

# Ordinary Meeting of Council

Paraburdoo



## CONFIRMED MINUTES

16 February 2021

Ashburton Hall  
Ashburton Avenue  
Paraburdoo

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.

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# Our Vision

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



## STRATEGIC DIRECTIONS

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



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





**SHIRE OF ASHBURTON  
CONFIRMED PUBLIC MINUTES**

**Ashburton Hall, Ashburton Avenue,  
Paraburdoo**

**16 February 2021**

**1.00 pm**

**UNCONFIRMED PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
16 FEBRUARY 2021**

**SHIRE OF ASHBURTON**

**ORDINARY MEETING OF COUNCIL**

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



**Mr Kenn Donohoe**  
**Chief Executive Officer**

Date: 16.02.2021

These minutes were confirmed by Council as a true and correct record of proceedings of the Ordinary Meeting of Council on the 16 February 2021.

Presiding Member: Kay White

Date: 16/03/2021

**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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**1. DECLARATION OF OPENING**

The Presiding Member 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.

**2. ANNOUNCEMENT OF VISITORS**

The Presiding Member welcomed Jason Smith from the Paraburdoo Motorcycle Club to the gallery.

**3. ATTENDANCE**

**3.1 PRESENT**

<b>Elected Members:</b>	Cr K White Cr D Diver Cr M Lynch Cr L Rumble Cr D Dias Cr J Richardson Cr R de Pledge	Shire President (Presiding Member) Onslow Ward Deputy Shire President, Tom Price Ward Tom Price Ward Paraburdoo Ward Paraburdoo Ward Tablelands Ward Ashburton Ward
<b>Staff:</b>	Mr K Donohoe Ms C McGurk Mr A Majid Mr M Khosravi Mrs J Fell Mrs M Lewis Mrs A Lennon Ms N Jeffery	Chief Executive Officer Director Projects and Procurement Director Development Services Director Infrastructure Services Acting Director Corporate Services Council Liaison Officer Manager Media and Communication Executive Assistant Corporate Services
<b>Guests:</b>	Jason Smith Russell Barnes	Paraburdoo Motorcycle Club Moore Australia
<b>Members of Public:</b>	There was one member of the public in attendance at the commencement of the meeting.	
<b>Members of Media:</b>	There were no members of the media in attendance at the commencement of the meeting.	

**3.2 APOLOGIES**

Cr M Gallanagh    Pannawonica Ward  
Mr J Bingham     Director Corporate Services

**3.3 APPROVED LEAVE OF ABSENCE**

Cr P Foster        Tom Price Ward

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**4. QUESTION TIME**

**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**  
Nil

**4.2 PUBLIC QUESTION TIME**  
There were no questions submitted for this meeting.

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

**Council Decision**

**MOVED: Cr L Rumble**

**SECONDED: Cr M Lynch**

**That Council approve the written request for Approved Leave of Absence for Cr Gallanagh for the March Ordinary Meeting of Council to be held 16 March 2021.**

**CARRIED 7/0**

**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, which will be attended by the member, must disclose the nature of the interest:

- (a) In a written notice given to the Acting 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.



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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 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 6.2(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 1995*; or
  - 6.2 Where the Minister allows the Councillor to participate under s.5.69 (3) of the *Local Government Act 1995*, with or without conditions.

**Declarations of Interest provided:**

Item Number/ Name	Type of Interest	Nature/Extent of Interest
<b>11.3 ONSLOW TOURISM AND PROGRESS ASSOCIATION (ONSLOW VISITOR CENTRE CONTRIBUTION – FUNDING ARRANGEMENTS)</b>		
Cr White	Impartiality	The nature of my interest I am a Committee member. The extent of my interest is I am on the Committee of the Onslow Tourism and Progress Association.
<b>11.4 ONSLOW SHELL COLLECTION – BUDGET ALLOCATION</b>		
Cr White	Impartiality	The nature of my interest I am a Committee member. The extent of my interest is I am on the Committee of the Onslow Tourism and Progress Association.

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<b>12.4 MINING ACT 1978 TENEMENT REFERRALS – 26 NOVEMBER – 31 JANUARY 2021</b>		
Cr Diver	Indirect Financial	The nature of my interest is I am employed by Rio Tinto. The extent of my interest is I receive a salary, I also receive subsidised utilities (water /power) and rent as part of my salary package.
Cr Rumble	Financial	The nature of my interest is I am a shareholder with Rio Tinto. The extent of my interest is I have shares in value greater than \$10,000.
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 Dias	Financial	The nature of my interest is my wife and I both have shares in Rio Tinto individually and collectively. My wife works for Rio Tinto and we live in a Rio Tinto funded house. The extent of my interest is Direct Financial.
<b>13.1 WITTENOOM BEDFORD FIRE FIGHTING TRUCK</b>		
Cr Diver	Impartiality	The nature of my interest is I am a friend of Mario Hartmann. The extent of my interest is the Shire of Ashburton are proposing to purchase the Firefighting unit from Mr Hermann.
<b>15.1 TOM PRICE SKATE PARK UPGRADES</b>		
Cr Dias	Financial	The nature being my wife is a Pilbara Iron employee 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 benefits / gifts offered to employees and / or shareholders. The extent of my interest is Direct Financial.
Cr Rumble	Financial	The nature of my interest is I am a shareholder. The extent of my interest is I have Shares in value of greater than \$10,000.

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<b>15.1 TOM PRICE SKATE PARK UPGRADES</b>		
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. Rio Tinto is part funding the project.
Cr Diver	Indirect Financial	The nature of my interest is I am employed by Rio Tinto. The extent of my interest is I receive a salary, I also receive subsidised utilities (water /power) and rent as part of my salary package.
<b>16.3 AWARD OF RFT 01.21 DESIGN AND CONSTRUCTION OF TOM PRICE COMBINED EMERGENCY SERVICES FACILITY</b>		
Cr Diver	Indirect Financial	The nature of my interest is I am employed by Rio Tinto. The extent of my interest is I receive a salary, I also receive subsidised utilities (water /power) and rent as part of my salary package.
Cr Rumble	Financial	The nature of my interest is I am a shareholder with Rio Tinto. The extent of my interest is I have shares in value greater than \$10,000.
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 Dias	Financial	The nature being my wife is a Pilbara Iron employee 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 benefits / gifts offered to employees and / or shareholders. The extent of my interest is Direct Financial.

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<b>19.1 CONFIDENTIAL ITEM – MT BROCKMAN ROAD</b>		
Cr Dias	Financial	The nature being my wife is a Pilbara Iron employee 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 benefits / gifts offered to employees and / or shareholders. The extent of my interest is Direct Financial.
Cr Diver	Indirect Financial	The nature of my interest is I am employed by Rio Tinto. The extent of my interest is I receive a salary, I also receive subsidised utilities (water /power) and rent as part of my salary package.
Cr 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. Rio Tinto may be a party to this decision.
Cr Rumble	Financial	The nature of my interest is I am a shareholder with Rio Tinto. The extent of my interest is I have shares in value greater than \$10,000.

*I refer to your correspondence dated 10 February 2021 and advise that, in accordance with authority delegated by the Minister for Local Government, I have approved your application, under section 5.69(3) of the Local Government Act 1995(the Act).*

**Approval one:**

*The Department's decision notes that approval is required for at least one of the disclosing Councillors, in order to achieve a quorum. Accordingly, approval to participate is provided to the Councillors with the lowest level of declared interest, those being Cr Lynch and Cr Diver.*

*This approval allows the above members to fully participate in the discussion and decision making relating to the following item at the Shire's Ordinary Meeting of 16 February 2021:*

**12.4 MINING ACT 1978 TENEMENT REFERRALS – 26 NOVEMBER – 31 JANUARY 2021**

*Subject to the following conditions:*

- 1. The approval is only valid for the 16 February 2021 Ordinary Council Meeting when agenda Items 12.4 is 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*

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*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.*

**Approval two:**

*The Department notes that approval is required for at least one of the disclosing Councillors, in order to achieve a quorum. Accordingly, approval to participate is provided to the Councillors with the lowest level of declared interest those being Cr Lynch and Cr Diver.*

*This approval allows the above members to fully participate in the discussion and decision making relating to the following item at the Shire's Ordinary Meeting of 16 February 2021:*

**16.3 AWARD OF RFT 01.21 DESIGN AND CONSTRUCTION OF TOM PRICE COMBINED EMERGENCY SERVICES FACILITY**

*Subject to the following conditions:*

1. *The approval is only valid for the 16 February 2021 Ordinary Council Meeting when agenda items 16.3 is 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 Troy Hancock, Senior Legislation Officer via the details provided above.*

*Gordon MacMile  
A/Executive Director – Local Government*



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**7. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS WITHOUT DISCUSSION**

There were no announcements for this meeting.

**8. PETITIONS / DEPUTATIONS / PRESENTATIONS**

**8.1 PETITIONS**

There were no petitions for this meeting.

**8.2 DEPUTATIONS**

There were no deputations for this meeting.

**8.3 PRESENTATIONS**

**Thankyou plaque from Paraburdoo Motorcycle Club**

Jason Smith, President of the Paraburdoo Motorcycle Club to present a Plaque from the club to thank the Shire of Ashburton for their support.

Jason Smith left the meeting at 1.10pm.
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**9. CONFIRMATION OF MINUTES**

**9.0.1 UNCONFIRMED MINUTES ORDINARY MEETING OF COUNCIL HELD ON 11 DECEMBER 2020 (ATTACHMENT 9.0.1)**

<p><b>Council Decision</b></p>
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<p><b>MOVED: Cr M Lynch</b></p>
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<p><b>SECONDED: Cr D Diver</b></p>
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<p>That the Unconfirmed Minutes of the Ordinary Meeting of Council held 11 December 2020 as previously circulated on 16 December 2020 (ATTACHMENT 9.0.1) be confirmed as a true and accurate record.</p>
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<p><b>CARRIED 6/1</b></p>
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<p><b>Councillor Dias voted against the motion</b></p>
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**9.1 RECEIPT OF COMMITTEE AND OTHER MINUTES**

**9.1.0 UNCONFIRMED MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD ON 21 DECEMBER 2020 (ATTACHMENT 9.1.0)**

<p><b>Council Decisions</b></p>
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<p><b>MOVED: Cr D-Diver</b></p>
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<p><b>SECONDED: Cr R de Pledge</b></p>
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<p>That the Unconfirmed Minutes of the Special Meeting of Council held 21 December 2020 as previously circulated on 22 December 2020 (ATTACHMENT 9.1.0) be confirmed as a true and accurate record subject to the following amendments.</p>
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**Declaration of Interest**

**Prior to consideration of this Agenda Item:**

Cr Diver declared an indirect financial interest  
Cr Foster declared an indirect financial and impartiality interest  
Cr Rumble declared a financial interest  
Cr Gallanagh declared a financial interest  
Cr Lynch declared an Indirect financial interest

See item 5.2 for details of the interest declared.

**RECORDED ON REGISTER GV07**

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

**CARRIED 6/1**

Councillor Dias voted against the motion

**9.2 RECEIPT OF COMMITTEE MINUTES – ‘EN BLOC’**

There were no Minutes of Committee meetings carried En Bloc.

**9.3 RECOMMENDATIONS OF COMMITTEE**

**9.3.1 REVIEW OF 2019/20 INDEPENDENT FINANCIAL AUDIT REPORT AND MANAGEMENT REPORTS**

**Committee Decision**

**MOVED: Cr M Lynch**

**SECONDED: Cr L Rumble**

That with respect to the Review of the 2019/20 Independent Financial Audit Report and Management Reports, that the Audit and Risk Management Committee note receipt of the Management Report for the year ended 30 June 2020 and recommend Council:

1. Note the presentation by the Auditor to the Committee;
2. Accept the 2019/20 Annual Financial Report ATTACHMENT 7.1A; and
3. Accept the Independent Auditors Report ATTACHMENT 7.1B and Final Audit Management Letter ATTACHMENT 7.1C and the Independent Audit Management Letter ATTACHMENT 7.1D to the Electors of the Shire of Ashburton for the year ended 30 June 2020.

**CARRIED 7/0**

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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 sub clause (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 adopted En Bloc

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**11. OFFICE OF THE CEO REPORTS**

**11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS STATUS  
REPORT FOR DECEMBER 2020 AND JANUARY 2021**

<b>FILE REFERENCE:</b>	GV04
<b>AUTHOR'S NAME AND POSITION:</b>	Michelle Lewis Council Liaison Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Kenn Donohoe Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	2 February 2021
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 11.1 (Minute No 217/2020) Ordinary Meeting of Council 11 December 2020

**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, Development Services and Projects and Procurement.

**ATTACHMENT 11.1**

**Consultation**

Executive Leadership Team

**Statutory Environment**

*Section 2.7 of the Local Government Act 1995 states:*

*"Role of council*

*(1) The council —*

*(a) governs the local government's affairs; and*

*(b) is responsible for the performance of the local government's functions.*

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

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

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 Strategic Community Plan 2017- 2027 (Desktop Review 2019)

Goal 05 Inspiring Governance  
 Objective 4 Exemplary team and work environment

### Risk Management

Risk has been assessed on the basis of the Officers Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Compliance	Unlikely (2)	Insignificant (1)	Low (2)	No noticeable regulatory or statutory impact	Accept Officer Recommendation.

The following Risk Matrix has been applied.

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)



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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 due to the financial value of the project and the risk to the Shire's reputation. Monthly reporting to Council assists with monitoring actions being undertaken.

**Policy Implications**

There are no known policy implications for this matter.

**Voting Requirement**

Simple Majority Required

**Officers Recommendation and Council Decision**

**MINUTE:** 2/2021

**MOVED:** Cr M Lynch

**SECONDED:** Cr D-Diver

**That with respect to the Council Decisions Status Reports" for the month of December 2020 and January 2021, Council receive the report as per ATTACHMENT 11.1.**

**CARRIED 7/0**

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**11.2 USE OF COMMON SEAL AND ACTIONS PERFORMED UNDER  
DELEGATED AUTHORITY FOR THE MONTH OF DECEMBER 2020 AND  
JANUARY 2021**

<b>FILE REFERENCE:</b>	GV21 CM02
<b>AUTHOR'S NAME AND POSITION:</b>	Danielle Hurstfield Manager Governance
<b>AUTHORISING OFFICER AND POSITION:</b>	Kenn Donohoe Chief Executive Officer
<b>NAME OF APPLICANT/ RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	1 February 2021
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The authors and authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

The purpose of this agenda item is to report to Council for information, use of the Common Seal, actions performed under delegated authority requiring referral to Council and a copy of the Tender Register, for the month of December 2020 and January 2021.

**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 2020 and 2021.

**Comment**

A report on use of the Common Seal, relevant actions performed under delegated authority and the Tender Register has been prepared for Council. There were no uses of the Common Seal or delegations for the month of December 2020 and January 2021.

**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 Strategic Community 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**

**MINUTE:** 3/2021

**MOVED:** Cr R de Pledge

**SECONDED:** Cr M Lynch

**That with respect to the Use of Common Seal and Actions Performed under Delegated Authority for the month of December 2020 and January 2021, 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 7/0**

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**11.3      ONSLOW TOURISM AND PROGRESS ASSOCIATION (ONSLOW VISITOR CENTRE CONTRIBUTION – FUNDING ARRANGEMENTS)**

**Declaration of Interest**

***Prior to consideration of this Agenda Item:***

***Cr White declared an Impartiality interest.***

***See item 6.2 for details of the interest declared.***

**RECORDED ON REGISTER GV07**

<b>FILE REFERENCE:</b>	CP24
<b>AUTHOR'S NAME AND POSITION:</b>	Benjamin Witkowski Manager Economic Development and Tourism
<b>AUTHORISING OFFICER AND POSITION:</b>	Megan Walsh Chief Operating Officer – Airport and Tourism
<b>NAME OF APPLICANT/RESPONDENT:</b>	Onslow Tourism and Progress Association
<b>DATE REPORT WRITTEN:</b>	01 February 2021
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

The Shire of Ashburton had an annual financial agreement with the Onslow Tourism and Progress Association (OT&PA) outlining a funding contribution of \$60,000, which expired on 30 June 2019.

Due to financial hardship as a result of the COVID-19 pandemic, OT&PA request Council's support by means of an additional one-off COVID-19 relief payment of \$75,000 during the 2020/21 financial year.

The Shire holds a 12 seater Toyota Hiace Commuter on its asset register however, it is rarely used for operational purposes. OT&PA have requested ownership of the commuter bus to continue to offer the 'Hidden Secrets' experience throughout the tourism season.

Council's support is sought to endorse a renewal to the annual agreement for the 2020/21 - 2021/22 financial years, approve one-off COVID-19 relief funding and, endorse disposal of property being a motor vehicle.

**Background**

The Onslow Visitor Centre averages 100 visitors a day during the tourism season, and plays a vital role to:

- The provision of travel and service information for visitors to the region
- The support of local businesses, events, products, and services in the region

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- Preserve the historical significance of Onslow through services available at the Onslow Visitor Centre and Onslow Goods Shed Museum

The Onslow Visitor Centre operates through the Onslow tourist season, which is from 1 April to 30 November, and it is open daily.

### Annual Financial Assistance

The funding agreement between the Shire of Ashburton and OT&PA expired in June 2019. The annual financial agreement was amended in 2018/19 to better align the OT&PA's operations with the Shire's *Economic & Tourism Development Strategy 2019*, and to ensure the best possible visitor services were provided. Changes to the Funding Agreement were made to reflect the importance of the following:

- Whole of Shire promotion
- Building strong relationships with local (and SoA) businesses, operators community groups
- A well connected tourism community, locally and regionally
- Having a stronger on-line presence (especially social media)
- Transparency in regards to OT&PA governance and financial reporting requirements

The Shire's 2020/21 budget has an allocated amount of \$75,000 for funding of the OT&PA. This includes the \$60,000 contribution per the annual agreement.

### COVID Impacts

Due to impacts of Covid-19 in 2020, the OT&PA has endured financial hardship and has requested more assistance from the Shire in the form of a 12 seater commuter bus owned by the Shire to help operate the 'Hidden Secrets' tour, which commenced in 2020.

In 2020, The Onslow Visitor Centre commenced running a 'Hidden Secrets' tour, visiting the private Shell Collection (owned by Neil and Judy Baker), the cartoon drawing tank, and the Onslow Goods Shed Museum. To continue running this tour, the OT&PA will need access to a bus.

### Disposal of Property

The Shire has a (randomly used with no operational requirement) Toyota Hiace Commuter Turbo Diesel Automatic which was purchased in February 2016 for \$58,756.81 GST inclusive. The commuter bus has been valued at \$30,000 and, as it is not utilised for operational purposes (which is evidenced in the low odometer reading of 10,000kms), is supported by staff to be donated to the OT&PA to continue to offer tours to tourists. Expenses including registration, insurance, depreciation etc. account for ~\$7,000 per annum.

### **Comment**

#### Annual Financial Agreement

The proposed changes to the agreement factor in a review of other agreements that are in place with neighbouring local governments and their respective visitor centres. The additions were in line with those agreements and national service level standards for visitor servicing in Australia.

The Agreement provides support for the operation of the Visitor Information Centre in Onslow, the Goods Shed Museum and other ancillary support to the tourism industry.

The new agreement, proposed to be for a term of two years (2020/21 – 2021/22) sees the OT&PA receiving funding towards the following:

- Wages for a seasonal Visitor Centre Manager
- Purchase of stock for the Onslow Visitor Centre
- Onslow Visitor Centre operational costs



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The funding agreement makes reference to an annual payment of \$6,000 to the OT&PA towards paid advertising/advertorial for Shire notices and information in the Onslow Pipeline (produced by the Onslow Visitors Centre) at the standard advertising rate. This \$6,000 amount is additional to the annual contribution.

### **ATTACHMENT 11.3**

#### **COVID Relief Fund**

The OT&PA has reached out to the Shire of Ashburton for financial assistance in addition to the funding agreement that exists between the two parties. The proposed one-off payment of \$75,000, is to be administered in the 2020/21 financial year from the COVID-19 Small Business and Community Grant Funds Disbursements GL 11300440.

Previously, the financial contribution from the Shire towards the OT&PA has been paid in a lump sum, usually in April. The OT&PA has asked for this payment to be fast-tracked, to alleviate some of the pressures that have arisen as a consequence of the Covid-19 pandemic. As such, the updated annual agreement must be signed to allow this payment to happen as soon as practicable after Council's endorsement and execution of the Agreement.

#### **Disposal of Property**

Further assistance is also proposed to be provided with the donation of a Shire-owned commuter bus to the OT&PA to assist them with the operation of their 'Hidden Secrets' tours. The commuter bus is valued at \$30,000, and therefore, in accordance with section 3.58 of the *Local Government Act 1995*, needs Council approval for the disposal of property.

These measures will ensure the OT&PA can support the Tourism market in Onslow and the wider Ashburton region in the 2021 and 2022 tourist seasons.

Ongoing expenses for this – including registration, insurance, fuel, parts, and servicing – will be drawn from the \$75,000 payment proposed from the COVID-19 Small Business and Community Grant Funds Disbursements GL.

#### **Consultation**

Executive Leadership Team  
Manager Fleet  
Onslow Tourism and Progress Association

#### **Legislative Requirements**

*Local Government Act 1995*, section 3.58 Disposing of Property sets out the parameters required to dispose of property, this includes out three means of disposing of property; under subsection (2)(a) by auction, or (b) but public tender, and under subsection (3) by the process referred to as 'private treaty', which is the process of this proposed disposal. As required, should Council consent to disposing of the commuter bus, local public notice will be undertaken:

- a) Describing the property concerned; and
- b) Giving details of the proposed disposition; and
- c) Inviting submission to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and
- d) It consider any submission made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

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**Financial Implications**

Annual Agreement

As mentioned above the Shire will contribute \$60,000 to the OT&PA, which is included in the 2020/21 budget. The \$6,000 provided to support the creation of the 'Onslow Pipeline' is also included in the 2020/21 budget.

Covid-19 Relief Fund

The one-off COVID-19 relief fund of \$75,000 will be funded from GL 11300440 COVID-19 Small Business & Community Grant Funds Disbursements.

Motor Vehicle Asset Transfer

Pending council endorsement, the Shire will donate commuter bus to the OT&PA, in accordance with s 3.58 of the *Local Government Act 1995*, disposal of property as the asset is valued at \$30,000. Running costs associated with this asset are minor however disposal will see the current budget allocation available for other items.

**Strategic Implications**

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

Goal 02	Economic Prosperity
Objective 1	Strong local economies
Objective 2	Enduring partnerships with industry and government
Objective 3	Well-managed tourism

Shire of Ashburton Economic and Tourism Development Strategy (2019)

Goal 01	Promote the Shire
Objective 1	Targeted Destination marketing for increased tourism
Objective 2	Supporting capacity building

Goal 03	Promote Business Development
Objective 1	Encouraging investment in local business
Objective 2	Facilitating networks for growth and support

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**Risk Management**

Risk has been assessed on the basis of the Officers Recommendation.

<b>Risk</b>	<b>Risk Likelihood</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
Reputation	Moderate (3)	Moderate (9)	Possible (3)	Substantiated, localised impact on community trust or low media item	Reputational risk is mitigated by following the officer's recommendation, which supports the Shire's Strategic Corporate Plan.
Compliance	Moderate (3)	High (12)	Likely (4)	Non-compliance results in termination of services or imposed penalties to Shire/Officers	Compliance issues are mitigated by following the officer's recommendation for an improved digital presence with the development of a new website.
Financial Impact	Minor (2)	Moderate (6)	Possible (3)	\$10,000 - \$100,000	Adequately managed through provision of unspent COVID-19 relief funds.

The following Risk Matrix applies.

<b>Risk Matrix</b>						
<b>Consequence Likelihood</b>		<b>Insignificant</b>	<b>Minor</b>	<b>Moderate</b>	<b>Major</b>	<b>Catastrophic</b>
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Almost Certain</b>	<b>5</b>	<b>Moderate (5)</b>	<b>High (10)</b>	<b>High (15)</b>	<b>Extreme (20)</b>	<b>Extreme (25)</b>
<b>Likely</b>	<b>4</b>	<b>Low (4)</b>	<b>Moderate (8)</b>	<b>High (12)</b>	<b>High (16)</b>	<b>Extreme (20)</b>
<b>Possible</b>	<b>3</b>	<b>Low (3)</b>	<b>Moderate (6)</b>	<b>Moderate (9)</b>	<b>High (12)</b>	<b>High (15)</b>
<b>Unlikely</b>	<b>2</b>	<b>Low (2)</b>	<b>Low (4)</b>	<b>Moderate (6)</b>	<b>Moderate (8)</b>	<b>High (10)</b>
<b>Rare</b>	<b>1</b>	<b>Low (1)</b>	<b>Low (2)</b>	<b>Low (3)</b>	<b>Low (4)</b>	<b>Moderate (5)</b>

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be moderate due to the financial value of the project, compliance requirements and the risk to the Shire's reputation. Regular monitoring will be undertaken with specific procedures and controls engaged throughout the delivery of the project and will be consistently reviewed and managed.

**Policy Implications**

There are no known policy implications for this matter.

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**Voting Requirement**

Simple Majority Required

**Officers Recommendation**

That with respect to the Onslow Tourism & Progress Association (Onslow Visitor Centre Contribution) – Funding Agreements, Council:

1. Authorise the Chief Executive Officer to finalise the terms and execute the Funding Agreement between the Shire of Ashburton and the Onslow Tourism & Progress Association (2020/21 – 2021/22) allowing payment as per the Funding Agreement;
2. Endorse a one-off payment of \$75,000 to the Onslow Tourism and Progress Association for the 2020/21 financial year from the COVID-19 Small Business & Community Grant Funds Disbursements (SOA Contribution) (GL 11300440);
3. Support the disposal of property, being a 2016 Toyota Hiace Commuter, to the Onslow Tourism and Progress Association subject to advertising of the disposition not less than 2 weeks in accordance with section 3.58 of the *Local Government Act 1995*:

**Motion**

**MINUTE:** 4/2021

**MOVED:** Cr de Pledge

**SECONDED:** Cr L Rumble

That with respect to the Onslow Tourism and Progress Association (Onslow Visitor Centre Contribution) – Funding Agreements, Council:

1. Authorise the Chief Executive Officer to finalise the terms and execute the Funding Agreement between the Shire of Ashburton and the Onslow Tourism and Progress Association (2020/21 – 2021/22) allowing payment as per the Funding Agreement;
2. Endorse a one-off payment of \$75,000 to the Onslow Tourism and Progress Association for the 2020/21 financial year from the COVID-19 Small Business & Community Grant Funds Disbursements (SOA Contribution) (GL 11300440);
3. Support the disposal of property, being a 2016 Toyota Hiace Commuter, to the Onslow Tourism and Progress Association subject to advertising of the disposition not less than 2 weeks in accordance with section 3.58 of the *Local Government Act 1995*: and
4. Approve that a Memorandum of Understanding (MOU) be established between the Onslow Tourism and Progress Association and the Shire of Ashburton with an objective of ensuring that the Council can continue to use the Community Bus as required.

**CARRIED 7/0**

Reason for change – To ensure Council has use of the vehicle for adhoc events.

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**11.4      ONSLOW SHELL COLLECTION – BUDGET ALLOCATION**

**Declaration of Interest**

***Prior to consideration of this Agenda Item:***

***Cr White declared an Impartiality interest.***

***See item 6.2 for details of the interest declared.***

**RECORDED ON REGISTER GV07**

<b>FILE REFERENCE:</b>	SEC.0395
<b>AUTHOR'S NAME AND POSITION:</b>	Benjamin Witkowski Manager Economic Development and Tourism
<b>AUTHORISING OFFICER AND POSITION:</b>	Megan Walsh Chief Operating Officer – Airport and Tourism
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	1 February 2021
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 11.4 (Minute 187/2020) Ordinary Meeting of Council 10 November 2020

**Summary**

Mr and Mrs Neil Baker recently sold their substantial shell collection, display cabinets and broader collection to the Shire of Ashburton. Council resolved at its 11 August 2020 meeting to make an amendment to the budget to provide for the acquisition of shells, display cabinets and broader collection.

Council approved the final acquisition of the shells, display cabinets and broader collection at its 10 November 2020 meeting, and requested the Chief Executive Officer to prepare a costing for the security (both physical and electronic) of Lot 395 Third Avenue, Onslow, for Council consideration.

Council's support is sought to endorse a budget allocation to allow for the appropriate refurbishment of Lot 395 Third Avenue, Onslow, including an operating budget for the remaining five months of the 2020/21 financial year.

**Background**

The Onslow Visitors Centre approached the Shire of Ashburton (the Shire) in July 2020, requesting the Shire to urgently consider the acquisition of the Baker's shell collection as a permanent tourism attraction for the community.

Council amended its budget in August 2020 for the purposes of acquisition of the collection subject to the collation of the collection and clarification around any other legal parameters.



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Councillors present at the Ordinary meeting of Council in Onslow on 11 August 2020 attended the Baker's property to view the shells, display cabinets and broader collection.

At the Ordinary Council Meeting on 11 November 2020, Council approved that with respect to the N & J Baker Shell Collection Onslow, that council:

*'Requests the Chief Executive Officer prepare a costing for the security (both physical and electronic) of the building Lot 395 Third Avenue, Onslow, and present these costs to the Council for its consideration during a budget review process: and  
Requests the Chief Executive Officer places signage to the effect of naming the shell collection to the Neil and Judy Baker Collection or similar.'*

### **Comment**

A letter of offer for the acquisition of the shells, display cabinets and broader collection from Neil and Judy Baker has been finalised, and the collection is now the property of the Shire. The Shire has taken possession of Lot 395 Third Avenue, Onslow while tenure is resolved by the Department of Planning, Lands and Heritage. Relocation of the shells, display cabinets and broader collection to Lot 395 Third Avenue is ready to be actioned, subject to budget allocation for the premises.

A costing for the security (both physical and electronic) of the building Lot 395 Third Avenue, Onslow, has been prepared in preparation to the relocation of the N & J Shell Collection.

The costing report is found in the following attachment.

### **ATTACHMENT 11.4**

The attachment also includes the signage design to be placed in the new location of the Onslow shell collection, at Lot 395 Third Avenue, Onslow.

Council is requested to approve a budget allocation of \$65,000 to allow for the costs associated with facility improvements and operational costs of Lot 395 Third Avenue, Onslow.

### **Consultation**

Executive Leadership Team

### **Legislative Requirements**

*Local Government Act 1995*

*'6.2 Local government to prepare annual budget*

1. *During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt\*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

*\* Absolute majority required.*

2. *In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —*
  - i. *the expenditure by the local government; and*
  - ii. *the revenue and income, independent of general rates, of the local government; and*
  - iii. *the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.*

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3. *For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.*

**Financial Implications**

The total required amount of funds is \$65,000 – consisting of \$50,000 for capital works, and \$15,000 for operation costs. These funds will come from budget variations in other approved budget lines within the 2020/21 budget. A new GL account will be created to monitor these funds. The budget variations and new GL codes are shown in the table below:

GL Description	GL/JOB Code	Current Budget	Variation	Revised Budget
Onslow Heritage Conservation (Sea Shells) Capital Works	114633	202,000	50,000	252,000
Onslow Heritage Conservation Building – Maintenance	New B Code	0	5,000	10,000
Onslow Heritage Conservation Building – Utilities	New O Code	0	10,000	10,000
Meeting/Travel Expenses	040054	33,881	(10,000)	23,881
Staff Travel & Accommodation (Council Meetings)	040147	28,843	(20,000)	8,843
Postage & Freight	130012	20,000	(5,000)	15,000
Councillors Training & Travel Costs	CE001	30,000	(10,000)	20,000
Walga Conference	CE002	30,000	(10,000)	20,000
Conference – President	CE003	30,000	(10,000)	20,000

**Strategic Implications**

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

Goal 02      Economic Prosperity  
 Objective 1    Strong local economies  
 Objective 2    Enduring partnerships with industry and government  
 Objective 3    Well-managed tourism

Shire of Ashburton Economic and Tourism Development Strategy (2019)

Goal 01      Promote the Shire  
 Objective 1    Targeted Destination marketing for increased tourism  
 Objective 2    Supporting capacity building

Goal 02      Encourage Infrastructure Development and Investment  
 Objective 1    Encouraging tourism and transport infrastructure and development

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**Risk Management**

Risk has been assessed on the basis of the Officers Recommendation.

<b>Risk</b>	<b>Risk Likelihood</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
Financial Impact	Rare (1)	Minor (2)	Low (2)	\$10,000 - \$100,000	Risk is mitigated through internal controls and procedures (Procurement)

The following Risk Matrix has been applied.

<b>Risk Matrix</b>						
<b>Consequence Likelihood</b>		<b>Insignificant</b>	<b>Minor</b>	<b>Moderate</b>	<b>Major</b>	<b>Catastrophic</b>
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Almost Certain</b>	<b>5</b>	<b>Moderate (5)</b>	<b>High (10)</b>	<b>High (15)</b>	<b>Extreme (20)</b>	<b>Extreme (25)</b>
<b>Likely</b>	<b>4</b>	<b>Low (4)</b>	<b>Moderate (8)</b>	<b>High (12)</b>	<b>High (16)</b>	<b>Extreme (20)</b>
<b>Possible</b>	<b>3</b>	<b>Low (3)</b>	<b>Moderate (6)</b>	<b>Moderate (9)</b>	<b>High (12)</b>	<b>High (15)</b>
<b>Unlikely</b>	<b>2</b>	<b>Low (2)</b>	<b>Low (4)</b>	<b>Moderate (6)</b>	<b>Moderate (8)</b>	<b>High (10)</b>
<b>Rare</b>	<b>1</b>	<b>Low (1)</b>	<b>Low (2)</b>	<b>Low (3)</b>	<b>Low (4)</b>	<b>Moderate (5)</b>

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 as purchasing will be in accordance with the Shire's Procurement Framework.

**Policy Implications**

ELM10 Financial Sustainability Policy

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**Voting Requirement**  
Absolute Majority Required

**Officers Recommendation and Council Decision**

**MINUTE:** 5/2021

**MOVED:** Cr D Diver

**SECONDED:** Cr R de Pledge

**That with respect to the Onslow Shell Collection – Budget Allocation, Council:**

- 1. Acknowledge the ‘Business Case – Costing Report for Onslow Shell Collection’ ATTACHMENT 11.4;**
- 2. Approve the following budget amendments:**
  - a. Decrease:**
    - i. GL 040054 (Meeting/Travel Expenses) by \$10,000 from \$33,881 to \$23,881;**
    - ii. GL 040147 (Staff Travel & Accommodation [Council Meetings]) by \$20,000 from 28,843 to \$8,843;**
    - iii. GL 130012 (Postage & Freight) by \$5,000 from \$20,000 to \$15,000;**
    - iv. GL CE001 (Councillors Training & Travel Costs) by \$10,000 from \$30,000 to \$20,000;**
    - v. GL CE002 (WALGA Conference) by \$10,000 from \$30,000 to \$20,000;**
    - vi. GL CE003 (Conference – President) by \$10,000 from \$30,000 to \$20,000; and**
  - b. Increase:**
    - i. GL 114633 (Onslow Heritage Conservation (Sea Shells) Capital Works) by \$50,000 from \$202,000 to \$252,000;**
    - ii. GL ‘New B Code’ (Onslow Heritage Conservation Building – Maintenance) by \$5,000 from \$0 to \$5,000;**
    - iii. GL ‘New O Code’ (Onslow Heritage Conservation Building – Utilities) by \$10,000 from \$0 to \$10,000.**

**CARRIED BY ABSOLUTE MAJORITY 6/1  
Cr Dias voted against the motion**

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## **12. CORPORATE SERVICES REPORTS**

### **12.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID**

<b>FILE REFERENCE:</b>	FM03
<b>AUTHOR'S NAME AND POSITION:</b>	Gillian Smith Acting Manager Finance
<b>AUTHORISING OFFICER AND POSITION:</b>	Janelle Fell Acting Director Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	4 February 2021
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 12.1 (Minute No. 219/2020) Ordinary Meeting of Council 11 December 2020

#### **Summary**

In accordance with *Regulation 34 of the Local Government (Financial Management) Regulations 1996*, the Shire is to prepare a monthly Statement of Financial Activity for consideration by Council.

#### **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 within two months after the end of the month of the report. In addition, administration also presents to Council the following:

- capital expenditure progress tracker (as at 31 January 2021);
- Schedule of accounts and credit card payments for November 2020 and December 2020.

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

#### End of Financial Year Closing

The figures in the 2020/21 financial reports are provisional in order to provide an estimate of the July 2020 position, pending finalisation of the audit of the 2019-20 accounts. This will mainly impact balance sheet opening and closing amounts (including the brought-forward net current asset figure).

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**Comment**

Quarterly budget reviews are undertaken by staff to ensure tight fiscal control of the Shire's finances. This process is called Financial and Costing Review (FACR) and was undertaken as at 31 January 2021. Amendments to the Annual Budget are proposed, as identified in the FACR, due to various changes in circumstances from when the budget was adopted by Council. The FACR is attached for Council's consideration in place of the standard budget variation table due to the exhaustive amendments proposed.

The FACR process is not intended to replace the mid-year budget review, which will be presented to Council at the March 2021 Ordinary Meeting of Council.

**ATTACHMENT 12.1F**

Reallocations are predominantly minor savings/underspends to existing GL's that require additional funds. Council's attention is drawn to the following significant reallocations as contained in Attachment 12.1F however, not the subject of a separate Agenda Report.

FACR recommendation to move provision from SF 2168 Paraburdoo Chub to Club Development SF 2451 where the provision is applied (Oct'20 OCM - Min 180/2020):

GL Code	General Ledger Description	Current Budget	Variation Increase (Decrease)	Revised Budget Figure
113245	Paraburdoo Chub - Program & Activities	100,000	(100,000)	0
New A/C	Paraburdoo Chub - Program & Activation	0	100,000	100,000
113275	Transfer from Reserves (RTIO Chub OP /Cap Underspend)	(100,000)	100,000	0
138086	Transfer from Reserves (RTIO Chub OP /Cap Underspend)	0	(100,000)	(100,000)

Deferral of renewal of PR28 Onslow refuse truck and the requirement of a multi-purpose backhoe/loader:

GL Code	Job Code	General Ledger Description	Current Budget	Variation Increase (Decrease)	Revised Budget Figure
New A/C	NEW A/C	Multi-purpose Backhoe/Loader	0	245,000	245,000
AE2004	PR201	Plant Replacement Program 2020-21	1,696,000	(245,000)	1,451,000

Additional funds required for the contract of maintenance grading of Roebourne - Wittenoom not originally in the budget & other road works identified:

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GL Code	Job Code	General Ledger Description	Current Budget	Variation Increase (Decrease)	Revised Budget Figure
124790	R0040	Works Prog/Rural Access Roads	471,620	420,000	891,620
124727	R0010	Works Prog/Road Mtce Paraburdoo GEN	138,659	(30,000)	108,659
124780	R0020	Works Prog/Road Mtce Tom Price GEN	189,093	(20,000)	169,093
124860	W530	Works Prog/Street Sweeping Tom Price	78,285	(25,000)	53,285
124860	W531	Works Prog/Street Sweeping Onslow	61,000	(25,000)	36,000
124860	W532	Works Prog/Street Sweeping Paraburdoo	58,000	(20,000)	38,000
102347	N/A	Consultant Fees GEN	170,000	(30,000)	140,000
102407	W245	Works Prog/Urban Stormwater Mtce Tom Price	169,200	(10,000)	159,200
102407	W247	Works Prog/Urban Stormwater Mtce Paraburdoo	214,200	(190,000)	24,200
124717	R0000	Works Prog/Road Mtce Onslow GEN	258,487	(70,000)	188,487

Additional funds required as top soil was not placed on sand beneath grass when Barrada Estate – Onslow parks were developed, therefore requires continual maintenance:

GL Code	Job Code	General Ledger Description	Current Budget	Variation Increase (Decrease)	Revised Budget Figure
113297	W289	Works Prog/Barrada Estate-Onslow	50,000	80,000	130,000
124717	R0000	Works Prog/Road Mtce Onslow GEN	188,487	(30,000)	158,487
124727	R0010	Works Prog/Road Mtce Paraburdoo GEN	108,659	(10,000)	98,659
124780	R0020	Works Prog/Road Mtce Tom Price GEN	169,093	(40,000)	129,093

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**Rate Refund**

Rates refunds totally \$639,800.82 were processed during November and December, as requested by the Creditor.

<b>Creditor Code</b>	<b>Description</b>	<b>Reason for Refund</b>	<b>Total Refund Amount</b>
654	A51711, A51799, A51620, A7369, A51450, A51434, A51572, A7518, A6262, A6263, A6265, A51478, A7532, A34064, A51842, A49021	A34064 - Lease Expiry A49021 - Schedule Change from UV to GRV Balance - Tenement Death	\$506,649.89
2137	A51619 , A51696, A51740, A51601, A51498, A51516, A51587, A51535, A51536, A51608, A51487, A505288	Tenement Death	\$17,517.65
3333	A35018 , A7309, A7310	Tenement Death	\$66,914.81
3378	A28259	Overpayment	\$1,211.48
4773	A51242	Tenement Death	\$150.61
5950	A51458, A51457	Tenement Death	\$727.44
6815	A51726, A51561, A51596, A51472, A51216	Tenement Death	\$3,869.74
6856	A51850	Tenement Area Reduction	\$910.66
6857	A51594	Tenement Area Reduction	\$1,211.22
6984	A6907	Overpayment	\$162.35
6996	A51688, A51819, A51804, A51727	Tenement Death	\$6,531.03
6999	A10320	Overpayment	\$1,790.77
7052	A51883	Tenement Death	\$82.06
7064	A51847	Tenement Death	\$1,055.70
7067	A51848, A51748, A51752, A51753, A51754, A51755, A51824, A51825, A51823	Tenement Death	\$4,630.79
7076	A51664, A51672, A51671	Tenement Death	\$1,060.12
7077	A51812	Tenement Death	\$151.75



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7089	A51682	Tenement Death	\$2,142.30
7090	A51830, A51881, A51794. A51885, A51960, A51603, A51494	Tenement Area Reduction	\$23,030.45
<b>Total Amount refunded</b>			<b>\$639,800.82</b>

**Consultation**

Executive Leadership 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 Strategic Community Plan 2017-2027 (Desktop Review 2019)

Goal 05 Inspiring Governance  
Objective 4 Exemplary team and work environment

**Risk Management**

Risk has been assessed on the basis of the Officers Recommendation.

<b>Risk</b>	<b>Risk Likelihood</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
Non-compliance with legislative requirements	Unlikely (2)	Insignificant (1)	Low (1-4)	Compliance – 3 Moderate – Non-Compliance with significant regulatory requirements imposed.	Accept the Officer’s recommendation to adhere to legislative requirements.

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The following risk matrix has been applied.

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

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 due to the reporting mechanisms and buy-in by the Finance Team. Regular monitoring will be undertaken with specific procedures and controls engaged which will be consistently reviewed and managed.

**Policy Implications**

FIN06 Significant Accounting Policy  
ELM10 Financial Sustainability Policy

**Voting Requirement**

Absolute Majority Required

**Officers Recommendation and Council Decision**

**MINUTE:** 6/2021

**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 November 2020 ATTACHMENT 12.1A and December 2020 ATTACHMENT 12.1B;
2. Receive the Capital Expenditure Progress Tracker as at 31 January 2021 ATTACHMENT 12.C;
3. Receive the Schedule of Accounts and Credit Card payments made in November 2020 CONFIDENTIAL ATTACHMENT 12.D and December 2020 CONFIDENTIAL ATTACHMENT 12.1E (approved by the Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds); and
4. Approve the Financial and Costing Review report being amendment to the 2020/21 Annual Budget ATTACHMENT 12.1F.

**CARRIED BY ABSOLUTE MAJORITY 7/0**

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**12.2 LOCAL GOVERNMENT ORDINARY ELECTION – 16 OCTOBER 2021**

**FILE REFERENCE:** GV03

**AUTHOR'S NAME AND POSITION:** Nicole Jeffery  
Executive Assistant Corporate Services

**AUTHORISING OFFICER AND POSITION:** Janelle Fell  
Acting Director Corporate Services

**NAME OF APPLICANT/RESPONDENT:** Western Australian Electoral Commission

**DATE REPORT WRITTEN:** 27 January 2021

**PREVIOUS MEETING REFERENCE:** Agenda Item 12.3 (Minute No. 499/2019) Ordinary Meeting of Council 12 February 2019

**Summary**

Correspondence has been received from the Western Australian Electoral Commission (WAEC) requesting that Council give consideration to engaging the WAEC to conduct the 2021 Local Government Ordinary Election as a postal election.

It is proposed that Council engage WAEC to conduct the Local Government Ordinary Election 16 October 2021 via postal vote.

**Background**

In accordance with the *Local Government Act 1995*, Local Government Ordinary Elections will be held on Saturday 16 October 2021. Four Councillor's Terms are due to expire in October 2021:

- Tom Price            Cr Douglas Diver
- Tom Price            Cr Matthew Lynch
- Pannawonica        Cr Melanie Gallanagh
- Paraburdoo          Cr Douglas Dias

The Ordinary Election held in 2019 was conducted by postal vote, with the Electoral Commission appointing a Returning Officer.

It is proposed that Council engage the WAEC to conduct the 2021 Ordinary Election having already received written approval pursuant section 4.20(4) of the *Local Government Act 1995*.

It is necessary for Council to determine, pursuant to section 4.61(2) of the *Local Government Act 1995*, whether it wishes the election to be managed with external resources, or whether it be a postal election.

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### **Comment**

The Shire has received notification from WAEC that the next local government elections are to be held on 16 October 2021, with an estimated cost of \$22,000 including GST. This estimation, if conducted as a postal ballot, is based on the following assumptions:

- 2600 electors;
- response rate of approximately 30%;
- 4 vacancies;
- count to be conducted at the offices of the Shire of Ashburton;
- appointment of a local returning officer; and
- regular Australia Post delivery service to apply for the lodgement of the election packages.

### **ATTACHMENT 12.2**

The Shire has traditionally used the WAEC to conduct its elections. It is recommended that this continue as it keeps the political process independent of the Shire's Administration.

### **Consultation**

Executive Leadership Team  
Electoral Commissioner

### **Statutory Environment**

*Local Government Act 1995*

#### **Section 4.20(4) CEO to be returning officer unless other arrangements made.**

- (4) A local government may, having first obtained the written agreement of the Electoral commissioner, declare\* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.

\* Absolute majority required.

#### **Section 4.61(2) Choice of conducting election**

- (2) The local government may decide\* to conduct the election as a postal election.

\* Absolute majority required.

### **Financial Implications**

WAEC is required to operate on a full cost recovery basis and has estimated a cost of \$22,000.00 including GST if conducted as a postal ballot. This estimate is based on the following assumptions:

- 2,600 electors
- Response rate of approximately 30%
- 4 vacancies
- Count to be conducted at the offices of the Shire of Ashburton
- Appointment of a local Returning Officer
- Regular Australia Post delivery service to apply for the lodgement of the election packages.

An additional amount of \$520 will be incurred if Council decides to opt for the Australia Post Priority Service for the lodgement of election packages.

Provision of \$22,000 for Election Expenses will form part of the 2021/2022 Budget considerations.

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Costs not incorporated into the estimate include:

- Legal expenses other than those that are determined to be borne by the WAEC in a Court of Disputed Returns
- One local government staff member to work in the polling place on election day
- Any additional postage rate increase by Australia Post
- Any unanticipated costs arising from public health requirements for the COVID-19 pandemic.

### Strategic Implications

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

Goal 05 Inspiring Governance  
Objective 1 Effective planning for the Future  
Objective 2 Community ownership  
Objective 3 Council leadership

### Risk Management

Risk has been assessed on the basis of the Officers Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Compliance	Unlikely (2)	Low (2)	Insignificant (1)	No noticeable regulatory or statutory impact	Accept Officer's Recommendation

The following Risk Matrix has been applied.

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

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 as risks can be mitigated by adopting the Officer's Recommendation.

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**Policy Implications**

There are no known policy implications for this matter.

**Voting Requirement**

Absolute Majority Required

**Officers Recommendation and Council Decision**

**MINUTE:** 7/2021

**MOVED:** Cr L Rumble

**SECONDED:** Cr M Lynch

**That with respect to the Local Government Ordinary Election - 16 October 2021, Council:**

- 1. Note the date of 16 October 2021 for the ordinary election as advised by the Electoral Commissioner;**
- 2. Declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2021 ordinary election;**
- 3. Decide, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the ordinary election will be as a postal election; and**
- 4. Note allocation in the 2021/22 Budget towards the cost of the 16 October 2021 Shire of Ashburton Ordinary Election will be required.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

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**12.3 IMPOSITION OF FEES AND CHARGES**

<b>FILE REFERENCE:</b>	WAR.0825 WEE.000 RC39907
<b>AUTHOR'S NAME AND POSITION:</b>	Leona Stevenson Lease and Accommodation Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Janelle Fell Acting Director Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	21 January 2021
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 12.2 (Minute No. 101/2020) - Ordinary Meeting of Council 14 July 2020

**Summary**

On 14 July 2020, Council adopted the 2020/21 budget for the Shire of Ashburton (Minute No.101/2020).

Amendments to the 2020/21 Fees and Charges Schedule are proposed for the following reasons:

To allow use of medium-term transit accommodation at 825B Warara Street, 4 Weelamurra Court and 9 Weelamurra Court, Tom Price;

To appropriately charge for use of the recently installed lights at Minna Oval, Tom Price;

To amend hire fees for all Multi-Purpose Centre (MPC) and Community Halls to the same rate across all Shire Towns; and

To appropriately charge for time and resources utilised to search and collate information when scanning/photocopying of property plans (Development Approvals, Building Licenses and Septic plans).

The recommended Fees and Charges are presented for Council's consideration.

**Background**

The Shire-owned property at 825B Warara Street, Tom Price, is currently vacant. The property is to be utilised either for additional transit house style accommodation or as accommodation for contractors working at the Shire on a temporary basis, rather than a medium-term stay (e.g. 3 to 6 months) in the Transit House at Willow Street. This will provide greater flexibility and avoid limiting availability for short-term bookings, which is the intended purpose of the Willow Street Transit House. 825B Warara Street, Tom Price is furnished, vacant and is ideally suited to temporary medium-term accommodation. A relatively new build with two en-suite bedrooms, it will provide accommodation for up to 2 people to reside at the property at any one time.

The Shire also rents 2 x 3 bedroom units from Sodexo, being 4 and 9 Weelamurra Court, Tom Price. Both units are fully furnished and generally utilised to provide accommodation for new

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employees relocating to Tom Price. While these units will continue to be used for this purpose, it would be beneficial to have the flexibility to use them for additional temporary contractor requirements for medium-term or staff transit accommodation, which requires adding to the Fees and Charges Schedule to cover utilities and cleaning costs.

Minna Oval in Tom Price was recently upgraded with floodlights and in order to appropriately charge those hiring the oval and lights, a light charge is required to be included in the Fees & Charges Schedule.

The Shire of Ashburton receives requests from the community for copies of property plans (Development Approvals, Building Licenses and Septic plans). The requisition of these plans from the Shire is currently facilitated through a Freedom of Information (FOI) request as there is no other mechanism. Requiring the public to obtain plans as an FOI application is not in line with the intent of the *Freedom of Information Act 1982* (the Act) and as a legislative process requires additional reporting by the Shire.

The Office of the Information Commissioner advises 'One of the most effective things agencies can do to achieve the objects of the Act is to disclose information 'outside' the FOI process unless there is a good reason not to do so. This can be done by proactively publishing information, or by providing requested information without the need for a formal FOI application.

On this basis, Officers have identified an alternative approach is the implementation of a Request for Plans form and associated fee. This would allow the correct information to be obtained to ensure privacy requirements are met and the community can access the information they seek in a shorter timeframe. In recommending a fee, officers have considered the time and resources taken to generally locate plans and copy/scan utilizing the existing records system (electronic and manual archives), the charge out rate of the Records Officers (\$50 per hour) and consideration for fees charged by other Local Governments (summarised below):

<b>Local Government Authority</b>	<b>Residential</b>	<b>Commercial</b>
City of Karratha	\$38.00 no copy charges	\$38.00 no copy charges
Shire of Broome	\$103.50 plus copy charges	\$180.70 plus copy charges
Shire of East Pilbara	\$60.00 per set of A3 drawings	\$60.00 per set of A3 drawings
Town of Port Hedland	\$35.00 per permit	\$55.00 per permit

To facilitate this requisition process for property plans, the proposed fee requires adding to the Fees and Charges Schedule to cover the costs of ascertaining the information and collation of the property plan request.

**Comment**

The inclusion of 825B Warara Street, 4 Weelamurra Court and 9 Weelamurra Court to the Fees & Charges Schedule would allow for appropriating charging of the accommodation in line with the current charges at the Shire's other Transit Houses:

The following table includes the Fees and Charges proposed under 19.4 Hire Fees and Charges of Council Facilities of this report.



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**Transit Houses**

<b>Name</b>	<b>Basis of Charge</b>	<b>Year 20/21 Fee (incl GST)</b>	<b>GL</b>
Warara Street, Tom Price – Commercial / Contractors / Employees	per room per night	\$179.50	TBA
Warara Street, Tom Price – Commercial / Contractors / Employees	whole house per night	\$359.00	TBA
Weelamurra Court, Tom Price – Commercial / Contractors / Employees	Per room per night	\$179.50	TBA
Weelamurra Court, Tom Price – Commercial / Contractors / Employees	Whole house per night	\$538.50	TBA
Willow Street, Tom Price – Commercial / Contractors / Employees	per room per night	\$179.50	090368
Willow Street, Tom Price – Commercial / Contractors / Employees	whole house per night	\$1,255.00	090368
Simpson Street, Onslow – Commercial / Contractors / Employees	per room per night	\$179.50	090368
Simpson Street, Onslow – Commercial / Contractors / Employees	whole house per night	\$716.00	090368
Capricorn Avenue, Paraburdoo – Commercial / Contractors / Employees	per room per night	\$179.50	090368
Capricorn Avenue, Paraburdoo – Commercial / Contractors / Employees	whole house per night	\$716.00	090368

The inclusion of light usage at Minna Oval to the Fees & Charges Schedule will allow for appropriate charging of light usage for those hiring Minna Oval, in line with charges at Clem Thompson Memorial Oval:

**Oval Hire Usage – Minna Oval**

<b>Name</b>	<b>Basis of Charge</b>	<b>Year 20/21 Fee (incl GST)</b>	<b>GL</b>
Commercial / Business Functions	per day	\$78.00	111318
Commercial / Business Functions	per night	\$57.00	111318
Commercial / Business Functions	per hour	\$17.00	111318
Charitable / Community & Sport Groups	per day	\$65.00	111318
Charitable / Community & Sport Groups	per night	\$42.99	111318

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<b>Name</b>	<b>Basis of Charge</b>	<b>Year 20/21 Fee (incl GST)</b>	<b>GL</b>
Charitable / Community & Sport Groups	per hour	\$4.00	111318
Light Usage 100%	per hour	\$31.00	111318
Light Usage 60%	per hour	\$18.00	111318
Light Usage 40%	per hour	\$12.50	111318
Line Marking Paint (12 cans per box)	per can	\$6.00	111293

The amendment of fees for MPC and Community Hall hire will ensure parity for users in all Shire Towns by charging the same hire fee across the Shire. The premises are detailed in the tables below, showing the current charges and the proposed charges, which have been amended to the lowest current charge:

**Public Halls, Civic Centres, Sports Pavilion**

Day Time: 8.00am to 6.00pm; Night Time: 6.00pm to 8.00am

The general hourly rate will be additional to any hours the oval is hired outside the allocated time frames for All Day and All Night bookings.

A 50% discount is applicable on all below venue hire charges for any junior organisation (non for profit) - booking must be specifically for children 17 years and under.

For All Day and All Night bookings if booking for more than 5 consecutive days/nights (24hr period)

50% discount will be applied.

**Tom Price Community Centre**

<b>Name</b>	<b>Basis of Charge</b>	<b>Current Year 20/21 Fee (incl GST)</b>	<b>Proposed Fee</b>	<b>GL</b>
Commercial / Business Functions - Day	per day	\$242.00	\$230.00	111048
Commercial / Business Functions - Night	per night	\$217.99	\$208.00	111048
Commercial / Business Functions - Day	per hour	\$34.00	\$32.00	111048
Commercial / Business Functions - Night	per hour	\$27.98	\$25.00	111048
Charitable / Community & Sport Groups - Day	per day	\$203.00	\$192.00	111048
Charitable / Community & Sport Groups - Night	per night	\$171.00	\$160.00	111048
Charitable / Community & Sport Groups - Day	per hour	\$27.00	\$25.00	111048
Charitable / Community & Sport Groups - Night	per hour	\$22.00	\$19.00	111048

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School Holiday Rate Use must be for children (up to 17 years) and must be to the benefit of users mental health or a physical activity Applicable to the following only: Tom Price Community Centre Paraburdoo – Sports Hall Multi-Purpose Courts – Community Hub Paraburdoo Ashburton Hall Onslow Multi-Purpose Centre – Sports Hall	Up to 3 consecutive days	\$0.00	\$500.00	TBA
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**Tom Price Civic Centre Area W**

Name	Basis of Charge	Year 20/21 Fee (incl GST)	Proposed Fee	GL
Commercial / Business Functions - Day	per day	\$230.00	\$230.00	111038
Commercial / Business Functions – Night	per night	\$208.00	\$208.00	111038
Commercial / Business Functions - Day	per hour	\$32.00	\$32.00	111038
Commercial / Business Functions - Night	per hour	\$25.00	\$25.00	111038
Charitable / Community & Sport Groups – Day	per day	\$192.00	\$192.00	111038
Charitable / Community & Sport Groups – Night	per night	\$160.00	\$160.00	111038
Charitable / Community & Sport Groups – Day	per hour	\$25.00	\$25.00	111038
Charitable / Community & Sport Groups – Night	per hour	\$19.00	\$19.00	111038

**Tom Price Community Recreation Centre – Performing Arts Centre (TPSHC)**

Name	Basis of Charge	Year 20/21 Fee (incl GST)	Proposed Fee	GL
Commercial / Business Functions - Day	per day	\$236.00	\$230.00	111368
Commercial / Business Functions – Night	per night	\$213.00	\$208.00	111368
Commercial / Business Functions - Day	per hour	\$33.00	\$32.00	111368
Commercial / Business Functions - Night	per hour	\$26.00	\$25.00	111368
Charitable / Community & Sport Groups – Day	per day	\$197.00	\$192.00	111368
Charitable / Community & Sport Groups – Night	per night	\$166.00	\$160.00	111368
Charitable / Community & Sport Groups – Day	per hour	\$26.00	\$25.00	111368

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Charitable / Community & Sport Groups – Night	per hour	\$31.00	\$19.00	111368
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**Tom Price Community Recreation Centre – Sports Hall/Gym**

<b>Name</b>	<b>Basis of Charge</b>	<b>Year 20/21 Fee (incl GST)</b>	<b>Proposed Fee</b>	<b>GL</b>
Commercial / Business Functions - Day	per day	\$241.00	\$230.00	111368
Commercial / Business Functions – Night	per night	\$217.99	\$208.00	111368
Commercial / Business Functions - Day	per hour	\$38.00	\$32.00	111368
Commercial / Business Functions - Night	per hour	\$32.99	\$25.00	111368
Charitable / Community & Sport Groups – Day	per day	\$203.00	\$192.00	111368
Charitable / Community & Sport Groups – Night	per night	\$171.00	\$160.00	111368
Charitable / Community & Sport Groups – Day	per hour	\$22.00	\$25.00	111368
Charitable / Community & Sport Groups – Night	per hour	\$27.00	\$19.00	111368

**Paraburdoo – Ashburton Hall**

<b>Name</b>	<b>Basis of Charge</b>	<b>Year 20/21 Fee (incl GST)</b>	<b>Proposed Fee</b>	<b>GL</b>
Commercial / Business Functions - Day	per day	\$242.00	\$230.00	111028
Commercial / Business Functions – Night	per night	\$217.99	\$208.00	111028
Commercial / Business Functions - Day	per hour	\$33.00	\$32.00	111028
Commercial / Business Functions - Night	per hour	\$27.98	\$25.00	111028
Charitable / Community & Sport Groups – Day	per day	\$203.00	\$192.00	111028
Charitable / Community & Sport Groups – Night	per night	\$171.00	\$160.00	111028
Charitable / Community & Sport Groups – Day	per hour	\$27.00	\$25.00	111028
Charitable / Community & Sport Groups – Night	per hour	\$22.00	\$19.00	111028
School Holiday Rate Use must be for children (up to 17 years) and must be to the benefit of users mental health or a physical activity Applicable to the following only: Tom Price Community Centre Paraburdoo – Sports Hall Multi-Purpose Courts – Community Hub Paraburdoo Ashburton Hall	Up to 3 consecutive days	\$0.00	\$500.00	TBA

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Onslow Multi-Purpose Centre – Sports Hall				
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**Paraburdoo – Sports Hall Multi-Purpose Courts – Community Hub**

<b>Name</b>	<b>Basis of Charge</b>	<b>Year 20/21 Fee (incl GST)</b>	<b>Proposed Fee</b>	<b>GL</b>
Commercial / Business Functions - Day	per day	\$237.00	\$230.00	113276
Commercial / Business Functions – Night	per night	\$218.00	\$208.00	113276
Commercial / Business Functions - Day	per hour	\$33.00	\$32.00	113276
Commercial / Business Functions - Night	per hour	\$28.00	\$25.00	113276
Charitable / Community & Sport Groups – Day	per day	\$203.00	\$192.00	113276
Charitable / Community & Sport Groups – Night	per night	\$171.00	\$160.00	113276
Charitable / Community & Sport Groups – Day	per hour	\$27.00	\$25.00	113276
Charitable / Community & Sport Groups – Night	per hour	\$22.00	\$19.00	113276
School Holiday Rate Use must be for children (up to 17 years) and must be to the benefit of users mental health or a physical activity Applicable to the following only: Tom Price Community Centre Paraburdoo – Sports Hall Multi-Purpose Courts – Community Hub Paraburdoo Ashburton Hall Onslow Multi-Purpose Centre – Sports Hall	Up to 3 consecutive days	\$0.00	\$500.00	TBA

**Onslow – Multipurpose Centre – Sports Hall**

<b>Name</b>	<b>Basis of Charge</b>	<b>Year 20/21 Fee (incl GST)</b>	<b>Proposed Fee</b>	<b>GL</b>
Commercial / Business Functions - Day	per day	\$242.00	\$230.00	MPI01
Commercial / Business Functions – Night	per night	\$217.99	\$208.00	MPI01
Commercial / Business Functions - Day	per hour	\$33.00	\$32.00	MPI01
Commercial / Business Functions - Night	per hour	\$27.98	\$25.00	MPI01
Charitable / Community & Sport Groups – Day	per day	\$203.00	\$192.00	MPI01
Charitable / Community & Sport Groups – Night	per night	\$171.00	\$160.00	MPI01
Charitable / Community & Sport Groups – Day	per hour	\$27.00	\$25.00	MPI01

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Charitable / Community & Sport Groups – Night	per hour	\$22.00	\$19.00	MPI01
School Holiday Rate Use must be for children (up to 17 years) and must be to the benefit of users mental health or a physical activity Applicable to the following only: Tom Price Community Centre Paraburdoo – Sports Hall Multi-Purpose Courts – Community Hub Paraburdoo Ashburton Hall Onslow Multi-Purpose Centre – Sports Hall	Up to 3 consecutive days	\$0.00	\$500.00	TBA

**Onslow – RM Forrest Memorial Hall**

Name	Basis of Charge	Year 20/21 Fee (incl GST)	Proposed Fee	GL
Commercial / Business Functions - Day	per day	\$233.00	\$230.00	111068
Commercial / Business Functions – Night	per night	\$212.00	\$208.00	111068
Commercial / Business Functions - Day	per hour	\$32.00	\$32.00	111068
Commercial / Business Functions - Night	per hour	\$27.00	\$25.00	111068
Charitable / Community & Sport Groups – Day	per day	\$201.00	\$192.00	111068
Charitable / Community & Sport Groups – Night	per night	\$169.00	\$160.00	111068
Charitable / Community & Sport Groups – Day	per hour	\$27.00	\$25.00	111068
Charitable / Community & Sport Groups – Night	per hour	\$21.00	\$19.00	111068

The inclusion of application fees for scanning/photocopying of property plans (Development Approvals, Building Licenses and Septic plans) will allow for appropriate charging of the time and resources utilised to search and collate information:

**Copy of Property Plans**

Name	Basis of Charge	Year 20/21 Fee (incl GST)	GL
Application for a Copy of Property Plans ( <i>Electronic Copy</i> )	per enquiry	\$75.00	102893
Application for a Copy of Property Plans ( <i>Hardcopy</i> )	Electronic copy fee <b>plus</b> hardcopy fees based on general photocopying charge in General Administration section.		

**Consultation**

Executive Leadership Team  
Town Planner  
Lease & Accommodation Officer

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**Statutory Environment**

*Local Government Act 1995*

*Section 6.16 Imposition of fees and Charges*

(1) *A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

*\* Absolute majority required.*

(2) *A fee or charge may be imposed for the following —*

(a) *providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*

(3) *Fees and charges are to be imposed when adopting the annual budget but may be —*

(a) *imposed\* during a financial year; and*

(b) *amended\* from time to time during a financial year.*

*\* Absolute majority required.*

*Section 6.19 Local government to give notice of fees and charges*

*If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —*

(a) *its intention to do so; and*

(b) *the date from which it is proposed the fees or charges will be Imposed.*

**Financial Implications**

It is expected the proposed fee and charges will have minimal effect on the 2020/21 budget due to the low amount of revenue predicted. However, a minor amount will be calculated for consideration in the 2020/21 Budget Review.

**Strategic Implications**

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

Goal 01        Vibrant and Active Communities

Objective 2    Sustainable services, clubs, associations and facilities

Goal 05        Inspiring Governance

Objective 4    Exemplary team and work environment

**CONFIRMED PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
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**Risk Management**

Risk has been assessed on the basis of the Officers Recommendation.

<b>Risk</b>	<b>Risk Likelihood</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
Financial Impact	Low (2)	Minor (2)	Low (4)	Under \$10,000 unallocated finances	Adopt Officers recommendation

The following Risk Matrix has been applied.

<b>Risk Matrix</b>						
<b>Consequence Likelihood</b>		<b>Insignificant</b>	<b>Minor</b>	<b>Moderate</b>	<b>Major</b>	<b>Catastrophic</b>
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Almost Certain</b>	<b>5</b>	<b>Moderate (5)</b>	<b>High (10)</b>	<b>High (15)</b>	<b>Extreme (20)</b>	<b>Extreme (25)</b>
<b>Likely</b>	<b>4</b>	<b>Low (4)</b>	<b>Moderate (8)</b>	<b>High (12)</b>	<b>High (16)</b>	<b>Extreme (20)</b>
<b>Possible</b>	<b>3</b>	<b>Low (3)</b>	<b>Moderate (6)</b>	<b>Moderate (9)</b>	<b>High (12)</b>	<b>High (15)</b>
<b>Unlikely</b>	<b>2</b>	<b>Low (2)</b>	<b>Low (4)</b>	<b>Moderate (6)</b>	<b>Moderate (8)</b>	<b>High (10)</b>
<b>Rare</b>	<b>1</b>	<b>Low (1)</b>	<b>Low (2)</b>	<b>Low (3)</b>	<b>Low (4)</b>	<b>Moderate (5)</b>

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered low and can be mitigated by adopting the Officers Recommendation.

**Policy Implications**

ELM10 – Financial Sustainability Policy



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**Voting Requirement**

Absolute Majority Required

**Officers Recommendation**

That with respect to the Imposition of Fees and Charges, Council:

1. Endorse the following new fees and charges as indicated in the tables below:

**Transit Houses**

<b>Name</b>	<b>Basis of Charge</b>	<b>Year 20/21 Fee (incl GST)</b>	<b>GL</b>
Warara Street Tom Price – Commercial / Contractors / Employees	per room per night	\$179.50	090368
Warara Street, Tom Price – Commercial / Contractors / Employees	whole house per night	\$359.00	090368
Weelamurra Court, Tom Price – Commercial / Contractors / Employees	per room per night	\$179.50	090368
Weelamurra Court, Tom Price – Commercial / Contractors / Employees	whole house per night	\$538.50	090368

**Oval Hire Usage – Minna Oval**

<b>Name</b>	<b>Basis of Charge</b>	<b>Year 20/21 Fee (incl GST)</b>	<b>GL</b>
Light Usage 100%	per hour	\$31.00	111338
Light Usage 60%	per hour	\$18.00	111338
Light Usage 40%	per hour	\$12.50	111338

**Public Halls, Civic Centres, Sports Pavilion**

Tom Price: Community Centre; Civic Centre Area W; Community Recreation Centre – Performing Arts Centre (TPSHC); Community Recreation Centre – Sports Hall/Gym

Paraburdoo: Ashburton Hall; Sports Hall Multi-Purpose Courts – Community Hub

Onslow: Multipurpose Centre – Sports Hall; RM Forrest Memorial Hall

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<b>Name</b>	<b>Basis of Charge</b>	<b>Year 20/21 Fee (incl GST)</b>	<b>GL</b>
Commercial / Business Functions - Day	per day	\$230.00	As previous for each premises
Commercial / Business Functions – Night	per night	\$208.00	As previous for each premises
Commercial / Business Functions - Day	per hour	\$32.00	As previous for each premises
Commercial / Business Functions - Night	per hour	\$25.00	As previous for each premises
Charitable / Community & Sport Groups – Day	per day	\$192.00	As previous for each premises
Charitable / Community & Sport Groups – Night	per night	\$160.00	As previous for each premises
Charitable / Community & Sport Groups – Day	per hour	\$25.00	As previous for each premises
Charitable / Community & Sport Groups – Night	per hour	\$19.00	As previous for each premises
<b>School Holiday Rate</b> Use must be for children (up to 17 years) and must be to the benefit of users mental health or a physical activity Applicable to the following only: Tom Price Community Centre Paraburdoo – Sports Hall Multi-Purpose Courts – Community Hub Paraburdoo Ashburton Hall Onslow Multi-Purpose Centre – Sports Hall	Up to 3 consecutive days	\$500.00	TBA

**Request for Property Plans**

<b>Name</b>	<b>Basis of Charge</b>	<b>Year 20/21 Fee (incl GST)</b>	<b>GL</b>
Application for a Copy of Property Plans ( <i>Electronic Copy</i> )	per enquiry	\$75.00	102893
Application for a Copy of Property Plans ( <i>Hardcopy</i> )	Electronic copy fee <b>plus</b> hardcopy fees based on general photocopying charge in General Administration section.		

2. Endorse the Chief Executive Officer to provide local public notice of the above fees and charges which it proposes will be imposed from 1 March 2021.

**CONFIRMED PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
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**Motion**

**MINUTE:** 8/2021

**MOVED:** Cr D Diver

**SECONDED:** Cr M Lynch

That with respect to the Imposition of Fees and Charges, Council:

1. Endorse the following new fees and charges as indicated in the tables below:

**Transit Houses**

Name	Basis of Charge	Year 20/21 Fee (incl GST)	GL
Warara Street Tom Price – Commercial / Contractors / Employees	per room per night	\$179.50	090368
Warara Street, Tom Price – Commercial / Contractors / Employees	whole house per night	\$359.00	090368
Weelamurra Court, Tom Price – Commercial / Contractors / Employees	per room per night	\$179.50	090368
Weelamurra Court, Tom Price – Commercial / Contractors / Employees	whole house per night	\$538.50	090368

**Oval Hire Usage – Minna Oval**

Name	Basis of Charge	Year 20/21 Fee (incl GST)	GL
Light Usage 100%	per hour	\$31.00	111338
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Light Usage 40%	per hour	\$12.50	111338

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**Paraburdoo:** Ashburton Hall; Sports Hall Multi-Purpose Courts – Community Hub

**Onslow:** Multipurpose Centre – Sports Hall; RM Forrest Memorial Hall

**CONFIRMED PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
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Name	Basis of Charge	Year 20/21 Fee (incl GST)	GL
Commercial / Business Functions - Day	per day	\$230.00	As previous for each premises
Commercial / Business Functions - Night	per night	\$208.00	As previous for each premises
Commercial / Business Functions - Day	per hour	\$32.00	As previous for each premises
Commercial / Business Functions - Night	per hour	\$25.00	As previous for each premises
Charitable / Community & Sport Groups – Day	per day	\$192.00	As previous for each premises
Charitable / Community & Sport Groups – Night	per night	\$160.00	As previous for each premises
Charitable / Community & Sport Groups – Day	per hour	\$25.00	As previous for each premises
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<b>School Holiday Rate</b> Use must be for children (up to 17 years) and must be to the benefit of users mental health or a physical activity Applicable to the following only: Tom Price Community Centre Paraburdoo – Sports Hall Multi-Purpose Courts – Community Hub Paraburdoo Ashburton Hall Onslow Multi-Purpose Centre – Sports Hall	Up to 3 consecutive days	\$500.00	TBA

**Request for Property Plans**

Name	Basis of Charge	Year 20/21 Fee (incl GST)	GL
Application for a Copy of Property Plans ( <i>Electronic Copy</i> )	per enquiry	\$75.00	102893
Application for a Copy of Property Plans ( <i>Hardcopy</i> )	Electronic copy fee plus hardcopy fees based on general photocopying charge in General Administration section.		

2. Endorse the Chief Executive Officer to provide local public notice of the above fees and charges which is proposes will be imposed from 1 March 2021.
3. Approve that a 50% discount be applied for all day and all-night bookings, if booking for more than 5 consecutive days/nights (24-hour period).

**CARRIED BY ABSOLUTE MAJORITY 7/0**

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**12.4 MINING ACT 1978 TENEMENT REFERRALS – 26 NOVEMBER 2020 – 31 JANUARY 2021**

**Declaration of Interest**

***Prior to consideration of this Agenda Item:***

***Cr Rumble declared a financial interest***

***Cr Lynch declared an indirect financial interest***

***Cr Dias declared a financial interest***

***Cr Diver declared an indirect financial interest***

***See item 6.2 for details of the interest declared.***

**RECORDED ON REGISTER GV07**

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

Cr Dias and Rumble left the meeting at 1.29 pm due to their declaration of interest for 12.4.

**FILE REFERENCE:** ED01

**AUTHOR'S NAME AND POSITION:** Janelle Fell  
Acting Director Corporate Services

**AUTHORISING OFFICER AND POSITION:** Kenn Donohoe  
Chief Executive Officer

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

**DATE REPORT WRITTEN:** 25 November 2020

**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 12.2 (Minute No. 220/2020) – Ordinary Meeting of Council 11 December 2020

**Summary**

The purpose of this report is to inform Council, for information, of Notices of Application for tenure under the *Mining Act 1978*.

**Background**

It is a requirement of the *Mining Regulations 1981* (Mining Regs) that application for mining tenements be in the prescribed form, being a Form 21, and lodged within 10 days of marking out (by fixing a post projecting at least 1 m above the ground along with other prescribed actions as per Division 1 – Marking out mining tenements of the Mining Regs).

A notice in the form of Form 21 is to be served on the Chief Executive Officer of the local government within 14 days of the lodging of the application to which the notice relates. The period for lodgment of an objection concerning an application over private land is within 21

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days of service of the Form 21 or the date notified on the Form 21, whichever is the longer period.

### Comment

Mining tenements prescribed under the *Mining Act 1978* include prospecting licences, exploration licences, retention licences, mining leases, general purpose leases and miscellaneous licences.

The Shire receives varying numbers of Form 21 Applications for Mining Tenement each month. Therefore, Shire Officers undertake an assessment of each Notification with any concerning Applications referred to Council. The due diligence assessment includes, but is not limited to:

- Affected Shire assets:
  - Will the licence generate traffic volumes that significantly affect Shire roads
  - Borrow pits
- Bushfire back burning areas
- Aboriginal heritage sites
- Special Control Areas as per the Local Planning Scheme No. 7
  - Wittenoom a particular concern
- Areas used for public recreation
- Land identified for future use or development (landfill, tourism, etc.)
- Traffic management if operating near roads used by travelling public
- Identify landowner/pastoral company
- Identify Aboriginal groups
- European heritage sites – municipal inventory
- Proximity to:
  - Telecommunications
  - Electricity
  - Water
  - Gas pipelines
- General notification of possible permanent and temporary camps

Ten (10) Form 21 - Application for Mining Tenement notifications were received between 26 November 2020 – 31 January 2021.

### Exploration Licences

The Mining Regs imposes a limit on the amount of earth, soil, rock, stone, fluid or mineral bearing substance which may be excavated, extracted or removed to 1,000 tonnes in total. Excavation, extraction or removal in excess of this requires the Ministers written approval.

Exploration Licence notifications received include:

Company	Application No.	Block/s (~80km <sup>2</sup> )	Locality
Rio Tinto	47/4473	2	Nammuldi
Rio Tinto	47/4476	1	Nammuldi
Fortescue Metals Group	47/4478	3	Mount Samson
Kingfisher Mining Ltd	08/3317	96	Wyloo

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Mining Leases

The following kinds of mining operations are prescribed in the Mining Regs:

- open-cut operations;
- underground operations;
- quarrying operations;
- dredging operations;
- harvesting operations;
- scraping operations;
- leaching operations;
- tailing treatment operations;
- Construction activities incidental or conducive to mining operations, including the construction of plant, tailing storage facilities and overburden dumps.

Mining Lease notifications received are:

<b>Company</b>	<b>Application No.</b>	<b>Hectares</b>	<b>Locality</b>	<b>Mineral</b>
Fortescue Metals Group	47/1610	6,412 Ha	FMG – Hamersley	Iron Ore
	47/1611	3,784 Ha	FMG - Hamersley	Iron Ore
K Plus S Salt	08/532	18,676.05 Ha	Urala	Not Listed

Miscellaneous Licences

A miscellaneous licence may be granted for use of land for one or more of the following purposes:

- A road;
- A tramway;
- An aerial rope way;
- A pipeline;
- A powerline;
- A conveyor system;
- A tunnel;
- A bridge;
- Taking water;
- A search for groundwater;
- Hydraulic reclamation and transport of tailings;
- An aerodrome;
- A meteorological station;
- A Sulphur dioxide monitoring station;
- A communications facility;
- A drainage channel;
- A pump station;
- A minesite accommodation facility;
- A bore;
- A bore field;
- A water management facility;
- A power generation and transmission facility;
- A storage or transportation facility for minerals or mineral concentrate;
- A minesite administration facility;
- A workshop and storage facility;
- A jetty.

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Miscellaneous Licence notifications received are:

Company	Application No.	Hectares	Locality	Purposes
Rio Tinto	47/961	151.58000 Ha	Brockman 2 Mine	<ul style="list-style-type: none"> <li>• A bore</li> <li>• A bridge</li> <li>• A communications facility</li> <li>• A drainage channel</li> <li>• A minesite administration facility</li> <li>• A pipeline</li> <li>• A power line</li> <li>• A pump station</li> <li>• A road</li> <li>• A storage or transportation facility for minerals or mineral concentrate</li> <li>• A water management facility</li> <li>• A workshop and storage facility</li> <li>• Taking water</li> </ul>
Rio Tinto	47/960	147.66 Ha	Paraburdoo Mine	<ul style="list-style-type: none"> <li>• A bore field</li> <li>• A drainage channel</li> <li>• A pipeline</li> <li>• A power line</li> <li>• A pump station</li> <li>• A road</li> <li>• Taking water</li> </ul>
AMCI (IO) Pty Ltd Aquila Steel Pty Ltd API Management Pty Ltd	08/220	1,615.83 Ha	Warrambo Bore – Red Hill Station	<ul style="list-style-type: none"> <li>• A bore</li> <li>• A bore field</li> <li>• A bridge</li> <li>• A communications facility</li> <li>• A drainage channel</li> <li>• A pipeline</li> <li>• A power line</li> <li>• A power generation and transmission facility</li> <li>• A pump station</li> <li>• A road</li> <li>• A search for groundwater</li> <li>• A tunnel</li> <li>• A water management facility</li> <li>• Taking water</li> </ul>

**ATTACHMENT 12.4**

Section 64B of the Mining Regulations requires the Notice of application for mining tenement be given to the holder of a pastoral lease, or other lease granted by or on behalf of the Crown for grazing purposes only.



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**Consultation**

Executive Leadership Team

**Statutory Environment**

*PART IV -- Mining tenements of the Mining Act 1978* sets out the grant and conditions of mining tenements in Western Australia.

*Mining Regulations 1981*

*Regulation 64, Application for mining tenement of the Mining Regulations 1981* (Mining Regs) states that application for mining tenements must be in the prescribed form, being a Form 21 and copies served in accordance with 33 (Application for mining by permit holder), 41 (Application for prospecting licence), 56A (Special prospecting licences), 58 (Application for exploration licence), 70 (Special prospecting licence on an exploration licence), 74 (Application for mining lease), 85B (Special prospecting licence on a mining lease), 91 (Grant of miscellaneous licence) and 118 (Notice of application to be given to lessee of pastoral lease) of the *Mining Act 1978*.

**Financial Implications**

There are no known financial implications for this matter.

**Strategic Implications**

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

Goal 02      Economic Prosperity  
Objective 1      Strong local economies

Goal 04      Quality Services and Infrastructure  
Objective 1      Quality public infrastructure

**Risk Management**

Risk has been assessed on the basis of the Officers Recommendation.

<b>Risk</b>	<b>Risk Likelihood</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
Damage to natural environment – social performance responsibilities to the community at large	Rare (1)	Moderate (3)	Low (3)	Natural Environment (3) – contained, reversible impact managed by external agencies	Correspondence to all Applicants advising Shire's required considerations

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The following Risk Matrix has been applied.

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

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 due to the autonomy of the State when considering Council's comment in relation to mining tenement applications.

**Policy Implications**

Town Planning Scheme No. 7

LPP – Transient Workforce Accommodation

**Voting Requirement**

Simple Majority Required

**Officers Recommendation and Council Decision**

**MINUTE:** 9/2021

**MOVED:** Cr D Diver

**SECONDED:** Cr M Lynch

**That with respect to *Mining Act 1978* Tenement Referrals – 26 November 2020 – 31 January 2021, Council acknowledge the contents of this report.**

**CARRIED 4/1**

**Councillor Richardson voted against the motion**

Cr Dias and Rumble returned to the meeting at 1.30 pm. The Presiding Member advised the Councillors of the outcome of the vote for item 12.4.

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**13. DEVELOPMENT SERVICES REPORTS**

**13.1 WITTENOOM BEDFORD FIRE FIGHTING TRUCK**

<b>FILE REFERENCE:</b>	FM34
<b>AUTHOR'S NAME AND POSITION:</b>	Kyle Cameron Coordinator Ranger Services
<b>AUTHORISING OFFICER AND POSITION:</b>	Adam Majid Director Development Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	5 February 2021
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity, or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

Council consideration is required in relation to the proposed purchase and restoration of a 1960's Bedford Fire Fighting Truck (Fire Truck) that was stationed in the township of Wittenoom from the 1970s until recently.

The Fire Truck is recognised as a small part of Wittenoom's history and it is proposed that Council consider the purchase and restoring of this vehicle.

It is envisioned that the Fire Truck would then be located at the new Co-Located Facility in Tom Price once the restoration of the vehicle and the Co-Located Facility have both been completed.

**Background**

The Fire Truck had remained in a state of semi-storage in Wittenoom until the full closure of the township and has since been relocated to Perth in an effort to preserve the vehicle.

Research has revealed that there are no records referring to this vehicle in the Shire's Records System. DFES heritage remains closed due to COVID-19 restrictions until 14 February 2021 therefore an estimation of the cost for restoration has not been able to be established

Mr Mario Hartmann stated that the Fire Truck was originally located in Newman and was operated by BHP before being relocated to Wittenoom. Mr Hartmann stated that there is nine thousand miles on the truck and that the engine still runs as do the pumps, with the body of the vehicle requiring more attention.

Mr Hartmann had the Fire Truck transported to Perth rather than leave it to fall into disrepair out at Wittenoom. Mr Hartmann has stated that he is willing to place the Fire Truck into the care of the Shire of Ashburton, by way of sale, as he is aware that there is not a lot of Wittenoom's physical history left and he would equally like to see this vehicle restored and remain in the Shire of Ashburton.

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Mr Hartmann has asked that the Shire of Ashburton purchase the Fire Truck from him for the sum of \$5,000 which covers the costs he incurred when transporting the Fire Truck from Wittenoom to Perth.

Councillor Diver has contacted the Department of Fire and Emergency Services Heritage Trust and provided them with photos of the Fire Truck in the hope that they can assist with the restoration and/or, provide an estimated value of the restoration to assist with future budget allocations for the 2021/2022 Annual Budget. Photos are attached as Attachment 13.1.

**ATTACHMENT 13.1**

**Comment**

The purchase and restoration of this vehicle not only preserves a small part of the physical history of Wittenoom, but it is envisioned that the Fire Truck will be made available for events in both Paraburdoo and Tom Price. It is proposed the Fire Truck be stationed and displayed at the Tom Price Combined Emergency Services Facility, which will hopefully help draw attention to our volunteers and the work they do in the community.

**Consultation**

Councillor Diver  
Executive Leadership Team

**Statutory Environment**

There are no known statutory implications for this matter.

**Financial Implications**

- Purchase of the vehicle \$5,000
- Storage and transportation will be required.
- Estimated restoration costs to be considered as part of the 2021/22 budget deliberations.

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

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**Risk Management**

Risk has been assessed on the basis of the Officers Recommendation.

<b>Risk</b>	<b>Risk Likelihood</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
<b>Financial Impact.</b> Allocated budget insufficient as there are unknown costs associated with vehicle restoration and storage	Possible(3)	Minor (2)	Moderate(9)	\$10,000 - \$100,000.	Seek assistance (both financial and project costing) from DFES Heritage to complete restoration and/or provide assistance with restoration.

The following Risk Matrix has been applied.

<b>Risk Matrix</b>						
<b>Consequence Likelihood</b>		<b>Insignificant</b>	<b>Minor</b>	<b>Moderate</b>	<b>Major</b>	<b>Catastrophic</b>
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Almost Certain</b>	<b>5</b>	<b>Moderate (5)</b>	<b>High (10)</b>	<b>High (15)</b>	<b>Extreme (20)</b>	<b>Extreme (25)</b>
<b>Likely</b>	<b>4</b>	<b>Low (4)</b>	<b>Moderate (8)</b>	<b>High (12)</b>	<b>High (16)</b>	<b>Extreme (20)</b>
<b>Possible</b>	<b>3</b>	<b>Low (3)</b>	<b>Moderate (6)</b>	<b>Moderate (9)</b>	<b>High (12)</b>	<b>High (15)</b>
<b>Unlikely</b>	<b>2</b>	<b>Low (2)</b>	<b>Low (4)</b>	<b>Moderate (6)</b>	<b>Moderate (8)</b>	<b>High (10)</b>
<b>Rare</b>	<b>1</b>	<b>Low (1)</b>	<b>Low (2)</b>	<b>Low (3)</b>	<b>Low (4)</b>	<b>Moderate (5)</b>

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is moderate due to the unknown cost associated with vehicle restorations and the length of time the vehicle may be required to remain in storage.

**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 Wittenoom Bedford Fire Fighting Truck, Council:

1. Acknowledge the social and cultural history associated with the Fire Truck in relation to Wittenoom;
2. Authorise the Chief Executive Officer to purchase the Wittenoom Bedford Fire Truck from Mr Hartmann for up to \$5,000;
3. Authorise:
  - a. A decrease to:
    - i. GL 10561120 by \$3,000;
    - ii. GL 10590920 by \$1,000;
    - iii. GL 10513720 by \$1,000;
  - b. An increase to new GL of \$5,000;
4. Request the Chief Executive Officer to investigate costs in relation to the restoration of the Fire Truck and provide those costs as part of budget deliberations for the 2021/22 Annual Budget.

**Motion**

**MINUTE:** 10/2021

**MOVED:** Cr D Diver

**SECONDED:** Cr R de Pledge

That with respect to the Wittenoom Bedford Fire Fighting Truck, Council:

1. Acknowledge the social and cultural history associated with the Fire Truck in relation to Wittenoom;
2. Authorise the Chief Executive Officer to secure ownership of the Wittenoom Bedford Fire Truck from Mr Hartmann for up to \$5,000;
3. Authorise:
  - a. A decrease to:
    - i. GL 10561120 by \$3,000;
    - ii. GL 10590920 by \$1,000;
    - iii. GL 10513720 by \$1,000;
  - b. An increase to new GL of \$5,000;
4. Request the Chief Executive Officer to investigate costs in relation to the restoration of the Fire Truck and provide those costs as part of budget deliberations for the 2021/22 Annual Budget.

**CARRIED 7/0**

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**13.2 RECORDING AND SCREENING - CAT AND DOG DESEXING CAMPAIGN  
FOR ONSLOW AND PANNAWONICA**

**FILE REFERENCE:** LE47

**AUTHOR'S NAME AND POSITION:** Hamish James  
Ranger Officer – West

Kyle Cameron  
Coordinator Ranger Services

**AUTHORISING OFFICER AND POSITION:** Adam Majid  
Director Development Services

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

**DATE REPORT WRITTEN:** 5 February 2021

**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 permit a television crew to film and record the town site of Onslow for display on free to air television (namely Nine Network Australia) in conjunction with a desexing campaign to be funded by Chevron Australia (confirmed) and Pilbara Ports Authority (to be confirmed). Additionally, a Budget Amendment is presented for Council's consideration.

**Background**

The Shire of Ashburton Ranger Department is arranging a desexing campaign for the town sites of Onslow and Pannawonica as a proactive approach to reducing the exponentially growing number of feral animals in the towns.

The last desexing campaign in Onslow was approximately 5 years ago. There is a current need to initiate another campaign as the number of domestic and feral animals has increased exponentially.

Ranger Services are currently dealing with a large increase in calls for assistance to deal with feral animals, and this is a reactive approach to the issue.

In conjunction with Pets and Vets Karratha, SAFE Karratha, Department of Primary Industry Broome, Animal Management in Rural and Remote Indigenous Communities Northern Territory and with funding from Chevron Australia (secured), Pilbara Ports Authority (Pending) and the Shire of Ashburton, a proactive campaign to reduce the amount of animals breeding in the town sites of Onslow and Pannawonica is now required.

**Comment**

The primary outcome of the campaign will be to reduce the amount of animals breeding within the Onslow and Pannawonica.

The wider scope of the campaign will include microchipping animals for identification and increase the amount of animals registered for compliance, educating the public on responsible pet

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ownership, treatment of disease, working with SAFE to rehome animals where possible and the euthanasia of animals that cannot be rehomed. These services will be free of charge.

The WA State Government are looking to introduce mandatory desexing of all domestic animals in Western Australia and this campaign will inform residents of their requirements and give them an opportunity to become compliant against the new Act. This proactive campaign is not being replicated with any other Local Government to the best of our knowledge.

The current campaign funding has come from sponsorships awarded from Chevron Australia (\$5,000 secured) and Pilbara Port Authority (\$5,000 pending).

The Veterinarians have agreed to volunteer their time for the week, however any monies remaining from the grant funds will be put toward payment at \$50/hour.

The campaign will consist of a weeklong event period where residents can benefit from the following.

- Sterilisation / desexing of male and female cats/dogs
- Disease treatment (external and internal parasites)
- Microchipping of animal
- Microchip detail checks and assistance
- Registration checks and assistance
- Euthanasia of unwanted (feral) animals
- Rehoming (in conjunction with SAFE) should the animal be suitable
- Education flyers and brochures
- Animal welfare checks

During the campaign period there will be two veterinarians from Karratha Pets and Vets conducting the procedures, Shire of Ashburton Rangers liaising with the public and, Shire of Ashburton administration support to process registrations and record.

The associated costs of desexing an animal

Desex	Male Dog	\$100
Desex	Female Dog	\$200
Desex	Male Cat	\$50
Desex	Female Cat	\$100
Euthanasia	Cat	\$25
Euthanasia	Dog	\$50

Additionally, the organisers of the campaign have been approached by Mr Roberts, the owner of the company 'Projuicer' and the creator of the Television program 'Desert Vets' which airs on the Nine Network Australia.

Mr Roberts has heard about the campaign and would like to film and record the event over a week to produce into one or more episodes for the television show 'Desert Vets'. Last season the town sites of Karratha and Exmouth were showcased.



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Mr Roberts would like to promote the proactive thinking of the Shire of Ashburton in relation to compliance requirements, whilst also showcasing Onslow and the surrounding attractions. The filming would occur between Monday 24 May and Sunday 6 June 2021 with specific dates to be announced.

As part of the agreement reached with Mr Roberts, all disease treatments (external and internal parasites) required for the campaign will be sourced and donated by the company 'ProJucer'. They will be of a high quality nature and suitable for male and female cats and dogs.

The promotion of the campaign is vital to its success and the following avenues have been discussed as advertising options:

- A short 30 second video to explain the campaign and asking for EOI from the public to be shared on social media platforms.
- An interview to be aired on ABC Pilbara radio promoting and educating the public on the benefits of the campaign.
- An information and expression of interest night held at the Onslow Sports Club to answer questions in a face-to-face capacity.
- Additional flyers and information sheets mailed to residents of Onslow.

### **Consultation**

Executive Management Team  
Chief Operating Officer – Airport and Tourism  
Manager Media and Communications

### **Statutory Environment**

*Local Government Act 1995*

*6.8 Expenditure from municipal fund not included in annual budget*

- (1) a Local Government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure  
(b) is authorised in advance by resolution\**

*\* Absolute majority required*

### **Financial Implications**

Through application, funding has been made available for the campaign via the following'

- Chevron Australia - \$5,000 (approved)
- Pilbara Ports Authority - \$5,000 (pending)

A request to the Shire of Ashburton has also been made in-kind;

- Onslow Business House for 7 days (\$1,040 + \$600 bond)
- Accommodation (5 nights) for film crew (3) and vets (2) Onslow Transit House (\$4,487.50)
- Meal vouchers (Breakfast and Dinner) for Transit house guests (5). (\$2,000)

### **Strategic Implications**

Shire of Ashburton Strategic Community Plan (Desktop Review 2019)

Goal 03      Unique Heritage and Environment  
Objective 1    Flourishing natural environment

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**Risk Management**

Risk has been assessed based on the Officers Recommendation.

<b>Risk</b>	<b>Risk Likelihood</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
Destruction of natural habitat by feral animals	Possible (3)	Minor (2)	Moderate (6)	Natural Environment – Contained, reversible impact managed by internal response	Implement advertising through various multimedia and radio campaigns

The following Risk Matrix has been applied.

<b>Risk Matrix</b>						
<b>Consequence Likelihood</b>		<b>Insignificant</b>	<b>Minor</b>	<b>Moderate</b>	<b>Major</b>	<b>Catastrophic</b>
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Almost Certain</b>	<b>5</b>	<b>Moderate (5)</b>	<b>High (10)</b>	<b>High (15)</b>	<b>Extreme (20)</b>	<b>Extreme (25)</b>
<b>Likely</b>	<b>4</b>	<b>Low (4)</b>	<b>Moderate (8)</b>	<b>High (12)</b>	<b>High (16)</b>	<b>Extreme (20)</b>
<b>Possible</b>	<b>3</b>	<b>Low (3)</b>	<b>Moderate (6)</b>	<b>Moderate (9)</b>	<b>High (12)</b>	<b>High (15)</b>
<b>Unlikely</b>	<b>2</b>	<b>Low (2)</b>	<b>Low (4)</b>	<b>Moderate (6)</b>	<b>Moderate (8)</b>	<b>High (10)</b>
<b>Rare</b>	<b>1</b>	<b>Low (1)</b>	<b>Low (2)</b>	<b>Low (3)</b>	<b>Low (4)</b>	<b>Moderate (5)</b>

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be moderate and will be mitigated by direct advertising and education to specific and required customers.

**Policy Implications**

There are no known policy implications for this matter.

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**Voting Requirement**  
Absolute Majority Required

**Officers Recommendation and Council Decision**

**MINUTE:** 11/2021

**MOVED:** CR D Diver

**SECONDED:** Cr M Lynch

**That with respect to the Recording and Screening of the Cat and Dog Desexing Campaign for Onslow and Pannawonica, Council:**

- 1. Authorise in advance by resolution the spending of grant monies accrued through sponsorship donations, namely, Increase Expenses Code GL 051013 by \$10,000 to run campaign pursuant to *Local Government Act 1995*;**
- 2. Permit Mr Roberts from 'Projucer' to film, record and use footage from the campaign of the town site of Onslow and surrounds; and**
- 3. Authorise the Chief Executive Officer to provide in – kind support as required in support of the campaign.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

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**14. COMMUNITY SERVICES REPORTS**

There are no Community Services Reports for this meeting.

**15. INFRASTRUCTURE SERVICES REPORTS**

**15.1 TOM PRICE SKATE PARK UPGRADES**

**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 Diver declared an Indirect Financial Interest.***

***See item 6.2 for details of the interest declared.***

**RECORDED ON REGISTER GV07**

**NOTE: Due to the four Declarations of Interest as stated above, only 3 Councillors were remaining in the Chambers. There being no quorum present, Council moved to the next item of business.**

**FILE REFERENCE:** RC31

**AUTHOR'S NAME AND POSITION:** Tracey Rogers  
Acting Asset Management Specialist

**AUTHORISING OFFICER AND POSITION:** Maz Khosravi  
Director Infrastructure Services

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

**DATE REPORT WRITTEN:** 22 January 2021

**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 purpose of this report is to provide a status update regarding the Tom Price Skate Park Upgrade (funded as part of the 2020/21 budget) and request Council support for the preferred concept design and associated costs. The project will be completed in two stages over the 2020/21 and 2021/22 Budgets.

**Background**

The original Tom Price Skate Park was built in 2012 and has been a popular facility with a wide section of the community for the last eight years.

The original park was planned around the existing trees that were found in the area, however

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these trees have now died and have left two large dirt patches in central area of the park. These areas were previously filled with mulched bark which has the potential to be a hazard to the users.

With the trees no longer providing shade in the area, it's now often too hot to use the park during the middle of the day. By providing more shade in this area will enable community to utilise the facility for longer periods of the day.

The current park is also showing its age and is in need of attention. The addition of a bowl element to the park has also been a focus for this project and has been the subject of community feedback.

### **Comment**

Western Australian firm Skate Sculpture was engaged to carry out onsite consultation and create a concept plan for the upgrade works and possible expansion of the park.

A site inspection, project meeting with Shire of Ashburton staff and onsite consultation was held on Friday 30 October 2020. In total, staff and the consultants spoke with 31 interested community members, 71% of them being aged twelve and under. This age group will form a large percentage of the regular users of this facility.

The attendees took part in a series of presentations, design activities, a survey and photo shoots to get valuable feedback on what the community would like to see included in the works.

The survey concluded that the most popular option for the skate park extension was a large flow bowl. Flow bowls have become increasingly popular in the past decade, made famous by international competitions and soon to be featured in the 2021 Tokyo Olympics.

Other inclusions that the community would like included in the works were:

- Shelter/Shade
- Water fountains
- Seating

A geotechnical investigation and site survey was also carried out. This information, along with the community consultation, has been summarised to create two concept designs.

Option 1 features a standalone fish bowl which would be the less expensive of the two options and only utilises a portion of the available space.

This option has been estimated to cost \$715,000.00.

### **ATTACHMENT 15.1A**

Option 2 utilises the majority of the available space by providing a flow bowl with an additional skatepark section featuring some of the most frequently requested skate park obstacles including a stair set, A-frame and bank to extension. These three obstacles are not currently found at the current skatepark and will add to the diversification of the skate terrain on offer in Tom Price.

This option has been estimated to cost \$920,000.00.

### **ATTACHMENT 15.1B**

Two concept designs have been proposed to help determine a budget that would be both viable for the Shire to achieve, whilst providing the local skatepark users with a skatepark extension that would satisfy their requirements for many years to come.

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Substantial costs will be required for upgrades to lighting and reticulation which have not been included in the quoted figures. It is ideal that the surrounding lighting and reticulation works be carried out at the same time to deliver a project that is both user friendly and aesthetically pleasing.

In order to meet the community expectations and suggested facility design requirements, it is requested elected members endorse Option 1 with a required budget of \$800,000. This will deliver a quality facility that can be properly integrated into the existing infrastructure.

### **Consultation**

Cr Lynch and Cr Diver  
Executive Leadership Team  
Tom Price Community Members  
Strategic Partnership Manager  
Manager Media and Communications

### **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 estimated is include in the local government’s annual budget.

### **Financial Implications**

The current budget for the project is \$250,000. This budget has been allocated based on the opinion of a community member and lacked proper investigation.

RTIO has been approached to make a funding contribution towards the facility. The initial approach was based on a \$250,000 contribution to a \$500,000 project.

A further approach has since been made, given that the project estimate is \$800,000; depending on Council decision to agree to additional funding.

### **Strategic Implications**

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

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

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**Risk Management**

Risk has been assessed on the basis of the Officers Recommendation.

<b>Risk</b>	<b>Risk Likelihood</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
Financial Impact – insufficient funding to complete the works	Possible (3)	Moderate (3)	Moderate (9)	\$100,000 - \$1 million	Include Rio Tinto in the planning, construction and unveiling of the facility. Ensuring that signage indicates a partnership
Reputation	Possible (3)	Major (4)	High (12)	Substantiated, public embarrassment, widespread high impact on community trust, high media profile, third party actions.	Ensure adequate budget is available to deliver a completed project that is in line with community expectations
Interruption to service	Likely (4)	Moderate (3)	High (12)	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Ensuring that the community is aware of the possible interruptions to the facility.

The following Risk Matrix has been applied.

<b>Risk Matrix</b>						
<b>Consequence Likelihood</b>		<b>Insignificant</b>	<b>Minor</b>	<b>Moderate</b>	<b>Major</b>	<b>Catastrophic</b>
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Almost Certain</b>	<b>5</b>	<b>Moderate (5)</b>	<b>High (10)</b>	<b>High (15)</b>	<b>Extreme (20)</b>	<b>Extreme (25)</b>
<b>Likely</b>	<b>4</b>	<b>Low (4)</b>	<b>Moderate (8)</b>	<b>High (12)</b>	<b>High (16)</b>	<b>Extreme (20)</b>
<b>Possible</b>	<b>3</b>	<b>Low (3)</b>	<b>Moderate (6)</b>	<b>Moderate (9)</b>	<b>High (12)</b>	<b>High (15)</b>
<b>Unlikely</b>	<b>2</b>	<b>Low (2)</b>	<b>Low (4)</b>	<b>Moderate (6)</b>	<b>Moderate (8)</b>	<b>High (10)</b>
<b>Rare</b>	<b>1</b>	<b>Low (1)</b>	<b>Low (2)</b>	<b>Low (3)</b>	<b>Low (4)</b>	<b>Moderate (5)</b>

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 due to the reputational impact of potentially delivering a project in disjointed manner over 2 financial years. In addition, a major part of the funding for the project is still to be confirmed. Regardless, the project has already been communicated to the public with the expectation that it is in the process of being delivered. Regular monitoring will be undertaken with specific procedures and controls engaged throughout the delivery of the project and will be consistently reviewed and managed.

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**Policy Implications**

There are no known policy implications for this matter.

**Voting Requirement**

Simple Majority Required

**Officers Recommendation**

That with respect to the Tom Price Skate Park Upgrades, Council:

1. Endorse Option 1 (ATTACHMENT 15.1A), with an estimated project cost of \$800,000, as the preferred concept.
2. Proceed with the proposed works in 2 stages over 2 financial years through the current budget allocation and consideration of a further \$550,000 commitment in the 2021/22 budget deliberations (which includes \$400,000 unspent COVID 19 Funds as per Recommendation 3); and
3. Request the Chief Executive Officer to liaise with Rio Tinto Iron Ore to allocate \$400,000 from unspent COVID 19 Funds toward this project.



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**16. PROJECTS AND PROCUREMENT**

**16.1 YOUTH AGE AND CURFEW RESTRICTIONS AT ONSLOW AQUATIC CENTRE**

Mrs C McGurk left the room at 1.46 pm.

**FILE REFERENCE:** RC25799

**AUTHOR'S NAME AND POSITION:** Andrew Price  
Swimming Pool Coordinator

**AUTHORISING OFFICER AND POSITION:** Kenn Donohoe  
Chief Executive Officer

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

**DATE REPORT WRITTEN:** 20 January 2021

**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 Western Australia Police Force - Onslow Police Station and Onslow Youth at Risk Committee request that council consider 2 proposals.

1. The minimum age of an 'unaccompanied' child into Onslow Aquatic Centre. The proposal is to raise the age from 10 years of age to 14 years of age; and
2. All unaccompanied children leave the Onslow Aquatic Centre at or before 6:30pm.

Supporting documentation accompanies the reasoning behind these proposals.

No other issues or requests of this nature have been raised for the Vic Hayton Memorial Swimming Pool and/or Quentin Broad Swimming Pool. This proposal relates to the Onslow Aquatic Centre only but for consideration across all the Shire of Ashburton aquatic facilities.

**Background**

Currently the Shire of Ashburton public aquatic facilities are Vic Hayton Memorial Swimming Pool – Tom Price, Quentin Broad Swimming Pool – Paraburdoo and Onslow Aquatic Centre have 'Conditions of Entry' in place. Two of these conditions include:

- Children under 5 must be accompanied in the water with a parent/guardian (16 years/over); and
- Children under 10 must be accompanied into the centre with a parent/guardian (16 years/over).

The Royal Life Saving Society Western Australia have 134 registered 'Watch Around Water Program' swimming pools (27 November 2020) in WA All 3 of the Shire of Ashburton aquatic facilities adhere to the 'Watch Around Water Program', Royal Life Saving WA Guidelines for Safe

## **CONFIRMED PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL 16 FEBRUARY 2021**

Pool Operations and 'Code of Practice for the Design, Construction, Operation, Management and Maintenance of Aquatic Facilities (January 2020)' supervision policies. However, these policies are the minimum standard and allow for the 'operator/Shire' to raise the minimum age of an accompanied infant and unaccompanied child/youth.

What is the 'Watch Around Water' Program?

Watch Around Water is an educational and awareness program that addresses the growing industry concern regarding levels of parental supervision of children while visiting aquatic facilities.

The program was launched in 2004 in response to a spike in drowning deaths at public swimming pool facilities involving young children. Sponsored by the Leisure Institute of WA Aquatics (LIWA), the program is managed by Royal Life Saving WA on behalf of the aquatics industry. It is an industry program – created by the industry for the industry, which is integral to its success.

The aim of the program is to reduce the number of fatal and non-fatal drowning incidents and aquatic injury involving young children under 14 years of age at public swimming pool facilities in Western Australia.

### **Key Objectives**

- To provide state-wide parental supervision standards and practices at public swimming pool facilities throughout Western Australia
- Increase and improve aquatic staff knowledge and skills regarding safe supervision practices.
- Improve awareness, and provide knowledge to caregivers, of appropriate supervision levels for children under 14 years of age at public swimming pool facilities.
- Increase the proportion of caregivers that effectively supervise their children while at public swimming pool facilities.

'Parents Supervise, Lifeguards Save Lives.'

Even though Lifeguards are on duty at public pools, parents still have a crucial role to play in the supervision of children while visiting these facilities. It's not about shifting responsibility; it's about having both parents and Lifeguards working together to keep children safe.

### **Key Messages for Parents and Guardians:**

- Under 5 years – always keep them within arm's reach. If your child is under five years of age, supervision must be within arm's reach – meaning you need to be in the water with your child.
- Under 10 years – always keep them in sight  
Constant active supervision is required for children. Parents and carers must be prepared to enter the water and maintain constant visual contact.
- Be aware of distractions  
Take steps to minimise distractions – such as mobile phones or chatting to other parents – to avoid lapses in supervision.
- Be prepared

Is the program working?

Since the program's introduction in 2004, there have been no drowning deaths involving young children in public swimming pool facilities in Western Australia, and Pool Managers are reporting increased levels of parental supervision as a result of the program.

Supervision age policies for all registered pools are indicated in the next table. 30 pools throughout WA that have age restriction higher than 10 years.

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<b>POLICY</b>	<b># OF WA FACILITIES</b>
Under 5 and under 10	101
Under 5 and under 11	2
Under 5 and under 12	11
Under 5 and under 13	4
Under 6 and under 10	3
Under 6 and under 11	4
Under 6 and under 12	4
Under 6 and under 13	5

**Comment**

Western Australia Police Force - Onslow Police Station and Onslow Youth at Risk Committee request that council consider the minimum age of an unaccompanied children into Onslow Aquatic Centre be raised from 10 years of age to 14 years of age and all unaccompanied children leave the Onslow Aquatic Centre at or before 6:30pm.

Onslow Police have logged six incidents in their dispatch system that have originated from the Onslow Aquatic Centre. Five of these incidents have occurred within the three (3) months of September, October and November 2020, it was apparent that incidents did increase in frequency and severity. The most recent incident on 22 November 2020 police attended which involved a staff member being assaulted with rocks and threats made towards other patrons of the pool, Shire staff and police. To date (20 January 2021) this was the last recorded incident at Onslow Aquatic Centre of this nature, where most incidents involve the same small group of youth.

**ATTACHMENT 16.1**

Staff at Onslow Aquatic Centre have observed that the centre can be used as a 'safe haven' for some youth away from domestic issues. A safe environment to relax, exercise, have something to eat from the kiosk and engage with staff.

**Consultation**

Executive Leadership Team  
Swimming Pool Managers  
Swimming Pool Duty Managers  
Royal Life Saving Society WA  
WA Police Force - Onslow  
Wirrpanda Foundation - Onslow  
St John Ambulance WA - Onslow  
Onslow School

**Statutory Environment**

*Shire of Ashburton Local Government Property Local Law 2013*

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## Financial Implications

Possible reduction in youth entry swimming pool fees.

Youth aged between 10-14 years old are by far our largest customer base in kiosk sales; a place to obtain food that maybe not available at home. Entry fee income will be reduced significantly, but less than \$10,000. Last season (2019/2020) 4,705 visits were recorded for 5-17 year old entries, approximately 1/3 of them are 10-14 years without adult supervision, which is 1,568 visits. 1,568 visits x \$3.00 each = \$4,704.00.

## Strategic Implications

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

Goal 04      Quality Services and Infrastructure

Objective 2      Accessible and Safe Towns

Goal 01      Vibrant and Active Communities

Objectives      Sustainable services, clubs, associations and facilities

## Risk Management

Risk has been assessed on the basis of the Officers Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Reputation	Moderate (3)	Moderate (3)	Moderate (9)	Attendance Decrease	Program special events for weekends/school holidays that exceed 6:30pm
Interruption to Service	Extreme (5)	Moderate (3)	High (15)	Attendance decrease	Adult supervision accompanying youth to slightly offset attendance decrease

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Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Reputation	Extreme (5)	Moderate (3)	High (15)	Currently the Shire's only viable option it provides for at risk youth to carry out healthy activities (Onslow especially)	Shire to be seen as proactive by increasing the minimum age restriction by supporting requests of WA Police, Onslow Youth at Risk Committee.
Financial Losses	Insignificant (1)	Insignificant (1)	Low (1)	Youth aged between 10-14yrs old are by far our largest customer base in kiosk sales  Potential entry fee income reduction	Allow purchase of food only post 6:30pm

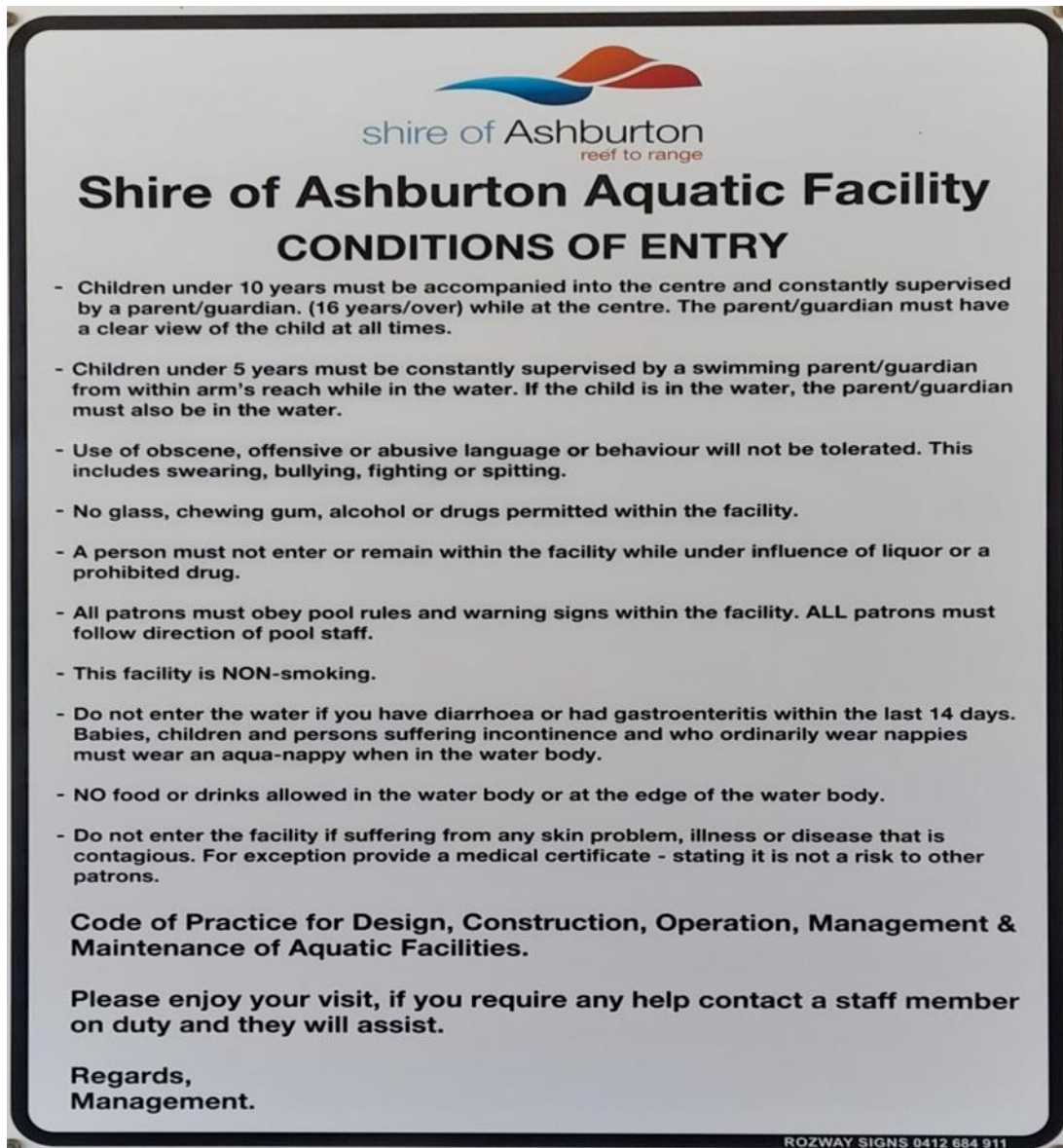
Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)


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 due to the known benefits of aquatic activities.

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**Policy Implications**

Conditions of Entry to Shire of Ashburton Aquatic Facilities

A rectangular sign with a black border and a light blue background. At the top center is the Shire of Ashburton logo, which consists of a stylized wave in blue and orange. Below the logo, the text "shire of Ashburton" is written in a sans-serif font, with "reef to range" in a smaller font below it. The main title of the sign is "Shire of Ashburton Aquatic Facility" in a large, bold, black font, followed by "CONDITIONS OF ENTRY" in a slightly smaller, bold, black font. Below this, there is a list of ten conditions, each preceded by a hyphen. The conditions cover supervision of children, use of language, prohibited items, intoxication, pool rules, smoking, health requirements, and food/drink restrictions. At the bottom of the sign, there is a section titled "Code of Practice for Design, Construction, Operation, Management & Maintenance of Aquatic Facilities." followed by a paragraph encouraging visitors to enjoy their visit and contact staff if needed. The sign ends with "Regards, Management." and a small text at the bottom right corner that reads "ROZWAY SIGNS 0412 684 911".

  
shire of Ashburton  
reef to range

**Shire of Ashburton Aquatic Facility**  
**CONDITIONS OF ENTRY**

- Children under 10 years must be accompanied into the centre and constantly supervised by a parent/guardian. (16 years/over) while at the centre. The parent/guardian must have a clear view of the child at all times.
- Children under 5 years must be constantly supervised by a swimming parent/guardian from within arm's reach while in the water. If the child is in the water, the parent/guardian must also be in the water.
- Use of obscene, offensive or abusive language or behaviour will not be tolerated. This includes swearing, bullying, fighting or spitting.
- No glass, chewing gum, alcohol or drugs permitted within the facility.
- A person must not enter or remain within the facility while under influence of liquor or a prohibited drug.
- All patrons must obey pool rules and warning signs within the facility. ALL patrons must follow direction of pool staff.
- This facility is NON-smoking.
- Do not enter the water if you have diarrhoea or had gastroenteritis within the last 14 days. Babies, children and persons suffering incontinence and who ordinarily wear nappies must wear an aqua-nappy when in the water body.
- NO food or drinks allowed in the water body or at the edge of the water body.
- Do not enter the facility if suffering from any skin problem, illness or disease that is contagious. For exception provide a medical certificate - stating it is not a risk to other patrons.

**Code of Practice for Design, Construction, Operation, Management & Maintenance of Aquatic Facilities.**

Please enjoy your visit, if you require any help contact a staff member on duty and they will assist.

Regards,  
Management.

ROZWAY SIGNS 0412 684 911

**Voting Requirement**

Simple Majority Required

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**Officers Recommendation and Council Decision**

**MINUTE:** 12/2021

**MOVED:** Cr R de Pledge

**SECONDED:** Cr M Lynch

**That with respect to the Youth Age and Curfew Restrictions at the Onslow Aquatic Centre, Council:**

- 1. Acknowledge the request to increase the age restriction from 10 years to 14 years without adult supervision at Onslow Aquatic Centre;**
- 2. Acknowledge the request that all unaccompanied children (15 years and under) leave the Onslow Aquatic Centre at or before 6:30pm; and**
- 3. Understand that any changes to current operational arrangements may result in other complications being experienced elsewhere within the community. As there are suitable rules that govern behavioural standards, Council does not support unaccompanied minor entry being raised to 15 years of age and above.**

**CARRIED 7/0**

Mrs C McGurk returned to the room at 1.49 pm.

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**16.2 FORMER ONSLOW DEPOT OFFICE TRANSPORTABLE BUILDING**

<b>FILE REFERENCE:</b>	RC33
<b>AUTHOR'S NAME AND POSITION:</b>	Chantelle McGurk Director Projects and Procurement
<b>AUTHORISING OFFICER AND POSITION:</b>	Kenn Donohoe Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Paraburdoo Amateur Swimming Club and Cr Ivan Dias
<b>DATE REPORT WRITTEN:</b>	8 January 2021
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

The purpose of this report is to provide an update on the former Onslow Depot Office transportable building relocation to Paraburdoo for the intended use by Paraburdoo Amateur Swimming Club (PASC) and present an alternate option for the PASC and existing budget allocation.

**Background**

In August 2019, the Onslow Depot Transportable Office was decommissioned as the new Onslow depot office reached practical completion. The Transportable was then relocated to Paraburdoo and is now being stored at the Paraburdoo Waste Transfer Station.

The intentions for the old transportable was to have the transportable positioned at the Quentin Broad Swimming Pool, and then leased to the PASC.

**Comment**

In November 2020, Building Surveyor and Building Compliance Officer completed an inspection of the building for the purpose of compiling a Maintenance and Condition report.

**ATTACHMENT 16.2**

The following are some key issues identified within the report:

- The transportable building Universal Beams have been deformed due to incorrect footing (refer to Figure 1 in attached report)
- The transportable building has not been lifted nor handled appropriately when loaded for transportation, and evidence of that is shown in Figure 2 with cracking of the plaster through the building which indicates the timber framing has been compromised
- External cladding is damaged to the walls and roof which will likely see water ingress.

Current budget for the project is \$50,000 and will not be sufficient funds to make the required repairs for the building to meet compliance. The budget allocation also is not sufficient to allow for the install which would include transportation, crane hire, footings and services.



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An alternative space for consideration for the PASC could possibly be the Lesser Hall in Paraburdoo, this would need to be investigated more thoroughly via the PASC, public consultation if supported by council.

### Consultation

Executive Leadership Team  
Manager Building and Health Services

### Statutory Environment

Local Government Act 1995

#### 5.41. Functions of CEO-

*The CEO'S functions are to –*

- a) advise the council in relation to the functions of a local government under this Act and other written laws; and*
- b) ensure that advice and information is available to the council so that informed decisions can be made; and*
- c) cause council decisions to be implemented; and*
- d) manage the day to day operations of the local government's; and*
- e) liaise with the mayor or president on the local government's affairs and the performance and the performance of the local government's functions; and*
- f) speak on behalf of the local government if the mayor or president agrees; and*
- g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and*
- h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.*

#### 3.58 Disposing of Property

##### 1. In this action-

**dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;

**property** includes the whole or any part of the interest of a local government in property, but does not include money.

#### '6.2 Local government to prepare annual budget

2. *During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt\*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

*\* Absolute majority required.*

4. *In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —*
  - iv. the expenditure by the local government; and*
  - v. the revenue and income, independent of general rates, of the local government; and*
  - vi. the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.*
5. *For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.*

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**Financial Implications**

The recommendation would see the Capital works program for the Transportable cancelled and the funds reallocated as per Councils direction or held in Reserve.

**Strategic Implications**

This item is relevant to the Shire of Ashburton 10 Year Strategic Community Plan 2017-2027 and the Strategic Corporate Plan 2019-2023. In particular, the strategic direction provided for this activity:

Goal 01        Vibrant and Active Communities  
Objective 1    Connected, caring and engaged communities  
Objective 4    A rich cultural life

Goal 04        Quality Services and Infrastructure  
Objective 1    Quality public infrastructure

Goal 05        Inspiring Governance  
Objective 1    Effective planning for the future  
Objective 2    Community ownership  
Objective 4    Exemplary team and work environment

**Risk Management**

Risk has been assessed on the basis of the Officers Recommendation.

<b>Risk</b>	<b>Risk Likelihood</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
Reputation	Possible (3)	Moderate (6)	Moderate (9)	Substantiated, public embarrassment, moderate impact on community trust or moderate media profile	Communication with community, public consultation
Financial Impact	Moderate (5)	Minor (2)	Moderate (8)	\$10,000-\$100,000	Update council on costs implications and budget

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The following Risk Matrix has been applied.

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

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 due to the financial value of the project and the risk to the Shire's reputation.

**Policy Implications**

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

**Voting Requirement**

Absolute Majority required

**Officers Recommendation**

That with respect to the Former Depot Office Transportable Building, Council

1. Acknowledge the status of the Maintenance and Condition Report on the Transportable Building stored at the Paraburdoo Waste Facility;
2. Approve the disposal of the transportable building;
3. Approve the Chief Executive Officer to communicate with the Paraburdoo Amateur Swimming Club regarding utilising the Lesser Hall Paraburdoo and community consultation; and
4. Approve a budget amendment for the 2020/21 Capital Budget to move funds from GL 21010 to the Property Development Reserve.

**Foreshadow Motion –**

**Cr Lynch foreshadowed to Council that if the motion was lost, he would move the Officers Recommendation.**

**Motion – Cr Rumble**

**MOVED: Cr L Rumble**

**SECONDED: Cr D Dias**

**That with respect to the Former Depot Office Transportable Building, Council**

1. **Acknowledge the status of the Maintenance and Condition Report on the Transportable Building stored at the Paraburdoo Waste Facility;**
2. **Approve the disposal of the transportable building;**

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3. Approve the Chief Executive Officer to communicate with the Paraburdoo Amateur Swimming Club regarding utilising the Lesser Hall Paraburdoo and community consultation;
4. Approve a budget amendment for the 2020/21 Capital Budget to move funds from GL 21010 to the Property Development Reserve; and
5. Acknowledge Point 3 as a temporary solution until the Shire is able to install an appropriate transportable building along side the Quentin Broad Swimming Pool for the Paraburdoo Amateur Swimming Club to lease.

**LOST 2/5**

**Councillors White, Lynch, Diver, de Pledge and Richardson voted against the motion**

**Reason for change – That Council consider installing a transportable building in the future.**

**Council Decision**

**MINUTE:** 13/2021

**MOVED:** Cr M Lynch

**SECONDED:** Cr D Diver

**That with respect to the Former Depot Office Transportable Building, Council**

1. Acknowledge the status of the Maintenance and Condition Report on the Transportable Building stored at the Paraburdoo Waste Facility;
2. Approve the disposal of the transportable building;
3. Approve the Chief Executive Officer to communicate with the Paraburdoo Amateur Swimming Club regarding utilising the Lesser Hall Paraburdoo and community consultation; and
4. Approve a budget amendment for the 2020/21 Capital Budget to move funds from GL 21010 to the Property Development Reserve.

**CARRIED BY ABSOLUTE MAJORITY 7/0**

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**16.3      AWARD OF RFT 01.21 DESIGN AND CONSTRUCTION OF TOM PRICE  
COMBINED EMERGENCY SERVICES FACILITY**

**Declaration of Interest**

***Prior to consideration of this Agenda Item:***

***Cr Rumble declared a financial interest***

***Cr Dias declared a financial interest***

***Cr Lynch declared an indirect financial interest***

***Cr Diver declared an indirect financial interest***

***See item 6.2 for details of the interest declared.***

**RECORDED ON REGISTER GV07**

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

Cr Dias and Rumble left the meeting at 1.58 pm due to their declaration of interest for 16.3.

<b>FILE REFERENCE:</b>	POI.0400 CM01.21
<b>AUTHOR'S NAME AND POSITION:</b>	Chantelle McGurk Director Projects and Procurement
<b>AUTHORISING OFFICER AND POSITION:</b>	Kenn Donohoe Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	5 February 2021
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 14.4 (Minute No. 151/2020) Ordinary Meeting of Council 8 September 2020

**Summary**

Four tenders (only two conforming) were received in response to the RFT 01.21 Design and Construction of Tom Price Combined Emergency Services Facility. The evaluation panel has completed its assessment of the conforming submissions and makes its recommendation.

Council is requested to authorise the engagement of the recommended contractor for the Design and Construction of Tom Price Combined Emergency Services Facility in line with the capital works program for 2020/21.

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### **Background**

A Request for Tender (RFT) 01.21 Design and Construction of Tom Price Combined Emergency Services Facility was issued via the Shire's e-tendering portal known as Tenderlink on Saturday 9 January 2021 and closed on Tuesday 2 February 2021 at 2pm. The tender was also advertised via statewide public notice in the West Australian Newspaper from Saturday 9 January 2021.

RFT 01.21 was undertaken in accordance with s 3.57 of the *Local Government Act* 1995 to invite suitably registered, qualified and experienced contractors to submit bids to enter into a Contract for the RFT 01.21, in accordance with the tender brief as detailed below:

The Request specified the requirements of the Shire and invited suitably registered, qualified and experienced contractors to submit bids to enter into a Contract for the RFT 01.21, in accordance with the tender brief:

*The Shire of Ashburton seeks to engage a suitably qualified and experienced contractor for the design, documentation and construction of Tom Price Combined Emergency Services (CES).*

The scope of works includes the design and construction of the new single storey facility which will accommodate the existing State emergency Service (SES) and the Bush Fire Brigade (BFB), currently located in existing facilities in Tom Price. Details of the reference design criteria, performance characteristics and specifications are contained in the tender document and reference design documentation shows the Principals minimum requirements for the new Tom Price Combined Emergency Services Facility.

The area within the proposed site boundary will be provided for the exclusive use and possession of the contractor until the date of practical completion in accordance with the General Conditions of Contract. This project will be completed in parallel with the new Tom Price Childcare, adjacent the northern boundary of the new CES facility. The Contractor will be responsible for the supply and erection of temporary fencing to the Principals requirement for the duration of the works, including the reinstatement of all existing finishes to their original condition prior to departure from site.

Tenderers shall note that a separate contract for the provision of services headworks (water, sewer, communications and electrical) will still be in progress in the vicinity of the site and may be undertaken concurrently with a part of the proposed works. Details of these works are attached to this request.

The Contractor will be responsible for negotiating and implementing access to the site, provision of temporary services and utilities, compliance with local authority operational procedures and priorities, emergency access, egress and evacuation procedures and the like which may bear on the conduct of its work under the contract.

Contractor/s are required to be able to undertake all aspects of the project as described in this Request. All items required to complete the works are considered to be inclusive of the services provided in response to this Request for Tender.

### **Comment**

The successful contractors' works must be compliant with the National Construction Codes (NCC) 2016 and all relevant Australian Standards, Codes of Practice, Western Australian and Commonwealth legislation, statutes, ordinance, rules and regulations bearing on the provision of such services and conduct of the work under the contract.

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Respondents were requested to include all items necessary to provide a compliant installation, protecting all surrounding finishes during construction, and leaving the existing surrounding area in original condition.

The selection criteria, determined prior to inviting the tender, were:

<b>Qualitative Selection Criteria</b>	<b>Weighting</b>
Relevant Company Experience & Performance	15%
Key Personnel	15%
Resources	10%
Methodology	10%
Price	50%

The evaluation and recommendation report, including the overall evaluation scores and rankings is attached as a confidential item.

**CONFIDENTIAL ATTACHMENT 16.3**

**Consultation**

Executive Leadership Team  
Assessment Panel  
Procurement Team

**Statutory Environment**

*Local Government Act 1995*

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 (Functions and General) Regulation 1996 Pt.2 Div.2**

*Division 2 — Tenders for providing goods or services (s. 3.57)*

11. *When tenders have to be publicly invited*

- (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 \$250 000 unless sub regulation (2) states otherwise.*

**Financial Implications**

The 2020/21 budgeted provision for this project is \$4,069,570 for the Design and Construction of the Tom Price Combined Emergency Services Facility.

The recommended contractor has submitted a fixed lump sum for \$3,558,807 ex GST as per the Price Schedule contained in the Tender RFT 01.21.

The existing 2020/21 budget will be utilised for the Design and Construction of the Tom Price Combined Emergency Services Facility to deliver the capital works program set by Council.

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**Strategic Implications**

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

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

Goal 04        Quality Services and Infrastructure  
Objective 1    Quality public infrastructure

**Risk Management**

Risk has been assessed on the basis of the Officers Recommendation.

<b>Risk</b>	<b>Risk Likelihood</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
Reputation	Possible (3)	Moderate (3)	Moderate (9)	Substantiated, public embarrassment, moderate impact on community trust or moderate media profile	Adopt officer recommended to appoint Project Management Consultancy
Financial Impact	Possible (3)	Major (4)	High (12)	\$1,000,000 to \$5,000,000	Mitigated by the appointment of a Project Management Consultant with the specialised skills to run multiple projects to deliver Council's adopted Capital Works Program.
Project Time	Unlikely (2)	Major (4)	Major (8)	Exceeds deadline by 20% of project timeline	Mitigated by the appointment of a Project Management Consultant with the specialised skills to run multiple projects to deliver Council's adopted Capital Works Program.



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The following Risk Matrix has been applied.

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be moderate to high risk and will be managed by mitigated by the appointment of a Project Management Consultant with the specialised skills to run multiple projects to deliver Council's adopted Capital Works Program.

**Policy Implications**

AMP 01 Asset Management Policy  
FIN12 Purchasing Policy

**Voting Requirement**

Simple Majority Required

**Officers Recommendation and Council Decision**

**MINUTE:** 14/2021

**MOVED:** Cr D Diver

**SECONDED:** Cr J Richardson

That with respect to the Award of RFT 01.21 Design and Construction of the Tom Price Combined Emergency Services Facility, Council:

1. Resolve that Report ATTACHMENT 16.3 is confidential in accordance with s5.23 (2) the *Local Government Act 1995* because it deals with matters affecting s5.23 (2):
  - (c) "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;"
2. Note the attached Evaluation Report CONFIDENTIAL ATTACHMENT 16.3;
3. Award RFT 01.21 Design and Construction of the Tom Price Combined Emergency Services Facility Tom Price WA, for the tendered fixed lump sum of \$3,558,807 ex GST; and
4. Authorise the Chief Executive Officer to negotiate, execute and manage the Contract for RFT 01.21 Design and Construction of the Tom Price Combined Emergency Services Facility, including the provision of possible extensions or variations, providing the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; and is managed within the allocated budget for this work.

**CARRIED 5/0**

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Cr Dias and Rumble returned to the meeting at 1.59 pm. The Presiding Member advised the Councillors of the outcome of the vote for item 16.3.

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**16.4 APPLICATION TO AFFIX THE COMMON SEAL – RECREATIONAL BOATING FACILITIES SCHEME (RBFS) ROUND 25 FUNDING AGREEMENT FOR THE ONSLOW COMMUNITY BOATING PRECINCT- PLANNING FOR THE RELOCATED BOAT LAUNCHING FACILITY**

<b>FILE REFERENCE:</b>	GS03
<b>AUTHOR'S NAME AND POSITION:</b>	Chantelle McGurk Director Projects and Procurement
<b>AUTHORISING OFFICER AND POSITION:</b>	Kenn Donohoe Chief Executive Officer
<b>NAME OF APPLICANT/ RESPONDENT:</b>	Government of Western Australia Department of Transport – Maritime
<b>DATE REPORT WRITTEN:</b>	9 February 2021
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

Council endorsement is sought to affix the Common Seal to the Funding Agreement between the Shire of Ashburton and the Government of Western Australia, Department of Transport - Maritime for the Recreational Boating Facilities Scheme (RBFS) for the amount of \$50,000 for the Relocated Boat Launching Facility.

**Background**

In August 2020, an application for funding was made to the Department of Transport for the Recreational Boating Facilities (RBFS) Scheme. The total amount applied for was \$672,411 with the Shire's contribution being \$224,137. The funds would contribute to the Onslow Community Boating Precinct Project as adopted by council in the Capital works program for 2020/2021.

**Comment**

Correspondence from the Government of Western Australia, Department of Transport - Maritime Department has been received advising the Shire has been successful in securing \$50,000 towards the Onslow Community Boating Precinct project.

The funding agreement includes, but is not limited to:

- Grant - \$50,000
- Project Description – Onslow Community Boating Precinct – Planning for the Relocation Boat Launching Facility
- Project Specific Requirements- To provide a design and cost estimate for Stage 1 of the relocated boat launching facility.

**ATTACHMENT 16.4A  
ATTACHMENT 16.4B**

**Consultation**

Executive Leadership Team  
Department of Transport – Maritime

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**Statutory Environment**

*Local Government Act 1995*

*Section 9.49A. Execution of documents*

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

**Financial Implications**

The financial implications would see a budget amendment increasing income budget GL from \$1,500,000 to \$1,550,000 - GL11126630 – Contributions - Onslow Marina Upgrade and expenditure GL 1AP20070 Onslow Marina Upgrade increased to \$1,550,000.

**Strategic Implications**

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

Goal 04      Quality Services and Infrastructure

Objective 1    Quality Public Infrastructure

Objective 3    Well-planned Towns

**Risk Management**

Risk has been assessed on the basis of the Officers Recommendation.

<b>Risk</b>	<b>Risk Likelihood</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
Council required to contribute more funds for the project	Unlikely (2)	Minor (2)	Low (4)	Financial - \$10,000 - \$100,000	Council endorsement of the grant funding agreement

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The following Risk Matrix has been applied.

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

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 due to the value of the funding.

**Policy Implications**

ELM Affixing of the Shire of Ashburton Common Seal.

**Voting Requirement**

Simple Majority Required.

**Officers Recommendation and Council Decision**

**MINUTE:** 15/2021

**MOVED:** Cr M Lynch

**SECONDED:** Cr D Diver

That with respect to the Application to Affix the Common Seal - Recreational Boating Facilities Scheme (RBFS) Round 25 Funding Agreement for the Onslow Community Boating Precinct - Planning for the Relocated Boat Launching Facility, Council:

1. Authorise affixing the Common Seal in the presence of the Shire President and the Chief Executive Officer to the Funding Agreement between the Shire of Ashburton and the Government of Western Australia, Department of Transport - Maritime for the Recreational Boating Facilities Scheme (RBFS) for the amount of \$50,000.

**CARRIED 7/0**

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**17. COUNCILLOR AGENDA ITEMS / NOTICES OF MOTIONS**

There are no Councillor Agenda Items / Notices of Motion for this meeting.

**18. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY  
DECISION OF MEETING**

**Council Decision**

**MOVED:** Cr M Lynch

**SECONDED:** Cr D Diver

In accordance with Standing Order 5.4 – An item of Urgent Business relating to:

**18.1 APPOINTMENT OF COMPLAINTS OFFICER AND ADOPTION OF COMPLAINTS FORM**  
be introduced to the business of Council.

**CARRIED 7/0**

**18.1 APPOINTMENT OF COMPLAINTS OFFICER AND ADOPTION OF  
COMPLAINTS FORM**

**FILE REFERENCE:** GV20

**AUTHOR'S NAME AND  
POSITION:** Danielle Hurstfield  
Manager Governance

**AUTHORISING OFFICER AND  
POSITION:** Kenn Donohoe  
Chief Executive Officer

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

**DATE REPORT WRITTEN:** 14 February 2021

**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**

This report seeks to delegate to the Chief Executive Officer (CEO) the power to appoint persons to receive and withdraw complaints and approve a complaints lodgement form in accordance with the *Local Government (Model Code of Conduct) Regulations 2021*.

**Background**

The *Local Government (Model Code of Conduct) Regulations 2021*, *Local Government (Administration) Amendment Regulations 2021* and *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021* (collectively the New Regulations) were gazetted on Tuesday 2 February 2021 and took effect on 3 February 2021.

New sections of the *Local Government Act 1995* (the Act) that provided for the New Regulations

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were proclaimed concurrently and are also now in effect.

Following the gazettal of these New Regulations an implementation phase of up to three months has been provided, during which time Local Governments must undertake a series of actions to operationalise the New Regulations.

There are however, 2 tasks that are required to be completed by the 24 February 2021. In accordance with the *Local Government (Model Code of Conduct) Regulations 2021*, a Local Government must:

1. appoint an officer[s] for the purpose[s] of receiving complaints and withdrawals of complaints, in accordance with cl. 11(3); and
2. approve a complaint lodgement form in accordance with cl. 11(2)(a).

**Comment**

Local governments may delegate the power of this appointment to the CEO, allowing the CEO to react quickly to any changes in employment conditions and is consistent with the review of the Delegations Register in September 2020.

**ATTACHMENT 18.1A**

If a complaints officer is not appointed (by 24 February 2021) under the provisions of the regulations, a complaint made on or soon after the date of effect (3 February 2021) may lapse before it can be formally lodged. This would be considered inconsistent with the principles of procedural fairness and community expectations of Local Governments.

In addition, Council is also required to approve a Complaints Form in accordance with Clause 11(2)(a) of the *Local Government (Model Code of Conduct) Regulations 2021*. A draft form is attached which contains information generally required to consider a complaint.

**ATTACHMENT 18.1B**

**Consultation**

Chief Executive Officer

**Statutory Environment**

***Local Government (Model Code of Conduct) Regulations 2021***

11. *Complaint about alleged breach*
  - (1) *A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.*
  - (2) *A complaint must be made —*
    - (a) *in writing in the form approved by the local government; and*
    - (b) *to a person authorised under subclause (3); and*
    - (c) *within 1 month after the occurrence of the alleged breach.*
  - (3) *The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.*

# CONFIRMED PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL 16 FEBRUARY 2021

## Financial Implications

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

## Strategic Implications

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

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

## Risk Management

Risk has been assessed on the basis of the Officers Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
<b>Compliance</b> Council not appointing Complaints Officer and adopting form	Unlikely (2)	Minor (2)	Low (4)	Compliance – contained. Reversible impact managed by internal response.	Accept Officer recommendation

The following Risk Matrix has been applied.

Risk Matrix						
Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

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 due to the Council's understanding of legislative compliance.

## Policy Implications

ADM09 Complaints Policy sets out the framework for how complaints are received and progressed within Shire Administration. This policy will be reviewed as a result of the 2021 legislative changes, workshopped with and presented to Council for consideration prior to the completion and within the three month implementation timeframe.



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**Voting Requirement**

Absolute Majority required

**Officers Recommendation and Council Decision**

**MINUTE:** 16/2021

**MOVED:** Cr L Rumble

**SECONDED:** Cr R de Pledge

That with respect to the Appointment of Complaints Officer and Adoption of a Complaints Form, Council, in accordance with Clause 11(3) and Clause 11(2)(a) of the *Local Government (Model Code of Conduct) Regulations 2021*, Council:

1. Delegate to the Chief Executive Officer the power to appoint 1 or more persons to receive and withdraw complaints. (ATTACHMENT 18.1A); and
2. Approve a complaints lodgement form (ATTACHMENT 18.1B).

**CARRIED BY ABSOLUTE MAJORITY 7/0**

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**19. CONFIDENTIAL MATTERS**

**Council Decision**

**MOVED: Cr D Diver**

**SECONDED: Cr R de Pledge**

**That Council adjourn the meeting at 2.02 pm for a period of 10 minutes.**

**CARRIED 7/0**

**Council Decision**

**MOVED: Cr D Diver**

**SECONDED: Cr R de Pledge**

**That Council resume the meeting at 2.12 pm.**

**CARRIED 7/0**

**Council Decision**

**MOVED: Cr M Lynch**

**SECONDED: Cr D Diver**

**That Council move behind closed doors at 2.12 pm to consider the following Confidential Items.**

**19.1 CONFIDENTIAL ITEM – MT BROCKMAN ROAD**

**Pursuant to sub section 5.23 (2) (c) of the *Local Government Act 1995* which provides:**

**(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.**

**19.2 CONFIDENTIAL ITEM- PROPOSAL TO LEASE PORTION OF LOT 330 ON DEPOSITED PLAN 402361, ONSLOW**

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and**
- (e) a matter that if disclosed, would reveal —**
  - (i) a trade secret; or**
  - (ii) information that has a commercial value to a person; or**
  - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government.**

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**19.3 CONFIDENTIAL ITEM – PROPOSED PURCHASE OF LAND, ONSLOW**

- (c) 'a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
- (d) a matter that if disclosed, would reveal —
  - (i) information that has a commercial value to a person; or
  - (ii) 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'

**19.4 CONFIDENTIAL ITEM – HIRE FEES AND CHARGES OF COUNCIL FACILITIES**

- (b) the personal affairs of any person; and
- (d) a matter that if disclosed, would reveal —
  - (ii) information that has a commercial value to a person.

**CARRIED 7/0**

There were no members of the public in the gallery.

**Declaration of Interest**

***Prior to consideration of this Agenda Item:***

***Cr Rumble declared a financial Interest***

***Cr Dias declared a financial Interest***

***Cr Lynch declared an indirect financial interest***

***Cr Diver declared an indirect financial interest***

***See item 6.2 for details of the interest declared.***

**RECORDED ON REGISTER GV07**

**NOTE:** Due to the four Declarations of Interest as stated above, only 3 Councillors were remaining in the Chambers. There being no quorum present, Council moved to the next item of business.

**19.1 CONFIDENTIAL ITEM – MT BROCKMAN ROAD**

**FILE REFERENCE:** RD.0045

**AUTHOR'S NAME AND POSITION:** Janelle Fell  
Acting Director Corporate Services

**AUTHORISING OFFICER AND POSITION:** Kenn Donohoe  
Chief Executive Officer

**NAME OF APPLICANT/RESPONDENT:** Wintawari Guruma Aboriginal Corporation RNTBC

**DATE REPORT WRITTEN:** 25 January 2021

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**DISCLOSURE OF FINANCIAL  
INTEREST:**

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

**PREVIOUS MEETING  
REFERENCE:**

Agenda Item 13.2 (Minute No. 482/2018) – Ordinary Meeting of Council 18 December 2018

**REASON FOR CONFIDENTIALITY**

This Report is confidential in accordance with s5.23 (2) of the *Local Government Act 1995* because it deals with matters affecting s5.23 (2):

‘ ...

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*

...’

*where the trade secret or information is held by, or is about, a person other than the local government’*

**Officers Recommendation**

That with respect to the Confidential Item - Mt Brockman Road, Council endorse the recommendation as contained within CONFIDENTIAL ATTACHMENT 19.1D.

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**19.2 CONFIDENTIAL ITEM- PROPOSAL TO LEASE PORTION OF LOT 330 ON  
DEPOSITED PLAN 402361, ONSLOW**

**FILE REFERENCE:** PR19291

**AUTHOR'S NAME AND POSITION:** Janelle Fell  
Acting Director Corporate Services

**AUTHORISING OFFICER AND POSITION:** Kenn Donohoe  
Chief Executive Officer

**NAME OF APPLICANT/  
RESPONDENT:** CD Dodd Scrap Metal Recyclers

**DATE REPORT WRITTEN:** 2 February 2021

**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

**REASON FOR CONFIDENTIALITY**

This report 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; and*
- (e) *a matter that if disclosed, would reveal —*
  - (i) *a trade secret; or*
  - (ii) *information that has a commercial value to a person; or*
  - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government...*

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**Officers Recommendation and Council Decision**

**MINUTE:** 17/2021

**MOVED:** Cr M Lynch

**SECONDED:** Cr L Rumble

**That in respect to Proposal to Lease Portion of Reserve 19291, Onslow, Council:**

- 1. Authorise the Chief Executive Officer to request the Minister for Lands create a reserve within Reserve 19291 for the purpose of “Waste” or similar, with Power to Lease;**
- 2. Endorse lease of a ~6,000 sqm portion of Lot 330 on Deposited Plan 402361 to CD Dodd Scrap Metal Recycling for the purpose of scrap metal recycling;**
- 3. Delegate authority to the Chief Executive Officer to negotiate the terms of the Lease Agreement with CD Dodd Scrap Metal Recycling, generally in accordance with the terms outlined in this report;**
- 4. Authorise the Chief Executive Officer to advertise details of the Lease Agreement for two weeks, with any submissions referred back to Council; and**
- 5. Subject to no submissions being received from advertising of the Lease, authorise the Chief Executive Officer to negotiate and execute the Lease Agreement, generally in accordance with the contents of this report, between the Shire of Ashburton and CD Dodd Scrap Metal Recycling.**

**CARRIED 7/0**

**CONFIRMED PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
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**19.3 CONFIDENTIAL ITEM – PROPOSED PURCHASE OF LAND, ONSLOW**

<b>FILE REFERENCE:</b>	SEC.0381
<b>AUTHOR'S NAME AND POSITION:</b>	Janelle Fell Acting Director Corporate Services
<b>AUTHORISING OFFICER AND POSITION:</b>	Kenn Donohoe Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	1 February 2021
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 8.1 (Minute No. 211/2020) Special Meeting of Council 26 November 2020

**REASON FOR CONFIDENTIALITY**

This Report 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; and*
- d) *a matter that if disclosed, would reveal —*
  - (i) *information that has a commercial value to a person; or*
  - (ii) *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"*

**Officers Recommendation and Council Decision**

**MINUTE:** 18/2021

**MOVED:** Cr D Diver

**SECONDED:** Cr L Rumble

**That with respect to the Confidential Item - Proposed Purchase of Land, Onslow, Council endorse the recommendation as contained within CONFIDENTIAL ATTACHMENT 19.3.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

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**19.4 CONFIDENTIAL ITEM – HIRE FEES AND CHARGES OF COUNCIL FACILITIES**

**FILE REFERENCE:** CU01

**AUTHOR'S NAME AND POSITION:** Janelle Fell  
Acting Director Corporate Services

**AUTHORISING OFFICER AND POSITION:** Kenn Donohoe  
Chief Executive Officer

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

**DATE REPORT WRITTEN:** 8 February 2021

**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

**REASON FOR CONFIDENTIALITY**

*This Report is confidential in accordance with s5.23 (2) of the Local Government Act 1995 because it deals with matters affecting s5.23 (2):*

- (a) the personal affairs of any person; and*
- (a) a matter that if disclosed, would reveal —*
  - (ii) information that has a commercial value to a person.*



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**Officers Recommendation and Council Decision**

**MINUTE:** 19/2021

**MOVED:** Cr D Diver

**SECONDED:** Cr L Rumble

That with respect to Hire Fees and Charges of Council Facilities, Council

1. Acknowledge the contents of this report; and
2. Endorse the imposition of new fees and charges as for school holiday utilization of Shire of Ashburton Facilities as indicated in the table below:

**Public Halls, Civic Centres, Sports Pavilion**

**Tom Price:** Community Centre; Civic Centre Area W; Community Recreation Centre – Performing Arts Centre (TPSHC); Community Recreation Centre – Sports Hall/Gym

**Paraburdoo:** Ashburton Hall; Sports Hall Multi-Purpose Courts – Community Hub

**Onslow:** Multipurpose Centre – Sports Hall; RM Forrest Memorial Hall

<b>Name</b>	<b>Basis of Charge</b>	<b>Year 20/21 Fee (incl GST)</b>	<b>GL</b>
<b>Commercial / Business Functions - Day</b>	per day	\$230.00	As previous for each premises
<b>Commercial / Business Functions - Night</b>	per night	\$208.00	As previous for each premises
<b>Commercial / Business Functions - Day</b>	per hour	\$32.00	As previous for each premises
<b>Commercial / Business Functions - Night</b>	per hour	\$25.00	As previous for each premises
<b>Charitable / Community &amp; Sport Groups - Day</b>	per day	\$192.00	As previous for each premises
<b>Charitable / Community &amp; Sport Groups - Night</b>	per night	\$160.00	As previous for each premises
<b>Charitable / Community &amp; Sport Groups - Day</b>	per hour	\$25.00	As previous for each premises
<b>Charitable / Community &amp; Sport Groups - Night</b>	per hour	\$19.00	As previous for each premises
<b>School Holiday Rate</b> Use must be for children (up to 17 years) and must be to the benefit of users mental health or a physical activity Applicable to the following only: Tom Price Community Centre Paraburdoo - Sports Hall Multi-Purpose Courts - Community Hub Paraburdoo Ashburton Hall Onslow Multi-Purpose Centre - Sports Hall	Up to 3 consecutive days	\$500.00	TBA

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- 3. Endorse the Chief Executive Officer to provide local public notice of the above fees and charges which it proposes will be imposed from 1 March 2021.**

**CARRIED 7/0**

**Council Decision**

**MOVED: Cr R de Pledge**

**SECONDED: Cr D Diver**

**That Council re-open the meeting to the public at 2.30 pm.**

**CARRIED 7/0**

**There were no members of the public in attendance upon re-opening.**

**20. NEXT MEETING**

The next Ordinary Meeting of Council will be held on 16 March 2021, at Onslow Sports Club, Third Avenue, Onslow commencing at 1.00 pm.

**21. CLOSURE OF MEETING**

There being no further business to discuss the Presiding Member closed the meeting at 2.31 pm.