility.

The proposed Childcare Centre is to be sited on a 4,480m² portion in the north-west corner of Lots 400 on Deposited Plan 409078 on Lot 46 on Deposited Plan 413028. Concept designs and cost estimates have been prepared. Quantity Surveyor, Owen Consulting, has estimated construction of the 96 place, 1,132 m² Childcare Centre at \$5,950,000 and the 125 place, 1,400 m² Childcare Centre at \$6,820,000.

The completed facility will be leased to an appropriately licenced childcare provider in accordance with section 3.58 of the *Local Government Act 1995*. The lease can include conditions surrounding minimum capacity, hours of operation etc. to ensure a continual and sustainable service to the community.

Known operational expenses include insurance (estimated at \$16,000 per annum), depreciation (estimated at \$65,280 per annum) and annual servicing costs to plant and equipment (P&E) (estimated at \$15,000 per annum). A rental valuation was provided by MMJ Real Estate in October 2018. Applying the minimum commercial rental rate of \$1,800 per childcare place (96), the potential rental income is \$172,800 per annum should the facility be operated at 100% capacity. Alternatively, applying a Not for Profit (NFP) rental rate of \$500 per childcare place (96) will potentially yield \$48,000.

Comment

The Shire's 2018 \$3.52M application for BBRF funding was unsuccessful. Feedback has been received from the consultant responsible for assessing applications as a representative. It was clear the supporting data supported a facility size of 96 places. This refined focus would improve the Shire's chances when the next round of BBRF funding is anticipated to open in late 2019. Additionally, land tenure is now resolved further strengthening the Shire's future chances for a successful outcome.

Narrowing the scope of the facility to 96 childcare places in line with the demand assessment will further strengthen an application for funding to Lotterywest. To be able to progress an application the grant request must be:

- for charitable or benevolent purposes with outcomes that will benefit the WA community and align with one of our priority areas (lease to not for profit organisation);
- directly related to your organisation's purpose (Shire of Ashburton 10 Year Community Strategic Plan 2017-2027);
- taking place in WA, or be of direct benefit to the WA community.

A letter outlining Construction Principles and Operating Model and Support as a result of a meeting between both parties was received from Rio Tinto in May 2019.

CONFIDENTIAL ATTACHMENT 13.2A

In accordance with this correspondence and the *Local Government Act 1995*, an Expression of Interest (EOI) for Design and Construct of the Childcare Centre was advertised. Compliant with the Australian Children's Education & Care Quality Authority's NQF, respondents were required to prepare a submission for a new childcare facility (in compliance with National Construction Code, Building Code of Australia and all relevant Australian Standards, statutes, ordinances, rules and regulations) incorporating sufficient space to create a capacity of:

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Option One: 90 long day care places and 35 out of school hours care places:

0-2 years	24 children (6 educators)
2-3 years	30 children (6 educators)
3-5 years	36 children (4 educators)
OSHC	35 children (3 educators)

Option Two: 66 long day care places and 30 out of school places respectively:

0-2 years	16 children (4 educators)
2-3 years	20 children (4 educators)
3-5 years	30 children (3 educators)
OSHC	30 children (3 educators)

Concept plans for the two options were issued to respondents who were required to incorporate the following planning principles in their submissions:

- Modern and aesthetically attractive with a bright and welcoming atmosphere;
- Integrate with adjacent facilities: people movement and servicing, aesthetics, external materials and colours;
- Environmentally sustainable design principles;
- Safe pedestrian access inclusive of a drop off zone;
- Consideration of local climate conditions;
- Natural ventilation where practicable to minimise air conditioning costs;
- Soft landscaping utilising water tolerant species that are compatible with the childcare usage and local climatic conditions, incorporated into play areas to provide additional shade;
- Landscape treatments comprising pavers, concrete, soft fall and grassed areas. Reticulation to all grassed/landscaped areas and garden beds;
- Natural shade through native plantings along the building frontage and outdoor play areas;
- Shade to external play areas;
- Selection and location of finishes, plant and equipment based on ease of cleaning, servicing and replacement as well as compatibility with the childcare usage;
- The security of children, parents and staff is of prime consideration in the development. The design should demonstrate the requirements of "crime prevention through environmental design" documentation;
- Viewing panes should be provided between all rooms internally, where practically possible;
- Space to be nominated for meetings and operational needs in accordance with NQF staffing ratios.

The building parameters required of respondents included:

- Safe drop off zone for users and staff of the service to drop off and collect children, including small bus provision;
- Adequate site parking to meet the requirements of the town planning scheme;
- Safe pedestrian access to allow movements by foot;
- Indoor atrium;
- Sufficient storage in each of the zoned areas;
- Kitchen facilities;
- Staff amenities including an office and appropriate ablutions;
- Laundry /Service area including outdoor drying space;

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- Baby, toddler, kindergarten and out of school zones, with required ablution facilities and sleeping facilities for each age group;
- An office/small meeting room for private discussions;
- Reception/common office area;
- Small foyer adjacent to the reception/common office area;
- Energy efficiency;
- Shared sun smart external play area; and
- Pram parking.

Six submissions were received as a result of the EOI. Evaluation criteria included relevant experience, key personnel skills and experience and, respondent's resources and demonstrated understanding.

Respondents were also requested to submit indicative pricing. As an EOI is a precursor to a tender process, not a tender process in itself, a tender process is required upon securing funding for the project. All respondents appear capable of satisfactorily undertaking Design and Construction, therefore Council is requested to support inviting all respondents to tender.

CONFIDENTIAL ATTACHMENT 13.2B

Outstanding from the January 2019 Ordinary Meeting of Council resolution is the finalised business case. It is desirable that the operator remain commercially viable so as not to burden the Shire. As the operational details are still unknown the business case is not yet able to be finalised. After this is resolved the business case can be finalised and presented to Council for endorsement to allow advertising of the major trading undertaking prior to design and construction.

As the proposed land use and development has the potential to impact the use and enjoyment of neighbouring properties, it is proposed to undertake community consultation early similar to the consultation undertaken for planning proposals:

- i. The owners/occupiers of properties determined as being potentially affected by a development proposal will be consulted in writing providing a minimum of 14 days for the lodgement of any submissions.
- ii. Publish a notice of the development proposal on Social Media platforms inviting comment within a specified period.

Conditional subdivision approval has been received from Western Australia Planning Commission (WAPC) for a Childcare Site, a Co-located emergency facility Site, a Drainage Reserve and 36 Residential Lots. Due to interest in the site for a new Health Service, it is proposed a new subdivision application be made to WAPC for a Childcare Site, a Co-located Emergency Services Facility site and a Balance Lot as per the attached plan, pending community support for the locations.

ATTACHMENT 13.2C

Consultation

Executive Management Team

Partnership Governing Committee – Community Infrastructure and Services Partnership

Statutory Environment

Regulation 21 *Limitation may be place on who can tender of the Local Government (Functions and General) Regulations 1996*

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Regulation 23 of the *Local Government (Functions and General) Regulations 1996* states in part:

“(3) Expressions of interest that have not been rejected under subregulation (1) or (2) are to be considered by the local government and it is to decide which, if any, of those expressions of interest are from persons who it thinks would be capable of satisfactorily supplying the goods or services.

(4) The CEO is to list each of those persons as an acceptable tenderer.”

Town Planning Scheme No. 7

Financial Implications

Rio Tinto has provided a conditional funding commitment of \$3M to the Design and Construction of the Tom Price Childcare Facility.

\$1,866,762 has been allocated to the Tom Price Childcare Centre in the 2019/20 budget. The Shire’s contribution to the design and construct portion of the project is \$233,238, the balance of the funds allocated to the overall project from the Shire would allow for the required civil works to formalise the drainage and street curbing to be completed, benefiting the Co-location Emergency Services Facility as the subject portion (Lots 400 and 46) of South Road would be formalised.

Underspent funds of \$575,341 in the Community Infrastructure and Services Partnership 2012-2017, the balance of the CISP as at 30 September is approximately \$492,250. Preliminary discussions have been held between Shire and Rio Tinto staff regarding additional underspend to increase the total amount of underspend to ~\$1,067,000, conditional on the EOI process being ratified by Rio Tinto.

Indicative pricing of the EOI submissions for a 96 place facility is from \$3,001,900 to \$5,765,967. Should renewed funding applications not be successful, Council may wish to consider funding the difference between Rio Tinto’s funding and the Design and Construct price.

Strategic Implications

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

- Goal 01 Vibrant and Active Communities
- Objective 1 Connected, caring and engaged communities
- Objective 2 Sustainable services, clubs, associations and facilities
- Objective 3 Quality education, healthcare, childcare, aged care and youth services

- Goal 02 Economic Prosperity
- Objective 1 Strong local economies

- Goal 04 Quality services and infrastructure
- Objective 1 Quality public infrastructure
- Objective 3 Well-planned towns

Risk Management

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

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Policy Implications

ELM10 Financial Sustainability Policy – (Financial Sustainability) outlines that ‘no policy or other decisions will be made without considering the long-term financial impact on those decisions’.

Voting Requirement

Absolute Majority Required

Officers Recommendation

That with respect to Tom Price Childcare Centre, Council:

1. Resolve that CONFIDENTIAL ATTACHMENT 13.2A and CONFIDENTIAL ATTACHMENT 13.2B are confidential in accordance with s5.23 (2) of the Local Government Act 1995 because it deals with matters affecting s5.23 (2) (c);

“A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.”

2. Approve the facility capacity of 96 places in line with the demand assessment and feedback obtained from potential funding bodies;
3. Approve the proposed Childcare Centre and the Co-location Emergency Services Facility locations within Lots 400 on Deposited Plan 409078 and 46 on Deposited Plan 413028 as shown on attached Plan 635486-1;
4. Pending community support for the location, request the Chief Executive Officer to make an application to Western Australia Planning Commission to subdivide a dedicated lot for the Childcare Centre;
5. Authorise the Shire President and Chief Executive Officer to execute and/or apply the Common Seal to any land title forms;
6. Acknowledge the list of six businesses that submitted an expression of interest and approve shortlisting of the candidates to be invited to tender upon securing funding for the project; and
7. Authorise the Chief Executive Officer to prepare supporting documents and lodge an application to potential funding agencies.

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Council Decision

MOVED: Cr L Rumble

SECONDED: Cr M Lynch

That with respect to Tom Price Childcare Centre, Council:

- 1. Resolve that CONFIDENTIAL ATTACHMENT 13.2A and CONFIDENTIAL ATTACHMENT 13.2B are confidential in accordance with s5.23 (2) of the *Local Government Act 1995* because it deals with matters affecting s5.23 (2) (c);**

“A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.”

- 2. Approve the facility capacity of 96 places in line with the demand assessment and feedback obtained from potential funding bodies;**
- 3. Approve the proposed Childcare Centre and the Co-location Emergency Services Facility locations within Lots 400 on Deposited Plan 409078 and 46 on Deposited Plan 413028 as shown on attached Plan 635486-1;**
- 4. Pending community support for the location, request the Chief Executive Officer to make an application to Western Australia Planning Commission to subdivide a dedicated lot for the Childcare Centre;**
- 5. Authorise the Shire President and Chief Executive Officer to execute and/or apply the Common Seal to any land title forms;**
- 6. Acknowledge the list of six businesses that submitted an expression of interest and approve shortlisting of the candidates to be invited to tender upon securing funding for the project; and**
- 7. Authorise the Chief Executive Officer to prepare supporting documents and lodge an application to potential funding agencies including Lotterywest for \$1,750,000.**

CARRIED BY ABSOLUTE MAJORITY 6/0

Councillor White, Lynch, Diver, de Pledge, Rumble and Richardson voted for the motion

Councillors Gallanagh, Foster and Dias returned the Chambers at 2.17 pm. The Presiding Member advised Councillors of the outcome of the vote for this item.

Reason for change: Council sought to clarify the funding to be sought from Lotterywest.

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Council Decision

MOVED: Cr L Rumble

SECONDED: Cr M Lynch

That Council in accordance with CI 15.1 of the *Shire of Ashburton Standing Orders Local Law 2012* adjourn the meeting at 2.20 pm.

CARRIED 9/0

Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That Council in accordance with CI 15.2(b) of the *Shire of Ashburton Standing Orders Local Law 2012*, the meeting was resumed at 2.30 pm.

CARRIED 9/0

Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

**AMENDED PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL
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**13.3 PROPOSED LOCATION FOR THE DEVELOPMENT OF THE NEW SHIRE OF
ASHBURTON ADMINISTRATION CENTRE**

MINUTE: 667/2019

FILE REFERENCE:	CP98
AUTHOR'S NAME AND POSITION:	Brian Cameron Director Property and Development Services
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	23 September 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Workshop – Ordinary Meeting of Council Tuesday 16 July 2019

Summary

Proposed location for the new Shire of Ashburton (SoA) Administration Centre in Tom Price.

Background

As a result of the Shire of Ashburton (SoA) Tom Price administration building being not suitable for current and ongoing operational requirements, the Shire needs to start setting in place preliminary plans to construct a new administrative centre that not only caters for current staffing levels, but also considers and makes allowance for future staffing levels, operational requirements and ongoing functionality.

As a result, at the 16 July 2019 Ordinary Meeting of Council (OMC), a workshop was held with the Councilors to discuss the preferred location for the Shire's new administration centre to be constructed and located in Tom Price.

Part of the workshop included escorting the Councilor's on a walk through the current SoA Tom Price administrative facilities and a walk to the recommended sites.

Comment

Council agreed that we need to start setting plans in place, with the view to having the new SoA administration centre completed and in use sometime in 2022. The urgent need for a new SOA administration building means we have to ensure that we construct the new building in the best possible location that considers, but not limited to the following:

1. Lot size is suitable to cater for all required buildings/structures;
2. Carparking;
3. Disability access requirements;
4. Provision of services i.e. sewer, water, drainage, power and communications etc.;
5. Locality to other services;
6. The building represents the needs of the community;

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7. Allows for operational growth.

Taking all of these issues into consideration, we have provided the following list of sites, we believe best address these requirements:

1. Corner of East Road & Jacaranda Drive, Tom Price.
This incorporates Reserves No: R40835 & R42659, which provide a total area of approximately 10,000m²; or
2. Corner of Central Road & Tamarind Street, Tom Price R42327, which provides a total area of approximately 5,500m²; or
3. Lot 246 Poinciana Street, Tom Price, which provides a total area of 3,287m².

ATTACHMENT 13.3

The preferred location is option 1, which provides a large enough site footprint to allow for a collocated Shire facility with adequate room for off street parking, which would incorporate the following facilities under one roof:

- Shire Administrative Centre;
- Gymnasium;
- Squash Courts;
- Bowling Club;
- Community Café Restaurant;
- Council Chambers;
- Creche

The benefits for the proposed collocated facility will ensure best practice is put in place for Shire expenditure, with limiting the amount of standalone buildings within the Shire by the provision of all the above facilities being within the one building.

The benefits will extend to ongoing building maintenance, cleaning etc. without the need to immobilise and mobilise to other sites to carry out these important operational functions. It will also provide increased security to the Clem Thompson pavilion via increased presence within the area, which has seen an increase in the amount of vandalism occurring at this facility of late.

Consultation

Executive Management Team
Councillors

Statutory Environment

There are no known statutory matters relevant to this matter.

Financial Implications

CAPEX 2019/20 - Administration Building – Concept Planning for the New Facility.

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Strategic Implications

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

Goal 04 Quality Services and Infrastructure
Objective 1 Quality public infrastructure
Objective 3 Well-planned towns

Goal 05 Inspiring Governance
Objective 1 Effective planning for the future

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the Proposed Location for the Development of the New Shire of Ashburton Administration Centre, Council:

1. Consider the Corner of East Road and Jacaranda Drive, Tom Price. This incorporates Reserves No: R40835, R42659 and Lots 345 & 843, which provides a total area of approximately 15,000m²; or
2. The Corner of Central Road and Tamarind Street, Tom Price R42327 (Current location of the Community Hall and Visitors Centre); or
3. Lot 246 Poinciana Street, Tom Price (Current location of the Shire of Ashburton Administration Centre); and
4. Request the Chief Executive Officer to prepare a Consultation Strategy and Business Plan to progress the development of a new Tom Price Administration Centre.

Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That with respect to the Proposed Location for the Development of the New Shire of Ashburton Administration Centre, Council:

1. **In Principle Support, Lot 246 Poinciana Street, Tom Price (Current location of the Shire of Ashburton Administration Centre) with consideration for Lot 247 as part of the re-development; and**

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- 2. Request the Chief Executive Officer to prepare a Community Consultation Strategy and Business Plan to progress the development of a new Tom Price Administration Centre.**

CARRIED 9/0

Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

Reason for change: Council gave in principle preference for the site to develop the new Shire of Ashburton Administration Centre.

UNCONFIRMED MINUTES

**AMENDED PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL
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**13.4 PROPOSED LEASE BETWEEN SHIRE OF ASHBURTON AND
PARABURDOO SAINTS FOOTBALL AND SPORTING CLUB INC OF PETER
SUTHERLAND STOREROOMS AND AMENITIES (RESERVE 39572)**

MINUTE: 668/2019

FILE REFERENCE: RC39572

**AUTHOR'S NAME AND
POSITION:** Leona Stevenson
Acting Lease Officer

Janelle Fell
Manager Land and Asset Compliance

**AUTHORISING OFFICER AND
POSITION:** Brian Cameron
Director Property and Development Services

**NAME OF APPLICANT/
RESPONDENT:** Paraburdoo Saints Football and Sporting Club Inc.

DATE REPORT WRITTEN: 27 September 2019

**DISCLOSURE OF FINANCIAL
INTEREST:** The author and the authorising officer have no financial,
proximity or impartiality interests in the proposal

**PREVIOUS MEETING
REFERENCE:** Agenda Item 13.8 (Minute No. 529/2019) – Ordinary Meeting
of Council 12 March 2019

Summary

The Paraburdoo Community Hub (CHUB) project included conversion of the Peter Sutherland change rooms into storerooms. Practical completion of the conversion project was reached on 30 May 2018.

Paraburdoo Saints Football and Sporting Club Inc (Association No. A0820812N) have requested lease of a storeroom.

Council consideration of the proposed Community Lease Agreement is requested.

Background

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

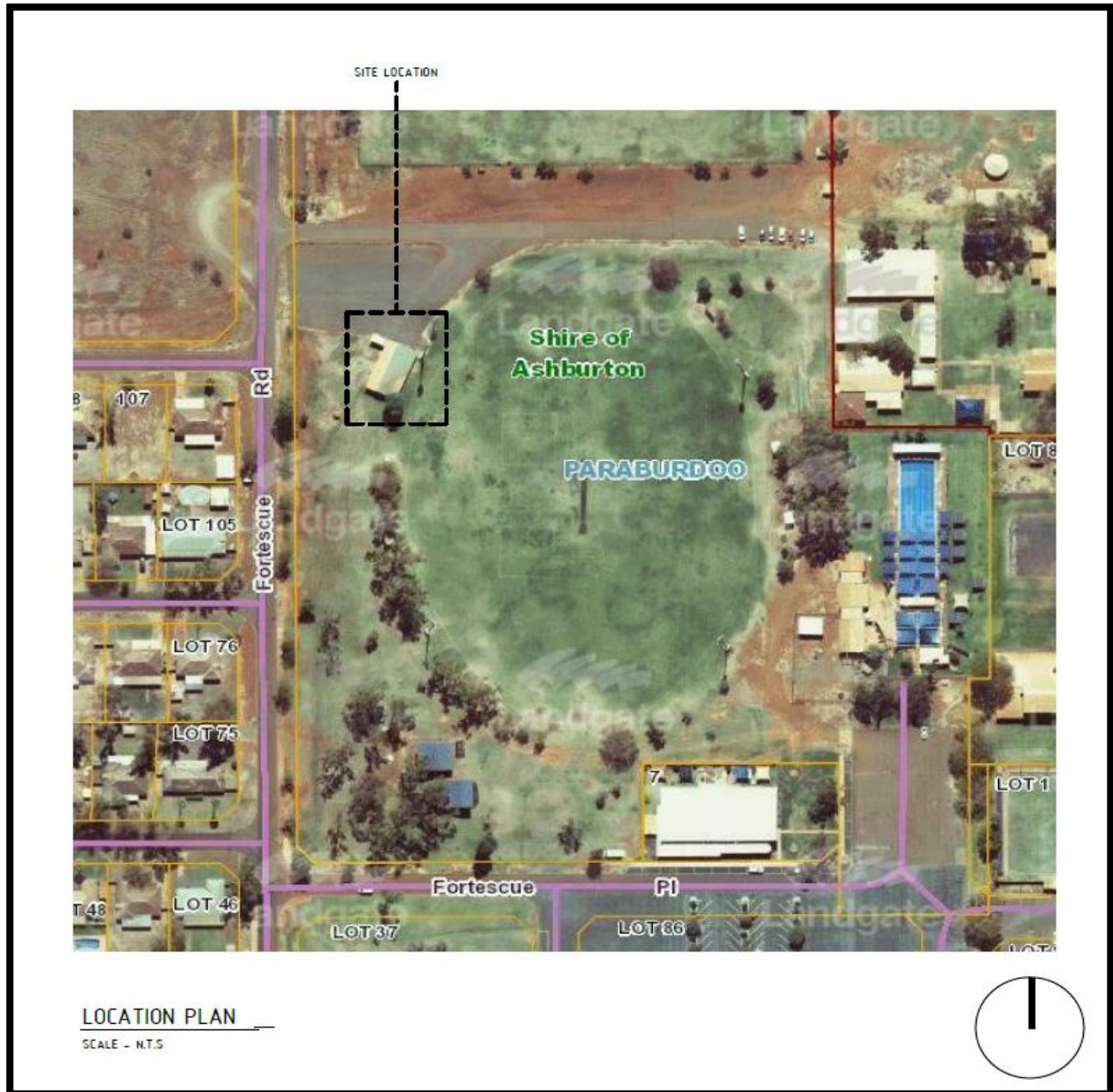
A business case for the proposed CHUB was endorsed by Council at its Ordinary Meeting of Council on 26 April 2016 for the new multipurpose hall, swimming pool facility upgrades, refurbishment of Lesser Hall, oval change room conversion and external works including landscaping, car parking and footpaths.

RFQ 07.19 for conversion of the change rooms (located on the Fortescue Road side of Peter Sutherland Oval) into storage was awarded to Neowest Building.

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The change rooms have become redundant with the provision of new facilities within the Paraburadoo Sports, Fitness and Community Complex, prompting conversion of the change rooms for provision of five storerooms, four internal and one external.

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



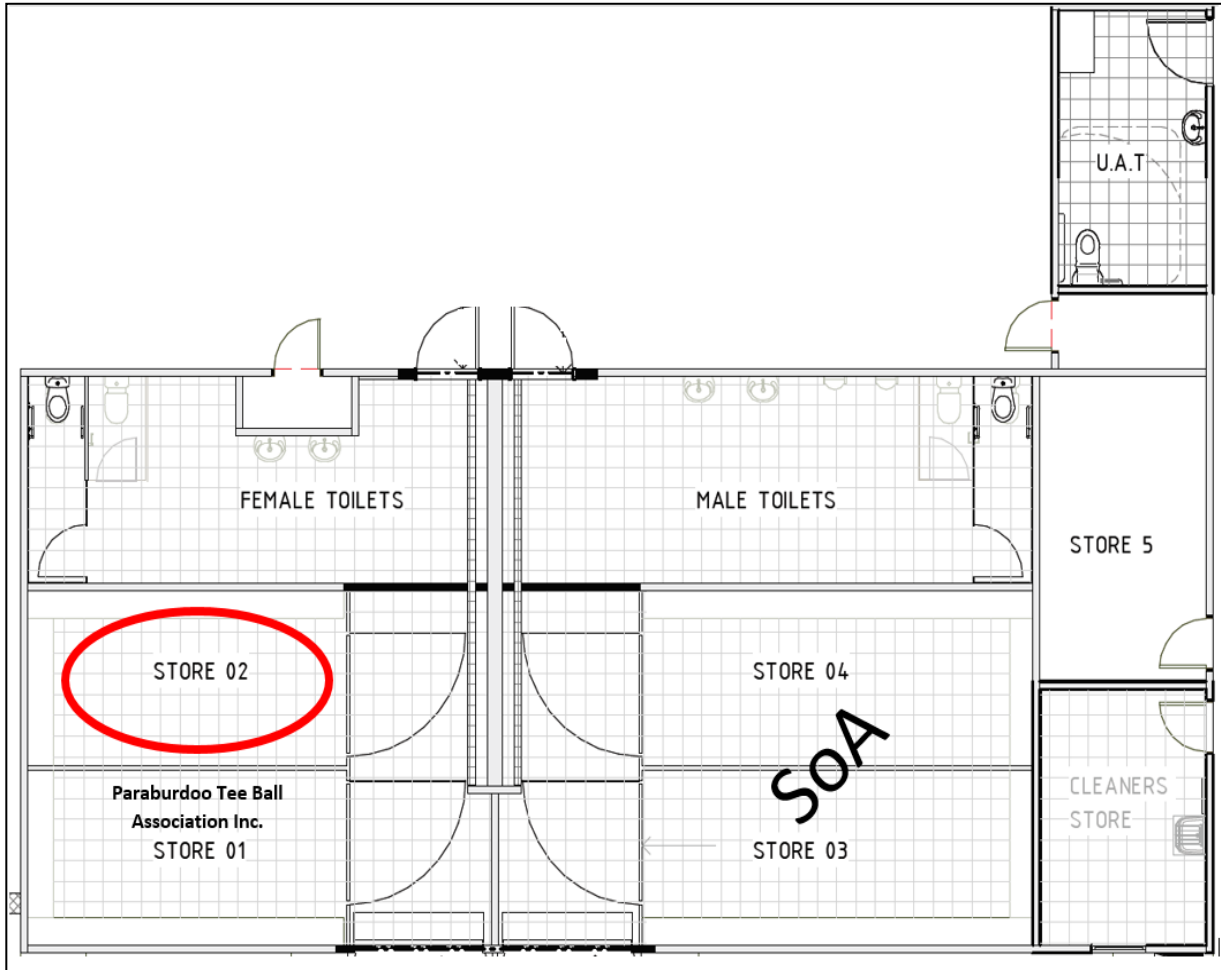
Storeroom one is leased by Paraburadoo Tee Ball Association Inc. with storerooms three and four retained by the Shire for storage of items associated with delivery of the Community Infrastructure and Services Program between the Shire and Rio Tinto.

Paraburadoo Saints Football and Sporting Club Inc (Association No. A0820821N) (Saints) have requested lease of the remaining internal storeroom within the Peter Sutherland Storerooms and Amenities facility, leaving one external storeroom (Number five) vacant.

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Comment

The Peter Sutherland Storerooms and Amenities facility is shown on the plan below, with Saints proposed lease area circled in red:



Saints lease one storage cage situated inside the Multipurpose Building. This lease commenced on 8 April 2019 and expires on 7 April 2024. Lease of the Function Room in the Multipurpose Building commenced on 1 May 2019 and expires on 30 April 2024. Saints have maintained their current lease areas in accordance with the respective Leases and are considered good Lessees. The proposed terms of the Lease Agreement are:

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

ATTACHMENT 13.4

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Saints will be required to maintain insurance for their property and public liability for the term of their Agreement. In accordance with section 79 of the *Land Administration Act 1997*, approval of the Lease will be sought from the Minister for Planning, Lands and Heritage.

Consultation

Community Development Officer - Paraburdoo

Statutory Environment

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

Land Administration Act 1997 Section 79 – Minister's power as to lease of Crown land

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

"9.49A. Execution of documents

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

Financial Implications

Policy REC05 states the annual lease fee for users.

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

Strategic Implications

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

Goal 01	Vibrant and Active Communities
Objective 1	Connected, caring and engaged communities
Objective 2	Sustainable services, clubs, associations and facilities
Goal 04	Quality Services and Infrastructure
Objective 1	Quality public infrastructure
Goal 05 Inspiring	Governance
Objective 2	Community ownership

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Risk Management

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

Policy Implications

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

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr D Dias

SECONDED: Cr M Lynch

That with respect to the Proposed Lease Between Shire of Ashburton and Paraburdoo Saints Football and Sporting Club Inc of Peter Sutherland Storerooms and Amenities (Reserve 39572), Council:

- 1. Authorise the Chief Executive Officer to finalise the terms of a Lease Agreement between the Shire of Ashburton and Paraburdoo Saints Football and Sporting Club Inc (Association No. A0820812N);**
- 2. Authorise the Chief Executive Officer to seek formal approval from the Minister for Planning, Lands and Heritage of the Lease Agreement; and**
- 3. Subject to approval from the Minister for Lands, authorise the Shire President and the Chief Executive Officer to affix the Common Seal to, and execute the Lease Agreement between the Shire of Ashburton and Paraburdoo Saints Football and Sporting Club Inc.**

CARRIED 9/0

Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

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**13.5 DEPARTMENT OF BIODIVERSITY, CONSERVATION AND ATTRACTIONS
PROPOSED ANNUAL PARTIAL CLOSURE OF KARIJINI NATIONAL PARK**

MINUTE: 669/2019

FILE REFERENCE: PR1

AUTHOR'S NAME AND POSITION: Brian Cameron
Director Property and Development Services

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

**NAME OF APPLICANT/
RESPONDENT:** Not Applicable

DATE REPORT WRITTEN: 18 September 2019

DISCLOSURE OF FINANCIAL INTEREST: The author and authorising officer have no financial, proximity or impartiality interests in the proposal

PREVIOUS MEETING REFERENCE: Agenda Item 11.5 (Minute No. 475/2018) – Ordinary Meeting of Council 18 December 2018

Summary

The Department of Biodiversity, Conservation and Attraction's (DBCA) Pilbara Region is seeking comment regarding a potential annual 3 month partial closure of Karijini National Park (KNP).

Background

At the Ordinary Meeting of Council held on 18 December 2018 Council considered correspondence from DBCA requesting the Shires comments in relation to their proposed partial closure of the KNP. At this particular time DBCA were proposing closure of the North-Central Sector of KNP (including the entire lengths of the Banjima West and Banjima North Roads, Karijini Eco retreat, as well as Weano, Joffre, Knox and Kalamina recreation sites and associated access roads) be closed for the months of December, January and February of each year.

The Council resolved as follows:

That with respect to the Department of Biodiversity, Conservation and Attraction's (DBCA) correspondence seeking Council's views on the annual partial closure of Karijini National Park (KNP):

1. That Council does not support KNP to be closed for any period as it is an iconic tourist attraction for the Shire of Ashburton and is of cultural significance.
2. Advise the DBCA that whilst preferring that the KNP not be closed for any period (partial or otherwise) that the selected months of December, January and February is considered to be the most reasonable period of closure and any partial closure of the KNP be subject to the following:
 - a) partial closure only for the months of December, January and February 2019/20 period (and subject to review)
 - b) that prior to any closure, the DBCA consult with the Traditional Owners and all local tourist operators (including transportation companies) for their views;

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- c) that local tour operators including transportation companies do not oppose the partial closure of the KNP;
- d) Council opposes the partial closure until all local tourist operators and transportation companies support the proposal; and
- e) the DBCA monitor and advise the Shire of any negative reactions from the tourist industry and tourists in relation to the partial closure.

Comment

Based on the 2018 Council resolution, correspondence was sent to DBCA outlining the Council's concerns and recommendations.

Further correspondence in the form of a letter was received from DBCA on 7 September 2019, which in summary outlined the following amended partial closure of KNP for comment:

Only areas now proposed to be closed are as follows:

- Weano Access Road, from the Karijini Eco Retreat turn-off northwards, including the Weano Recreation Area; and
- The associated Weano and Hancock gorges.

ATTACHMENT 13.5

This means that the remainder of the national park will remain open to the public, including all roads within the national park (including Banjima West, which is a dedicated road controlled by the Shire of Ashburton) and the Karijini Eco Retreat.

Correspondence was sent to the affected respective stakeholders including, but not limited to traditional owners and emergency service providers, as outlined in the attachment noted below.

It is recommended that Council's previous position of preferring no closure within KNP be reiterated with DBCA. However, the months indicated for closure to reduce risk appear to be the most reasonable.

Consultation

Executive Management Team
Tom Price Visitors Centre
Department of Conservation, Biodiversity and Attractions

Statutory Environment

There are no known statutory matters this matter.

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

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

Goal 02	Economic Prosperity
Objective 1	Strong local economies
Objective 2	Enduring partnerships with industry and government

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Risk Management

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

Policy Implications

There are no known policy implications for this matter

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr M Lynch

That with respect to the Department of Biodiversity, Conservation and Attraction's proposed annual partial closure of Karijini National Park, Council:

- 1. Thank the Department of Biodiversity, Conservation and Attraction's (DBCA) for correspondence seeking Council's views on the annual closure of Karijini National Park (KNP).**
- 2. Advise DBCA that whilst preferring that the KNP not be closed for any period (partial or otherwise) that the selected months of December, January and February is considered to be the most reasonable period of closure and any partial closure of the KNP be subject to the following:**
 - a) Partial closure only for the months as outlined in the proposal being December, January and February 2019/20;**
 - b) Subject to annual reviews; and**
 - c) The DBCA monitor and advise the Shire of any negative reactions from the tourist industry and tourists in relation to the partial closure.**

CARRIED 8/1

Councillor White, Rumble, Dias, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

Councillor Foster voted against the motion

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13.6 REVISED COUNCIL POLICY FIN05 TRADING IN PUBLIC PLACES FEES AND CHARGES

MINUTE: 670/2019

FILE REFERENCE:	GV20
AUTHOR'S NAME AND POSITION:	Brian Cameron Director Property and Development Services
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	20 September 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.1 (Minute No. 620/2019) Ordinary Meeting of Council 13 August 2019

Summary

The purpose of the Policy Review is to amend the allocated trading places within the Shire, as they are currently nominated within FIN05 Trading in Public Places Fees and Charges Policy.

Background

It has been discovered by a number of Property & Development Services Staff, that the current allocated trading locations within FIN05 Trading in Public Places Fees and Charges Policy are too liberal and require a review in order to provide clearer defined areas, which take into consideration all parameters i.e. Parking provisions, thoroughfares and availability of services.

Comment

The following changes to the allocated trading areas within FIN05 'Trading in Public Places' Fees and Charges Policy are recommended in the following attachment:

ATTACHMENT 13.6

This policy represents the formal policy and expected standards of the Council. Appropriate approvals need to be obtained prior to any deviation from the policy. It is imperative that Councillors and Officers retain appropriate documentation to substantiate their expenditure.

Elected Members and Employees are reminded of their obligations under the Council's Code of Conduct to give full effect to the lawful policies, decisions and practices of the Council.

Consultation

Executive Management Team
Manager of Development Services
Senior Ranger

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Statutory Environment

Local Government Act 1995 section 2.7 (2) (b) states Council is to determine a local government's policies.

Shire of Ashburton's Activities on Thoroughfares and Public Places and Trading Local Law.

Financial Implications

This change will have little impact on Shire's current Health revenue for fees and charges associated with Traders permits, however these charges were never meant to be charged based on the applicable exemptions and were only being charged based on the incorrect wording within the FIN05 Policy.

Strategic Implications

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

Goal 05 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

Amendment to Policy FIN05 'Trading in Public Places Fees and Charges'.

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Voting Requirement

Simple Majority Required

Officers Recommendation 1

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That with respect to Revised Council Policy FIN05 Trading in Public Places Fees and Charges', Council:

1. Adopt the reviewed FIN05 'Trading in Public Places nominated areas for trading per ATTACHMENT 13.6.

LOST 0/9

All Councillors voted against the motion

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr R de Pledge

That the matter of trading places be referred back to Council at the earliest possible convenience to address the location of certain trading zones.

CARRIED 9/0

Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

Reason for change: Council sought clarification in relation to certain trading sites addressed in the Report.

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13.7 RECEIPT OF THE MINUTES OF THE BUSHFIRE ADVISORY COMMITTEE HELD ON 12 AUGUST 2019 AND REQUEST BY CR DIAS TO BE APPOINTED A FIRE CONTROL OFFICER

At the Ordinary Meeting of Council of 18 September 2019, this matter was laid on the table.

Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Dias

That Agenda Item:

13.7 "RECEIPT OF THE MINUTES OF THE BUSHFIRE ADVISORY COMMITTEE HELD ON 12 AUGUST 2019 AND REQUEST BY CR DIAS TO BE APPOINTED A FIRE CONTROL OFFICER"

be raised from the table.

CARRIED 9/0

Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

MINUTE: 671/2019

FILE REFERENCE:

ES08

AUTHOR'S NAME AND POSITION:

Brian Cameron
Director Property Development Services

AUTHORISING OFFICER AND POSITION:

Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT:

Not Applicable

DATE REPORT WRITTEN:

9 September 2019

DISCLOSURE OF FINANCIAL INTEREST:

The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

PREVIOUS MEETING REFERENCE:

Not Applicable

Summary

Council is requested to receive the Minutes of the Bush Fire Advisory Committee held on 12 August 2019 and to address Cr Dias' request to be appointed a Fire Control Officer (FCO).

Background

The Bush Fire Advisory Committee met on 12 August 2019 with the Minutes of the meeting attached.

ATTACHMENT 13.7

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Part 2 of the Committee's Decisions and Recommendation resolved:

"2 *That the Bushfire Advisory Committee recommends to Council, that Council Authorises the below as Fire Control Officers for the whole of the Shire of Ashburton.*

- *Community Safety Manager Morgwn Jones to be authorised as the DCBFC*
- *Tom Price VBFB Captain Wayne Hatton to be authorised as an FCO*
- *Tom Price VBFB Lieutenant Craig Mackrell to be authorised as an FCO*
- *Tom Price VBFB Lieutenant Kirsty Coleman to be authorised as an FCO*
- *Tom Price Lieutenant Mike Turrill to be authorised as an FCO*
- *Senior Ranger Kyle Cameron to be authorised as an FCO*
- *Ranger Onslow Phillip Avery to be authorised as an FCO*
- *Ranger Paraburdoo Trent Mettam to be authorised as an FCO"*

By EMACCESS of 19 August 2019, the Acting Chief Executive Officer advised Councillors as follows:

"Afternoon Councillors,

The Fire and Emergency Services (FES) Commissioner has "appointed" an FES Officer to be the Chief Bush Fire Control Officer (CBFCO) for the Shire of Ashburton. We are required in accordance with the Bush Fire Act 1954 to advertise this appointment.

Presently Morgs (Morgwn Jones) is the authorised CBFCO so it is a necessity under delegation to revoke his appointment. Section 48 of the Bush Fires Act delegates the CEO these powers and this is covered in the Delegations register DA07-11.

48. Delegation by local governments

- (1) A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.*
- (2) Performance by the chief executive officer of a local government of a function delegated under subsection (1) —*
 - (a) is taken to be in accordance with the terms of a delegation under this section, unless the contrary is shown; and*
 - (b) is to be treated as performance by the local government.*
- (3) A delegation under this section does not include the power to subdelegate.*
- (4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.*

This way it enables the Shire to advertise all revocations and all new appointments in one go both saving on advertising costs and ensuring we are compliant with the BF Act 1954. I appreciate this is not ideal but we just haven't been able to align our timeframes with the Department.

Attached are the BFAC minutes (Unconfirmed & in Draft) including the FCO recommendations and the Tom Price Bush Fire Brigade AGM Minutes which also inform the Bushfire Advisory Committee's (BFAC) recommendations.

Please note Rob had initially wanted an Agenda Item to go to Council for the Appointment of Local Government Fire Control Officers and if you still wish to handle this matter in that way I fully understand. Bear in mind BFAC only met last week with their recommendations intended to be put before Council at the September Meeting. In light of the FES

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Commissioners delegation and given the pending time frames I propose it is best to have all of the FCO authorisations done under delegation similar to the process of the last 3-4 years.

Accordingly, should any Councillor not agree with the exercising of this Delegation, please advise me by return email before COB Thursday 22 August 2019.

Cheers”

Only Councillor Dias responded to the Acting CEO's Email by seeking to have Council nominate him as Fire Control Officer. Accordingly, the Bush Fire Advisory Committee's Minutes are referred in this report along with Cr Dias' request to be appointed an FCO.

In support of his request, Cr Dias advises as follows:

“I have been a volunteer fire & rescue member with Paraburdoo VFRS since 1992. I have held an executive position in the brigade since 2000. I am still an active member of the Paraburdoo VFRS though have stepped down from my executive role as of this year due to my increased commitments around town. Additionally I felt there was a unhealthy dependency on me by the brigade (so in the interest of the VFRS) this way it would allow me to foster growth by being a mentor to the new Executive group.

Since I am a stable constant representative of the Paraburdoo area with many years' experience in Fire service (have done numerous courses in wild fire safety and behaviour) and a sound knowledge of the area also there is no BFB in Paraburdoo. Council appointed me as one of the Shire FCO's in 2011, a position I have taken seriously and met all the requirements without any issues. I am redoing my FCO course tomorrow (10.09.2019) at Tom Price BFB. This is the first course in TP this year I did apply to go to Narrogin to do the course earlier this year but Morgwn told me to wait since this course was being planned but they did not have a date at the time.

I still believe with my experience and knowledge of the Pilbara geographic and with wild fire prevention and behaviour and I am most suited for a position of the shire FCO. I would like to continue my role taking on full responsibilities of an FCO as per the Bush Fire Act and Regulation 1954 as I have done since being appointed by Council in 2011”.

Comment

Council should be cautious in overriding the Bush Fire Advisory Committee's recommendations as it could be seen to undermining the position and experience of the Committee and its members.

In this regard, whilst it is open to Council to appoint anyone it considers suitable as an FCO, before doing so, Council may seek to write to the Chair of Bushfire Advisory Committee requesting that an 'out of Session' meeting be held to consider Cr Dias' request to be appointed an FCO.

Consultation

Executive Management Team

Statutory Environment

Section 48 of the Bush Fires Act delegates the CEO these powers and this is covered in the Delegations register DA07-11.

Financial Implications

There are no known Financial Implications for this matter

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Strategic Implications

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

Goal 01 Vibrant and Active Communities
Objective 1 Connected, caring and engaged communities

Goal 04 Quality Services and Infrastructure
Objective 1 Quality public infrastructure

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the Receipt of the Minutes of the Bushfire Advisory Committee Held on 12 August 2019 and Request by Cr Dias to be Appointed a Fire Control Officer, Council:

1. Receive the Minutes of the Bushfire Advisory Committee ('Committee') held on 12 August 2019 (ATTACHMENT 13.7);
2. Note the Committee's Decision and Recommendation in relation to the appointment of Fire Control Officers (FCO);
3. Request the Chief Executive Officer to write to the Chair of the Committee requesting that an 'out of Session' meeting be held to consider Cr Dias' request to be appointed an Fire Control Officer; and
4. Report back to Council once a response is provided.

Alternate Recommendation

MOVED: Cr D Dias

SECONDED: Cr P Foster

That with respect to the Receipt of the Minutes of the Bushfire Advisory Committee Held on 12 August 2019 and Request by Cr Dias to be Appointed a Fire Control Officer, Council:

- 1. Receive the Minutes of the Bushfire Advisory Committee ('Committee') held on 12 August 2019 (ATTACHMENT 13.7);**
- 2. Council authorises Douglas Ivan Dias as Fire Control Officer for the whole of the Shire of Ashburton; and**

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3. Council authorises the Captain position for Pannawonica, Paraburdoo and Onslow Brigades, to be offered positions as Fire Control Officer for the whole of the Shire of Ashburton on condition that they had done the Fire Control Officers course or agree to do so.

LOST 4/5

**Councillor Rumble, Dias, Foster, and Gallanagh voted for the motion
Councillor White, Lynch, Diver, de Pledge and Richardson voted against the motion**

UNCONFIRMED MINUTES

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13.8 PROPOSED PURCHASE / LEASE ADDITIONAL OFFICE SPACE FOR TOM PRICE ADMINISTRATION BUILDING

MINUTE: 672/2019

FILE REFERENCE: POI.0264

AUTHOR'S NAME AND POSITION: Warren Barker
Manager of Eastern Facilities

AUTHORISING OFFICER AND POSITION: Brian Cameron
Director Property and Development Services

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 2 October 2019

DISCLOSURE OF FINANCIAL INTEREST: The authors and authorising officer have no financial, proximity or impartiality interests in the proposal

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

Proposed purchase of additional office space for the Tom Price Administration Centre at Lot 246 Poinciana Street, Tom Price.

Background

The Shire of Ashburton (SoA) Tom Price Administration Centre located at Lot 246 Poinciana Street, Tom Price is beyond maximum capacity resulting in Shire staff being located at the Tom Price Community Hall.

The Shire is seeking the economical options to either purchase or lease additional office space to be located at the current Administration Center, until such time the new Tom Price Administration Centre is constructed and ready for occupation.

Comment

The need for additional office space is a matter of urgency if the Shire is to ensure the safety and suitability of workplace arrangements of current and future staff.

The current arrangement of having Staff based at the Tom Price Community Centre does not lend itself to a respectable level of staff security and Staff are segregated from fellow team members, which affects the day to day operational requirements of the respective internal departments.

The proposed purchase/lease of additional office space, would not only address the current Staff safety concerns, but would also address the much needed additional office accommodation. Utilising the current Tom Price Administration Centre will address the following key parameters:

- Lot size is suitable to cater for all required buildings/structures;
- SoA owned;
- Car parking available;
- Disability access requirements;

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- Locality to SoA staff and general community; and
- Allows operational growth

Some costings and further information for both purchase and lease of additional office is provided in **ATTACHMENT 13.8**.

Lot 246 Poinciana Street, Tom Price a total area of 3285.9m² comprising 738.4 m² existing office space, approximately 1342.2m² as drainage and open space, allowing 114.8m² available for additional office accommodation. The following provides an indication as to the general location of the additional transportable office space (assuming an office area of 9m x 6m).



It is recommended that purchase be seen as the best option due

Consultation

Executive Management Team
Occupational Health and Safety Advisor

Statutory Environment

Planning Development Approval
NCC BCA Volume 1 2019 Amendment 1
AS 1428.1 (2009) Design for Access & Mobility

Financial Implications

Cost of either purchase or lease of additional office accommodation. Funds to be transferred from Staff Housing – New Purchases GL code 097800. All prices are for buildings only. Site set works, transport, crane hire and connection to essential services (electricity) plus \$20,000.00.

Costings have been sought from three (3) independent suppliers based on purchase and rental, please see costings provided below:

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1. Instant Transportable Offices

Rental 6m x 3m only (too small) \$155/week - \$8,060/annually
Purchase 9m x 6m - \$61,600.00 (inc GST).

2. Fox Transportables

Rental Not available
Purchase 9m x 6m - \$69,300.00 (exc. GST) plus installation costs (allow \$20,000)

3. Ascention Construction Services

Rental Not available
Purchase 9m x 6m - \$60,150.00 (exc. GST) plus installation costs (allow \$20,000)

It is considered that outright purchase is the most appropriate, given that it will be at least 3-4 years before a new office development is constructed and ready for Staff to occupy.

Strategic Implications

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

Goal 01 Vibrant and Active Communities
Objective 2 Sustainable services, clubs and associations and facilities

Goal 04 Quality Services and Infrastructure
Objective 2 Accessible and safe 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 'Low' risk and can be managed by routine procedures, and is unlikely to need specific application for resources.

Policy Implications

FIN12 Purchasing Policy. Due to the urgency of this project and to have ensure Staff have significant office space in place prior to the end of the year, the Shire sought quotes three direct quotes as per below for Council consideration. This project will be managed to ensure expenditure remains well below the \$150,000 tender threshold.

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Voting Requirement

Absolute Majority Required

Officer Recommendation

That with respect to the Proposed Purchase / Leasing of Additional Office Space for the Shire of Ashburton Tom Price Administration Centre, Council;

- 1. Authorise the transfer of funds from Staff Housing – New Purchases GL code 097800 to “New Account” as illustrated within the Table of Agenda Item 12.1 Monthly Financials and schedule of accounts Paid); and**
- 2. Authorise the Chief Executive Officer to purchase and installation from Instant Transportable Offices to the value of \$61,600.00 (inc GST) of an additional 9m x 6m open office space plus allowance of installation costs of approximately \$20,000.00 (plus GST) to be erected at Lot 246 Poinciana Street, Tom Price.**

LAPSED DUE TO A LACK OF MOVER AND SECONDER

Note: Council had earlier resolved to change the order of the Agenda to defer Item 12.1 until after tem 13.8.

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12.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID

MINUTE: 673/2019

FILE REFERENCE:	FM03
AUTHOR'S NAME AND POSITION:	John Bingham Director Corporate Services
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	24 September 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

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

The Financial Reports for September 2019 are presented with comments on variances for Actuals to 2019/20 Budget amounts.

Background

Regulation 34 of the Local Government (Financial Management) Regulations requires the Shire to prepare a monthly statement of Financial Activity for Consideration by Council as well as Budget Amendment Register and Schedule of Accounts and Credit Card payments.

A 2019/20 Capex Tracker is also available as part of the Monthly Report:

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

Comment

Please note the financial reports as presented provide an estimate of the September position, pending finalisation of the audit of the 2018-19 accounts.

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The following budget variations are recommended for September 2019:

GL/Job No.	General Ledger Description	Current Budget	Variation Amount	Revised Budget	Reason
041093	Consultant / Project Costs	296,945	(20,000)	276,945	Original budget requirements now forecast to be lower.
041095	Service Fee – Accommodation	2,122	20,000	22,122	Increase provision for staff to travel within Shire for work purposes e.g. Onslow accommodation.
17030	Onslow MPC (Emergency Evacuation Centre Upgrade)	80,000	(80,000)	0	It has been determined that this project will not proceed, therefore the Project Officer would like to request re-allocation of funds to the Paraburdoo Softball Diamond.
AP2009	Paraburdoo Softball Diamond (New Softball Field)	450,000	80,000	530,000	There is a need to change the original scope of lighting works in the tender submission, to fit the lower maintenance and energy consuming LED fittings.
19025	Tom Price ICT Software – Training and Safety Management System	55,371	(55,371)	0	Underspend in project already completed.
AP2001	Paraburdoo Score Board	10,000	(10,000)	0	Project funds no longer required.
O335	Vic Hayton Memorial Pool	140,701	(17,000)	123,701	Scope of project not as large as originally thought.
O345	Paraburdoo Swimming Pool	86,522	(17,629)	68,893	Scope of project not as large as originally thought
100079	Building Asbestos Containing Materials Audit	50,000	100,000	150,000	The scope of the project has been re-assessed and is now considered to be much larger than originally thought.

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GL/Job No.	General Ledger Description	Current Budget	Variation Amount	Revised Budget	Reason
BN000	New Staff Housing Stock	1,247,484	(100,000)	1,147,484	Reduced scope of works to allow for Tom Price Admin Building Staff Overflow.
New Account	Tom Price Administration Building Staff Overflow Transportable Building	0	100,000	100,000	Extra building is required to accommodate Administrative Staff within Tom Price, due to ongoing security issues associated with Staff located at Tom Price Community Centre.

Consultation

Executive Management Team
Finance Team

Statutory Environment

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

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

(b) Is authorised in advance by resolution*

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

*requires an absolute majority of Council.

Financial Implications

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

Strategic Implications

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

Goal 05 Inspiring Governance
Objective 4 Exemplary team and work environment

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Absolute Majority Required

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Officers Recommendation

That with respect to the Monthly Financials and Schedule of Accounts Paid, Council:

1. Receive the Financial Report for September 2019 ATTACHMENT 12.1A; and
2. Approve budget variations for the 2019/20 Budget as outlined below;
 - a. Increase Expenditure Account GL 041095 Service Fee Accommodation by \$20,000 from \$2,122 to \$22,122;
 - b. Decrease Expenditure Account GL 041093 Consultant Project Costs, by \$20,000, from \$296,945 to \$276,945;
 - c. Increase Expenditure Account GL AP2009 Paraburdoo Softball Diamond by \$80,000 from \$450,000 to \$530,000;
 - d. Decrease Expenditure Job No. 17030 Onslow MPC (Emergency Evacuation Centre), by \$80,000 from \$80,000 to \$0;
 - e. Decrease Expenditure Job 19025 Tom Price ICT Software – Training and Safety Management System by \$55,371 to \$0;
 - f. Decrease Expenditure GL AP2001 Paraburdoo Score Board by \$10,000 to \$0;
 - g. Decrease Expenditure Job O335 Vic Hayton Memorial Pool by \$17,000 to \$123,701;
 - h. Decrease Expenditure Job O345 Paraburdoo Swimming Pool by \$17,629 to \$68,893;
 - i. Increase Expenditure GL 100079 Building Asbestos Containing Materials Audit by \$100,000 to \$150,000;
 - j. Decrease Expenditure Job BN000 New Housing Stock by \$100,000 to \$1,147,484;
 - k. Increase New Account Tom Price Administration Building Staff Overflow Transportable Building by \$100,000 to \$100,000; and
 - l. Note that the Budgeted Surplus position carried forward (Net Current Assets position) forecast as at 30 June 2020 is \$1,500,000.
3. Receive the Capital Expenditures Progress Tracker for September 2019 ATTACHMENT 12.1B;
4. Receive the Budget Amendment Register as at 30 September 2019 ATTACHMENT 12.1C; and
5. Receive the Schedule of Accounts and Credit Card payments made in September 2019 (approved by the Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds) ATTACHMENT 12.1D.

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Council Decision

MOVED: Cr D Diver

SECONDED: Cr M Lynch

That with respect to the Monthly Financials and Schedule of Accounts Paid, Council:

- 1. Receive the Financial Report for September 2019 ATTACHMENT 12.1A; and**
- 2. Approve budget variations for the 2019/20 Budget as outlined below;**
 - a. Increase Expenditure Account GL 041095 Service Fee Accommodation by \$20,000 from \$2,122 to \$22,122;**
 - b. Decrease Expenditure Account GL 041093 Consultant Project Costs, by \$20,000, from \$296,945 to \$276,945;**
 - c. Increase Expenditure Account GL AP2009 Paraburdoo Softball Diamond by \$80,000 from \$450,000 to \$530,000;**
 - d. Decrease Expenditure Job No. 17030 Onslow MPC (Emergency Evacuation Centre), by \$80,000 from \$80,000 to \$0;**
 - e. Decrease Expenditure Job 19025 Tom Price ICT Software – Training and Safety Management System by \$55,371 to \$0;**
 - f. Decrease Expenditure GL AP2001 Paraburdoo Score Board by \$10,000 to \$0;**
 - g. Decrease Expenditure Job O335 Vic Hayton Memorial Pool by \$17,000 to \$123,701;**
 - h. Decrease Expenditure Job O345 Paraburdoo Swimming Pool by \$17,629 to \$68,893;**
 - i. Increase Expenditure GL 100079 Building Asbestos Containing Materials Audit by \$100,000 to \$150,000;**
 - j. Note that the Budgeted Surplus position carried forward (Net Current Assets position) forecast as at 30 June 2020 is \$1,500,000.**
- 3. Receive the Capital Expenditures Progress Tracker for September 2019 ATTACHMENT 12.1B;**
- 4. Receive the Budget Amendment Register as at 30 September 2019 ATTACHMENT 12.1C; and**
- 5. Receive the Schedule of Accounts and Credit Card payments made in September 2019 (approved by the Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds) ATTACHMENT 12.1D.**

CARRIED 9/0

Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

Reason for change: As the recommendation of Item 13.8 was not supported, Council resolved to remove reference to the following Staff recommended budget variations:

- j. Decrease Expenditure Job BN000 New Housing Stock by \$100,000 to \$1,147,484;*
- k. Increase New Account Tom Price Administration Building Staff Overflow Transportable Building by \$100,000 to \$100,000."*

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13.9 TOM PRICE CO-LOCATED EMERGENCY SERVICES FACILITY

MINUTE: 674/2019

FILE REFERENCE:	POI.0400
AUTHOR'S NAME AND POSITION:	Brian Cameron Director Property and Development Services
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	2 October 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Council consideration is requested to support progressing the preferred location, design and construction of a co-located Emergency Facility on portion of Lot 400 on Deposited Plan 409078 and Lot 46 on Deposited Plan 413028.

Background

The co-located Emergency Services Facility, to accommodate both the State Emergency Services (SES) and Bush Fire Brigade (BFB), was identified as a priority project in the Community Infrastructure and Services Partnership with Rio Tinto in the Memorandum of Understanding that was executed for the 2017-2022 period.

The growth of both the SES and BFB, both in terms of volunteer numbers and associated equipment and vehicles has led to the existing facilities being unable to meet the basic requirements of either organisation. Limitations of the existing sites have resulted in temporary accommodation of various vehicles and equipment in nearby locations however this has had an adverse effect on the operational effectiveness of the volunteer emergency services and their ability to respond to emergencies.

The amalgamation of the two services into one co-located facility would provide cohesion of operation and create operating efficiency for the volunteer brigades.

Lots 400 and 46 are owned freehold by the Shire of Ashburton. Combined, the area is 4.2 hectares and zoned "Residential – R30". Council endorsed this site as the location for the Tom Price Childcare Centre at the April 2018 Ordinary Meeting of Council.

The combined size of the lot provides more than adequate space for the identified proposed and a concept subdivision design has been prepared with the proposed location of the Co-located Emergency Services Facility being immediately to the South of the proposed Childcare Facility.

ATTACHMENT 13.9A

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An application for funding was submitted through the Department of Fire and Emergency Services Local Government Grants Scheme (LGGs) – Capital and Operating Grants in April 2019 and the Shire was notified on 19 July 2019 that the funding submission was successful.

ATTACHMENT 13.9B

A draft business case has been prepared for the project for Council endorsement, to enable the required further leveraged funding to be pursued. The business case outlines two options which are summarised below;

Option 1 – Do nothing and leave the current facility arrangement in place, which will directly affect potential growth and operational standards within the SES and BFB agencies.

Option 2 – Proceed with The proposed collocated emergency services facility, which will ensure sustainable growth and higher operational standards within the SES and BFB emergency services agencies in collaboration with the Shire of Ashburton.

Option 2 is considered to be the preferred option of the two facility designs, due to the proposed site meets all objectives for new Town Centre redevelopment and provides a suitable land parcel for development of a new SES / BFB facility which will enable the services to respond more efficiently and effectively to natural disasters including bushfires. The design will cater for future expansion of both volunteer emergency services whilst also providing a suitable facility for a Local Emergency Coordination Centre from where larger incidents in the central Pilbara region could be coordinated from.

ATTACHMENT 13.9C

Comment

The proposed site meets all objectives for new Town Centre redevelopment and provides a suitable land parcel for development of a new co-located facility which will enable the services to respond more efficiently and effectively to natural disasters including bushfires. The design will cater for future expansion of both volunteer emergency services whilst also providing a suitable facility for a Local Emergency Coordination Centre from where larger incidents in the central Pilbara region could be coordinated.

NOTE: An Emergency Coordination Centre is currently established in the Clem Thompson for larger incidents.

The BFB is currently operated out of premises on Boonderoo Road. The SES is currently operated out of a premises on Lot 492 Coolibah Street. Both premises are leased to the Shire from Rio Tinto. Both brigades are not eligible to obtain funding through the Capital Grants program through LGGs for improvements as the current facilities are not owned by the Shire. Existing premises are ageing and no longer fit for purpose.

The ongoing growth of both the SES and the BFB has resulted in various issues arising within the current site, including:

- lack of structures to house emergency vehicles and equipment;
- the lack of appropriate and separate storage areas for each service;
- inadequate parking for volunteers' private vehicles when attending training and emergency incidents;
- sheds being too small to allow safe access/egress for emergency vehicles;
- poor security;
- inadequate amenities (toilets/showers);

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- inadequate access/egress to training and operational areas (do not meet OSH standards); and
- no proper training room, and too small to hold meetings

The geographic location of the current BFB facility, being located on a small lot within the light industrial area also presents several issues including, but not limited to:

- security/safety issues arise due to the isolated location, and
- limited access and egress points for more than one vehicle.

Conditional subdivision approval has been received from Western Australia Planning Commission (WAPC) for a Childcare Site, a Co-located Emergency Services Facility Site, a Drainage Reserve and 36 Residential Lots. Due to interest in the site for a new Health Services as per Agenda Item 13.2 it is proposed a new subdivision application be made to WAPC for a Childcare Site, a Co-located Emergency Services Facility site and a Balance Lot as per the attached plan, pending community support for the locations.

ATTACHMENT 13.9D

Preliminary geotechnical investigations have been undertaken as part of the proposed Tom Price Childcare facility, which identified the need for site remediation to the appropriate requirements. The costs estimates undertaken by Shire Officers have not made any allowances for additional remediation work.

As the proposed land use and development has the potential to impact the use and enjoyment of neighboring properties, it is proposed to undertake community consultation early similar to the consultation undertaken for planning proposals:

- i. The owners/occupiers of properties determined as being potentially affected by a development proposal will be consulted in writing providing a minimum of 14 days for the lodgment of any submissions.
- ii. Publish a notice of the development proposal on Social Media platforms inviting comment within a specified period.

Consultation

Executive Management Team
Community Safety Manager
Department of Fire and Emergency Services

Statutory Environment

Town Planning Scheme No 7
Bushfires Act 1954
Local Government Act 1995 - Section 3.5
Section 3.59 of the *Local Government Act 1995*

Financial Implications

The overall project cost is estimated at \$2,405,920, or option 2 \$2,177,776 inclusive of fitout of the facility. The facility has been identified in the long term financial plan, initially planned for 2020 and beyond. With the successful application for external funding, consideration could be given to bring forward the project.

Leveraged funding to the value of \$860,200 has been secured through the Local Government Grants Scheme with the following breakdown and conditions;

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- Tom Price Bush Fire Brigade (BFB)– 50% over two years\$430,100;
- Tom Price State Emergency Services (SES) – 50% over two years \$430,100; and
- The funding can either be provided once the facility has been completed (Shire invoice with copy of paid invoices) or can be paid on an instalment basis with funding released in two milestone payments. The first payment shall be to the value of 50% of the approved capital grant upon DFES receiving written confirmation from the Local Government that the pre-agreed building project has commenced. The second payment of the remaining 50% shall be paid upon DFES receiving a copy of the validated certificate of practical completion for the construction project. Note: the Shire pays the contractor for the works completed and then seeks reimbursement from DFES.

Local governments must ensure all approved building projects comply with Section 3.5 of the 2019/20 LGGS Manual for Capital and Operating Grants, in particular;

- The need to invite tenders and engage a contractor within 12 months of the date of approval to limit cost escalation due to delays (immediate commencement is preferred);
- The requirement to provide suitable land for immediate construction; and
- The cost of site works and providing utilities (power, water and communications) to the site boundary is the responsibility of local governments.

Leveraged funding for the balance of the project costs would require applications to be submitted to relevant funding bodies.

The Shire contribution to the project is listed in the long term financial plan is \$20,000, as bulk earthworks, drainage and utility connections are the responsibility of the local government, this provision will need to be increased to \$500,000.

Ongoing maintenance costs for the facility are administered through the LGGS operating grant scheme and a general overview is provided below.

Operating grants relate to the annual operating expenses incurred by Brigades and Units in direct support of their activities and readiness for operational duties, including the cost of emergency responses (other than multi-agency bushfire or natural hazard incidents - refer 5.6). Examples of acceptable costs include: purchase of plant and equipment (<\$1,500 per item), maintenance of plant and equipment, maintenance of vehicles, trailers and boats, maintenance of buildings, BFS PPE and accessories, utilities rates and taxes, insurance and other goods and services.

In aggregate, these costs would not be expected to vary significantly from one year to the next. DFES will assess the base operating grant allocation for both BFB and SES Units which will combine line items 1-8 on the basis of the average of the previous two years completed acquittals (past expenditure trends) and the current year's allocation, indexed with the prevailing cost escalation factor, and will advise Local Governments of the assessed amount (eligible operational funding amount).

The facility approved for the Tom Price BFB & Tom Price SES will be a Shire asset and all utility costs (power, water, Telstra etc), facility maintenance and facility insurance will be covered by the LGGS operating grant. Note that any external works (gardening, car park maintenance etc) are the responsibility of the Shire.

Local Governments have the option to either accept or reject the proposed assessed allocation.

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Council is requested to support progressing the preferred location, design and construction of a co-located Emergency Facility on portion of Lot 400 on Deposited Plan 409078 and Lot 46 on Deposited Plan 413028.

Strategic Implications

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

Goal 04 Quality Services and Infrastructure
Objective 1 Quality public infrastructure

Risk Management

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

Policy Implications

ELM10 Financial Sustainability Policy – (Financial Sustainability) outlines that 'no policy or other decisions will be made without considering the long-term financial impact on those decisions'.

Town Planning Scheme No. 7.

Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That Council suspend Standing Orders at 3.41 pm.

CARRIED 8/1

**Councillor White, Rumble, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson
voted for the motion**

Councillor Dias voted against the motion

Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That Council resume Standing Orders at 3.50 pm.

CARRIED 8/1

**Councillor White, Rumble, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson
voted for the motion**

Councillor Dias voted against the motion

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Voting Requirement

Absolute Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That with respect to the Tom Price Co-located Emergency Services Facility, Council:

- 1. Note the business case prepared for the Co-located Emergency Services Facility;**
- 2. Authorise the Chief Executive Officer to execute the funding instrument with DFES for the funding support for the Co-located Emergency Services Facility;**
- 3. Authorise the Chief Executive Officer to seek an extension on the funding with DFES for the funding support for the Co-located Emergency Services Facility;**
- 4. Authorise the Chief Executive Officer to determine a suitable site within Lot 400 on Deposited Plan 409078 and Lot 46 on Deposited Plan 413028 for a Co-located Emergency Services Facility;**
- 5. Request the Chief Executive Officer undertake public consultation in regards to a new a Co-located Emergency Services facility being located within Lots 400 and 46; and**
- 6. At the conclusion of the public consultation, the matter be referred back to Council for consideration and determination as to whether the site is appropriate.**

LOST 4/5

**Councillor Foster, Lynch, Diver, and Gallanagh voted for the motion
Councillor White, Rumble, Dias, de Pledge and Richardson voted against the motion**

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13.10 TOM PRICE FLYING DOCTOR SERVICE (RFDS) AIRSTRIP

MINUTE: 675/2019

FILE REFERENCE:	TT08
AUTHOR'S NAME AND POSITION:	Janelle Fell Manager Land and Asset Compliance
AUTHORISING OFFICER AND POSITION:	Brian Cameron Director Property and Development Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	7 October 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 11.6 (Minute No. 400/2018) – Ordinary Meeting of Council 18 July 2018

Summary

At the November 2017 Ordinary Meeting of Council, Councilors resolved to continue to progress the prospect of providing a Royal Flying Doctor Service Airstrip (RFDS) in close proximity to Tom Price.

This report is to update Council on the matter and to seek further direction.

Background

Council resolved in November 2017 to:

1. Continue to support without bias, that it is the desire of the residents of Tom Price to have their own Royal Flying Doctor Service Airstrip, for which to service their needs;
2. Council authorises the Chief Executive Officer to source the required capital funding for the Royal Flying Doctors Services Air Strip and investigate means to offset maintenance costs;
3. On the basis of 2 above, should capital funds be located, then Council agree in principle to accept ownership and responsibility of the airstrip;
4. A business plan is to be brought back to Council for approval;
5. Re-engage with Rio Tinto to negotiate access and tenure to the subject site on Bingarn Road;
6. Undertake a site selection and feasibility study to determine the preferred site should part 5 above not be successful, subject to obtaining funds from other sources; and
7. Request a progress report back to Council by no later than July 2018.

At the Ordinary Meeting of Council held on 18 July 2018, Council resolved to:

1. Note Minute No. 400/2018 (from the Ordinary Meeting of Council 21 November 2017) in relation to the establishment of a Royal Flying Doctors Services Air Strip for Tom Price;
2. Request the Chief Executive Officer to make appropriate arrangements to undertake items 2-6 of Minute No. 400/2018; and
3. Request the Chief Executive Officer to report back to Council by no later than February 2019.

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The CEO has undertaken to inform Councillors of RFDS matters through Information Sessions. One aspect to be investigated was to access Bingarn Road as an emergency RFDS strip. In consultation with RFDS, it was clear that such an arrangement would not be supported.

Comment

Alternative sites have been investigated with Lot 111 on Deposited Plan 194119 being considered a site worth consideration.

In 2011, the then Department of Regional Development and Lands (now Department of Planning, Lands and Heritage) requested Council's consideration of accepting a Management Order over Lot 111 on Deposited Plan 194119 after no tenders were received when the land was made available via Public Tender. As a late submission was received, the offer of a Management Order was withdrawn. Lot 111 is 80.18m x 1218m x 325m x 823.2m x 479m, 34.9702 hectares in total. The lot is located on the North-Eastern side of the Tom Price-Paraburdoo Road and Karijini Drive intersection.

Lot 111 is unallocated Crown land, subject to the native title future act process. This may be possible through an Indigenous Land Use Agreement with native title holders or through extinguishing native title, which entitles the native title holders to compensation.



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Overall dimensions received from RFDS for (Civil Aviation and Safety Authority licensed airstrip) night operations advise a 180m (width) x 3,000m minimum area. This allows for aircraft turning area at each end and part of the taxiway. Further clearing may be required of the 3.33% approach and takeoff slope for night operations. Additional area outside Lot 111 boundary may be required to accommodate RFDS's Standard airstrip characteristics.

An estimate of construction costs undertaken by Aerodrome Management Services Pty Ltd in 2013 indicates \$2,947,575. Native Title implications would see this number increased. Indicative operational costs are \$90,000 per annum.

While land tenure is not secured, it is unlikely funding applications will be successful. "Advocate to partners for investment for a new airstrip" is listed as a medium/longer term priority (2022 onwards) in the Strategic Community Plan 2017-2027. Progressing a suitable site and land tenure is paramount prior to seeking funding for the construction costs.

Consultation

Executive Management Team
Councillors (via Information Sessions)
Royal Flying Doctor Service

Statutory Environment

Land Administration Act 1997 – sections 46, 47 and 48 Request reserve be placed under care, control and management of the Shire

Financial Implications

From advice provided in the 21 November 2017 Shire report on this matter, it is understood that the cost estimate to design and construct a sealed airstrip on the subject land is approximately \$3M with annual operational and maintenance costs estimated at \$90,000 (inclusive of resealing).

Strategic Implications

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

Goal 01	Vibrant and Active Communities
Objective 3	Quality education, healthcare, childcare, aged care and youth services
Goal 04	Quality Services and Infrastructure
Objective 1	Quality public infrastructure

Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be 'High' should the Project be abandoned based on damage to Council's reputation. It is proposed that a Communications Plan be developed and implemented should Council decide to withdraw its support and reject the funding offer from the WA State Government.

Policy Implications

ENG09 Asset Management Policy

Voting Requirement

Simple Majority Required

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Officers Recommendation and Council Decision

MOVED: Cr M Lynch

SECONDED: Cr P Foster

That with respect to Tom Price Royal Flying Doctor Service (RFDS) Airstrip, Council:

- 1. Request the Chief Executive Officer to make further investigations into Lot 111 to determine if additional land is required outside the boundary;**
- 2. Request the Chief Executive Officer to make enquiries to the Department of Planning, Lands and Heritage to:**
 - a. Obtain in-principle support for the creation of a Reserve over Lot 111 on Deposited Plan 19411900; and**
 - b. If required, request the boundary of Lot 111 be extended to meet the Royal Flying Doctor Service Airstrip Physical Characteristics; and**
- 3. Request the Chief Executive Officer to provide a further report to Council:**
 - a. To formally request creation and management of a Reserve upon receipt of in-principle support from the Department of Planning, Lands and Heritage; and**
 - b. For consideration of compensation costs and indemnification of the Minister for Lands in relation to the native title future act process.**

CARRIED 9/0

Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

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13.11 PROPOSED ADOPTION OF THE SHIRE OF ASHBURTON'S LOCAL GOVERNMENT HERITAGE INVENTORY (FORMERLY KNOWN AS THE MUNICIPAL HERITAGE INVENTORY)

At the Ordinary Meeting of Council of 18 September 2019, the Chief Executive Officer withdrew the Item from the agenda due to matters associated with the incorrect attachment.

MINUTE: 676/2019

FILE REFERENCE:	LP35
AUTHOR'S NAME AND POSITION:	Andrew Davis Principal Town Planner
AUTHORISING OFFICER AND POSITION:	Brian Cameron Director Property and Development Service
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	10 October 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.3 (Minute No. 622/2019) – Ordinary Meeting of Council 13 August 2019

Summary

The Shire's current Local Government Heritage Inventory (LGHI) was first adopted in 1999 and contains 29 place entries. Following a comprehensive review of the 1999 LGHI (and the 2012 'internal' reviewed LGHI), it is proposed that five additional places be added, and two places shifted to the 'Archive' list, resulting in a revised list of 32 places and two archived places.

In addition to reviewing and updating place records, the Thematic Framework presented in Part A to the LGHI has been extensively reviewed and updated and is presented for consideration and inclusion in the revised Inventory.

It is recommended that Council adopt the LGHI and commence the process to adopt a Heritage List pursuant to Clause 8 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Background

In 1999, the Shire of Ashburton prepared its first Municipal Heritage Inventory (now known as a Local Government Heritage Inventory or LGHI). Undertaken by O'Brien Planning Consultants, the 1999 LGHI identified 29 places of cultural heritage significance within the Shire's administrative area.

In 2012, the Shire undertook an internal review of the LGHI with this review considered by Council at its Ordinary Meeting on 15 August 2012. At this meeting, Council resolved to give elected members the opportunity to comment on the draft Inventory, after which the document would be advertised for public comment.

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There is no record on file of the 2012 Inventory being advertised, or of Council consideration of any comments or recommendations received during a consultation period, and accordingly, the Shire continued to utilise and refer to the original 1999 LGHI. It is appropriate to note that Council was considering a number of Scheme Amendments and related applications and plans relating to the construction of the Wheatstone project at this time.

In July 2016, the Shire commenced a formal review of the 1999 LGHI, engaging TPG Town Planning, Urban Design and Heritage (TPG) to assist in this project. The purpose of this review was to update the LGHI to address the provisions of *the Heritage Act of Western Australian 1990* (Heritage Act) and also to ensure compliance with the heritage provisions contained within *the Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), which came into effect on 19 October 2015.

The key required outcomes of this review were to:

- Review and update the LGHI in line with the common standards for inventories as per the recommendations provided by the State Heritage Office (SHO)
- Ensure that the LGHI is comprehensive, up to date, and represents community views and values, by calling for and assessing new nominations
- Prepare a 'Recommended Heritage List' for adoption in the Shire's Town Planning Scheme in accordance with the provisions of the Regulations

The LGHI project involved a number of key stages included a review of the existing LGHI, a community workshop, site inspections, and consultation with owner(s) and occupier(s) of each place. A brief overview of the key project stages is outlined below:

- Review Heritage Framework
In August 2016, a review of the Shire's existing heritage management framework was undertaken to identify areas where it needed to be improved and/or amended to align with current practices. Key outcomes of this review were the preparation of a new Place Record Form Pro forma and the preparation of new Management Categories that align with the SHO's recommended management category classification system.
- Community Identification of New Places
The Shire sought nominations from the community to identify places for potential listing on the Shire's LGHI. A newspaper notice was published in the Pilbara News in October 2016 and public notices were erected at Shire offices/community notices boards, and the Shire's website. This community consultation extended for a four week period and resulted in the inclusion of four new places on the reviewed LGHI. These four places are provided in the comment section below.
- Community Heritage Workshop
The Shire organised a Community Heritage Workshop to outline the process and implications of the LGHI review. An invitation was extended to the community and the workshop was held in Onslow on the evening of 6 October 2016. The workshop was attended by a small group of local people. The feedback received during the workshop is summarized below:
 - The need for incentives to be made available for heritage listed places to help maintain and conserve them;
 - The need for the people to be made aware of heritage listing when they are considering purchasing a place - i.e. the heritage status of a place should be included in any 'Property Report' prepared by the Council;
 - The need for the better promotion of the variety of heritage places in the Shire – i.e. through heritage walks, interpretation and public art; and

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- The need to better promote the LGHI as a valuable resource on the history and heritage of the Shire.
- Updating the Place Record Forms
The Shire's existing Place Record Forms (PRF) were checked for accuracy, to fill in gaps and to help enhance an understanding of the significance of the places. A key component of this stage involved the completion of site inspections to each place to enable updated photographs to be taken and to inform an update of the physical description and statement of significance where necessary. The site inspections were undertaken by TPG at the end of October 2016 (The Wittenoom Town site was not visited as part of the site inspection process; a desktop study was conducted to update the PRF).
- Updating the Thematic History
The 1999 review included a Thematic History, which covered the period from 1818 through to 1999. An additional chapter was added as part of this current review, which covers the period from 2000 through to 2016.
- Owner/Occupier Consultation
Consultation with the owner/occupiers of the places listed on the 1999 LGHI was initially conducted in September 2016. A letter was sent to each owner/occupier advising of the LGHI review process along with a copy of the original 1999 PRF for the property.

On completion of this four week consultation period, correspondence was received for the owner of 65 Second Avenue, Onslow requesting that the place be removed from the reviewed LGHI. On further investigation, it was established that the property was built c.1960 not 1935 as set out in the 1999 LGHI, and given this new information, and further that approval for the demolition of the place had previously been granted, it was considered that the place be removed from the current LGHI. A record of the place has been retained in the Archive Section of the LGHI, ensuring some record of the building for posterity.

In advance of the site inspections (October 2016), the Shire contacted the owner/occupiers to advise of the inspection process and to address any concerns or access issues. As part of this consultation process, the owner of Nanutarra Homestead kindly provided access keys to allow TPG conduct both external and internal inspection of the property.

In January 2017, following the completion of the site inspections, the PRF's for each place were updated. These were provided to each owner/occupier for review and comment. During this four week consultation period, three responses were received by the Shire clarifying some minor details with respect to three of the places. The relevant PRF's were subsequently amended as required.

- Public Advertisement of the Draft LGHI
An internal review of the draft LGHI was conducted in March 2017. Following this review process, the document was publicly advertised in April 2017 for a four week period which closed on 11 May 2017.

This advertising consisted of notices published in the Pilbara News and the Onslow Pipeline, advising that the draft LGHI was available for inspection and that the Shire was seeking comments in relation to the document.

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Hardcopies of the draft document were made available at the Shire offices in Tom Price, Onslow and Paraburdoo Library. In addition, notices were placed on community notice boards and on the Shire's website/Facebook pages. More targeted consultation comprised letters being sent to the owner/occupiers of the places listed on the draft LGHI, advising of the public consultation period and requesting any additional comments could be made during public advertisement of the draft document.

Two written submissions have been received during this public advertising period:

- The submission received from Susan Bogle, the owner of Nanutarra Homestead requests some minor amendments to historical notes sections of the draft Nanutarra and Hamersley Homestead PRF's. In addition, the submission requested the potential consideration of some additional homesteads and a 'track' which used to transport wool clip to port along the Ashburton River from Onslow to Hamersley, in any future review of the LGHI.

A further submission has been received from Dawn McAullay making the following relevant comments:

- Works on the Saint Nicholas Church are currently underway
- Information about the Onslow race meets
- Notes the change of name of the district from 'Ashburton' to 'Thalandji'
- Recommends inclusion of the 'South Lead Light' on the Inventory
- Notes the recent decline of the Onslow fishing industry
- Notes the recent damage to Bobby's Tree

These comments have been forwarded to the Shire's Heritage consultant for consideration, although it is noted that the only material modification relevant to the adoption of the LGHI is the possible inclusion of the 'South Lead Light' on the list. With regard to this place, the Heritage Council of Western Australia advised the Shire on 7 June 2019 that, while the Beadon Point Rear Navigational Leading Light, 'may have some cultural heritage significance, it is unlikely to meet the threshold for entry on the State Register of Heritage Places'.

In 2019, the Department of Transport (DoT) decided to demolish the Beadon Point Rear Navigational Leading Light on the grounds that it was no longer necessary as a navigation aid and imposed a significant financial cost to retain. While the Shire considered options to acquire the tower, Council determined that it was too costly to maintain this piece of infrastructure and has advised the Department accordingly, it is anticipated that this piece of infrastructure will be demolished in the short term given its current state of disrepair.

The DoT have commissioned and made available a detailed Archive Record that the Shire has used as the basis for a new Place Record Form to be included in the Inventory as an Archive Record. This will preserve a visual and written record of this piece of the Shire's heritage following its regrettable yet necessary demolition.

Comment

The Shire's existing LGHI was first adopted in 1999 and contained 29 place entries. Following a comprehensive review of the 1999 LGHI (and the 2012 'internal' reviewed LGHI), it is proposed that Council adopt 31 heritage places be included on the reviewed LGHI with the addition of 4 new places and the reclassification of 2 places from a 'Management' category to 'Archive'.

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The proposed new entries are:

- Bobby McAullay's Tree
- Hamersley Homestead
- Stone hut relics at Karijini National Park
- Onslow Fuel Storage Tanks
- Beadon Point Rear Navigational Leading Light (as an Archive place)

The existing entries proposed for reclassification to the Archive list are listed below. The PRF's for these places (which are included in a separate 'Archive Section' of the LGHI) state that due to their limited heritage value they should be removed from the LGHI:

- Residence: 10 Lilac Street, Tom Price; and
- Residence: 65 Second Avenue, Onslow

The Table below notes the current and proposed management category for each place, with the six places proposed for inclusion listed as 'Not Categorised' (N/C) in the 'Current Management Category' column.

Current Management Category	Proposed Management Category	Name	Address
B	1	Nanutarra Homestead*	North West Coastal Highway, Nanutarra
B	1	Old Onslow Town site*	Old Onslow Road, Thalandji
A	1	Peedamulla Homestead*	Onslow-Peedamulla Road, Peedamulla
A	1	Tambrey Station Homestead*	Roebourne Wittenoom Road, Chichester
B	1	Yanrey Homestead	Yanrey Road, Yannarie
C	2	Ashburton Road River Bridge	Twitchin Road, Thalandji
B	2	Beadon Bay Hotel	22 Second Avenue, Onslow
N/C	2	Stone Hut Relics	Karijini National Park
B	2	Millstream Homestead	Kanjenjie-Millstream Road, Millstream Chichester National Park
B	2	Minderoo Homestead	Twitchin Road, Thalandji
B	2	Emu Creek Station (Nyang Homestead)	1 Nyang Road, Barradale (or Yannarie)
N/C	2	Hamersley Homestead	Tom Price Railway Road, Mount Sheila
C	2	Onslow Goods Shed	52 Second Avenue, Onslow
B	2	Post Office (Fmr) And Residence	19-21 Second Avenue, Onslow
C	2	Red Hill Homestead	Red Hill Road, Cane
B	2	St Nicholas Church	19 Third Avenue, Onslow
B	2	Tom Price Community Centre	315 Central Road, corner Tamarind Street, Tom Price

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Current Management Category	Proposed Management Category	Name	Address
B	2	Tom Price Primary School Pre Primary Centre	1 Creek Road, corner Tamarind Street, Tom Price
B	2	Tom Price Primary School	5 Creek Road, corner Wattle Street, Tom Price
B	2	Wyloo Homestead	Kooline Wyloo Road, Nanutarra
B	2	Yaraloola Homestead	North West Costal Highway, Fortescue
N/C	3	Bobby McAullay's Tree	Onslow Road, Thalandji
C	3	Mount Florence Station	Roebourne Wittenoom Road, Chichester
B	3	Nintirri Centre	2 Central Road, corner Stadium Road, Tom Price
C	3	Permanent Pools In The Ashburton River	Old Onslow Road and Twitchin Road, Thalandji
N/C	3	Fuel Storage Tanks	Onslow, Various Locations
B	3	Police Residence (Fmr)	3 First Street, Onslow
C	3	Residence: 18 Third Avenue, Onslow	18 Third Avenue, Onslow
C	3	Tom Price Shopping Arcade	1 Stadium Road, Tom Price
N/C	4	Old Wittenoom Town site	Wittenoom
C	4	Residence: 26 Third Avenue, Onslow	26 Third Avenue, Onslow
C	Archive	Residence - Turner	65 Second Avenue, Onslow
C	Archive	Residence – Lilac Street	10 Lilac Street, Tom Price
N/A	Archive	Onslow Rear Lead Navigation Light	Reserve 27316

Heritage List:

Once adopted, the LGHI will become the basis for establishing the Shire's Heritage List.

ATTACHMENT 13.11

The Heritage List identifies those places on the LGHI requiring special consideration and protection due to their contribution in preserving the Shire's history. In recognition of their importance, the Local Planning Scheme specifically addresses how these sites should be managed, used, and developed.

The Shire currently makes no distinction between the LGHI and Heritage List, meaning that the Scheme treats those places of limited heritage value the same as highly significant sites.

The establishing of a Heritage List will therefore limit Scheme protection to only those sites requiring such recognition. It is proposed that each entry designated as Category 1, 2 and 3 in the LGHI be included on the Heritage List.

It is recommended that once the LGHI has been adopted by Council, the Shire, commences the process to adopt a Heritage List pursuant to Clause 8 of the deemed provisions of Regulations.

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Consultation

State Heritage Office (SHO)
Owner/Occupier Consultation as detailed in Background
Public consultation as detailed in Background
Executive Management Team

Statutory Environment

Heritage of Western Australia Act 1990
Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Shire of Ashburton Town Planning Scheme No. 7.

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

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

Goal 03 Unique Heritage and Environment
Objective 3 Celebration of history and heritage

Goal 04 Quality Services and Infrastructure
Objective 3 Well planned towns

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr M Lynch

That with respect to the Proposed Adoption of the Shire of Ashburton's Local Government Heritage Inventory (formerly known as the Municipal Heritage Inventory), Council:

- 1. Adopt the Local Government Heritage Inventory dated June 2019 (ATTACHMENT 13.11); and**
- 2. Request the Chief Executive Officer to commence the process to adopt a Heritage List pursuant to Clause 8 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

CARRIED 9/0
Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

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13.12 RECONSIDERATION OF PREFERRED LOCATION FOR TOM PRICE PUMP TRACK

MINUTE: 677/2019

FILE REFERENCE: PR40195

AUTHOR'S NAME AND POSITION: Andrew Davis
Principal Town Planner

AUTHORISING OFFICER AND POSITION: Brian Cameron
Director Property and Development Services

NAME OF APPLICANT/RESPONDENT: Shire of Ashburton

DATE REPORT WRITTEN: 8 October 2019

DISCLOSURE OF FINANCIAL INTEREST: The author and the authorising officer have no financial, proximity or impartiality interests in the proposal

PREVIOUS MEETING REFERENCE: Agenda Item 13.3 (Minute No. 550/2019) – Ordinary Meeting of Council 23 April 2019

Summary

At the Ordinary Meeting 23 April 2019, Council considered a report recommending the allocation of Public Open Space Cash in Lieu funds towards the construction of a Mountain Bike Pump Track on Lot 291 on Deposited Plan 14829 that is held by the Shire as a managed Crown Reserve (Reserve 40195).

Prior to finalising the pump track location, in accordance with the Officer Recommendation, Council resolved that public consultation be undertaken, specifically with regards to residents on the adjacent Coolibah Street. Council is requested to either consider an alternative site, or reaffirm Reserve 40195 (Coolibah Street) as the preferred development site.

Background

On 13 March 2018, Council was presented an informal briefing on potential projects the Shire could undertake utilising \$236,555.92 held in a Shire account for public open space cash-in-lieu contributions. The contributions have been generated from two subdivisions in Tom Price. Following this presentation, Council informally identified the construction of a pump track as its preferred option.

Proceeding on this direction, the Shire reviewed and assessed a number of reports commissioned by the (now disbanded) Pilbara Regional Council, including a site assessment that considered 15 available sites in Tom Price suitable for development as a pump track.

At its Ordinary Council Meeting 23 April 2019, Council considered a report presenting options for the development of a pump track in Tom Price, utilising funds made available from a cash in lieu trust fund and additional funds made available by Rio Tinto. The recommendation to identify Reserve 40195 as the preferred site was based on an assessment commissioned by the Pilbara Regional Council and prepared by a highly-rated consultant who specialises in strategic planning for, and the design and construction of all types of mountain bike tracks.

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When considering the proposal to construct a pump track with funds available from cash in lieu contributions from two subdivisions, Council resolved:

That with respect to the Proposed Mountain Bike Pump Track on Reserve 40195, Tom Price, that Council:

1. *Endorse in principle based on ATTACHMENT 13.3B, the use and development of a Mountain Bike Pump Track on Lot 291 on Deposited Plan 14829 (Reserve 40195);*
2. *Authorise the Chief Executive Officer to progress the planning and implementation of the Pump Track including requesting the Minister for Planning for permission to use available Cash in Lieu funds of \$256,655.*
3. *Prior to finalising the location of a mountain bike pump track on Lot 291 on Deposited Plan 14829 (Reserve 40195), the Chief Executive Officer be requested to carry out a public consultation program that specifically seeks the views of the owners/residents of the Coolibah Street neighborhood for the proposed track on Reserve 40195 and report back to Council for consideration; and*
4. *Consider for the 2019/20 budget an allocation to the establishment of the Tom Price Mountain Bike Pump Track as follows:*
 - a. *expenditure of \$236,655 from the money held in trust fund T8000 – Public Open Spaces Bonds; and*
 - b. *expenditure of \$105,341 from the Rio Tinto Partnership Reserve Fund.*

Part 3 of this recommendation was included to ensure that nearby residents of the preferred locations were given an opportunity to discuss any concerns with Shire staff and a technical expert prior to the final location being finalised. This workshop would also provide input into the final design to ensure relevant concerns were addressed should Reserve 40195 be determined as the development site.

Following Council's resolution, Shire staff sought quotes from a selected list of appropriately qualified consultants to undertake the public consultation and prepare a detailed design suitable for tendering for a construction contract.

Following assessment and awarding of a contract to undertake community consultation and detailed design, the Shire negotiated dates for the two consultation sessions, with the first being a closed session for Coolibah Street residents and the second an open session to any interested community member were organised and advertised.

In order to avoid school holidays, and to allow for the consultant's availability, the first session, the targeted session for Coolibah Street residents took place at the Tom Price Community Hall at 7pm on 1 August 2019 and was attended by all current Coolibah Street residents. While the attendees at this session generally supported the construction of a pump track, there was a very strong opinion that the preferred location was inappropriate and that other locations should be considered. A detailed summary of the specific objections is presented in the Comments section of this report.

The second consultation session occurred on 2 August 2019 and was a session open to the community primarily to discuss the design options for the pump track, and to ascertain support for the project in general and to discuss the preferred location.

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In accordance with part 3 of Council's Resolution of 23 April 2019, this report presents the outcomes of the community consultation with regard to the preferred location of the pump track on Reserve 40195 and gives Council the opportunity to reiterate its support for this development site, or to consider an alternative location.

Following the 1 August 2019 consultation session and in consideration of the strong opposition to the development of Reserve 40195, Shire staff identified one additional potential development site for consideration.

This site, being a portion of Reserve 44839 is currently partially developed as the Lions Park and the Dog Exercise Park. Reserve 44839 could potentially be redeveloped with some realignment of the existing recreational infrastructure, and incorporate elements of the adjacent Reserve 44928 (Drainage) and Reserve 49947 (Drainage) to provide suitable land for the pump track.

ATTACHMENT 13.12

This option has the advantages over Reserve 40195 in that:

- it would impact fewer residents with Ngardi Place, Minha Street, and North Road residents the only nearby dwellings;
- the site has an existing ablution block, although this would require significant renovation and improvement;
- Located more centrally in the town;
- Ongoing maintenance would be incorporated with existing facilities.

However, the Lions Park option does not provide a number of significant advantages enjoyed by the Reserve 40195 site:

- The site has fewer activated edges, meaning there is much less passive surveillance, leading to greater chance of anti-social behavior;
- This option would not present the opportunity to create an attractive entry statement to Tom Price;
- Less accessibility to link the pump track to a wider trails network;
- Further proximity to the skate park as users of both facilities would be expected to move between the two sites;
- Competing site uses – Dog Park and Lions Park users would likely be impacted by concentrating a new demographic into the area;

Notwithstanding this brief assessment, Reserve 44839 does present an alternative development site for Council's consideration.

Comment

As noted in the background to this report, the Coolibah Street residents strongly opposed the development of Reserve. A summary of these objections is listed below along with the Officer's comment:

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Objection	Officer comment
Why wasn't this brought to the residents attention earlier before planning stage;	The Shire is currently in the planning stage of the project and community consultation is a critical component of this planning. Prior to Council's resolution of 23 April 2019, there was no determined preferred site so it would have be presumptuous and premature for Shire officers to consult with any residents prior to Council's direction.
Noise impact to shift workers on night shift;	There are very few suitable locations available for development in Tom Price that are not nearby residential development. As this is a key objection, it is addressed in greater detail below.
What other sites were proposed;	The 15 sites formally considered are listed in the Council Meeting minutes from 23 April 2019 and were tabled at both community consultation sessions.
Juvenile behaviour	Pump tracks are located in metropolitan areas and regional towns throughout Australia and are not known to attract juvenile behavior. The preferred location is considered highly appropriate as it is located on a site that provides an extremely high level of passive surveillance which is well documented to reducing potential anti-social behavior.
Rubbish, litter etc.	Littering would be an issue at any selected location and will be managed through existing Shire strategies. As per the point above, littering will be less of an issue on a site with good passive surveillance.
Security	The site's highly visible location makes is less likely to create a potential security issue.
Children safety and general user safety, due to proposed site aligned with a main road that has constant heavy traffic during given periods	This concern would be addressed through detailed design and landscaping to reduce any chance of human/motor vehicle collision. It is noted that pump tracks have been constructed and safely operated on higher traffic and speed rated roads.
Possibly extend the existing skate park to encompass the pump track	This site was considered but is insufficient for further development as a pump track.
No toilet facilities	Council has budgeted \$950,000 for this project, which will easily accommodate the construction of an ablution block into the design.
Dilapidation reports for nearby residences to ensure no damage has occurred due to use of machinery during construction	Construction of a pump track and associated infrastructure is unlikely to contribute to damage to nearby residences, but would be raised as a matter for consideration for any site selected for development.

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Objection	Officer comment
Three school teachers currently residing on this street with concerns of security and door knocking	Location of teachers' housing has not been considered as part of this assessment and response.
Cul-de-sac location provides limited access	Most users would be expected to ride their bikes, scooters, or skateboards to the pump track. Should Reserve 40195 remain the preferred site, the final design could incorporate a new dual-use path linking the Reserve to Central Road.
Dust generated during construction and subsequent use could create health hazards for residents	Dust mitigation would form part of any construction management plan, and as the track would be sealed, no dust would be anticipated during subsequent use of the track.

During the discussion with Coolibah Street residents, the primary objection to the pump track being located at Reserve 40195 relates to noise generation impacting local amenity, particularly with regard to shift workers sleeping during the day. In regard of this concern the Shire contacted a number of other regional and metropolitan local governments with established pump tracks to ascertain the impact of noise generated at these facilities.

There is no industry standard establishing the minimum distance of a pump track from other sensitive land uses, however other pump track designers advocate a 50 metre buffer as a reasonable minimum. This allows for the highest noise generating activity (skate boards being dropped at speed onto concrete or 'grinding' a rail) has been measured at 60dB at a distance of 50 metres. For comparison, heavy traffic is generally averaged at a level of 78dB and a residential air conditioner at 60-72 db.

Reserve 40195 could be developed with almost all of the track located a minimum of 50 metres from the roof lines of dwellings on Coolibah Street.

Should Council maintain its endorsement of Reserve 40195 as the preferred development site, detailed design would also be possible to ensure that areas of the facility likely to attract the highest concentration of users, and noise-generating activities could be located away from residences and further ameliorated through landscaping etc.

Pump tracks are urban active recreational facilities and to be accessible and effective, are located in established urban areas. This issues raised in objection to locating a pump track on Reserve 40195 are therefore likely to be replicated in most alternative sites in Tom Price.

While noise generation and increased use and activity is certainly acknowledged as a valid concern, it is noted that pump tracks, while often generating significant local opposition when proposed in established residential area, generally operate with limited impact on local residents once constructed.

While Council has a range of options to consider for the location of the pump track, as discussed in the 23 April 2019 Council Report, the preferred site has a number of clear advantages over these alternatives. It is acknowledged that local residents strongly oppose the current preferred location and these concerns should be further discussed and, should Council maintain its position, detailed design would mitigate much of the noise generation concerns.

The site supported by the Shire Administration is based on existing ablution facilities and least amount of impact to adjacent residents would be Reserve 40195 (adjacent to Lions Park.).

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As the proposed land use and development has the potential to impact the use and enjoyment of neighboring properties, it is proposed to undertake community consultation early similar to the consultation undertaken for planning proposals:

- i. The owners/occupiers of properties determined as being potentially affected by a development proposal will be consulted in writing providing a minimum of 14 days for the lodgment of any submissions.
- ii. Publish a notice of the development proposal on Social Media platforms inviting comment within a specified period.

Alternatively, Council could identify an alternative site, either from the previously tabled *Tom Price Pump Track Site Assessment Report*, Reserve 44839, or any other site in Tom Price

Consultation

Executive Management Team
Technical Officer Infrastructure Services

Statutory Environment

Complies with all statutory requirements.

Financial Implications

Council has allocated \$950,000 for this project in the 2019-20 Budget

Strategic Implications

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

Goal 01 Vibrant and Active Communities
Objective 1 connected, caring and engaged communities

Goal 04 Quality services and infrastructure
Objective 2 Accessible and safe towns
Objective 3 Well-planned towns

Goal 05 Inspiring governance
Objective 1 Effective planning for the future

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

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Officers Recommendation

That with respect to the Reconsideration of Preferred Location for Tom Price Pump Track, Council:

1. Endorse the development of a Mountain Bike Pump Track on one preferred location as outlined in the Report being either;
 - a) Lot 291 on Deposited Plan 14829 (Reserve 40195) – Coolibah Street;
- OR
- b) Reserve 44839 – Corner of Central Road and North Road (adjacent to Lions Park).
2. Endorse to undertake community consultation in relation to Reserve 44839 – Corner of Central Road and North Road (adjacent to Lions Park) the preferred site similar to the consultation undertaken for planning proposals; and
3. At the conclusion of the public consultation, the matter be referred back to Council for consideration and determination as to whether the site is appropriate; and
4. Authorise the Chief Executive Officer or his nominated Officers to progress the planning, detailed design, and construction of the Pump Track (ATTACHMENT 13.12).

Council Decision

MOVED: Cr M Lynch

SECONDED: Cr P Foster

That with respect to the Reconsideration of Preferred Location for Tom Price Pump Track, Council:

- 1 Endorse to undertake community consultation in relation to Reserve 44839 – Corner of Central Road and North Road (adjacent to Lions Park) for planning proposals; and**
- 2. At the conclusion of the public consultation, the matter be referred back to Council for consideration and determination as to whether the site is appropriate; and**
- 3 Authorise the Chief Executive Officer or his nominated Officers to progress the planning, detailed design, and construction of the Pump Track (ATTACHMENT 13.12).**

CARRIED 9/0

Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

Reason for change: Council determined the preferred site for the Mountain Bike Pump Track.

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13.13 TOM PRICE HEALTH SERVICE

MINUTE: 678/2019

FILE REFERENCE:	POI.0400
AUTHOR'S NAME AND POSITION:	Janelle Fell Manager Land and Asset Compliance
AUTHORISING OFFICER AND POSITION:	Brian Cameron Director Property and Development Services
NAME OF APPLICANT/RESPONDENT:	WA Country Health Service
DATE REPORT WRITTEN:	1 October 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The WA Country Health Service seeks Council support to undertake studies on Lots 400 on Deposited Plan 409078 and 46 on Deposited Plan 413028 with a view to locating a new Health Service on portion of the site.

Background

Lot 400 on Deposited Plan 409078 on Lot 46 on Deposited Plan 413028 are owned freehold by the Shire of Ashburton. Combined, the area is 4.2 hectares and zoned "Residential – R30". Council endorsed this site as the location for the Tom Price Childcare Centre at the April 2018 Ordinary Meeting of Council.

Representatives from the WA Country Health Service (WACHS), Rio Tinto and the Shire met on 28 May 2019 to discuss the future of the Tom Price Health Service and, alternative land opportunities to locate the service. Lot 400 [and 46] was discussed as an alternative site, which WACHS has confirmed they are prepared to financially support further geotechnical studies in-principle, based upon an agreed scope of works and price, to determine the suitability of the site.

Comment

Lots 400 and Lot 46 have been identified as a possible location for a new Tom Price Health Service. WACHS has advised approximately 95.6 metres x 106.5 metres (~10,200sqm) is required to adequately site a new Health Service including grounds and car park.

It is proposed the Health Service be sited within the Balance Lot as identified and depicted on the attached plan (**ATTACHMENT 13.13**), pending community support for the location.

Lots 400 and 46 have been identified for three potential uses:

- Tom Price Childcare Centre (3,093 m²);
- Emergency Services Collocation Facility; and
- a new WACHS Health Service (10,200 m²).

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The combined total of Lots 400 and 46 is 42,500 m² leaving approximately 25,551m² for other purposes.

ATTACHMENT 13.13

Preliminary geotechnical investigations for the site, commissioned by the Shire and provided to WACHS, requires site remediation to the appropriate requirements. This has not deterred WACHS' consultants from progressing further investigations.

As the proposed land use and development has the potential to impact the use and enjoyment of neighbouring properties, it is proposed to undertake community consultation early similar to the consultation undertaken for planning proposals:

- i. The owners/occupiers of properties determined as being potentially affected by a development proposal will be consulted in writing providing a minimum of 14 days for the lodgment of any submissions.
- ii. Publish a notice of the development proposal on Social Media platforms inviting comment within a specified period.

Consultation

Executive Management Team
WA Country Health Service

Statutory Environment

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

Goal 01	Vibrant and Active Communities
Objective 1	Connected, caring and engaged communities
Objective 2	Sustainable services, clubs, associations and facilities
Objective 3	Quality education, healthcare, childcare, aged care and youth services
Goal 04	Quality Services and Infrastructure
Objective 1	Quality public infrastructure
Objective 3	Well-planned towns

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

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

Goal 04	Quality Services and Infrastructure
Objective 1	Quality public infrastructure

Risk Management

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

Policy Implications

Town Planning Scheme No. 7

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Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That with respect to the Tom Price Health Service, Council:

- 1. Authorise the Chief Executive Officer to advise WA Health Country Service (WACHS) that Council support:**
 - a. in-principle, a new Health Service being located on portion of Lot 400 on Deposited Plan 409078 and Lot 46 on Deposited Plan 413028 (ATTACHMENT 13.13); and**
 - b. investigations by WACHS to determine the suitability and viability of a site;**
- 2. Authorise the Chief Executive Officer to determine a suitable site within Lot 400 on Deposited Plan 409078 and Lot 46 on Deposited Plan 413028 for a new Health Service;**
- 3. Request the Chief Executive Officer undertake public consultation in regards to a new Health Service being located within Lots 400 and 46; and**
- 4. Request the Chief Executive Officer to prepare a further report for Council's consideration after determining the above.**

CARRIED 9/0

Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

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13.14 PROPOSED REALIGNMENT OF ONSLOW TOWNSITE BOUNDARY

MINUTE: 679/2019

FILE REFERENCE: LP07

AUTHOR'S NAME AND POSITION: Andrew Davis
Principal Town Planner

AUTHORISING OFFICER AND POSITION: Brian Cameron
Director Property and Development Services

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 10 October 2019

DISCLOSURE OF FINANCIAL INTEREST: The author and the authorising officer have no financial, proximity or impartiality interests in the proposal

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

Recent residential development in Onslow has resulted in the town's developed urban area extending beyond the current townsite boundary. This report is presented for Council consideration to request that the Minister for Lands adjust the Onslow townsite boundary to accurately reflect the current urbanised area, with allowance for future growth.

Background

In Western Australia, towns and cities have a defined boundary established pursuant to section 37 of the Land Administration Act 1997 (LAA) and are illustrated on respective Planning Scheme maps. It is rarely necessary to amend a townsite boundary, however recent expansion of the Onslow urban area has necessitated that the town site boundary be adjusted to include new residential subdivided areas, and to accommodate future expansion anticipated in the Onslow Town site Expansion Structure Plan.

Townsite boundaries impact the application of several pieces of legislation relevant to local government and this proposed town site boundary amendment will facilitate the effective application of a number of Western Australian Acts and Regulations.

As described in **ATTACHMENT 13.14A**, the proposed amendment to the Onslow town site boundary generally captures all of the land rezoned as part of Amendments 21 and 22, the Onslow Airport and land immediately adjacent to the north. The proposed new town site boundary will more than double the town's current area

As described in **ATTACHMENT 13.14B**, the Onslow townsite generally encompasses that part of the town developed prior to 2014, and the undeveloped land west of the town to the high water mark; it also includes Reserve 30711, which is a managed reserve held by the Department of Transport and developed as the Beadon Creek Harbour. This boundary appears to predate the subdivision of the land between Scully and Eagle Nest Roads as it cuts across nine freehold lots that are currently split by the town site boundary.

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The proposed new boundary follows the new Onslow Road, and includes all the land zoned 'Urban Development' by Amendments 21 and 22 that facilitated the Onslow Town site Expansion Structure Plan, with the only variation being to include the whole of Lot 719 that is partially zoned 'Urban Development', with the balance of the lot reserved for 'Conservation, recreation and nature landscape'.

Lot 719 is included in its entirety as it is not best practice to split lots as this practice creates stated valuation issues and will not be supported by the Department of Planning, Lands and Heritage (DPLH).

In addition to the Structure Plan area, the proposed new townsite boundary includes the entirety of Lots 9001 (Onslow Airport), and 9500 (Mixed Business zone). These lots are included primarily to make applying Shire rates to this land a more straight forward process.

From the northern boundary of Lot 9001, the proposed townsite boundary strikes north across Lot 851 to rejoin the existing boundary, with this line adopted following discussion with the land surveyor and DPLH. That land designated outside this section of the proposed town site boundary is not anticipated to be developed or used for urban purposes.

Implications for Changing Boundary

A townsite boundary is relevant to a wide range of legislation, and a summary of these is listed in the table below. It should be noted that this is not an exhaustive list, and includes only those Acts and Regulations most relevant to the Shire and could possibly impact staff in their duties. The comments should not be considered a legal opinion and are merely a brief assessment of the Officer's understanding and appreciation of the statute.

Legislation	Reference	Impact	Comment
<i>Bush Fires Act 1954</i>	S. 39(1)(i)	Limits some actions of bushfire officers where there is a Fire brigade or volunteer fire brigade in a town site	Onslow currently does not have a bushfire brigade, so this change will have no effect in the foreseeable future.
<i>Country Housing Act 1998</i>	S. 23 and 26	Farmers and retired farmers can apply for financial assistance to purchase land and construct dwellings in a town site.	Unlikely that any retired farmer in the Onslow region would seek or require financial assistance to purchase land or build a dwelling in the expanded town site area, but any such financial assistance would come from the State, not the Shire.
<i>Dog Act 1976</i>	31 (2)(b); 32(1)(b)	Dog control in public places not as strongly regulated outside town sites	Increases powers of rangers on land to be included in the Onslow town site, but unlikely to have any significant effect.
<i>Liquor Control Act 1988</i>	36A (2)(b) 65A(2)	Control of packaged liquor sales from petrol station in or near town site	Unlikely to have a petrol station selling liquor in the proposed town site expansion area, so application of this legislation will have little practical effect.
<i>Local Government (Miscellaneous Provisions) Act 1960</i>	484(5)	Cattle in a town site considered to be 'at large' except on or day after a market day	Cattle rarely at large on public roads in either the existing or proposed town site area.

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Legislation	Reference	Impact	Comment
<i>Local Government Act 1995</i>	3.52	Local government to keep public thoroughfares in town sites open and make plans available	The expanded town site is unlikely to impact Shire operations with regards to maintaining thoroughfares as these are already maintained, with plans available in the Town site expansion area. <u>Note:</u> thoroughfare means a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end
<i>Mining Act 1978</i>	25 (3A) (3B)	Minister will only grant approval to mine in a town site after consulting LAA Minister and local government	This section may impact any person seeking a mining tenement over the area proposed to be included in the Onslow town site. There are no known active or pending mining tenements in the affected area.
	26A	Minister may require surrender of mining tenement in town site	See above.
<i>Occupational Safety and Health Act 1984</i>	23H (2)	Employer-owned housing to maintained safely in a town site	May affect to any employer-supplied housing in the affected area.
	43 (1)(k)	Inspector may interview employee occupying employer-owned residential premises	See above.
<i>Valuation of Land Act 1978</i>		Unimproved value defined as the 'site value' in a town site;	No financial impact on the Shire's rates income, but will make rating land within the proposed boundary more straightforward.
<i>Conservation and Land Management Regulations 2002</i>	Aboriginal people may be exempt from prosecution for some offences under the CALM Act where these are undertaken for cultural purposes, but this exemption does not apply in a town site for:		
	115 (3)	Bringing an animal on to CALM land	
	116(1)	Operating or riding a vehicle	
	118 (1)	Lighting of kindling a fire	
	119 (2)	camping	
	121 (5), (6) and (7)	Taking of fauna and flora	
<i>Building Regulations 2012</i>		Part 8 Division 2 applies within town sites – relates to swimming pool regulation	Dwellings with swimming pools within the town site boundary are regulated and inspected by the local government. The Shire currently has no statutory authority to inspect those residential swimming pools outside the Town site Boundary.

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Legislation	Reference	Impact	Comment
<i>Health Act</i> (Laundries and Bathrooms) Regulations	Second Schedule	Regulations regarding laundries and bathrooms apply within Onslow town site	Dwellings within the new town site will be held to the same standards established in the Regulations regarding provision and design of bathrooms and laundries as those in existing Boundary.
Local Government (Financial Management) Regulations 1996	52A	Allows local government to apply differential general rates	Rates are applied differently for land outside a town site boundary, and this change would allow the Shire to rate all land within the revised Boundary on the same basis.
Town Planning (Buildings) Uniform General By-laws 1989	S. 5	Restrictions on constructing multiple Class 1, Class 2 or Class 3 buildings on a lot in a town site	Within a townsite boundary, a person may not construct an additional Class 1, 2, or 3 building on a lot that already contains a Class 1, 2, or 3 building without either demolishing the existing building, or if the new construction is an extension to the existing building, or if the council gives approval.
Town Planning and Development By-Laws — By-laws in Respect of Excavations in Subdivided Areas	S. 1	quarrying or excavating for stone, sand, or other material upon land on a lot less than ½ acre is prohibited in a town site	Exemptions apply to: <ul style="list-style-type: none"> • Land exceeding 1 hectare • Excavations for buildings, sanitary services etc. • Public works. <p>As an offence under this By-law incurs a penalty of: Twenty pounds, and in addition a daily penalty of Two pounds for every day or part of a day where the offence is in its nature a continuing offence, application of this legislation is considered unlikely.</p>

Comment

Modifying a townsite boundary is an extremely rare event and this proposal has been prepared to ensure it is unlikely to require further amendment in the foreseeable future.

As illustrated in Table 1, there are a significant number of pieces of legislation that use the town site boundary to establish areas of differentiated regulatory application. Of these pieces of legislation, the most significant to the Shire for ongoing statutory tasks are those related to inspecting and regulation swimming pools and rating land that is currently outside the Town site Boundary.

With regard to swimming pool inspections and regulation, the Shire currently does inspect those pools in the expansion area, although in the event the Shire needed to take some enforcement action this could be subject to challenge, given that the Building Regulations 2012 apply differently outside a town site boundary. Modifying the Onslow Town site Boundary will rationalise this issue, standardising the regulation of swimming pools throughout the urban area.

The other significant change to Shire practice is in the matter of applying a rating value to those lots currently outside the townsite Boundary. On advice from the Shire's Rates Officer, the actual rates charged to each lot will remain unchanged, but the manner in which the Shire values and applies this rate will be simplified.

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As noted, the proposed Deposited Plan that has been prepared with the new Onslow Town site Boundary includes all land that has been rezoned 'Urban Development' that is anticipated to accommodate all urban growth within the foreseeable future, as well as the Airport, and a portion of Lot 851 on DP 408818 that is held as a managed Crown reserve (Reserve 19291). This land, in addition to that already contained within the Town site meets all future expansion estimates and is recommended for inclusion within the Onslow Town site.

Consultation

Executive Management Team
Finance Officer Rates

Statutory Environment

Complies with all statutory requirements (as referred within this Report).

Financial Implications

There are no known meaningful financial implications relative to this matter in excess of officer time and minor administrative costs, including plan drafting of \$1500 and lodgement fee of \$283 excluding GST.

Strategic Implications

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

Goal 04 Quality Services and Infrastructure
Objective 3 Well planned towns

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr M Lynch

That with respect to the Proposed Realignment of the Onslow Townsite Boundary, Council:

- 1. Request the Minister for Lands to amend the Onslow Townsite Boundary in accordance with the plan enclosed as ATTACHMENT 13.14A.**

CARRIED 9/0
Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

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14. COMMUNITY SERVICES REPORTS

14.1 APPLICATION ACCEPTANCE OF COMMUNITY SUPPORT GRANT ALLOCATIONS ROUND 1, 2019/20 ANNUAL FINANCIAL YEAR

Declaration of Interest

Prior to consideration of this Agenda Item:

***Cr Dias declared an impartiality interest
Cr Rumble declared an impartiality interest
Cr Foster declared an impartiality interest***

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

MINUTE: 680/2019

FILE REFERENCE: GS01

AUTHOR'S NAME AND POSITION: Dee Walkington
Administration Officer Community Services

AUTHORISING OFFICER AND POSITION: Sarah Johnston
Acting Director Community Services

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 18 September 2019

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial, proximity or impartiality interests in the proposal

PREVIOUS MEETING REFERENCE: Agenda Item 14.1 (Minute No 566/2019) – Ordinary Meeting of Council 21 May 2019

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 (REC08)*, with applications closing 31 August 2019.

Twenty two (22) 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 18 September 2019 Ordinary Meeting of Council.

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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 August round twenty two (22) Community Support Grant applications were received, ten (10) from Tom Price, six (6) from Paraburdoo, four (4) from Pannawonica and two (2) from Onslow.

A community group, the Scorchers Cricket Club received a Community Support Grant 2018/2019 Round 2 and have returned the funding of \$2,500 as the event has been cancelled.

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 and Facebook page.

Applications received in Round 1 of the Community Support Grants 2019/20 annual financial year and are summarised in Table 14.1A.

TABLE 14.1A. COMMUNITY SUPPORT GRANTS – GENERAL ROUND

Name of Organisation	Name of Project	CASH being requested \$	IN-KIND being requested \$
ONSLow			
Western Australian Underwater Hockey Commission Incorporated	Onslow Underwater Hockey Goals	1,850.00	0.00
Onslow Occy's Swimming Club	Onslow Occy's Swim Club - Operational Costs	2,500.00	0.00
PANNAWONICA			
Pannawonica Playgroup INC.	Wooden Educational Toy Collection	1,300.00	0.00
Panna Be In It	Pizza Oven for Community Garden	1,700.00	0.00
Pannawonica Youth Club	Do it with Donuts	2,500.00	0.00
Pannawonica Craft Club Incorporated	Interior Storage and Picture Rail	2,500.00	0.00
PARABURDOO			
Paraburdoo Men's Shed	Non slip coating on concrete floor	2,000.00	0.00
Paraburdoo Amateur Swimming Club	Sun Shade Marquee	2,400.00	0.00
Paraburdoo Bowling Club	Committee Room Doors	2,500.00	0.00
Paraburdoo Soccer Club	Futsal	0.000	2,000.00
Karingal Neighbourhood Centre	Installation of Baby Change Table & Resources for International Men's Day Event	2,435.50	0.00
Paraburdoo Basketball Association	Establishing new club in Paraburdoo- Paraburdoo Basketbal	2,500.00	500.00

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TOM PRICE			
North Tom Price Primary School P&C Association	School security CCVT	2,500.00	0.00
Tom Price Netball Association	North West Netball Association Championship tournament	2,500.00	0.00
Tom Price Primary School	Tom Price Primary School – Fire Recovery	2,500.00	0.00
TOM PRICE			
Tom Price Pony and Horse Club	Ross Hall Horsemanship Clinic	2,500.00	0.00
Tom Price Primary School P and C	Shade sails for undercover area	2,500.00	0.00
Nintirri Centre Inc	Women’s Health Expo	1,000.00	500.00
Nameless Playgroup	Rent or Venue Hire and new toys	1,000.00	1,500.00
Tom Price BMX Club	Specialty Coach – Club Development	1,000.00	0.00
Tom Price Drive In Inc	Electrical upgrade	2,500.00	0.00
Tom Price Mongrels Softball Club	Lights and Ground Fees	1,137.50	0.00

All applicants in Table 14.1A have been assessed on the criteria outlined in REC08 Community Donations, Grants and Funding Policy, general conditions and criteria and compliance information provided in **ATTACHMENT 14.1**.

Table 14.1B outlines the allocation of support workshopped with Council on 18 September 2019, the recommendations for general community support grant applications being allocated from account 081877 (Sponsorships and Grants).

Table 14.1B COMMUNITY SUPPORT GRANTS – GENERAL ROUND

Name of Organisation	Council Recommendation
ONSLow	
Western Australian Underwater Hockey Commission Inc.	1,850.00
Onslow Occy’s Swimming Club	2,500.00
SUB TOTAL	4,350.00
PANNAWONICA	
Pannawonica Playgroup Inc	1,300.00
Panna Be In It	1,700.00
Pannawonica Youth Club	2,500.00
Pannawonica Craft Club Inc.	2,500.00
SUB TOTAL	8,000.00

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PARABURDOO	
Paraburdoo Men's Shed	2,000.00
Paraburdoo Amateur Swimming Club	2,000.00
Paraburdoo Bowling Club	2,000.00
Paraburdoo Soccer Club	2,000.00
Karingal Neighbour Centre Inc	0.00
Paraburdoo Basketball Association	2,000.00
SUB TOTAL	10,000.00
TOM PRICE	
North Tom Price Primary School P and C Association	2,500.00
Tom Price Primary School	0.00
Ashburton Little Athletics Centre Incorporated	0.00
Tom Price Netball Association	
Tom Price Pony and Horse Club	2,250.00
Tom Price Primary School P and C	0.00
Nintirri Centre	0.00
Nameless Playgroup	2,500.00
Tom Price BMX	0.00
Tom Price Drive In Inc	2,500.00
Tom Price Mongrels Softball Inc	0.00
SUB TOTAL	9,750.00
TOTAL	32,100.00

Funding has been allocated for the annual Community Support Grants to the value of \$80,000.00 in the 19/20 budget, account ~~081877~~ GL 111224.

Table 14.1C COMMUNITY SUPPORT GRANTS – BUDGET BREAKDOWN

Budget Total		80,000.00
Town	Round 1	Total
ONSLOW	4,350.00	4,350.00
PANNAWONICA	8,000.00	8,000.00
PARABURDOO	10,000.00	10,000.00
TOM PRICE	9,750.00	9,750.00
Total	32,100.00	
Balance Unspent		47,900.00

Consultation

Executive Management Team
Shire of Ashburton Councillors
Club Development Officers – Community Services

Statutory Environment

There are no known statutory requirements for this matter.

Financial Implications

The following budget allocations are provided in the 2019/20 budget:

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~~081877~~ GL 111224 Community Support Grants \$80,000.00

\$5,801.50 has currently been allocated as Small Assistance Donations to clubs and groups across the four towns.

Strategic Implications

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

Goal 01 Vibrant and Active Communities
Objective 2 Sustainable services, clubs, associations and facilities

Risk Management

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

Policy Implications

REC08 Community Donations, Grants and Funding Policy

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr R de Pledge

SECONDED: Cr M Gallanagh

That with respect to the Acceptance of Community Support Grant Allocations, Round 1, 2019/20 Annual Financial Year, Council:

- 1. Approve the recommendations for General Community Support Grant Applications being allocated from account GL 081877 (Sponsorships and Grants) as stated in Table 14.1B of this report.**

CARRIED 9/0
Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

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14.2 COUNCIL INITIATED DONATION TOM PRICE PRIMARY SCHOOL

MINUTE: 681/2019

FILE REFERENCE: GS01

AUTHOR'S NAME AND POSITION: Sarah Johnston
Acting Director Community Services

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 27 September 2019

DISCLOSURE OF FINANCIAL INTEREST: The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

REC08 Community Donations, Sponsorship and Funding Policy (REC08), makes provision for a Council Initiated Donation and after the recent fire at the Tom Price Primary School a donation to the School is recommended for Council's consideration.

Background

In late August a fire broke out at the Tom Price Primary School in the art classroom and spread to nearby classrooms before it was contained. The fire resulted in significant damage to the infrastructure and a loss of both classroom resources and teacher resources occurred.

At the June Ordinary Meeting of Council the signature event applications for funding for the 2019/20 were considered and provision made in the following budget. As part of the Signature Event funding support was provided to the Tom Price Camp Draft, due to drought conditions this year the event was unable to be held.

The Tom Price Camp Draft committee have made contact with Shire Officers and in the spirit of community cooperation, support of redirecting the \$10,000 funding to the Tom Price Primary School.

Comment

In addition to the Signature Event funding it is recommended that a further Council initiated donation of \$10,000 is made to the School. The combined donation of \$20,000 would enable the School to replace damaged teaching resources, equipment and other consumables that were lost as a result of the fire.

Consultation

Executive Management Team
Tom Price Camp Draft Committee

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Statutory Environment

There are no known statutory impediments for this matter.

Financial Implications

The total cost of the donation would be \$20,000 being made up of \$10,000 diverted of signature event funding for the Tom Price Camp Draft from GL EV203 and \$10,000 as a Council Initiated Donation from GL11025170.

Strategic Implications

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

Goal 01 Vibrant and Active Communities
Objective 3 Quality education, healthcare, childcare, aged care and youth services.

Risk Management

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

Policy Implications

REC08 Community Donations, Grants and Funding Policy

Voting Requirement

Absolute Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Diver

That with respect to the Council Initiated Donation for the Tom Price Primary School, Council:

- 1. Commend the Tom Price Camp Draft for their support and the re-direction of the Signature Event Funding; and**
- 2. Approve the Chief Executive Officer to negotiation the terms of the donation to the Tom Price Primary School to the value of \$20,000.**

**CARRIED BY ABSOLUTE MAJORITY 9/0
Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and
Richardson voted for the motion**

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15. INFRASTRUCTURE SERVICES REPORTS

15.1 AWARD OF RFT 07.19 ONSLOW CLASS IV LANDFILL WORK – PILBARA REGIONAL WASTE MANAGEMENT FACILITY

MINUTE: 682/2019

FILE REFERENCE: WM09

AUTHOR'S NAME AND POSITION: Les Morgan
Asset Management Specialist

AUTHORISING OFFICER AND POSITION: Alan McColl
Acting Director Infrastructure Services

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 13 October 2019

DISCLOSURE OF FINANCIAL INTEREST: The author and the authorising officer have no financial, proximity or impartiality interests in this report.

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

A request for Tender RFT 07.19 Onslow Class IV Landfill Works was issued via the Shire's e-tendering portal known as TenderLink and advertised via state wide public notice in The West Australian Newspaper from 5 June 2019 to 30 July 2019.

Eight (8) conforming tenders were received in response to the RFT 07.19. The evaluation panel has completed its assessment of the submissions and makes its recommendation. Infrastructure Services requests to engage a contractor to construct the Onslow Class IV Landfill Works for the future Pilbara Regional Waste Management Facility (PRWMF).

Background

The Pilbara Region has a lack of adequate waste infrastructure that has led to inefficient waste disposal practices and increased costs for mining, government and other industries. This shortage of infrastructure results in waste removed from the Pilbara region being transported 1400 kilometres to Perth on a daily basis via trucks specifically designed for this purpose. Due to their specialised nature, the trucks making this round trip of 2,800 kilometres have to return empty, thereby, making this a costly, inefficient and unsustainable practice.

The Shire decided to meet this challenge by establishing a Pilbara Regional Waste Management Facility (PRWMF) that will be located approximately 36km south of the town of Onslow and will be able to accept Class III and IV waste, including waste from the mining, industrial, and oil and gas sectors across the wider Pilbara Region. The PRWMF has been designed to meet local needs and resolve wider economic problems plus the costs of transporting waste.

This report focuses on the construction of a Class IV Landfill Cell and other associated waste management infrastructure required for the operation of the PRWMF.

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At the time of preparing this Report, the Shire has received the draft Works Approval from the Department of Water, Environment and Regulation. Staff will update Council at the meeting in relation to the timing of the issue of the Works Approval.

In addition, due to the time delays in receiving the necessary Works Approval and the consequences of delays due to an appeal being lodged to the original EPA Approval, the Shire has sought to seek an extended period of construction and Milestone review in relation to the Building Better Regions Funding (BBRF). These changes are yet to be authorised by the Federal Government,

Scope of Works

The works to be carried out under this tender include the following:

- Earthworks to enable the construction of:
 - Cell 1 of the waste management facility,
 - Leachate evaporation, waste water and surface water management ponds, and
 - Associated drainage infrastructure;
- Construction of an engineered attenuation Layer;
- Construction of internal roadways;
- Sealing of the main access road constructed under RFT 04.19;
- Supply & Installation of the geosynthetic lining systems;
- Placement of a gravel leachate collection layer and associated pipework;
- Construction of leachate extraction/evaporation infrastructure;
- Construction of Waste Water Evaporation Ponds;
- Construction of Surface Water attenuation pond and Management infrastructure; and
- Construction of Levee Embankment.

A detailed Scope of Works is provided in **ATTACHMENT 15.1A**.

Items to be removed from RFT 07.19

It should be noted that a Tyre Baling Shed and a Maintenance Shed were originally included in the scope of works for this tender, however, these items were removed due to fiscal constraints. Both of these items are considered non-essential works and as such were individually costed within the Pricing Schedule.

Assessment of the Variations to the Scope of Works

Clause 20, Division 2, of "Local Government (Functions and General) Regulations 1996 - Provision of Goods and Services, Tenders for Providing Goods or Services" outlines that:

20. *Variation of requirements before entry into contract:*

- (1) *If, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services required, the local government wishes to make a minor variation in the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied requirement subject to such variations in the tender as may be agreed with the tenderer.*

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- (2) If—
- (a) *the chosen tenderer is unable or unwilling to enter into a contract to supply the varied requirement; or*
 - (b) *the local government and the chosen tenderer cannot agree on any other variation to be included in the contract as a result of the varied requirement, that tenderer ceases to be the chosen tenderer and the local government may, instead of again inviting tenders, choose the tenderer, if any, whose tender the local government considered it would be the next most advantageous to it to accept.*
- (3) *In subregulation (1) — minor variation means a variation that the local government is satisfied is minor having regard to the total goods or services that tenderers were invited to supply.*

In addition to the above regulation, there was also a provision in the RFT documentation “...that the Principal may enter into negotiations with a chosen tenderer and the negotiations are to be carried out in good faith...”

Assessment of the Significance of the Variations

As required in the regulations, provided that Council considers the variations to be minor with regard to the total goods or services, it is considered that due process will be maintained by selecting a preferred tenderer and entering into negotiations regarding the above adjustments prior to contracts being signed.

The submitted cost of the Tyre Baling Shed was approximately 1.9% of the total cost of the works, and the Maintenance Shed was approximately 5.8% of the total works.

Overall, the scope of works have been reduced by approximately 5.8% (7.7% reduction and 1.9% addition). Hence, the variations outlined are considered to be minor with regard to the total goods or services that tenderers were invited to supply and thus are considered to be in accordance with the legislation.

The above percentages were calculated using the figures submitted by the preferred tenderer. For further clarification on the figures used refer to **CONFIDENTIAL ATTACHMENT 15.1.B**.

Accordingly, it is deemed appropriate that the CEO enter into negotiations with the preferred tenderer prior to signing of contracts.

Commencement of the Contract

Council is awaiting approval from the Department of Water and Environmental Regulation (DWER) for the construction of this facility and as such, negotiations are being held between Council staff and DWER to expedite this essential approval.

Accordingly, works cannot commence until this approval has been obtained. It should be noted that after the issue of a Works Approval, a 21 day appeal period is active, whereby an appeal can be lodged.

This issue is covered in the RFT documents as follows:

“This Contract is conditional upon the satisfaction or waiver of following conditions Precedent as specified below:

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- *The Principal must obtain all relevant planning, environmental and other relevant approvals for the project.
If the Principal determines that a Condition Precedent has been satisfied the Principal shall issue a Notice to that effect to the Contractor.*

If the Condition Precedent cannot be satisfied for whatever reason, the Principal will provide written notice to the Contractor on the matter.

There will be no payment to the Contractor, for any loss or expenses, if the conditions precedent have not be satisfied by the Principal, unless otherwise agreed in writing by the both parties. The Principal may waive a Condition Precedent by issuing a Notice to that effect to the Contractor.”

Hence, it is critical that the Contract not be commenced until DWER approval has been obtained and BBRF Millstone changes confirmed. However, due to the Appeal period of 21 days (for the Works Approval) some degree of risk still exists even after an Approval has issued.

Selection Criteria

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

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

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

Consultation

Executive Management Team
 Manager Waste Services
 Manager Governance
 Senior Procurement Officer
 Financial Support Officer

Statutory Environment

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

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

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

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

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Local Government (Functions and General) Regulations 1996

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150,000 unless sub-regulation (2) states otherwise.*

Financial Implications

There is a budgeted provision for this phase of the construction of the Pilbara Regional Waste Management Facility in the 2019/20 Budget.

A provision to transfer from the Waste Services Reserve will need to be included in the Budget 2020/21 for the final phase of the construction.

Strategic Implications

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

Goal 04 Quality Services and Infrastructure
Objective 1 Quality public infrastructure

Strategic Direction - Provide and maintain affordable infrastructure that serves the current and future needs of the community, environment, industry and business.

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' (consequences 'Major', likelihood 'possible').

This level of risk is being driven by the possibility of severe weather conditions during the works and the impact that this may have on costs.

It is considered that the likelihood of this event occurring is 'possible', however, measures including adjustments to the timeline of the works should minimise the likelihood and impact of such an event occurring at a critical stage in the works. Further to the above, this will be monitored and managed by specific procedures by the Director Infrastructure Services.

Policy Implications

Policy FIN12 Purchasing Policy.

This Policy outlines how the Shire of Ashburton will deliver best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance whereby establishing efficient, effective, economical and sustainable procedures in all purchasing activities.

This Policy was used to undertake the procurement process through a publicly advertised RFT.

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Voting Requirement

Absolute Majority Required

Officers Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr M Lynch

That with respect to the Award of RFT 07.19 Onslow Class IV Landfill Work– Pilbara Regional Waste Management Facility, Council:

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

“A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.”

- 2. Note the attachments RFT 07.19 Scope of Works ATTACHMENT 15.1A and Evaluation report CONFIDENTIAL ATTACHMENT 15.1B;**
- 3. Pursuant to Clause 20, Division 2, of “Local Government (Functions and General) Regulations 1996, vary the scope of works of RFT 07.19 by removing the Tyre Baling Shed and Maintenance Shed as a minor variation to RFT 07.19.**
- 4. Once a Works Approval for the Onslow Class IV Landfill has been issued by the Department of Water, Environment and Regulation, the Conditions Precedent have been satisfied, and the Building Better Regions Funding Milestone changes have been authorised by the Federal Government, award RFT 07.19 Onslow Class IV Landfill Early Works, as varied in recommendation 3 above, to Raubex Construction Pty Ltd, upon the approval of the works by the Department of Water and Environmental Regulations, and authorise the Chief Executive Officer to enter into a contract with the preferred contractor; and**
- 5. Authorise the Chief Executive Officer, prior to the signing of contracts, to negotiate the provision of possible variations, providing that the variations are:
 - a) In accordance with clause 20 of the “*Local Government (Functions and General) Regulations 1996*”,**
 - b) Necessary in order for the goods or services to be supplied, and**
 - c) Managed within the overall budget for the project.****

CARRIED BY ABSOLUTE MAJORITY 9/0

Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

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16. COUNCILLOR AGENDA ITEMS / NOTICES OF MOTIONS

16.1 NOTICE OF MOTION MOSQUITO INFESTATIONS ACROSS ALL SHIRE OF ASHBURTON TOWNS

MINUTE: 683/2019

FILE REFERENCE: PH06

AUTHOR'S NAME AND POSITION: John Kelly
Acting Manager Development Services

AUTHORISING OFFICER AND POSITION: Brian Cameron
Director Property and Development Services

NAME OF APPLICANT/RESPONDENT: Cr Dias

DATE REPORT WRITTEN: 9 October 2019

DISCLOSURE OF FINANCIAL INTEREST: The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

Cr Dias has submitted the following Notice of Motion: *"Request the CEO to advise Council on strategies in place to manage mosquito infestations across all Shire of Ashburton towns."*

This report provides clarification in relation to the Shire's current practices for mosquito management within the four town sites of Tom Price, Paraburdoo, Onslow and Pannawonica.

Background

As a result of concerns raised by members of our community together with elected members, and in order to provide clarification and understanding for the Shire's elected members, we have prepared a report, which provides an insight of the Shire's current operational activities for mosquito management.

Comment

Response to the Notice of Motion put forward by Cr Dias:

- There are some fundamental principles that we feel should be presented to Council to explain our mosquito response.
- Firstly, mosquitoes require water to breed, given the lack of rain it limits the breeding areas for mosquitoes. In Paraburdoo apart from daily retic runoff the only real source of water currently is from the Rio Tinto waste water ponds and outfall.
- For example: Just the saucer under a pot plant is sufficient to provide an ideal breeding environment for mosquitoes.
- Staff also place CO2 traps in each of our townships, and from what is caught we are able to identify via the use of microscopes the breed of mosquito

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- Recently we have added to our abatement activity with spraying of residual insecticide in the public Ablutions.
- Councillors may be aware that in all four towns we have a flock of “sentinel” chickens which we bleed every fortnight in order to provide a surveillance program with the Department of Health (DoH) WA.
- In terms of Mosquito Management measures, we routinely larvicide at Wombat Crossing in Tom Price due to the large water body, the abundant vegetation creates an ideal breeding environment.
- Challenges we currently face apart from , areas like Wombat Crossing and the Paraburdoo runoff, is via land ownership (i.e. RTIO) and responsibilities (i.e. community members) assisting in preventing breeding grounds for mosquitoes to breed, and taking on more self-awareness and personal protection to help themselves.

Please note the attachments listed below that provide the information relating to the Shire’s current management and measures taken to reduce the infestation of mosquitoes within the Shires townships.

ATTACHMENT 16.1A

Attached Shire Mosquito Management Plan

ATTACHMENT 16.1B

Attached Department of Health (DoH) WA’s Contingency Plan for the Prevention and Management of Murray Valley Encephalitis (MVE) and West Nile (Kunjin) WNV (KUN) Virus Diseases in Western Australia.

ATTACHMENT 16.1C

Consultation

Executive Management Team

Statutory Environment

There are no known statutory implications for this matter.

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

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

Goal 04 Quality Services and Infrastructure

Objective 2 Accessible and safe 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’ (consequences ‘Major’, likelihood ‘possible’).

Policy Implications

There are no known policy implications for this matter.

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Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr M Lynch

That with respect to the Notice of Motion – Mosquito Infestations Across all Shire of Ashburton Towns, Council:

- 1. Note the response and information provided in the Report relating to mosquito management.**

CARRIED 9/0

Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That Council in accordance with CI 15.1 of the *Shire of Ashburton Standing Orders Local Law 2012* adjourn the meeting at 4.08 pm.

CARRIED 9/0

Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

Council Decision

MOVED: Cr M Lynch

SECONDED: Cr J Richardson

That Council in accordance with CI 15.2(b) of the *Shire of Ashburton Standing Orders Local Law 2012*, the meeting was resumed at 4.21 pm.

CARRIED 9/0

Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

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**17. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY
DECISION OF MEETING**

Council Decision

MOVED: Cr P Foster

SECONDED: Cr R de Pledge

That Council accept the following as New Business of an Urgent Nature:

17.1 SPEED LIMIT ON ONSLOW RING ROAD; and

**17.2 MODIFICATION TO THE 'VISION' ASSOCIATED WITH THE STRATEGIC COMMUNITY
PLAN 2017-20127 (2019 DESKTOP REVIEW)**

CARRIED 9/0

**Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and
Richardson voted for the motion**

17.1 SPEED LIMIT ON ONSLOW RING ROAD

MINUTE: 684/2019

FILE REFERENCE:

RD.0002

**AUTHOR'S NAME AND
POSITION:**

Rob Paull
Chief Executive Officer

**NAME OF APPLICANT/
RESPONDENT:**

Cr Kerry White

DATE REPORT WRITTEN:

18 October 2019

**DISCLOSURE OF FINANCIAL
INTEREST:**

The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

**PREVIOUS MEETING
REFERENCE:**

Not Applicable

Summary

Cr White advised Council of an opportunity to review the 60kph speed limit on the Onslow Ring Road.

Comment

On 2 October 2019, the Minister for Transport visited Onslow to view certain construction works.

In conversation, the Minister was advised as to concerns raised by numerous members of the community as to the current 60kph speed limit on the on the Onslow Ring Road.

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Subsequently, Main Roads WA has advised that the current speed limit was sought by the Shire and Chevron Australia (and agreed to by Main Roads WA).

Notwithstanding this, due to the assistance of the Minister, Main Roads WA is prepared to review the speed limit provided, it is formally requested by both Council and Chevron Australia.

Consultation

Chief Executive Officer

Statutory Environment

Road Traffic Act 1974

Road Traffic Code 2000

Financial Implications

There are no known financial implications relative to this Item.

Strategic Implications

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

Goal 5 – Inspiring Governance

Objective 3 – Council Leadership

Objective 4 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

There are no known policy implications for this matter

Voting Requirement

Simple Majority Required

Council Decision

MOVED: Cr M Lynch

SECONDED: Cr P Foster

That with respect to the New Business of an Urgent Nature Introduced by decision of meeting by Cr White, Council;

- 1. Request Main Roads WA to review the current 60kph speed limit on the Onslow Ring Road.**

CARRIED 9/0

Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

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17.2 MODIFICATION TO THE 'VISION' ASSOCIATED WITH THE STRATEGIC COMMUNITY PLAN 2017-2027 (2019 DESKTOP REVIEW)

MINUTE: 685/2019

FILE REFERENCE: CM03

AUTHOR'S NAME AND POSITION: Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Cr Peter Foster
Elected Member

DATE REPORT WRITTEN: 18 October 2019

DISCLOSURE OF FINANCIAL INTEREST: The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

PREVIOUS MEETING REFERENCE: Agenda Item 11.3 (Minute No 581/2019) - Ordinary Meeting of Council 18 June 2019

Summary

Cr Foster advised Council of a need to modify the Shire's 'Vision' as provided for the Community Strategic Plan 2017-2027 (Desktop Review 2019) to make reference to an 'inclusive community'.

Comment

The Shire's 'Vision' as provided for in the *Community Strategic Plan 2017-2027 (Desktop Review 2019) (Community Plan)* states:

"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"

To guide Shire staff who are actively coordinating community end of year events, Council is requested to consider amending the 'Vision' of the Shire as stated in the *Community Plan* by adding the word 'inclusive' and to read as follows:

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

Consultation

Chief Executive Officer

Statutory Environment

Local Government Act 1995 Section 5.56.

Local Government (Administration) Regulations 1996

Financial Implications

There are no known financial implications for this matter

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Strategic Implications

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

Goal 05 Inspiring Governance
Objective 3 Council leadership
Objective 4 Exemplary team and work environment

Risk Management

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

Policy Implications

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

Voting Requirement

Absolute Majority Required

Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Diver

That with respect to the New Business of an Urgent Nature Introduced by decision of meeting by Cr Foster, Council;

- 1. Resolve to clarify the 'Vision' of the Shire as stated in the Strategic Community Plan 2017-2027 (2019 Desktop Review) by adding the word 'inclusive' and to read as follows:**

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

- 2. Request the Chief Executive Officer to provide local public notice of the revised document as required under the Local Government (Administration) Regulations 1996.**

CARRIED BY ABSOLUTE MAJORITY 8/1
Councillor White, Rumble, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson
voted for the motion
Councillor Dias voted against the motion

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 (2)(b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:

- (a) a matter affecting an employee or employees;**
- (b) the personal affairs of any person;**
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;**
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;**
 - (I) a matter that if disclosed, would reveal;**
 - (II) a trade secret;**
 - (III) information that has a commercial value to a person; or**
 - (IV) information about the business, professional, commercial or financial affairs of a person,**

Where the trade secret or information is held by, or is about, a person other than the local government.

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

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Council Decision

MOVED: Cr M Lynch

SECONDED: Cr P Foster

That Council close the meeting to the public at 4.25 pm pursuant to sub section 5.23 (2) (a) and (b) of the *Local Government Act 1995*.

CARRIED 9/0
Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

18.1 CONFIDENTIAL ITEM – REQUEST FROM ASHBURTON INVESTMENTS PTY LTD (LESSEE) – ONSLOW SUN CHALETS

MINUTE: 686/2019

FILE REFERENCE: SEC.0588

AUTHOR'S NAME AND POSITION: Janelle Fell
Manager Land and Asset Compliance

AUTHORISING OFFICER AND POSITION: Brian Cameron
Director Property and Development Services

NAME OF APPLICANT/RESPONDENT: Ashburton Investments Pty Ltd

DATE REPORT WRITTEN: 2 September 2019

DISCLOSURE OF FINANCIAL INTEREST: The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

PREVIOUS MEETING REFERENCE: Agenda Item 18.1 (Minute No. 648/2019) Ordinary Meeting of Council 18 September 2019

REASON FOR CONFIDENTIALITY

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

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

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Council Decision

MOVED: Cr M Lynch

SECONDED: Cr D Diver

That Council suspend Standing Orders at 4.26 pm.

CARRIED 8/1
Councillor White, Rumble, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson
voted for the motion
Councillor Dias voted against the motion

Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That Council resume Standing Orders at 4.35 pm.

CARRIED 8/1
Councillor White, Rumble, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson
voted for the motion
Councillor Dias voted against the motion

Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Diver

That with respect to the request from Ashburton Investments Pty Ltd (Lessee) – Onslow Sun Chalets, Council:

- 1. Advise Ashburton Investments Pty Ltd that the lease fee will be \$100,000 pa (ex GST and subject to CPI increases as per the current lease) for 2 years;**
- 2. Ensure a further appraisal is to be undertaken after two years to determine the appropriate market rental value of the property**

CARRIED 9/0
Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson
voted for the motion

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18.2 CONFIDENTIAL WITTENOOM CLAIM DAMAGES CLAIM

MINUTE: 687/2019

FILE REFERENCE:	LS34
AUTHOR'S NAME AND POSITION:	Keith Pearson Special Projects Advisor
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	11 September 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Confidential Agenda Item 8.1 (Minute No. 631/2019) – Audit and Risk Committee Meeting 18 September 2019

REASON FOR CONFIDENTIALITY

This report is confidential in accordance with s5.23 (2) *the Local Government Act 1995* because it deals with matters affecting s5.23 (2):

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

Officers Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr M Gallanagh

- 1 That with respect to the matter the subject of this report, Council adopt the officer recommendation contained in the body of the report**

CARRIED 9/0
Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

All staff (except the CEO) left the Chambers at 4.38 pm due to a confidential agenda item. The Minutes were taken by the CEO when the Council Liaison Officer left the room.

**AMENDED PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL
22 OCTOBER 2019**

18.3 CONFIDENTIAL ITEM - ACTING POSITION OF DIRECTOR CORPORATE SERVICES

MINUTE: 688/2019

FILE REFERENCE: GV05
PE03

AUTHOR'S NAME AND POSITION: Rob Paull
Chief Executive Officer

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 15 October 2019

DISCLOSURE OF FINANCIAL INTEREST: The author and authorising officer have no financial, proximity or impartiality interests in the proposal.

PREVIOUS MEETING REFERENCE: Not Applicable

REASON FOR CONFIDENTIALITY

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

- (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.*

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Diver

That with respect to the matter of the position of Director Corporate Services, Council:

- 1. Appoint Mr Steven Deckert in the role of (Acting) Director Corporate Services, pursuant to s5.37 (2) of the *Local Government Act 1995*, concluding 17 November 2019.**

CARRIED BY ABSOLUTE MAJORITY 9/0
Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson voted for the motion

CEO Mr Rob Paull left the Chambers at 4.44 pm due to confidential agenda item 18.4. The Minutes were taken by Cr Foster when Mr Paull left the room.

**AMENDED PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL
22 OCTOBER 2019**

18.4 CONFIDENTIAL COUNCILLOR AGENDA ITEM – STAFFING MATTER

MINUTE: 689/2019

FILE REFERENCE: GVO5

REASON FOR CONFIDENTIALITY

The Report is confidential in accordance with s5.23 (2) the Local Government Act because it deals with matters affecting s5.23 (2):

(a) a matter affecting an employee or employees;

Council Decision

MOVED: Cr D Diver

SECONDED: Cr R de Pledge

Cr White tabled a CONFIDENTIAL Shire of Ashburton – Employee Matter

1. That Council receive the CONFIDENTIAL report and endorsed attachment concerning a CONFIDENTIAL matter – Shire of Ashburton – Employee Matter.

CARRIED 8/1

**Councillor White, Rumble, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson
voted for the motion
Councillor Dias voted against the motion**

CEO Mr Rob Paull returned the Chambers at 5.00pm.

~~Cr Foster left the Chambers at 5.00 pm.~~

The Presiding Member advised the CEO of the outcome of the vote for this item. Mr Paull resumed the minutes upon return.

~~Cr Foster left the Chambers at 5.00 pm.~~

Council Decision

MOVED: Cr D Diver

SECONDED: Cr M Gallanagh

That Council re-open the meeting to the public at 5.01 pm pursuant to sub section 5.23 (2) (a) and (b) of the *Local Government Act 1995*.

CARRIED 9/0 8/0

**Councillor White, Rumble, Dias, Foster, Lynch, de Pledge, Diver, Gallanagh and
Richardson voted for the motion**

On re-opening of the meeting, the President noted that there were no members of the public present and therefore did not read aloud the decisions made behind closed doors.

**AMENDED PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL
22 OCTOBER 2019**

19. NEXT MEETING

The next Ordinary Meeting of Council will be held on 19 November 2019, 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 5.02 pm.

UNCONFIRMED MINUTES