

Ordinary Meeting of Council

Tom Price



CONFIRMED PUBLIC MINUTES

14 April 2020

Administration Office Meeting Room Tom Price
And by means of Teleconference / Video Conference

1.00 pm



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

Our Vision

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



STRATEGIC DIRECTIONS

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



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



**SHIRE OF ASHBURTON
CONFIRMED PUBLIC MINUTES**

**Administration Office Meeting Room Tom Price
and by means of Teleconference / Video
Conference**

**14 April 2020
1.00 pm**

UNCONFIRMED PUBLIC MINUTES – ORDINARY MEETING OF COUNCIL
14 APRIL 2020

SHIRE OF ASHBURTON
ORDINARY MEETING OF COUNCIL

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



John Bingham
Acting Chief Executive Officer

Date: 22.04.2020

These minutes were confirmed by Council as a true and correct record of proceedings of the Ordinary Meeting of Council on the 14 April 2020.

Presiding Member:



Date: 22/04/2020

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 Deputy Shire President declared the meeting open at 1.11 pm.

Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

1.0.1 When deputy mayors and deputy presidents can act, under section 5.34 (b) of *Local Government Act 1995* clearly states;

If —

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

Cr White has advised the Acting Chief Executive Officer that she is unable to attend this meeting in person and has therefore requested that Cr Diver, Deputy Shire President, perform the function of the Shire President for this meeting ATTACHMENT 1.0.1.

CARRIED 8/0

Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

1.0.2 Suspension of Meeting Procedures (Standing Orders) Local Law 2012, Council will suspend the operation of clauses;

6.1 Meetings generally open to the public; and

8.1 Members to be in the proper places; of

the Shire of Ashburton Meeting Procedures Local Laws 2012 for the duration of this electronic meeting and that these matters be determined at the discretion of the Presiding Member.

CARRIED 8/0

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

Members of the public are unable to attend in person due to COVID-19 guidelines and therefore, the option to teleconference has been advised to the public.

ATTACHMENT 2.1

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3. ATTENDANCE

3.1 PRESENT

Elected Members:	<p>Cr D Diver</p> <p>Cr K White</p> <p>Cr D Dias</p> <p>Cr L Rumble</p> <p>Cr P Foster</p> <p>Cr M Lynch</p> <p>Cr J Richardson</p> <p>Cr R de Pledge</p>	<p>Deputy Shire President (Presiding Member) Tom Price Ward (Present in Administration Office meeting room, Tom Price)</p> <p>Shire President, Onslow Ward (Participated from Perth residence)</p> <p>Paraburdoo Ward (Participated from fellow Councillors residence in Perth)</p> <p>Paraburdoo Ward (Participated from the Paraburdoo Administration Building)</p> <p>Tom Price Ward (Participated from the Administration Building meeting room, Tom Price)</p> <p>Tom Price Ward (Participated from the Administration Office meeting room Tom Price)</p> <p>Tablelands Ward (Participated from home residence)</p> <p>Ashburton Ward (Participated from Onslow Administration Building meeting room)</p>
(AMENDED) CONFIDENTIAL ATTACHMENT 3.1 0- Listing of residential addresses		
Staff:	<p>Mr J Bingham</p> <p>Mr G Garside</p> <p>Mr B Cameron</p> <p>Mrs K Bartley</p> <p>Mr M Hudson</p> <p>Mrs J Fell</p> <p>Mrs M Lewis</p> <p>Mrs K Cameron</p>	<p>Acting Chief Executive Officer (Tom Price Administration Office meeting room)</p> <p>Acting Director Corporate Services (Tom Price Administration Office)</p> <p>Director Property and Development Services (Tom Price Administration Office)</p> <p>Director Community Services (Participated from Perth residence)</p> <p>Director Infrastructure (Onslow Administration Office meeting room)</p> <p>Manager Land and Asset Compliance (Participated from home residence)</p> <p>Council Liaison Officer (Tom Price Administration Office meeting room)</p> <p>Governance Officer (Tom Price Administration Office)</p>
Guests:	Nil	
Members of Public:	There were no members of the public in attendance at this meeting.	
Members of Media:	There were no members of the media in attendance at the meeting.	

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3.1.0 Approval for Councillor Participation from the following locations as a ‘suitable place’ Local Government (Administration) Regulations 1996 14A:

Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That Council approve for Councillor participation from the following locations as a ‘suitable place’ *Regulation 14A of the Local Government (Administration) Regulations 1996*;

1. Approve Councillor White’s attendance at the April 2020 Ordinary Meeting of Council via telephone /video conference communication in accordance with *Regulation 14A of the Local Government (Administration) Regulations 1996*;
2. Approve Councillor Richardson’s attendance at the April 2020 Ordinary Meeting of Council via telephone communication in accordance with *Regulation 14A of the Local Government (Administration) Regulations 1996*;
3. Approve Councillor Dias’ attendance at the April 2020 Ordinary Meeting of Council via telephone /video conference in accordance with *Regulation 14A of the Local Government (Administration) Regulations 1996*; and
4. Approve Councillor Rumble’s attendance at the April 2020 Ordinary Meeting of Council via telephone /video conference in accordance with *Regulation 14A of the Local Government (Administration) Regulations 1996*; and
5. Approve Councillor de Pledge attendance at the April 2020 Ordinary Meeting of Council via telephone /video conference in accordance with *Regulation 14A of the Local Government (Administration) Regulations 1996*; and
6. Approve the (AMENDED) CONFIDENTIAL ATTACHMENT 3.1.0 as contained in the Amended Confidential Attachments as a suitable place for Councillor’s White, Richardson, Dias, Rumble and de Pledge for attendance in accordance with *Regulation 14A (4) of the Local Government (Administration) Regulations 1996*.

CARRIED 8/0

3.2 APOLOGIES

Cr M Gallanagh Pannawonica Ward

3.3 APPROVED LEAVE OF ABSENCE

Cr D Dias Paraburdoo Ward - Cr Dias has withdrawn his request for Approved Leave of Absence by email to the Acting Chief Executive Officer.

Mr A McColl (Manager Operations – East) and Mr D Bailey (Manager Projects and Assets) joined the meeting at 1.19 pm.

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4. QUESTION TIME

Note: *Regulation 14E (4) (a)* for Public Question time: Questions were able to be submitted via the Shire Website up until 1.00 pm on the day of this meeting. Further opportunity was provided to allow calls into the meeting between 1.00 – 1.15 pm in which public question time was conducted. Please refer to **ATTACHMENT 2.1**.

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil questions taken on notice to be responded to at this meeting.

4.2 PUBLIC QUESTION TIME

There were no Public Questions received for this meeting.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr M Lynch

That Council approve the application for Leave of Absence for Cr Douglas Ivan Dias for the Ordinary Meeting of Council to be held on 12 May 2020.

CARRIED 8/0

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
11.3 COVID-19 - FINANCIAL SUPPORT AND RELIEF PACKAGE		
Cr Diver	Impartiality	The nature of my interest is I am a financial member of several community clubs with the SoA. The extent of my interest is as a Councillor we are considering an agenda item for COVID-19 – Financial relief to clubs and leases.
Cr Foster	Impartiality	The nature of my interest is Mountain View Sporting Club Inc – Member of Committee/Treasurer. The extent of my interest is I am the Treasurer with MVSC Inc / unpaid voluntary position.
Cr Dias	Impartiality	The nature of my interest is I am the Vice President of the Paraburdoo Life Style Centre; Committee member of the Paraburdoo Men's Shed, SJA Volunteer of the Paraburdoo Sub Centre, DFES Volunteer of the Paraburdoo VFRS and Special Minister of St Tressa of Avila Catholic Church. All or some of these organisations may be beneficiaries of this relief package as prescribed in the agenda item. The extent of my interest is Impartiality.

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Item Number/ Name	Type of Interest	Nature/Extent of Interest
11.3 COVID-19 - FINANCIAL SUPPORT AND RELIEF PACKAGE		
Cr White	Impartiality	The nature of my interest is I am a member of the Onslow Sports Club. The extent of my interest is Impartiality.
Cr Rumble	Impartiality	The nature of my interest is I am a member of the Paraburdoo Tennis Club, Paraburdoo Bowling Club and the Men's Shed, Deputy President of the Tidy Town Committee, Tennis Club Treasurer, Bowling Club President, Tidy Town Chairperson and Men's Shed Deputy President. The extent of my interest is Impartiality.
Item Number/ Name	Type of Interest	Nature/Extent of Interest
12.2 KARIJINI EXPERIENCE SPONSORSHIP - ROLLOVER REQUEST		
Cr Foster	Impartiality	The nature of my interest is Nintirri Centre Inc – Member of Committee / secretary. The extent of my interest is Secretary with Nintirri Centre Inc / Unpaid voluntary position.
Item Number/ Name	Type of Interest	Nature/Extent of Interest
13.1 APPLICATION FOR MISCELLANEOUS LICENCE 47/929 ENCROACHING TOM PRICE TOWNSITE		
Cr Diver	Financial	The nature of my interest is I am employed by Rio Tinto. The extent of my interest is I receive a salary, I also receive subsidised utilities (water/power) and rent as part of my salary package.
Cr Foster	Financial	The nature of my interest is Financial – my partner works for Rio Tinto, owns over \$10k in shares and as a family we live in a Rio Tinto property paying rent. The extent of my interest is Financial – my partner works for Rio Tinto, owns over \$10k in shares and as a family we live in a Rio Tinto property paying rent.
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.

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Item Number/ Name	Type of Interest	Nature/Extent of Interest
13.1 APPLICATION FOR MISCELLANEOUS LICENCE 47/929 ENCROACHING TOM PRICE TOWNSITE		
Cr Lynch	Indirect Financial	The nature of my interest is I am an employee of Rio Tinto and a tenant. The extent of my interest is I am paid a salary by Pilbara Iron.
Cr de Pledge	Financial	The nature of my interest is I am a shareholder with Rio Tinto Pty Ltd. The extent of my interest is I have shares to a value of more than \$10,000.
Cr Dias	Financial	The nature of my interest is my wife is a Rio Tinto Ltd 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 lucrative company benefits/ gifts offered to employees and / or shareholders. The extent of my interest is Direct Financial.

ATTACHMENT 6.2

(Addition to the Amended Attachments)

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

“Dear Mr Bingham,

I refer to your correspondence dated 7 April 2020 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).

This approval allows all disclosing members Cr Rumble, Cr Dias, Cr Lynch, Cr Gallanagh, Cr Diver, Cr Foster and Cr de Pledge to fully participate in the discussion and decision making relating to the belowmentioned item at the Shire's Ordinary Council Meeting of 14 April 2020.

13.1 APPLICATION FOR MISCELLANEOUS LICENCE 47/929 ENCROACHING TOM PRICE TOWNSITE

Subject to the following conditions:

- 1. The approval is only valid for the 14 April 2020 Ordinary Council Meeting when agenda item 13.1 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*

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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 Ms Carmen Chia, Legislation Officer via the details provided above.

Yours sincerely

*Michael Connolly
Deputy Director General – Regulation
9 April 2020'*

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS WITHOUT DISCUSSION

Cr Dias

On 17th March 2020 I played a game of Disc Golf with 2 Rio Tinto representatives Leanne Dallosto, Superintendent Community Engagement Inland and Elyse Borlini, Advisor Community Engagement Inland. After the game we had a catch up meeting the topics discussed included the present Coronavirus (COVID-19) impact in the community including FIFO; Men's Shed issues; Visitors accommodation (lack off) situation in Paraburdoo amongst other things.

Cr Foster

- Spoke as MC and congratulatory speech on behalf of Shire of Ashburton at the Tom Price Men's Shed Formal Opening Saturday 14th March 2020.
- Emergency LEMC meeting called re COVID-19 at the Tom Price BFB Shed on behalf of Council, Monday 16th March 2020.
- Interagency Meeting (Service Providers) re COVID-19 at Nintirri Centre on behalf of Council, Thursday 19th March 2020.
- Special Meeting of Council held at Council Chambers, Tom Price Recreation Centre, Tom Price Senior High School, Saturday 21st March 2020.
- Meeting with Brian Cameron & Kellie Bartley Directors, Ally Sumich Facilities Officer, and Tom Price Ward Councillors regarding Tom Price Skate Park upgrades, Sunday 22nd March 2020.
- SOA Inland LEMC Meeting called re COVID-19 at the Clem Thompson Sports Pavilion on behalf of Council, Thursday 26th March 2020.
- Tom Price Senior High School Board Meeting, COVID-19 and other issues discussed, Tom Price Senior High School, as Chairperson, Thursday 2nd April 2020.
- Nintirri Centre Board Meeting, via Zoom with Nintirri Centre, where COVID-19 and other issues discussed, as Secretary, Thursday 9th April 2020.

8. PETITIONS / DEPUTATIONS / PRESENTATIONS

8.1 PETITIONS

There were no petitions for this meeting

8.2 DEPUTATIONS

There were no depositions for this meeting.

8.3 PRESENTATIONS

There were no presentations for this meeting

9. CONFIRMATION OF MINUTES

**9.0.1 UNCONFIRMED MINUTES ORDINARY MEETING OF COUNCIL HELD ON
10 MARCH 2020 (ATTACHMENT 9.0.1)**

Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That the Unconfirmed Minutes of the Ordinary Meeting of Council held 10 March 2020, as previously circulated on 18 March 2020 (ATTACHMENT 9.0.1) be confirmed as a true and accurate record.

CARRIED 8/0

9.1 RECEIPT OF COMMITTEE MINUTES – ‘EN BLOC’

Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That the following Committee Minutes be received ‘En Bloc’:

9.0.2 Pannawonica Local Emergency Management Committee Minutes for meeting held 12 February 2020 (ATTACHMENT 9.0.2);

9.0.3 Onslow Local Emergency Management Committee Minutes for meeting held 18 February 2020 (ATTACHMENT 9.0.3);

9.0.4 Shire of Ashburton Inland Local Emergency Management Committee Minutes for meeting held 28 February 2020 (ATTACHMENT 9.0.4);

9.0.5 Shire of Ashburton Inland Coronavirus Minutes for meeting held 16 March 2020, (ATTACHMENT 9.0.5);

9.0.6 Shire of Ashburton Inland Coronavirus Minutes for meeting held 26 March 2020, (ATTACHMENT 9.0.6) and

9.0.7 Pilbara Regional Council Minutes for meeting held 11 March 2020, (ATTACHMENT 9.0.7).

CARRIED 8/0

9.2 RECEIPT OF COMMITTEE AND OTHER MINUTES

9.2.1 UNCONFIRMED MINUTES SPECIAL MEETING OF COUNCIL HELD ON 21 MARCH 2020 (ATTACHMENT 9.2.1)

Council Decision

MOVED: Cr M Lynch

SECONDED: Cr P Foster

That the Unconfirmed Minutes of the Special Meeting of Council held 21 March 2020, as previously circulated on 27 March 2020 and Amended Unconfirmed Minutes noted 6 April 2020 (ATTACHMENT 9.2.1) be confirmed as a true and accurate record, subject to the following amendments:

- **Date correction from 10.3.2020 to 6 4.2020 (Page 2)**
- **Amend wording from Adjourn meeting to suspend Standing Orders (page 7 and 11);**
- **Correction to point 2 in agenda item 8.1 (page 12); and**
- **Correction spelling of surname from Barley to Bartley (Page 12).**

CARRIED 7/1

Cr Dias voted against the motion

9.3 RECOMMENDATIONS OF COMMITTEE

There were no Committee Meetings for April 2020.

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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 are no agenda items to be carried 'En Bloc' for this meeting.

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11. OFFICE OF THE CEO REPORTS

**11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS STATUS
REPORT FOR MARCH 2020**

MINUTE: 52/2020

FILE REFERENCE: GV04

**AUTHOR'S NAME AND
POSITION:** Michelle Lewis
Council Liaison Officer

**AUTHORISING OFFICER AND
POSITION:** John Bingham
Acting Chief Executive Officer

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

DATE REPORT WRITTEN: 27 March 2020

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

**PREVIOUS MEETING
REFERENCE:** Agenda Item 11.1 (Minute No 24/2020) Ordinary Meeting
of Council 10 March 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 and Property and Development Services.

ATTACHMENT 11.1

Consultation

Executive Management Team

**CONFIRMED PUBLIC MINUTES – ORDINARY MEETING OF COUNCIL
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Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

“Role of council

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

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

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

Financial Implications

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” risk and can be managed by routine procedures, and is unlikely to need specific application of resources.

Policy Implications

There are no known policy implications for this matter

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That Council receive the “Council Decisions Status Reports” for the month of March 2020 as per ATTACHMENT 11.1.

CARRIED 8/0

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

MINUTE: 53/2020

FILE REFERENCE:

GV21
CM02

**AUTHOR'S NAME AND
POSITION:**

Michelle Lewis
Council Liaison Officer

Brooke Beswick
Executive Assistant

**AUTHORISING OFFICER AND
POSITION:**

John Bingham
Acting Chief Executive Officer

**NAME OF APPLICANT/
RESPONDENT:**

Not Applicable

DATE REPORT WRITTEN:

27 March 2020

**DISCLOSURE OF FINANCIAL
INTEREST:**

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

**PREVIOUS MEETING
REFERENCE:**

Not Applicable

Summary

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

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.

Comment

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

**ATTACHMENT 11.2A
ATTACHMENT 11.2B**

Consultation

Relevant officers as listed in the Attachment.

Statutory Environment

Local Government Act 1995
Clause 9.3 Delegation of Functions
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

ELM13 Affixing the Shire of Ashburton Common Seal

FIN12 Purchasing Policy

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr R de Pledge

SECONDED: Cr P Foster

That with respect to the Use of Common Seal and Actions Performed under Delegated Authority for the month of March 2020, 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 8/0

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11.3 COVID-19 - FINANCIAL SUPPORT AND RELIEF PACKAGE

Declaration of Interest

Prior to consideration of this Agenda Item:

Cr Rumble declared an impartiality interest

Cr Foster declared an impartiality interest

Cr Diver declared an impartiality interest

Cr White declared an impartiality interest

Cr D Dias declared an impartiality interest

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

MINUTE: 54/2020

FILE REFERENCE: CM09.19

AUTHOR'S NAME AND POSITION: John Bingham
Acting Chief Executive Officer

AUTHORISING OFFICER AND POSITION: John Bingham
Acting Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 3 April 2020

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial, proximity or impartiality interests in this report

PREVIOUS MEETING REFERENCE: Agenda item 7.1 (Minute No 50/2020) Special Meeting of Council 21 March 2020

Summary

In response to the impact of the COVID-19 pandemic resulting in financial hardship and loss, this report recommends to Council a suite of financial support and relief initiatives to assist small business, community groups and clubs.

Background

The coronavirus ('COVID-19') pandemic was first detected in Australia on 26 January 2020. COVID-19 has significantly impacted the health and well-being of citizens worldwide as well as the economy of every region, territory and state.

The effects are far reaching and despite Government efforts and progress in slowing the spread of the virus, leaders have forecast COVID-19 impacts, including severe travel restrictions and social distancing measures, to last for at least another six months.

In response to the situation both the Government of Australia ("Federal Govt.") and Government of Western Australia ("WA Govt.") have introduced numerous economic stimulus packages to help support and assist individuals, families, groups and businesses.

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Local Governments ('LGs') are being asked to do their bit too and this report recommends to Council various financial initiatives and measures that upon implementation will help keep businesses going, keep people in jobs and reach out to groups and clubs so they can continue in the future for the benefit of the community.

Comment

Government's Response - Financial Stimulus Packages

During the last six weeks the Federal Govt. and WA Govt. have both put in place fairly significant and broad reaching financial support packages.

The Federal Govt. has initiated three economic response packages as of 31 March 2020. Broadly, the first two stimulus packages include:

- cash payments to individuals and households;
- early release of superannuation;
- cash flow boosts (via a refund of PAYG withholding);
- increase and extension of instant asset write-off allowances;
- accelerated depreciation; and
- administrative temporary relief for financially distressed individuals and businesses.

The third and latest stimulus package announced by the Federal Govt. includes the Job Keeper payments. Broadly, eligible employers will receive a \$1,500 payment, per eligible employee, per fortnight.

Alongside their counterparts the WA Govt. has introduced a \$1 billion economic and health relief package. This includes:

- a freeze on household fees and charges, including electricity, water, motor vehicle charges, the emergency services levy and public transport fares;
- a doubling of payments for the Energy Assistance Program for eligible concession card-holders will be implemented;
- payroll tax grants and deferments;
- rent relief measures for businesses operating on government-owned premises; and
- Lottery-west funding package to assist community services.

Ministerial Briefings

Premier Mark McGowan and Minister David Templeman addressed LG Mayors, Presidents and CEOs via webinar on Friday 27 March and Friday 3 April 2020. Mr. McGowan's key message was that *'LG's show strong leadership and make bold decisions in an endeavor to slow the spread of the virus and look after those that may be infected'*. Most importantly the Premier stated was LG's *'should seek to support communities and find ways to stimulate local economies'*.

Minister Templeman stressed the importance of realising *'the current situation is not business as usual and therefore normal practices and processes are out the door'*. 'Now is the time for LG's to step up', he said and 'we'll be judged in the future on how we deal with this crisis'. For those LG's with reserves now is the rainy day to put them to use.

Following on from this WALGA released a suggested Local Government Sector Response to the COVID-19 pandemic at its State Council Resolution 27 March 2020 including a suite of actions for Council to consider when providing financial, economic, community and social support to businesses and communities.

ATTACHMENT 11.3A

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Mining and Resource Companies

On 1 April 2020 Chevron Australia pledged \$2 million to assist community members and local businesses impacted by COVID-19. A centerpiece of the package is \$1 million for a Chevron Onslow Relief Fund to provide financial support and critical health services to Onslow residents, Aboriginal communities, local businesses and the unemployed.

The stimulus package is designed to help strengthen community resilience and will be delivered by the Onslow Chamber of Commerce and Industry, including:

- Local business support for short-term financial hardship and / or long term business rebuilding;
- Upskilling opportunities for residents unemployed as a result of current health and economic challenges; and
- Shop local vouchers for eligible residents to use at participating local businesses.

ATTACHMENT 11.3B

In consultation with Rio Tinto on Friday 3 April 2020 a draft support package was outlined. Confirmation of detail for RTIO's support package is at time of writing yet to be confirmed.
WA Local Government Response to COVID-19.

LG's around the State have responded quickly to the COVID-19 crisis and initiated an array of support packages and support programs. From a financial support perspective the main areas of relief provided include many similar to those suggested by WALGA's State Council Resolution in late March (see **ATTACHMENT 11.3A**).

Additional measures such as subsidies for low income earners to provide safer, more secure and connected community areas (City of Rockingham) and flat fee all day parking (City of Perth) are tailored to meet the specific needs of each LG's situation. For further detail on what 24 LGs are currently doing, please see the State Council Resolution above mentioned.

ATTACHMENT 11.3C

Shire of Ashburton Response

In light of the broad range of financial support packages now being put forward by governments and other stakeholders, during the last few weeks the Executive and Finance teams considered what support options are available for the Shire. The main focus has been to review areas of revenue, receivables and funding mechanisms such as grants and reserves which are able to help small businesses, community groups and clubs with the following:

- a timely and fair level of support;
- costs such as insurance, utilities etc.;
- keep links between employers and employees as well as between community groups and their members.

Similar to other Local Governments, by providing support and relief to the areas of rates, fees and charges, rents / leases and debtors plus creating a Reserve and Grants Scheme, the Shire alongside its key partners can have the most impact. The following is recommended to Council in its support package response to COVID-19:

- Not increase rates for 2020/21;
- Defer issuing rates notices for 2020/21 until the first week of November 2020;
- Add a monthly instalment option to allow ratepayers a more flexible alternative to the existing three instalment arrangements;

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- Extend the period of special payment arrangements for rates by 12 months to 30 June 2021 and waive the \$74.00 special arrangement fee;
- Upon application waive penalty and instalment interest plus the rate instalment charge to overdue rates debtors, as well as general interest for sundry debtors, for a period of up to six months;
- Suspend debt recovery procedures to both rates and sundry debtors including all forms of legal action for up to six months;
- Upon application write off outstanding debts incurred as a result of financial hardship and loss due to COVID-19 (incurred debts must be no earlier than 1 February 2020);
- Not increase Fees and Charges for 2020/21;
- Allow full refunds for cancellations of facility hire, kennel bookings, liquor licenses, gym memberships and tour bookings plus waive any associated cancellation fees;
- Provide twelve month's rent relief on leases to small businesses, community groups and clubs;

ATTACHMENT 11.3D

- Adopt 'FIN 24 - Financial Hardship Policy' to give effect to Council's commitment to support the whole community in meeting the unprecedented challenges of COVID-19;
- Establish a COVID-19 Small Business and Community Grants Fund of \$250,000 to assist those small businesses and community groups experiencing financial hardship and loss due to the pandemic;
- Create a new COVID-19 Support and Relief Reserve of \$250,000; and
- Create an 'Open for Business Directory' to encourage local spending and business continuity in the local economy.

Another initiative or support measure the Shire has considered and begun to implement is the approval fast tracking of building, planning and license applications. Prior to the COVID-19 pandemic approval turn arounds were 10 to 15 days in accordance with regulatory timeframes – now the processing time is 2 to 3 days.

Financial Hardship Policy

To give effect to Council's commitment to support the whole community and meet the unprecedented challenges arising from the COVID-19 pandemic, a new Financial Hardship Policy is recommended for adoption. The policy supports the measures of the proposed support package and recognises that the COVID-19 challenge will result in financial hardship for our ratepayers.

ATTACHMENT 11.3E

Future Financial Support and Packages

Although currently indications are that the spread of the virus in Australia and in particular WA is slowing as a result of Government measures, this crisis is still in its early stages. There remains a great deal of uncertainty as to how long the shutdown of many businesses and public spaces will continue for. It may be necessary therefore for Council to consider further support packages in the coming months as a clearer picture forms about the financial and economic loss and hardship suffered by business and community groups. It is recommended therefore Council resolve to revisit this process to determine whether or not further measures are required.

Consultation

Executive Management Team

Finance Team

Manager Land and Asset Compliance

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Statutory Environment

Section 6.8 of the *Local Government Act* 1995 – Expenditure from Municipal Fund applies.

Financial Implications

The recommended support package is forecast to cost the Shire approximately \$1.5 million.

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

Risk Management

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

Policy Implications

Introduction of new FIN24 – Financial Hardship Policy.

Voting Requirement

Absolute Majority Required

Officers Recommendation

That with respect to the COVID-19 Support Package for Small Business, Community Groups and Clubs, Council:

1. Endorse the following financial stimulus and support measures:
 - a) No increase to rates for 2020/21;
 - b) Defer issuing rates notices for 2020/21 until the first week of November 2020;
 - c) Add a monthly instalment option to allow ratepayers a more flexible alternative to the existing three instalment arrangements;
 - d) Extend the period of special payment arrangements for rates by 12 months to 30 June 2021 and waive the \$74.00 special arrangement fee;
 - e) Upon application waive penalty and instalment interest plus the rate instalment charge to overdue rates debtors, as well as general interest for sundry debtors, for a period of up to six months;
 - f) Suspend debt recovery procedures to both rates and sundry debtors including all forms of legal action for up to six months;
 - g) Upon application write off outstanding debts incurred as a result of financial hardship and loss due to COVID-19 (incurred debts must be no earlier than 1 February 2020);
 - h) No increase to Fees and Charges for 2020/21;
 - i) Allow full refunds for cancellations of facility hire, kennel bookings, liquor licenses, gym memberships and tour bookings plus waive any associated cancellation fees;
 - j) Provide 12 month's rent relief on leases to small businesses, community groups and clubs (ATTACHMENT 11.3D);
 - k) Adopt 'FIN 24 - Financial Hardship Policy' to give effect to Council's commitment to support the whole community in meeting the unprecedented challenges of COVID-19 (ATTACHMENT 11.3E);

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- l) Establish a COVID-19 Small Business and Community Grants Fund of \$250,000 to assist those small businesses and community groups experiencing financial hardship and loss due to the pandemic;
 - m) Create a new 'COVID-19 Support and Relief Reserve' of \$250,000; and
 - n) Create an 'Open for Business Directory' to encourage local spending and business continuity in the local economy.
2. Acknowledge the full impact of COVID-19 on small business, community groups and clubs is yet to be determined and therefore additional financial support and relief measures will likely be required in the coming months.
3. In accordance with Section 6.11 of the Local Government Act 1995, Council establish a new Reserve account as follows:
 - COVID -19 telephone /video conference – Financial Support Reserve – To provide support and relief funds to small businesses, community groups and clubs suffering financial hardship and loss due to COVID-19.
4. Authorise the Chief Executive Officer to award, upon application and in consultation via EMACCESS;
 - a. Small Business and Community Grants up to \$25,000; and
 - b. All commercial lease waivers.

Amended Council Resolution

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That with respect to the COVID-19 Support Package for Small Business, Community Groups and Clubs, Council:

1. **Endorse the following financial stimulus and support measures:**
 - a) **No increase to rates for 2020/21;**
 - b) **Defer issuing rates notices for 2020/21 until the first week of November 2020;**
 - c) **Add a monthly instalment option to allow ratepayers a more flexible alternative to the existing three instalment arrangements;**
 - d) **Extend the period of special payment arrangements for rates by 12 months to 30 June 2021 and waive the \$74.00 special arrangement fee;**
 - e) **Upon application waive penalty and instalment interest plus the rate instalment charge to overdue rates debtors, as well as general interest for sundry debtors, for a period of up to six months;**
 - f) **Suspend debt recovery procedures to both rates and sundry debtors including all forms of legal action for up to six months;**
 - g) **Upon application write off outstanding debts incurred as a result of financial hardship and loss due to COVID-19 (incurred debts must be no earlier than 1 February 2020);**
 - h) **No increase to Fees and Charges for 2020/21;**
 - i) **Allow full refunds for cancellations of facility hire, kennel bookings, liquor licenses, gym memberships and tour bookings plus waive any associated cancellation fees;**
 - j) **Provide 12 month's rent relief on leases to small businesses, community groups and clubs (ATTACHMENT 11.3D);**

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- k) Adopt 'FIN 24 - Financial Hardship Policy' to give effect to Council's commitment to support the whole community in meeting the unprecedented challenges of COVID-19 (ATTACHMENT 11.3E);
 - l) Establish a COVID-19 Small Business and Community Grants Fund of \$250,000 to assist those small businesses and community groups experiencing financial hardship and loss due to the pandemic;
 - m) Create a new 'COVID-19 Support and Relief Reserve' of \$250,000; and
 - n) Create an 'Open for Business Directory' to encourage local spending and business continuity in the local economy.
2. Acknowledge the full impact of COVID-19 on small business, community groups and clubs is yet to be determined and therefore additional financial support and relief measures will likely be required in the coming months.
3. In accordance with Section 6.11 of the *Local Government Act 1995*, Council establish a new Reserve account as follows:
- COVID-19 telephone /video conference – Financial Support Reserve – To provide support and relief funds to small businesses, community groups and clubs suffering financial hardship and loss due to COVID-19;
and
4. Authorise the Chief Executive Officer to award, upon application and in consultation via EMACCESS;
- a. Small Business and Community Grants up to \$25,000;
 - b. All commercial lease waivers; and
 - c. All Signature Event Grants as per REC08 - Community Donations, Grants and Funding.
- CARRIED BY ABSOLUTE MAJORITY 8/0**
The mover and seconder gave their permission in regard to the amended recommendation

Mr K Cameron (Coordinator of Ranger Services) - joined the meeting at 1.45 pm.

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12. CORPORATE SERVICES REPORTS

12.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID

MINUTE: 55/2020

FILE REFERENCE: FM03

AUTHOR'S NAME AND POSITION: Geoff Garside
Acting Director Corporate Services

AUTHORISING OFFICER AND POSITION: John Bingham
Acting Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 26 March 2020

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

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

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 2 months after the end of the month of the report. Administration also presents Budget Amendment Register and Schedule of Accounts and Credit Card payments to Council each month for review.

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

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Comment

The following budget variations are recommended for April 2020:

GL/Job No.	General Ledger Description	Current Budget	Variation Amount	Revised Budget	Reason
AP2002	Onslow Anzac Memorial - Install Drink Fountain	0	10,000	10,000	To be funded from general municipal surplus.
W289	Works Prog/Barrarda Estate Onslow	150,000	(35,000)	115,000	Works projected to be under budget, with savings re-allocated to TP Recreation Centre Utilities.
W278	Works Prog Tom Price Tjiluna Oval & Surrounds	51,809	(10,000)	41,809	Works projected to be under budget, with savings re-allocated to TP Recreation Centre Utilities.
B460	Tom Price Shopping Mall	52,900	(10,000)	42,900	Maintenance projected to be under budget, with savings re-allocated to TP Recreation Centre Utilities.
W452	Dog Exercise Area Works Prog	16,429	(5,000)	11,429	Works projected to be under budget, with savings re-allocated to TP Recreation Centre Utilities.
O322	Tom Price Recreation Centre (Utilities)	57,290	60,000	117,290	An additional \$60,000 required to cover electricity bills for the remainder of 19/20 Financial Year.
O320	Public Toilet (Exeloo) Town Centre Tom Price	17,256	(5,000)	12,256	Utilities projected to be under budget, with savings re-allocated to TP Recreation Centre Maintenance.
O358	Tjiluna No 2 Oval Willow Rd (Change rooms)	29,325	(5,000)	24,325	Utilities projected to be under budget, with savings re-allocated to TP Recreation Centre Maintenance.
B322	Tom Price Recreation Centre (Maintenance)	20,400	10,000	30,400	An additional \$10,000 required to cover operational costs at this venue
O315	Public Toilets (Near Library) Tom Price	40,312	(10,000)	30,312	Utilities projected to be under budget, with savings re-allocated to TP Recreation Centre.
O329	Community Centre (Rear of Library) Tom Price	67,963	10,000	77,963	An additional \$10,000 required to cover operational costs at this venue.

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GL/Job No.	General Ledger Description	Current Budget	Variation Amount	Revised Budget	Reason
097803	Bldg Prog/Staff Housing – Refurbishments & Improvements	1,370,000	36,000	1,406,000	To be funded from general municipal surplus

Consultation

Executive Management Team
Finance Team

Statutory Environment

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

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

(b) Is authorized 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 5 Inspiring Governance
Objective 4 Exemplary team and work environment

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Absolute Majority Required

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Officers Recommendation and Council Decision

MOVED: Cr M Lynch

SECONDED: Cr P Foster

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

- 1. Approve budget variations for the 2019/20 Budget as outlined below;**
 - a. Increase Expenditure Account AP2002 Onslow Anzac Memorial - Install Drink Fountain by \$10,000, from \$0 to \$10,000;**
 - b. Decrease Expenditure Account Job W289 Works Prog/Barrarda Estate Onslow by \$35,000 from \$150,000 to \$115,000; and**
 - c. Decrease Expenditure Account Job W278 Works Prog Tom Price Tjiluna Oval & Surrounds by \$10,000 from \$51,809 to \$41,809;**
 - d. Decrease Expenditure Account Job B460 Tom Price Shopping Mall by \$10,000 from \$52,900 to \$42,900; and**
 - e. Decrease Expenditure Account Job W452 Dog Exercise Area Works Prog by \$5,000 from \$16,429 to \$11,429;**
 - f. Increase Expenditure Account Job O322 Tom Price Recreation Centre (Utilities) by \$60,000 from \$57,290 to \$117,290; and**
 - g. Decrease Expenditure Account Job O320 Public Toilet (Exeloo) Town Centre Tom Price by \$5,000 from \$17,256 to \$12,256;**
 - h. Decrease Expenditure Account Job O358 Tjiluna No 2 Oval Willow Rd (Change Rooms) by \$5,000 from \$29,325 to \$24,325; and**
 - i. Increase Expenditure Account Job B322 by \$10,000 from \$20,400 to \$30,400;**
 - j. Decrease Expenditure Account Job O315 by \$10,000 from \$40,312 to \$30,312;**
 - k. Increase Expenditure Account Job O329 Community Centre (Rear of Library) Tom Price by \$10,000 from \$67,963 to \$77,963; and**
 - l. Increase Expenditure Account no. 097803 Bldg Prog/Staff Housing – Refurbishments & Improvements by \$36,000 from \$1,370,000 to \$1,406,000.**
 - m. Note that the Budgeted Surplus position carried forward (Net Current Assets position) forecast as at 30 June 2020 is \$993,000.**
- 2. Receive the Financial Report for February 2020 ATTACHMENT 12.1A;**
- 3. Receive the Capital Expenditures Progress Tracker for 31 March 2020 ATTACHMENT 12.1B;**
- 4. Receive the Budget Amendment Register as at 31 March 2020 ATTACHMENT 12.1C; and**
- 5. Receive the Schedule of Accounts (February 2020) and Credit Card payments made in the period (17 December 2019 – 3 February 2020) (approved by the Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds) ATTACHMENT 12.1D.**

**CARRIED BY ABSOLUTE MAJORITY 6/2
Councillor Lynch and Dias voted against the motion**

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12.2 KARIJINI EXPERIENCE SPONSORSHIP - ROLLOVER REQUEST

Declaration of Interest

Prior to consideration of this Agenda Item:

Cr Foster declared an impartiality interest

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

MINUTE: 56/2020

FILE REFERENCE: CM09.19

AUTHOR'S NAME AND POSITION: John Bingham
Acting Chief Executive Officer

AUTHORISING OFFICER AND POSITION: John Bingham
Acting Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 27 March 2020

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The Shire of Ashburton has an annual Sponsorship Agreement ('the Agreement') with The Nintirri Centre Inc. ('Nintirri') to run The Karijini Experience. Due to the impact of the Coronavirus outbreak, the 2020 Karijini Experience has been cancelled.

This report informs Council of correspondence received from Nintirri on Tuesday 17 March 2020 requesting rollover of sponsorship monies and recommends the appropriate response given agreed terms between the two parties.

Background

A Sponsorship Agreement between The Shire and Nintirri was signed on 13 November 2019.

ATTACHMENT 12.2A

On Tuesday 17 March 2020 Sylvia Winkler, Acting Chief Executive Officer at Nintirri wrote via email advising the event was cancelled and further requesting the sponsorship monies be rolled over to 2021.

ATTACHMENT 12.2B

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Comment

Section 3 (a) of the Agreement states the following:

The Sponsor agrees to provide the sponsee with: \$50,000 plus GST for the 2020 event.

a. If the event is cancelled due to cyclone or other Act of God, funds will be carried over to 2021.

It is recommended Council acknowledge the Coronavirus outbreak as an event outside of human control or 'Act of God', and therefore meet Nintirri's request to carry over to 2021.

Consultation

Executive Management Team

Statutory Environment

Not Applicable

Financial Implications

The amount of \$50,000 plus GST was paid to Nintirri on 10 December 2019. A 2020/21 budget provision for the 2021 event will not be required.

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

Risk Management

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

Policy Implications

REC08 Community Donations, Grants and Funding Policy was applied for the original request and although the Policy makes no provisions for COVID-19, Council continues to support the donation in 2021.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr K White

SECONDED: Cr L Rumble

That with respect to the Karijini Experience Sponsorship – Rollover Request, Council:

- 1. Acknowledge the event is cancelled for 2020 and meets the sponsorship terms and conditions to allow Nintirri to carry over the \$50,000 plus GST to 2021.**

CARRIED 8/0

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12.3 COVID-19 - PROPOSED DIFFERENTIAL RATES 2020/21

MINUTE: 57/2020

FILE REFERENCE: RV07

AUTHOR'S NAME AND POSITION: John Bingham
Acting Chief Executive Officer

AUTHORISING OFFICER AND POSITION: John Bingham
Acting Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 05 April 2020

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

PREVIOUS MEETING REFERENCE: Agenda Item (Minute No.562/2019) – Ordinary Meeting of Council 21 May 2019

Summary

As a result of the impact of COVID-19, it is recommended Council freeze rates for 2020/21 to align with the wishes of Government of Western Australia and Council's proposed financial support and relief package to ratepayers.

Background

Due to the COVID-19 pandemic crisis, Local Government Minister David Templeman ('the Minister') has encouraged all local governments ('LGs') put into effect a rates freeze for 2020/21. The response from 98% of LG's to date is that indeed this will be their intent. It is recommended the Shire of Ashburton follow suit. Additionally the Minister has advised, in response to overwhelming request from LG's, to halt all property re-valuations in 2020 so the process of freezing rates is simplified.

As of time of writing Shire Officers have sought clarification from the Department of Local Government, Sport and Cultural Industries (DLGSC) about whether the following aspects of the Differential Rates process still applies due to COVID-19:

- Under the *Local Government Act 1995* (the Act), the Minister is required to approve the imposition of a differential general rate which is twice the lowest differential general rate imposed by the local government.
- Pursuant to Section 6.36 of the Act Council is required to give a minimum period of 21 days' notice of the proposed differential rates and minimum payments as well as consider any submissions received. This requirement too is in question.

Comment

On Tuesday 31 March 2020, Shire Officers sought clarification from a senior policy adviser in the Department. The following response was provided:

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“We are proposing to introduce as much flexibility as possible, legislative and policy wise, particularly around the things you mention.

There are still a few final decisions to be made at the top end and a lot of it will depend on whether or not the valuations will be frozen for the 20-21 financial year which would make it a lot easier to achieve the no increase outcome, which appears to be the desire across both levels of government.

Expecting this to be sorted soon and we will advise every-one of the new minimum requirements to receive Min approval.”

As a result for 2020/21 it may not be necessary to advertise, receive submissions and apply to the Minister for approval. However in lieu of a decision being made this report recommends the normal process be adhered to.

Rating Structure

The proposed General Rating structure for the 2020/21 Proposed Differential Rates is:

- GRV Properties
 - GRV - Residential / Community
 - GRV - Commercial / Industrial / Tourism
 - GRV - Transient Workers Accommodation
- UV Properties
 - UV - Mining / Industrial
 - UV – Pastoral

Valuations

Re-valuations for 2020/21 were scheduled to include the following significant changes to the Ashburton North Strategic Industrial Area:

#	Site Name	VEN	Proposed 2020 UV	2019 UV	2019 to 2020 Diff
1	Gorgon Project - Gas plant	1713219	\$14,960,000	\$11,440,000	31%
2	Gorgon Project - Wharf (Part of Seabed lease)	2085949	\$1,500,000	\$900,000	67%
3	Wheatstone Project - Gas plant (Lot 567)	1818074	\$24,435,600	\$13,844,910	65%
4	Wheatstone Project - Vacant Land (Lot 568)	1818075		\$950,000	
5	Macedon Project - Gas plant (Part Lot 500)	2072271	\$5,465,000	\$4,918,000	11%
6	Gorgon Project - Construction Village TWA	1713220	\$2,840,000	\$4,500,000	-37%
7	Gorgon Project - Old Operations Village TWA	1713218	\$1,800	\$750,000	Decommissioned.
8	Wheatstone Village TWA (Ashburton North)	1817494	\$1,300,000	\$4,200,000	-69%
9	Wheatstone Project - Ashburton Port leased area	2072755	\$8,910,000	\$5,658,000	57%
		Totals:	\$59,412,400	\$47,160,910	26%

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Due to COVID-19 there will be a freeze on all re-valuations as part of proposals being considered by the Minister's Office.

2020/21 Proposed Rate in the Dollar

Due to the proposed rate freeze the rates in the dollar for each rating category will remain the same as 2019/20.

Concessions

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

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

Minimums

Section 6.35 of *the Act* provides Council the power to apply a minimum payment greater than the general rate. For 2020/21 it is proposed the 2015 Rating Strategy recommendations be put on hold due to COVID-19.

Additionally it is proposed a lesser minimum be applied to Prospecting and Exploration licences currently rated under UV – Mining. The reason for this proposal is mining operations cannot be conducted on Exploration and Prospecting Licences, only on Mining Leases. Mining Leases afford the holder greater rights of production or development and are therefore characterized by greater impact on road infrastructure and resources.

In contrast, only exploration activities may be conducted on exploration and prospecting licenses. Such activities are normally of low intensity and short duration and are not characterized by the same traffic volumes or weights or demands on Shire infrastructure and resources.

Objects and Reasons

A Statement of Intention to Levy Differential Rates is published by the Shire in accordance with Section 6.36 of *the Act* to advise its objectives and reasons for implementing differential rates.

The following is a summary:

- Gross Rental Values apply to the following differential general rate categories - Transient Workers Accommodation, Commercial, Industrial, Tourism, Residential and Community;
- Unimproved Values apply to the following differential general rate categories - Mining, Industrial and General;
- UV Mining / Industrial properties have a higher rate applied to reflect the additional financial impact mining and related industries have on Shire infrastructure and services to other land use types. The higher level of rate revenue from these properties will contribute toward current and future costs identified in the LTFP such as civil infrastructure for services and facilities.

The Objects and Reasons Notice of Intention to Levy Differential Rates 2020/21 is attached.

ATTACHMENT 12.3

Notice of Intention to Levy Differential Rates 2020/21

It is intended for the proposed differential general rates and general minimum rates to be placed on public notice boards at the Shire Administration offices and libraries, the Pilbara News and West Australian from 1 May 2020 as well as on the Shires' website. The notice will invite submissions for 21 days as is required by Section 6.36 of *the Act* with a deadline for receiving the submissions at noon Thursday 21 May 2020. A report on the submissions will then be prepared for Council.

The proposed rates model to impose differential rates for 2020/21 is recommended to Council.

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Consultation

Executive Management Team
Finance Team
Councillor Workshop

Statutory Environment

The following sections of *the Act* apply:

- S 6.32 provides Council with the power to apply rates to property;
- S 6.33 provides Council with the power to apply differential general rates although Ministerial approval is required where a Differential Rate is more than twice the lowest differential rate to be applied;
- S 6.35 provides Council with the power to apply a minimum payment which is greater than the general rate which would otherwise be payable on that land and a lesser minimum in respect of any portion of the district;
- S 6.36 requires Council to give public notice of its intention to impose Differential Rates, inviting submissions within 21 days (or more is desired). Council is also required to consider any submissions received prior to imposing the proposed rate or minimum payment;
- S 6.47 indicates that a local government may resolve to waive or grant a concession for a rate or service charge (absolute majority required). In addition, *Regulation 69A of the Local Government (Financial Management) Regulations 1996* also specifies that a local government cannot use its powers under section 6.47 LGA based on whether or not the land is occupied by a person who owns the land (so called absentee owner clause); and
- S 5.63 (1) (b) specifically excludes the need for Elected Members to 'Declare a Financial Interest' in imposing a rate, fee or charge.

Local Government (Financial Management) Regulations 1996 Part 5.

The Department prepared a Rating Policy in March 2016 giving guidance on Legislation (*the Act* S 6.33 and *Financial Regulations 52A*), the five key principles and the steps involved in submitting an Application to the Minister.

Financial Implications

Recommendation 1 (Proposed Model no.1) of the proposed Differential Rates will raise general rate revenue of approximately \$37,000,000.

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

Shire of Ashburton Corporate Business Plan 2018-22

Goal 4 Quality Services and Infrastructure
Objective 4.1 Quality Public Infrastructure
Outcome Adequate, accessible and sustainable public infrastructure

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Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "High". The high level of risk is being driven by the low number of high value properties in the UV Mining / Industrial category and the uncertainty of the valuations remaining at current levels as well as the possibility of properties ceasing to be rateable. As high risk items, the Director Corporate Services is monitoring the issues closely.

Policy Implications

- ELM10 – 'Financial Sustainability Policy' applies as it establishes the financial sustainability framework for the Council.
- FIN10 – Wittenoom Townsite, Wittenoom Gorge and Yampire Gorge Rates and Services Policy applies as it states Council is to cease waving rates for Wittenoom properties.
- FIN21 – Rating ensures the Shire applies the rating principles under *the Act* to any separately identifiable rateable portion of land within the district and to establish guidelines for the GRV rating of property whose predominant use is non-rural including but not limited to TWAs and other selected capital improvements on mining tenements and petroleum licenses.
- *The Department Rating Policy 2016* applies providing Council guidance on the five rating principles including:

(i) *Objectivity*

The land on which the differential rates apply use the following characteristics:

- a. The zoning of the land; and
- b. The predominant use (as determined by the Shire of Ashburton).

The Shire does not rate land based on its status being vacant.

There has been no change to boundaries of the district within the past five years. Section 6.33 (1) of *the Act* and Financial Management 52A have been complied with. UV Mining / Industrial is more than twice the lowest differential of GRV Pastoral.

(ii) *Fairness and Equity*

Council has reviewed its expenditure and considered budgetary efficiency measures as part of its budget deliberations. A workshop is due to be held at the May 2020 OMC for Executives and Councillors with a view to finalizing the 2020/21 Draft Budget. Once approval of the Differential Rates is received from the Minister a Special Council Meeting will be scheduled to adopt.

Council has taken a number of efficiency measures and service improvements in the 2019/20 financial year and these continue into 2020/21 both reducing operating costs and maintaining services for the community.

The Objects and Reasons explain why each differential rate is proposed and set to the proposed amount.

With UV Tourism now having a change of method of valuation it is now not a requirement to contact individual ratepayers per the Departments Rating Policy: Differential General Rates.

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(iii) Consistency

Properties that are used for the same purpose are rated in a similar way.

The proposed differential general rates align with the rating strategy in the CBP and LTFFP.

(iv) Transparency and Administration Efficiency

A determination of this report's recommendations is to advertise and give public notice from Friday 1 May 2020 in the following ways:

- At Council office notice boards and libraries;
- The Shire's website; and
- State wide and local newspapers.

Submissions will close on Friday 22 May 2020.

It is intended the public notice will include detail of each differential general rate to be imposed, advise ratepayers of where a copy of the objects and reasons can be found, invite submissions from ratepayers on the proposed differential general rates and advise the closing time for receiving submissions.

A Special Meeting of Council will consider the submissions prior to resolving to make application to the Minister for approval.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr M Lynch

SECONDED: Cr P Foster

That with respect to the proposed Differential Rates for 2020/21, Council:

- 1. Acknowledge due to the impact of COVID-19, Minister David Templeman has encouraged all Local Governments to freeze rates for 2020/21, and in response the Shire of Ashburton has agreed to do so;**
- 2. Acknowledge the Department of Local Government, Sport and Cultural Industries has advised due to the impact of COVID-19 the process of setting of Differential Rates for 2020/21 is likely to be subject to as much flexibility as possible, legislatively and policy wise;**
- 3. Acknowledge the Department of Local Government, Sport and Cultural Industries has advised due to the impact of COVID-19 property revaluations undertaken by the Valuer General Office may be frozen to assist Local Governments set no increase to rates in 2020/21;**
- 4. Acknowledge the Department of Local Government, Sport and Cultural Industries might change legislation and policy for setting Differential Rates in 2020/21, and that until formally advised of the change, Council will follow the set process as it has done so in prior years;**

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5. Advertise its intention in accordance with S 6.36 of the *Local Government Act 1995*, to adopt the following rates in the dollar and minimum rates for the 2020/21 financial year noting:

Rate Code Description	Rate in the \$	General Minimum	Lesser Minimum
GRV-Residential / Community	0.102364	1010.00	727.50
GRV-Commercial / Industrial / Tourism	0.065926	1262.50	NA
GRV-Transient Workforce Accommodation	0.131845	1262.50	NA
UV Mining / Industrial	0.369571	1262.50	400.00
UV-Pastoral	0.062196	1262.50	NA

6. Exercise its authority per Section 6.47 of the *Local Government Act 1995*, and grant a 30% concession to GRV Residential / Community with up to three properties with the townsites of Onslow, Paraburdoo and Tom Price;
7. Adopt the Objects and Reasons for Proposed Differential Rates 2020/21 (ATTACHMENT 12.3);
8. Receive submissions for at least 21 days from Friday 1 May 2020 until midday of Friday 22 May 2020;
9. Consider a report on any submissions received at its Ordinary Meeting of Council on 9 June 2020 prior to adopting the schedule of proposed Differential Rates 2020/21.
10. Has considered its revenue and expenditure requirements to ensure operational efficiency; and
11. Acknowledge the proposed Differential Rates align with the revised Rating Strategy 2020 and the Long Term Financial Plan 2020-2035.

CARRIED 8/0

13. PROPERTY AND DEVELOPMENT SERVICES REPORTS

13.1 APPLICATION FOR MISCELLANEOUS LICENCE 47/929 ENCROACHING TOM PRICE TOWNSITE

Declaration of Interest

Prior to consideration of this Agenda Item:

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

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

All Councillors remained in the meeting in line with the approval given by the Deputy Director General – Regulation of the Department of Local Government, Sport and Cultural Industries as noted at item 6.2.

MINUTE: 58/2020

FILE REFERENCE:	ED77
AUTHOR'S NAME AND POSITION:	Janelle Fell Manager Land and Asset Compliance
AUTHORISING OFFICER AND POSITION:	Brian Cameron Director Property and Development Services
NAME OF APPLICANT/RESPONDENT:	Department of Mines, Industry Regulation and Safety
DATE REPORT WRITTEN:	18 March 2020
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

Application for Miscellaneous Licence 47/929 by Hamersley Iron Pty Ltd (Hamersley Iron), encroaching the Tom Price Townsite, has been referred to Council by Department of Mines, Industry, Regulation and Safety (DMIRS) for consideration.
DMIRS seeks Council's comments on Miscellaneous Licence 47/929 which encroaches the Tom Price Townsite.

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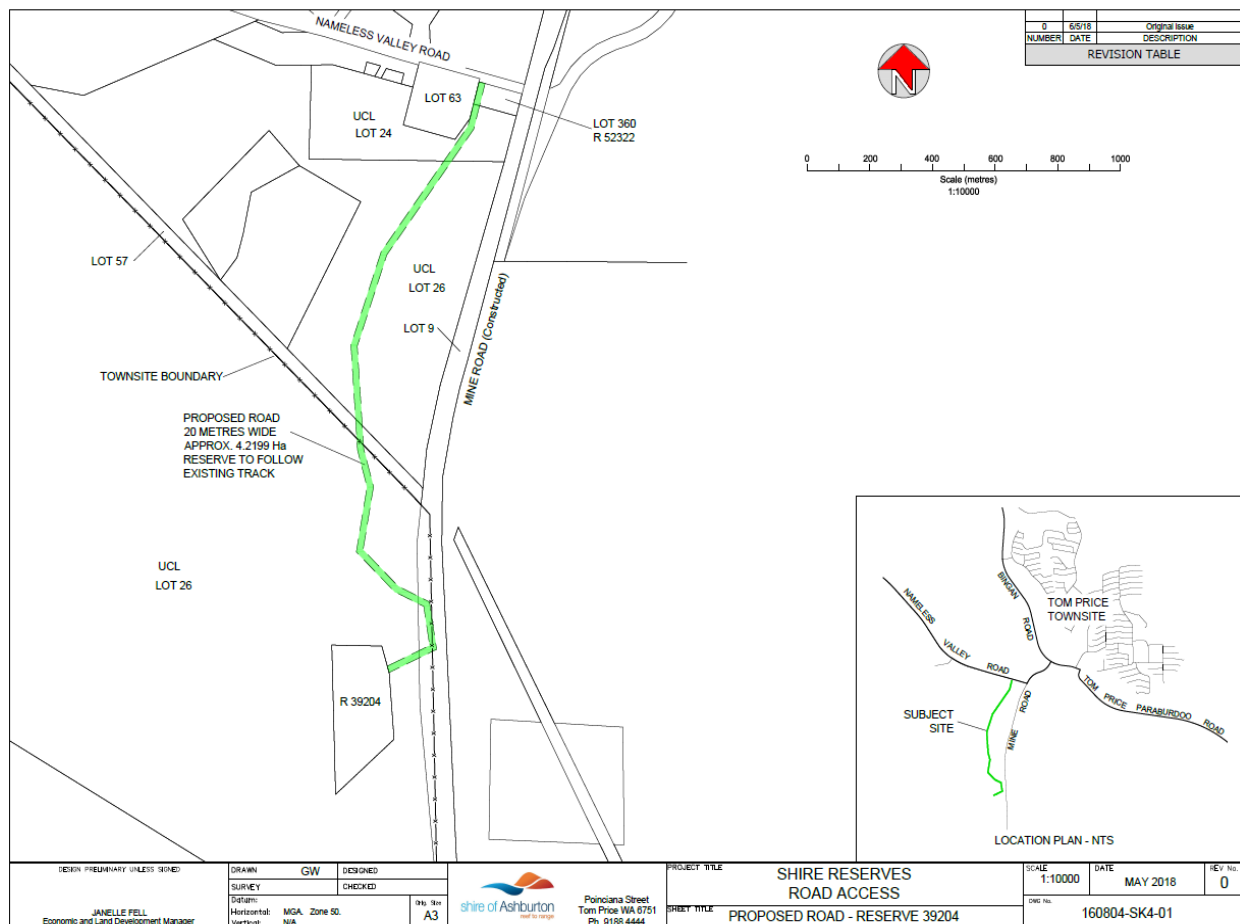
Comment

DMIRS requests the Shire agree to have the following endorsement and condition imposed upon the tenement.

Endorsement The grant of this lease does not include any private land referred to in Section 29(2) of the *Mining Act 1978* except that below 30 metres from the natural surface of the land.

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

At the Ordinary Meeting of Council in May 2018, Council resolved to request the excision and dedication of portion of unallocated Crown for the purpose of a public road to facilitate legal access to Reserve 39204 which has the purpose of "Recreation - Archery", which is now subject to L 47/929. The area subject to the May 2018 resolution is depicted green on the plan below.



Rio Tinto have concerns with the proposed dedication of a road in the alignment submitted to the Department of Planning, Lands and Heritage as it affects two of Hamersley's State Agreement leases, other Miscellaneous Licence tenure and Rio Tinto consider the road to be a Hamersley Iron asset. Rio Tinto advise further discussions are required before Hamersley Iron would consent to the dedication proposal or an alternative route be determined.

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When agreement on the proposed alignment and dedication of a road to the Recreation - Archery Reserve is reached there will be no requirement for Hamersley Iron to continue to hold the Miscellaneous Licence/s either in their entirety or as to the portions inside the proposed public road reserve and would look to surrender these accordingly.

Rio Tinto propose to close Nameless Valley Drive for maintenance of the rail level crossing temporarily and on an as required basis and provide a diversion adjacent to the rail corridor. While the upgrades have not yet been scheduled, they will only occur with consent from the Shire. The diversion, utilising the area subject to L 47/929, will allow an alternate access to Nameless Valley Drive for local users during closure of the rail level crossing for maintenance.

CONFIDENTIAL ATTACHMENT 13.1

The Chief Executive Officer has jurisdiction under section 3.50 of the *Local Government Act 1995* to temporarily close public roads for a period not exceeding four weeks. Shire Officers have been liaising with Rio Tinto Officers regarding a diversion for the impending rail level crossing maintenance to reduce the detour distance required and negative impact on local users. A Deed of Indemnity for use of Reserve 52322 (Transport) and a Communications Plan for the temporary road closure will be in place. It is expected the rail level crossing will be closed for no more than 48 hours during the off-peak season to minimize impacts on the Tom Price Tourist Parks, North West Mining and Civil and other local users. Main Roads Western Australia (MRWA) have advised Rio Tinto the diversion is to be designed, constructed and sealed to MRWA specifications. A further report will be presented to Council regarding the diversion upon receipt of the Deed.

Consultation

Executive Management Team
Department of Mines, Industry, Regulation and Safety
Rio Tinto Advisor - Tenure Management and Strategy
Main Roads Western Australia

Statutory Environment

Land Administration Act 1997
Mining Act 1987 – s23 to 26 Public reserves, etc. and Commonwealth land
Iron Ore (Hamersley Range) Agreement Act 1963 (State Agreement)

Financial Implications

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

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

Risk Management

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

Policy Implications

Town Planning Scheme No. 7
ENG06 – Temporary Road Closures

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Voting Requirement
Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr L Rumble

SECONDED: Cr P Foster

That with respect to the Application for Miscellaneous Licence 47/929 Encroaching Tom Price Townsite, Council:

- 1. Offer no objection to Hamersley Iron Pty Limited's Application for Mining Tenement – Miscellaneous Licence 47/929.**
- 2. Endorse the Acting Chief Executive Officer to advise Department of Mines, Industry, Regulation and Safety that Council agree to the following being imposed on the tenement:**

Endorsement **The grant of this lease does not include any private land referred to in Section 29(2) of the *Mining Act 1978* except that below 30 metres from the natural surface of the land.**

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

Adjournment

MOVED: Cr Foster

SECONDED: Cr M Lynch

2.10 pm, The Presiding Member advised that the meeting is adjourned due to technical difficulties associated with the electronic meeting and will reconvene when resolved.

Roll call -Cr White, Cr Dias, Cr de Pledge, Cr Richardson, Cr Diver, Cr Lynch, Cr Rumble and Cr Foster were present and visual upon the adjournment.

CARRIED 8/0

Reconvene

MOVED: Cr Foster

SECONDED: Cr M Lynch

2.16 pm, The Presiding Member reconvened the electronic meeting, with the following in attendance:

Roll Call - Cr White, Cr Dias, Cr de Pledge, Cr Richardson, Cr Diver, Cr Lynch and Cr Foster. Cr Rumble was not present.

CARRIED 7/0

Cr Rumble rejoined the meeting at 2.18 pm.

Vote taken at 2.19 pm

CARRIED 8/0

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13.2 TERMINATION OF LEASE – FLYING CLUB ONSLOW INC

MINUTE: 59/2020

FILE REFERENCE: ONS.0016

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

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 18 March 2020

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

PREVIOUS MEETING REFERENCE: Item 13.1 (Minute No. 322/2018) Ordinary Meeting of Council 13 March 2018

Summary

A Lease Agreement was entered into between the Shire of Ashburton (Shire) and Flying Club Onslow Inc (Flying Club), commencing 3 May 2017, expiring on 31 March 2022. The leased premises is a ~704 sqm portion of Lot 9001 on Deposited Plan 405414, being the Onslow Airport.

A former Flying Club member has advised that due to inactivity, incorporation has been cancelled.

Background

To assist in the aspirations for the Onslow Airport to be viable and sustainable in accordance with the Onslow Airport Master Plan, advertising of three airside lots adjacent to the Southern General Aviation (GA) apron was undertaken in September 2016. One submission was received, from the Flying Club.

The Flying Club was a not-for-profit club stating benefits such as local staff attraction and retention, engagement with local businesses for supplies such as fuels and oils, and being proactive within the community in the area of student ground training and hosting of fly-ins and other events. A letter of intent was issued allowing the club to meet several conditions or withdraw their interest, including determining costs of construction of a hangar; investigating funding opportunities for construction of a hangar; and, the club lodging for incorporation.

All conditions of the letter of intent were met allowing a Lease Agreement to be entered into between the Shire and Flying Club Onslow Inc (Incorporation Number A1021852S), as endorsed by Council in March 2017. The Lease commenced on 3 May 2017, expiring on 31 March 2022. The Leased Premises was portion of Lot 9001 on Deposited Plan 405414, being the Onslow Airport. The Leased Premises consisted of a ~704 sqm portion of Lot 9001.

A further request was received in February 2018 from the Flying Club to utilise a 20 sqm portion of the Shire's Airport Hangar for storage of the clubs aircraft. Council endorsed Licence of this

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area at the March 2018 Ordinary Meeting of Council. As the fee was not feasible for the Flying Club, they did not pursue this use.

Comment

Founding members of the Flying Club have relocated from Onslow, resulting in a large deficit in support and direction for the club. A remaining former member advised Shire Officers of the Flying Club's pending cancellation of incorporation due to inactivity in February 2020. In accordance with REC05 Community Leases and Licence Agreement of Shire Assets (Facilities, Buildings and Land), a community group must be incorporated to enter into a Lease or Licence with the Shire and comprise of a committee consisting of a President, Vice President, Treasurer and Secretary.

Flying Club has no outstanding lease fees or arrears with the Shire however, they are working with the Community Services team to return a Community Support Grant received for the lot development and fencing.

The Leased Premises require no make good as the Flying Club kept the area in good order. Minor cleanup of several rolls of shade cloth is required. These will be disposed of with the general Airport waste.

Advertising of Expressions of Interest (EOI) continues for the airside lots. The area subject to the Lease termination will be included in the EOI or alternatively, be incorporated into development plans by the Airport Manager.

Consultation

Executive Management Team
Airport Manager

Statutory Environment

Section 3.58 of the *Local Government Act 1995*

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

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

Risk Management

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

Policy Implications

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

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Voting Requirement
Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That with respect to Termination of Lease – Flying Club Onslow Inc, Council:

- 1. Endorse termination of the Lease between the Shire of Ashburton and Flying Club Onslow Inc.**

CARRIED 8/0

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13.3 PROPOSED LEASE OF PORTION OF ONSLOW AIRPORT TO W.T.H. PTY LTD T/A AVIS AUSTRALIA

MINUTE: 60/2020

FILE REFERENCE: TT06.21

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

Leona Stevenson
Lease Officer

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

NAME OF APPLICANT/RESPONDENT: W.T.H. Pty Limited trading as Avis Australia

DATE REPORT WRITTEN: 18 March 2020

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

PREVIOUS MEETING REFERENCE: Item 16.2 (Minute No. 11898) Ordinary Meeting of Council
10 December 2014

Summary

W.T.H. Pty Limited trading as Avis Australia, has held a lease for a portion of Onslow Airport Terminal for the purpose of Rental Car concessions, since 1 March 2015. The lease is due to expire on 30 April 2020, and Avis Australia has requested a 3 year lease with an option to renew for a further 2 x 1 year terms, totaling 5 years.

To continue to offer this service to patrons of the Onslow Airport, Council endorsement is sought to advertise the Lease in accordance with section 3.58 of the *Local Government Act 1995* and execute the Commercial Lease Agreement should no adverse comments be received.

Background

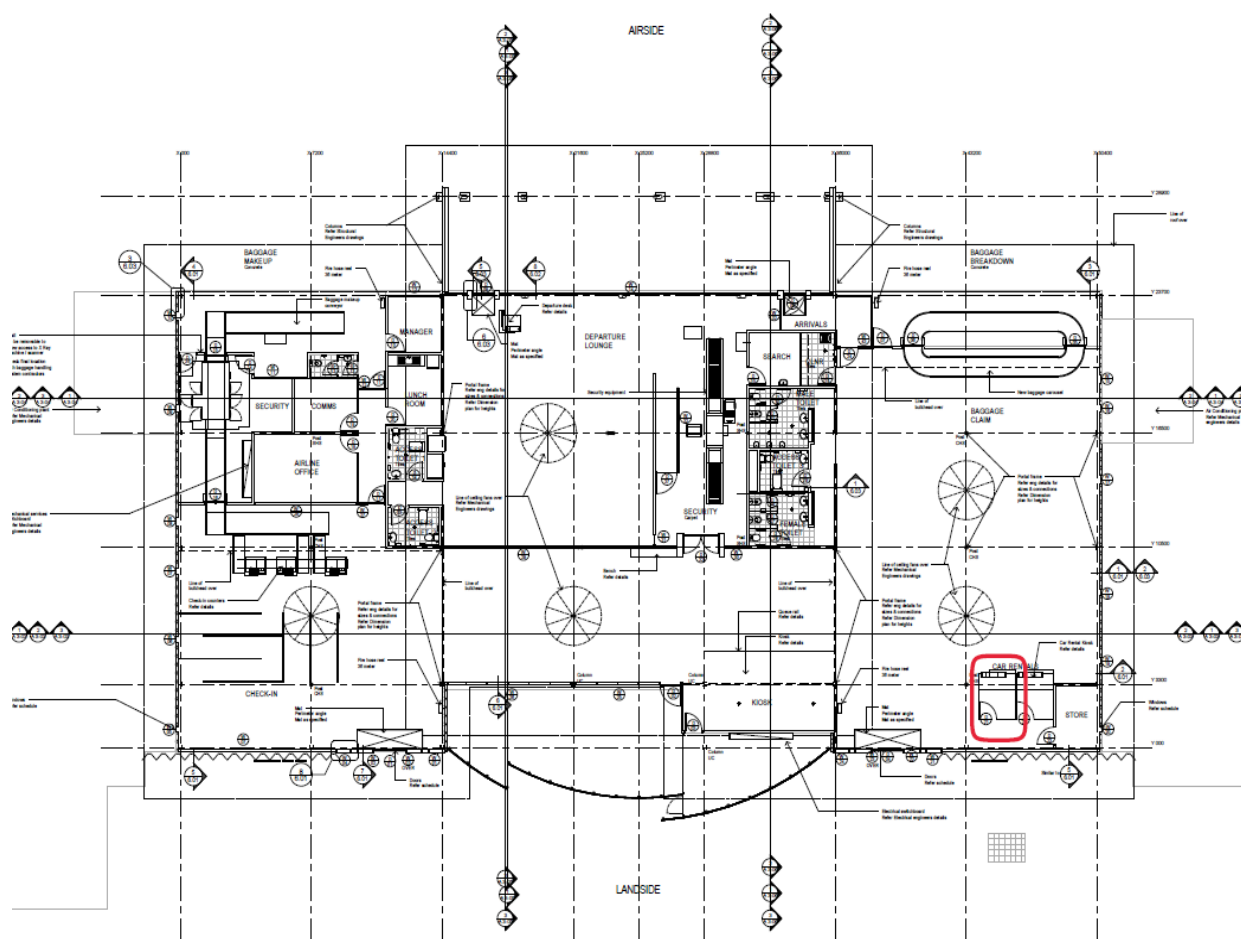
W.T.H. Pty Limited trading as Avis Australia have leased portion of the Terminal and car parking bay at the Onslow Airport since March 2015. The approved use of Rental Car Concessions with one permanent desk inside the terminal building, and six 'ready bays' in the car park has provided a hire car service to visitors to Onslow, whether for business or pleasure.

During this time, Avis have paid all fees when due and maintained their lease area in accordance with the Lease Agreement as required and are therefore considered favorable Lessees.

Comment

The lease area within the Terminal is shown on the plan below, hachured in red.

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To comply with s3.58 of the *Local Government Act 1995*, a desktop rental market valuation was undertaken by licensed valuers Acumentis in February 2020, following which the annual rent has been set at \$46,900 excluding GST, payable in twelve (12) monthly instalments of \$3908.33.

The terms of the agreement are as follows:

Schedule	Portion of Onslow Airport Terminal
Term	3 years, commencing 1 May 2020 until 30 April 2023
Further Term	2 x 1 year further terms: 1 May 2023 – 30 April 2024 1 May 2024 – 30 April 2025
Rent	\$46,900 per annum plus GST, paid in twelve (12) monthly instalments of \$3908.33 plus GST
Rent Review	Annual rent review on 1 May each year in line with Consumer Price Index Perth
Turnover Fee	An Additional Fee (Turnover Rent) shall apply to all outgoing and turnover for all car rentals. The Additional Fee is equal to 5% of Turnover.
Permitted Use	Rental Car Concessions

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Schedule	Portion of Onslow Airport Terminal
Hours of Operation	<p>Operation of the Rental Car Concessions must be within the set operating times of the Onslow Airport Terminal.</p> <p>Terminal Operating times are currently set at 6.30am until 6.30pm, Monday to Friday and 3.00pm until 6.00pm Saturdays and Sundays. The Terminal Operation hours coincide with current Arrival and Departure times.</p> <p>Terminal Operation hours are subject to change and are at the discretion of the Airport Manager.</p> <p>Access out of these designated times requires negotiation with the Airport Manager and is at the Airport Manager's sole discretion.</p>
Rental Car Storage	<p>Rental Car laydown must not occur in the general Airport Carpark area. Rental Car laydown is allowable in the designated Ready Bays (six of) only. Provision at the Carpark has not been made for Rental Car laydown.</p>

ATTACHMENT 13.3

Consultation

Executive Management Team
Airport Manager – Onslow
Avis Australia

Statutory Environment

Section 3.58 of the *Local Government Act 1995* sets out the means of disposing of property; under subsection (2)(a) by auction or (b) by public tender and, under subsection (3) by the process referred to as 'private treaty', which is the process of this proposed lease. As required, should Council consent to disposing via lease, local public notice will be undertaken:

- Describing the property concerned; and
- Giving details of the proposed disposition; and
- Inviting submissions 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
- Council considering any submission made to it before the date specified in the notice and, if a 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.

Financial Implications

The income generation through the annual lease fee is captured in the 2019/20 budget.

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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 3 Accessible and safe towns

Risk Management

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

Policy Implications

There are no known policy implications for this matter

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That with respect to the Proposed Lease of Portion of Onslow Airport to W.T.H Pty Ltd T/A Avis Australia, Council:

- 1. Endorse the proposal to lease the subject portion of Onslow Airport Terminal and Car Park;**
- 2. Authorise the Acting Chief Executive Officer to finalise negotiations of the terms of the Lease Agreement for a term of three years from 1 May 2020 and expiring on 30 April 2023, with an additional 2 x one year options, from 1 May 2023 to 30 April 2024 and 1 May 2024 to 30 April 2025, for \$46,900 plus GST rental per annum;**
- 3. Authorise the Acting Chief Executive Officer to give local public notice of the proposed disposition by way of Lease; and**
- 4. Should no adverse comments be received, authorise the Acting Chief Executive Officer to execute the Lease Agreement.**

CARRIED 8/0

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**13.4 PROPOSED LICENCE OF PORTION OF ONSLOW AIRPORT TERMINAL
TO VIRGIN AUSTRALIA REGIONAL AIRLINES PTY LTD**

MINUTE: 61/2020

FILE REFERENCE: TT06.21

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

Leona Stevenson
Lease Officer

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

NAME OF APPLICANT/RESPONDENT: Virgin Australia Regional Airlines Pty Ltd

DATE REPORT WRITTEN: 18 March 2020

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

PREVIOUS MEETING REFERENCE: Item 16.2 (Minute No. 11898) Ordinary Meeting of Council
10 December 2014

Summary

Virgin Australia Regional Airlines Pty Ltd (VARA) has held a Licence Agreement for portion of Onslow Airport Terminal since 1 April 2015. The final term of the Licence expires on 31 March 2020, and VARA have requested to enter into a further Licence Agreement.

Council endorsement is sought for delegated authority to be awarded to the Acting Chief Executive Officer to negotiate and execute the required Commercial Licence Agreement.

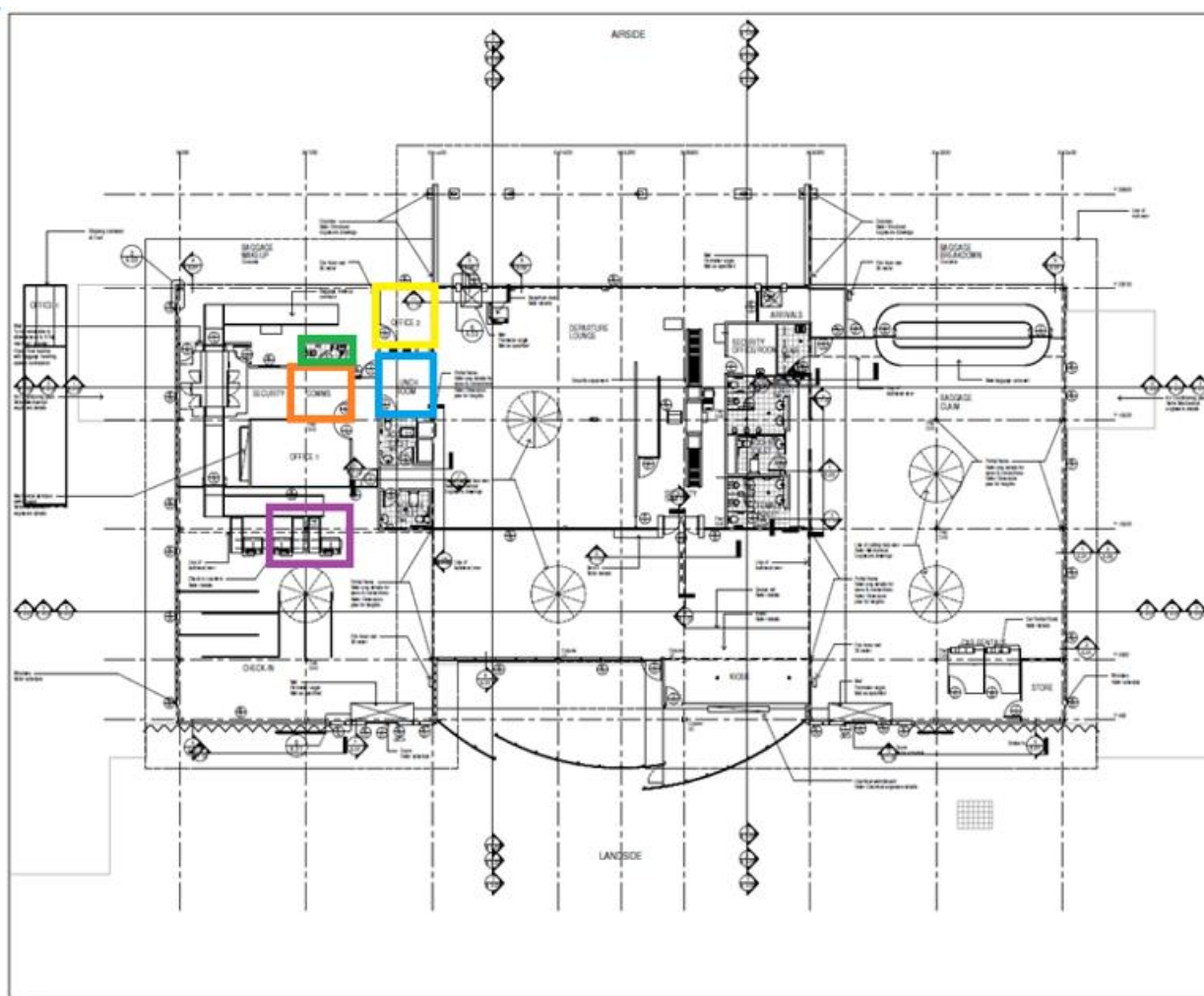
Background

The original Licence Agreement between the Shire of Ashburton and VARA commenced on 1 April 2015 for a three year term, with two further optional one year terms. The Final Term of the Licence Agreement is due to expire on 31 March 2020.

The Licence area leased by VARA comprises the following, shown colour coded on the plan below:

- 2 x check-in counters (hachured purple)
- Shared use of the Dispatch Office, including 1 x Desk, 1 x Chair, 1 x Cupboard (key secured), 1 x Power point, 1 x Data point (hachured yellow)
- Shared use of the Communications Room (hachured orange)
- Shared use of Kitchen Facilities (hachured blue)
- Shared use of Toilet Facilities (hachured green)

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Expected passenger numbers and scheduled flights will require the ongoing presence of VARA representatives at Onslow Airport.

Passenger numbers recorded at Onslow Airport for Financial Year 2018/2019:

2018	Inbound	Outbound
July	3,129	3,433
August	3,218	3,397
September	2,552	2,684
October	2,611	2,763
November	2,292	2,340
December	1,790	2,123
2018 totals	15,592	16,740

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2019		
January	2,317	2,097
February	1,796	1,780
March	1,865	2,003
April	1,725	1,764
May	1,810	1,810
June	1,621	1,500
2019 totals	11,134	10,954
2018/19 Totals	26,726	27,694
Total Passengers 2018/2019	54,420	

Scheduled flights for the next 6 months are estimated to be in the region of 200 flights, based on data from the previous year:

2018	Scheduled flights
July	45
August	44
September	40
October	44
November	34
December	33
2018 Total	240
2019	
January	40
February	32
March	35
April	31
May	30
June	25
2019 Total	193
2018/19 Total Flights	433

Comment

VARA have maintained their licence area in accordance with the respective Licence Agreement and are considered favourable Lessees.

To comply with section 3.58 of the *Local Government Act 1995*, a desktop rental market valuation has been undertaken, following which the annual rent has been set at \$37,920 excluding GST per annum, payable in twelve (12) monthly instalments of \$3,160.00 excluding GST.

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The terms of the agreement are proposed as follows:

Term	3 years, commencing 1 April 2020 until 31 March 2023
Further Term	2 x 1 year further optional terms: 1 April 2023 – 31 March 2024 1 April 2024 – 31 March 2025
Rent	\$37,920 plus GST per annum
Public Liability Insurance	Ten million dollars (\$10,000,000.00)
Rent Review	Annual rent review on 1 April each year in line with Consumer Price Index Perth
Hours of Operation	Terminal Operation times are currently set at 6.30am until 6.30pm, Monday to Friday and 3.00pm until 6.00pm Saturdays and Sundays. The Terminal Operation Times coincide with current Arrival and Departure times. The Terminal Operation Hours are subject to change and are at the discretion of the Airport Manager.
Advertising	The Airport Manager maintains strict control over the subject matter and general appearance of all branding and advertising. The Licensor on the giving of 7 days written notice, can instruct the Licensee to remove any message or display if the material is deemed as unacceptable. If the material is deemed as offensive or detrimental to the Licensor, then action may be taken immediately to remove or cover the material.
Additional Provisions	<p>Check In Counters - The Licensor guarantees the Licensee has sole use of two (2) check-in counters at times that coincide with the Licensee's flight arrival and departure times at Onslow Airport, as amended from time to time and notified to Licensor by the Licensee. Outside of the Licensee's arrival and departure times, Licensee has shared use of two (2) check-in counters.</p> <p>Dispatch Office – The dispatch office is to be utilised for dispatch purposes only. The Licensee will be provided with 1x Desk, 1x Chair, 1x Cupboard (key secured), 1x Power point and 1x Data point. The Licensee is responsible for arranging, managing and making payment for, a Telstra connection for the Licensee's equipment.</p> <p>Hooks, blue tack, sticky tape etc. are not to be used, erected, and installed on walls or furniture without the permission of the Airport Manager. Costs associated with repairs and remediation shall be at the Licensees expense.</p> <p>Communications Room – The Licensor has provided Fibre Optic connection into the Terminal building which terminates at a Telstra device. The Licensee is responsible for arranging, managing and making payment for, a Telstra connection for the Licensee's equipment.</p>

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	<p>Kitchen Facilities – Shared use of kitchen facilities with other Airline Operators and Airport Personnel.</p> <p>Sanitary Facilities – Shared use of sanitary facilities with other Airline Operators and Airport Personnel.</p> <p>Cleaning - basic cleaning check-in counters, dispatch office and communications room is provided by the Shire of Ashburton. This provision does not include cleaning walls of scuff marks caused by the Licensees use, desks, under furniture etc. All areas of use must be kept in a clean and tidy state to allow cleaners easy access for cleaning ie power cords, equipment and all other items should not be stored on the floor or on desks. Should access be impeded the Licensees employees and delegates shall be responsible for cleaning.</p> <p>Terminal Operating Hours – Terminal Operation times are currently set at 6.30am until 6.30pm, Monday to Friday and 3.00pm until 6.00pm Saturdays and Sundays. The Terminal Operation Times coincide with current Arrival and Departure times. The Terminal Operation Hours are subject to change and are at the discretion of the Airport Manager.</p> <p>No Alterations - The Licensee shall not without the Airport Managements consent, remove damage or make any external or internal additions or alteration to any part of the Onslow Airport Terminal.</p> <p>At the end of the Licence Agreement, the Licensee shall remove all fixtures and fittings installed in the Premises and rectify any damage caused by their removal.</p> <p>Compliance with the Law - The Licensee in conducting its business in, on or upon the Onslow Airport Terminal shall:</p> <ul style="list-style-type: none">• Observe and use its best endeavours to cause all its staff or contractor's to observe all Acts for the time being in force, or any by-laws or regulations made thereunder relating to public health or safety and to also observe the requirements of bodies such as the Department of Transport and Infrastructure and the Civil Aviation Safety Authority in relation thereto; and• Cause as little disruption as practicable to the everyday airport activities at the Onslow Airport Terminal.
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ATTACHMENT 13.4

**CONFIRMED PUBLIC MINUTES – ORDINARY MEETING OF COUNCIL
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Consultation

Executive Management Team
Airport Manager – Onslow
Virgin Australia Regional Airlines

Statutory Environment

Section 3.58 of the *Local Government Act 1995* sets out the means of disposing of property; under subsection (2)(a) by auction or (b) by public tender and, under subsection (3) by the process referred to as ‘private treaty’, which is the process of this proposed lease. As required, should Council consent to disposing via lease, local public notice will be undertaken:

- Describing the property concerned; and
- Giving details of the proposed disposition; and
- Inviting submissions 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
- Council considering any submission made to it before the date specified in the notice and, if a 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.

Financial Implications

The income generation through the annual lease fee is captured in the 2019/20 budget.

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 3 Accessible and safe towns

Risk Management

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

Policy Implications

There are no known policy implications for this matter

Voting Requirement

Simple Majority Required

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Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Rumble

That with respect to the Proposed Licence of Portion of Onslow Airport Terminal to Virgin Australia Regional Airlines Pty Ltd, Council:

- 1. Endorse the proposal to licence the subject portion of Onslow Airport Terminal;**
- 2. Authorise the Acting Chief Executive Officer to finalise negotiations of the terms of the Licence Agreement in accordance with the terms of this report and for a term of three years from 1 April 2020 and expiring on 31 March 2023, with an additional 2 x one year options, from 1 April 2023 to 31 March 2024 and 1 April 2024 to 31 March 2025, for \$37,920 plus GST rental per annum;**
- 3. Authorise the Acting Chief Executive Officer to give local public notice of the proposed disposition by way of Licence; and**
- 4. Should no adverse comments be received, authorise the Acting Chief Executive Officer to execute the Licence Agreement.**

CARRIED 8/0

**CONFIRMED PUBLIC MINUTES – ORDINARY MEETING OF COUNCIL
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**13.5 PROPOSED LICENCE AGREEMENT BETWEEN THE SHIRE OF
ASHBURTON AND SARAH GORMAN T/A THE BEDFORD PARABURDOO
FOR PORTION OF RESERVE 40065, PARABURDOO**

MINUTE: 62/2020

FILE REFERENCE:	PR40065
AUTHOR'S NAME AND POSITION:	Leona Stevenson Lease Officer
AUTHORISING OFFICER AND POSITION:	Brian Cameron Director Property and Development Services
NAME OF APPLICANT/RESPONDENT:	Sarah Gorman trading as The Bedford Paraburdoo
DATE REPORT WRITTEN:	18 March 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 16.2 (Minute No. 110) Ordinary Meeting of Council 1 February 2017

Summary

At the February 2017 Ordinary Meeting of Council, Councillors endorsed a Licence between the Shire of Ashburton (Shire) and Sarah Gorman trading as The Bedford Paraburdoo, for Portion of Lot 67 Rocklea Road, Paraburdoo, being Reserve 40065.

The Licence expires on 29 February 2020 and is currently Holding Over on a month by month basis while lease negotiations and compliance with s3.58 of the *Local Government Act 1995* occurred.

Council endorsement is sought for the Acting Chief Executive Officer to finalise and execute a new Licence Agreement for the continued operation of The Bedford Paraburdoo food van, subject to the Minister for Lands consent.

Background

At the Ordinary Meeting of Council in February 2017, Council endorsed the proposal to enter into a licence agreement for Portion of Reserve 40065 being Lot 67 Rocklea Road, Paraburdoo with Sarah Gorman t/a The Bedford Paraburdoo.

The Department of Planning, Lands and Heritage (DPLH) gave section 18 consent for Licence of 98m² of Reserve 40065 with the following mandatory conditions due to the Reserve being created pursuant to section 20A of the (repealed) *Town Planning and Development Act 1928* (replaced by section 152 of the *Planning and Development Act 2005*):

1. The term of the licence is a period of two years;
2. All revenue from the licence be expended only on Reserve maintenance and upkeep;
3. The proposed licence area (indicated below) be depicted as a separate lot for the Shire to licence only that portion of the Reserve; and
4. The Shire would be responsible for the cost of survey actions.

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ATTACHMENT 13.5



All income from the Licence from 2018 – 2020 was been reinvested in Reserve 40065 as required by DPLH, with construction of a new Information Bay, along with general grounds maintenance regularly undertaken.

Comment

The Licensee has requested to enter into another Licence Agreement, although it is noted that the business is for sale. The tenant has been consistent in paying on time, and there have been no other issues recorded regarding the Licensee's tenancy. The food van provides a valuable provision to the community, offering additional choice for dining options in Paraburdoo.

A desktop market rental valuation has been undertaken by MMJ Real Estate as per s3.58 of the *Local Government Act 1995*, following which an annual licence fee of \$2,450 has been set, payable in 12 monthly instalments, rounded to the nearest five dollars being \$205.00 plus GST.

A new Licence has been negotiated with The Bedford Paraburdoo with the following conditions:

Term: 2 years

Commencement: 1 April 2020

Annual Licence Fee: \$2,450 plus GST, payable in 12 monthly instalments, rounded to the nearest five dollars being \$205.00 plus GST

Outgoings: The annual licence fee is inclusive of valuation fees, water consumption and rates, electricity, telecommunications, waste collection charges and grounds maintenance

Essential Terms: Compliance with relevant food legislation

The Department of Planning, Lands and Heritage have given in-principle support of a new Licence on the same terms and conditions as the previous Licence. Consent of the Licence from the Minister for Lands will be sought in accordance with Section 18 of the *Land Administration Act 1997*.

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Council endorsement of the proposed Licence is requested prior to advertisement in accordance with the *Local Government Act 1995*.

Consultation

Department of Planning, Lands & Heritage
Finance Officer – Grants & Budgeting

Statutory Environment

Town Planning and Development Act 1928 (replaced by *Planning and Development Act 2005*)

Local Government Act 1995 Section 3.58 (3) 'Disposing of Property':

"A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –

- (a) It gives local public notice of the proposed disposition...
- (b) Considers any submissions made to it before the date specified in the notice"

Land Administration Act 1997 Section 18 'Crown Land Transactions that need Minister's Approval'

Food Act 2008 (WA) Section 107 'Notification of conduct of food business'

Financial Implications

Department of Planning, Lands & Heritage require all revenue be expended on the maintenance and upkeep of the Reserve.

Strategic Implications

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

Goal 01	Vibrant and Active Communities
Objective 1	Connected, caring and engaged communities
Goal 02	Economic Prosperity
Objective 1	Strong local economies
Objective 2	Enduring partnerships with industry and government
Goal 04	Quality Services and Infrastructure
Objective 3	Distinctive and well-functioning towns

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

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Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Dias

That with respect to the Proposed Licence Agreement between the Shire of Ashburton and Sarah Gorman T/A The Bedford Paraburdoo for Portion of Reserve 40065 Paraburdoo, Council:

- 1. Authorise the Acting Chief Executive Officer to finalise the Licence Agreement between the Shire of Ashburton and Sarah Gorman trading as The Bedford Paraburdoo in accordance with the terms of this report ATTACHMENT 13.5;**
- 2. Authorise the Acting Chief Executive Officer to give local public notice of the proposed disposition (by way of Licence) in accordance with s3.58 of the *Local Government Act 1995*;**
- 3. Authorise the Acting Chief Executive Officer to seek section 18 of the *Land Administration Act 1997* approval from the Minister for Lands of the Licence Agreement; and**
- 4. Subject to approval from the Minister for Lands, authorise the Acting Chief Executive Officer to execute the Licence Agreement between the Shire of Ashburton and Sarah Gorman trading as The Bedford Paraburdoo.**

CARRIED 8/0

**CONFIRMED PUBLIC MINUTES – ORDINARY MEETING OF COUNCIL
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13.6 WILD DOG CONTROL WITHIN THE SHIRE OF ASHBURTON COMMUNITIES

MINUTE: 63/2020

FILE REFERENCE: LE07

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

Kyle Cameron
Coordinator Rangers

AUTHORISING OFFICER AND POSITION: John Bingham
Acting Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Cr Peter Foster

DATE REPORT WRITTEN: 30 March 2020

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

PREVIOUS MEETING REFERENCE: Agenda Item 16.1 (Minute No 45/2020) Ordinary Meeting of Council 10 March 2020

Summary

This report provides an insight into what the Shire's Ranger Services team is actively implementing in relation to wild dog control within the Shire's townships.

Background

At the Ordinary Meeting of Council held 10 March 2020, Cr Foster tabled a Notice of Motion regarding Wild Dogs and community concerns and interactions with these dogs as stated below;

Councillor Motion and Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That with respect to the Notice of Motion – Wild Dogs, Cr Foster has requested:

1. *A report from the Acting Chief Executive Office for the next Ordinary Meeting of Council to be held in Tom Price on Tuesday 14th April outlining;*
 - *what actions the Shire of Ashburton is taking to control wild dogs across the community, and to consider taking further action including allocating additional Council resources such as increasing the ranger presence in the Shire;*
 - *the use of contractors to control wild dogs, and regular communications with Shire residents about how to report a wild dog, how to keep safe from wild dogs; and*
 - *actions that the Shire is taking to control wild dogs as little information is being shared with the community at present.*

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Comment

Actions taken to date:

It should be noted that under the *Biosecurity and Agriculture Management Act 2007*, Landowners are responsible for the control of wild dogs.

Wild dog patrols have been conducted on a regular basis since February, Rangers have been conducting early morning and evening patrols, when the dogs are at their most active, resulting in 14 dogs being euthanized.

Out of the 14 wild dogs euthanized four dogs were of adult size, but under 18 months old, while the remaining dogs were all approximately under 12 months old.

It is also important to mention that wild dogs will never enter a dog cage trap, which excludes this method as an option for the removal of wild dogs.

Ranger Services cannot be licenced to use soft claw traps and strychnine, which is the method used by professional wild dog trappers. Local police have been informed of the Wild Dog program and are happy with actions taken to date.

Further Actions/Additional Actions

Shire Rangers will continue to carry out early morning and evening patrols, due to the increased number of wild dog sightings.

These patrols will be re-evaluated if wild dog sightings and reporting from community regarding wild dog activity is notably reduced.

Use of External Contractors

During the period of 2011 – 2014 the Shire employed the services of professional trappers at a cost of \$1,300 per day as part of the Shires Wild Dog Program.

The trappers used soft-claw traps and strychnine as part of this program. At the beginning of this operation, the Shire allocated a budget of \$20,000 annually to run the Wild Dog program, which was reduced to \$5,000 by the end of 2014 due to the reduced number of wild dogs in and around the townships.

Results of this program illustrated that 3 to 4 dogs were removed annually as a result of the traps, while the remainder were removed via the use of firearms. At the conclusion of this program it was clear that the evidence supported that the best methods for wild dog control was a mixture of trapping and shooting, however there was considerable backlash from the community with the use of strychnine and soft-claw traps. The community was made aware by the fact that the Shire has a legal obligation to advertise the use of strychnine and the locations where it is proposed to be used.

With the current resources available and our Coordinator of Rangers being back on board, we believe we have the capacity to deal with the current wild dog activity internally within our communities.

Community Information and Media updates

Public safety information has been posted on the Shire of Ashburton Facebook page, and continues to be regularly updated.

In the past 12 months, 10 Customer Action Request (CAR) Forms have been lodged through to Ranger Services - each case has been followed up with 6 case closed off and the current 4 received on the weekend 5 April 2020 are currently being followed up and will closed off this week.

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The removal of wild dogs is an especially sensitive issue and one that is divisive within the community, with the Rangers sometimes having to make situational on the spot decisions, which may involve taking drastic steps when dealing with wild dogs.

The number of wild dogs removed and methods used to remove these dogs will not be made available to the public, due to the confidentiality and sensitivity - as is the case with all functions overseen by Ranger services that involve the euthanizing of animals.

All actions taken to date have been filed and recorded on the Shire's Synergy records data entry program.

Summary

We believe the Shire's Ranger Services Team is doing everything within the legislated powers and duties to carry out the control of wild dogs and doing so, with the community sensitivity that is often involved.

If the Council decides to direct the Shire to employ the services of external contractors to assist with the control of wild dogs, an annual operational budget of approximately \$20,000 will need to be considered.

The Ranger services have provided a program outlining the current internal operational measures used for the control of wild dogs.

ATTACHMENT 13.6A

Consultation

Executive Management Team
Ranger Services team

Statutory Environment

Local Government Act 1995

s.35 - Dog Act 1976

s.22.2 – Biosecurity and Agriculture Management Act 2007:
States that Wild Dogs and Dingo's are a declared pest.

s 30 - Biosecurity and Agriculture Management Act 2007;
States it is a legal requirement for all Local Governments to remove declared pests and vermin from lands where the local government is the owner occupier.

ATTACHMENT 13.6B

Financial Implications

Should the Wild Dog Trapper Program be implemented the estimated budget expenditure required would be \$20,000 based on prior year experience.

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

Risk Management

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

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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 Wild Dog control within the Shire of Ashburton Communities, Council:

1. Note the current actions being undertaken by the Shire Ranger Services team in relation to wild dog control; and
2. Authorise the Chief Executive Officer to:
 - a. implement, should it be deemed necessary, a professional trapper program to control wild dog numbers in the district; and
 - b. seek and obtain the required regulatory training and permitting licences for Rangers to add soft-claw trapping methods of control to the wild dog program.

Alternate Council Resolution

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That with respect to the Wild Dog control within the Shire of Ashburton Communities, Council:

1. Note the current actions being undertaken by the Shire Ranger Services team in relation to wild dog control; and
2. Authorise the Chief Executive Officer to:
 - a. implement, should it be deemed necessary, a professional trapper program to control wild dog numbers in the district;
 - b. seek and obtain the required regulatory training and permitting licences for Rangers to add soft-claw trapping methods of control to the wild dog program;
 - c. Request the Acting Chief Executive Officer to consult with the Media Manager and the Coordinator of Ranger Services to release a media statement to update the community on the actions taken to date; and
 - d. Request that the Acting Chief Executive Officer engage with the Pilbara Regional Biosecurity Group in regards to wild dog control in reference to 2 (a) and 2 (b) above.

CARRIED 8/0

The mover and seconder gave their permission in regard to the alternate recommendation

Reason for change: Council requires further communication with internal and external stakeholders.

Mr K Cameron left the meeting at 2.48 pm.

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13.7 ONSLOW SUN CHALETS

MINUTE: 64/2020

FILE REFERENCE: SEC.0588

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

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 30 March 2020

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

PREVIOUS MEETING REFERENCE: Agenda Item 18.5 (Minute No. 708/2019) Ordinary Meeting of Council 22 December 2019

Summary

In August 2014, Council authorised the Chief Executive Officer to negotiate and enter into a Lease Agreement with Ashburton Investments Pty Ltd (AIPL) for the Onslow Sun Chalets (OSC) on Reserve 35889, Second Avenue Onslow.

In October 2019, Council endorsed a lease fee reduction to \$100,000 (ex GST) per annum. AIPL advised in December that they continue to trade at a loss and are now insolvent. AIPL will be placing the company into liquidation prompting the lease to be terminated.

To allow the facility to continue to operate, Council endorsement is requested for purchase of the minor assets on the premises, from AIPL. Additionally, fees and charges associated with the premises require Council's support.

Background

AIPL has leased the OSC since August 2005. The terms of the current Lease Agreement between the Shire of Ashburton and AIPL for Lot 588 Second Avenue, Onslow are as follows:

- Commencement Date: 21 January 2015
- Term: An initial ten years, with an option for a further ten year term
- Lease Fee: \$100,000 (excluding GST) per annum, in accordance with the October 2019 lease fee reduction

Due to the Lessees inability to increase revenue as a result of the increase in competing accommodation available in Onslow and the failure of cost saving initiatives in the last two years to make the operation profitable, AIPL requested a lease fee reduction at the February 2018 Ordinary Meeting. Council decided that AIPL was required to complete Stage One redevelopment works prior to considering the request. Stage One's redevelopment works were completed in February 2019.

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At the March 2019 Ordinary Meeting of Council, Council endorsed the 12 month suspension of Stage Two's redevelopment however, did not support a further request for a lease fee reduction. After reviewing a further lease fee reduction request in August 2019, Council resolved to seek further information from the Lessee prior to further consideration. This was presented at the October 2019 Ordinary Meeting of Council, where it was resolved to:

1. Advise Ashburton Investments Pty Ltd that the lease fee will be \$100,000 pa (ex GST and subject to CPI increases as per the current lease) for 2 years;
2. Ensure a further appraisal is to be undertaken after two years to determine the appropriate market rental value of the property

To sustain the OSC financials, AIPL were receiving advances from Onslow BC Limited, another Evans entity. Based on recent and projected financial statements there is no prospect of AIPL repaying the funds, therefore the Directors of Onslow BC Limited have decided there will be no further advances, resulting in AIPL facing insolvency.

As Council noted at the December 2019 Ordinary Meeting of Council, AIPL attempted to sell the business to two interested parties, however they have both withdrawn their interest.

Comment

In December 2019, AIPL offered first right of refusal to the Shire for the minor assets however an agreed price was not reached. Negotiations in March 2020 resulted in AIPL accepting \$65,000 ex GST for all minor assets on the premises allowing business continuity when AIPL relinquish the Lease.

ATTACHMENT 13.7

Termination of the Lease occurred at 4PM Tuesday 31 March 2020, with manuals, passwords, keys, etc. handed to the Shire.

The OSC will be operated ancillary to the Ocean View Caravan Park (OVCP) to see economic efficiencies in:

- Cleaning costs
- Cleaning products
- Marketing
- Booking system
- Minor assets
- Management
- Laundering

All assets have been added to the Shire's insurance schedule to ensure adequate coverage.

The following fees & charges are proposed, in line with the current rates for the facility.

G/L Code	Description	Basis of Charge	GST Y/N	Statutory Fee 'S'	Proposed Fee
Motel Units					
TBA	Nightly Charge - 1-2 Adults	Per night	Y	N	\$150.00
TBA	Weekly Charge – 1-2 Adults	Per week	Y	N	\$750.00

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G/L Code	Description	Basis of Charge	GST Y/N	Statutory Fee 'S'	Proposed Fee
Chalets					
TBA	Nightly Charge - 1-2 Adults	Per night	Y	N	\$240.00
TBA	Additional Guest Adult	Per adult per night	Y	N	\$15.00
TBA	Additional Guest Child	Per child per night	Y	N	\$10.00
TBA	Weekly Charge – 1-2 Adults	Per week	Y	N	\$1,250.00
General Charges					
TBA	Washing Machine Fee	Per wash	Y	N	\$4.00
TBA	Lost Key	Per key	Y	N	\$25.00
TBA	Excess Cleaning Charge	Per hour	Y	N	\$50.00
TBA	Damaged/Missing Property	Per item	Y	N	Repair/replacement cost plus 10%
TBA	Booking Deposit	Per booking	Y	N	1 x night cost
TBA	Cancellation Fee (14 days or more)	Per booking	Y	N	\$21.00
TBA	Cancellation Fee (less than 14 days)	Per booking	Y	N	1 x night cost
TBA	Early Departure	Per booking	Y	N	1 x night cost

Consultation

Executive Management Team

Manager Western Facilities & Aquatics

Chief Financial Officer – NTC Contracting (on behalf of Ashburton Investments Pty Ltd)

Statutory Environment

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

The Local Government Act 1995, Section 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*

Local Government Act 1995, Section 6.16 (Imposition of fees and charges), 6.17 (Setting level of fees and charges) and 6.19 (Local government to give notice of fees and charges).

Section 6.19 requires that the local government provides local public notice of proposed new fees and the date the new fee will be applied from. It is proposed the new enclosed site fee be applied from 2 August 2017.

Local Government Act 1995, Section 1.7 (Local public notice [7 days]).

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Financial Implications

AIPL have no arrears on their Shire of Ashburton account. The lost lease fee income is ~\$15,000 (ex GST) for the remainder of this financial year.

Negotiations for the minor assets on the premises resulted in an agreed purchase price of \$65,000 ex GST.

The Shire will be responsible for management (bookings, cleaning etc) and ongoing asset maintenance costs which are currently not budgeted for. It is proposed these expenses be covered through budget surplus. New GL's will be created for Salaries (\$5,000) for cleaning costs, Building (\$10,000), while existing GL O440 will require additional funds to provide budget for \$25,000 expenditure. Due to the current COVID-19 pandemic it is not envisaged accommodation will be required for the remainder of the 2019/20 financial year resulting in low income and expenditure for the premises.

A budget amendment is required for provision of the above expenditure (assets, salaries, operating and building), which is proposed to be obtained from the following:

11350970	Works Prog/Ocean View C/Park GEN	\$35,000
W289	Works Prog/Barrarda Estate	\$25,000
B437	Onslow Business House	\$10,000
11300370	Consultant/Project Costs	\$15,000
1102323	Consultancy Fees GEN	\$10,000
10412320	Newsletter, Promotion, Social Media, Website Expenditure GEN	\$ 9,000

Strategic Implications

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

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

Goal 02 Enduring Partnerships
Objective 1 Strong local economies
Objective 3 Well-managed tourism

Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Moderate (5)" due to the alternative accommodation options available in Onslow. The risk can be managed with adequate controls, specific procedures and the application of resources. Monitoring will be ongoing by the Director Property and Development Services.

Policy Implications

ELM10 Financial Sustainability Policy
ENG09 Asset Management Policy

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Voting Requirement
Absolute Majority Required

Officers Recommendation and Council Decisions

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That with respect to the Onslow Sun Chalets, Council:

- 1. Acknowledge termination of the Lease between Shire of Ashburton and Ashburton Investments Pty Ltd for the Onslow Sun Chalets on Reserve 35889, Onslow;**
- 2. Acknowledge purchase of the minor assets as listed in ATTACHMENT 13.7 for \$65,000 ex GST;**
- 3. Approve the following budget amendments:**
 - a. Decrease GL Operating Expenditure Accounts:**
 - i. GL no. 11350970 from \$36,794.00 to \$1,794.00 (-\$35,000.00),**
 - ii. GL no. W289 from \$115,000.00 to \$90,000.00 (-\$25,000.00),**
 - iii. GL no. B437 from \$12,631.00 to \$7,631.00 (-\$5,000.00); and**
 - b. Increase new GL Expenditure Account GL from \$0 to 65,000;**
 - c. Decrease GL Operating Expenditure Account GL no. 1041232 from \$59,707.18 to \$54,707.18 (-\$5,000.00);**
 - d. Increase new GL Salaries Expenditure Account GL from \$0.00 to \$5,000.00;**
 - e. Decrease GL Operating Expenditure Accounts:**
 - i. GL no. B437 from \$7,361.00 to \$2,361.00 (-\$5,000.00),**
 - ii. GL no. 11300370 from \$29,800 to \$14,800 (-\$15,000.00), and**
 - iii. GL no. 1041232 from \$54,707.18 to \$50,707.18 (-\$4,000.00);**
 - f. Increase GL Operating Expenditure Account GL no. O440 from \$1,000.00 to \$25,000.00;**
 - g. Decrease GL Operating Expenditure Account GL no. 102323 from \$12,800.00 to \$2,800.00 (-\$10,000.00);**
 - h. Increase new GL Building Expenditure Account GL from \$0.00 to \$10,000.00;**
 - i. Decrease Income Account GL no 132168 (Lease Fee) from \$83,000 to \$68,000;**
- 4. Endorse the following fees and charges for the facility and authorise the Acting Chief Executive Officer to provide local public notice of the fees and charges to be imposed from 1 May 2020.**

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G/L Code	Description	Basis of Charge	GST Y/N	Statutory Fee 'S'	Proposed Fee
Motel Units					
TBA	Nightly Charge - 1-2 Adults	Per night	Y	N	\$149.00
TBA	Weekly Charge – 1-2 Adults	Per week	Y	N	\$750.00
Chalets					
TBA	Nightly Charge - 1-2 Adults	Per night	Y	N	\$240.00
TBA	Additional Guest Adult	Per adult per night	Y	N	\$15.00
TBA	Additional Guest Child	Per child per night	Y	N	\$10.00
TBA	Weekly Charge – 1-2 Adults	Per week	Y	N	\$1,250.00
General Charges					
TBA	Washing Machine Fee	Per wash	Y	N	\$4.00
TBA	Lost Key	Per key	Y	N	\$25.00
TBA	Excess Cleaning Charge	Per hour	Y	N	\$50.00
TBA	Damaged/Missing Property	Per item	Y	N	Repair/replacement cost plus 10%
TBA	Booking Deposit	Per booking	Y	N	1 x night cost
TBA	Cancellation Fee (14 days or more)	Per booking	Y	N	\$21.00
TBA	Cancellation Fee (less than 14 days)	Per booking	Y	N	1 x night cost
TBA	Early Departure	Per booking	Y	N	1 x night cost

CARRIED BY ABSOLUTE MAJORITY 8/0

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13.8 CAPEX BUDGET VARIATION FOR THE PROPOSED TOM PRICE TENNIS CLUB UPGRADES, LOT 340 WILLOW STREET TOM PRICE

MINUTE: 65/2020

FILE REFERENCE: RC45726

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

AUTHORISING OFFICER AND POSITION: John Bingham
Acting Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 27 March 2020

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The Shire requests for Council to consider a variation to the approved CAPEX budget, for the proposed Tom Price Tennis Club Upgrades project from \$800,000 to \$1,500,000, which equates to an increase of \$700,000.

Background

The original 2019/20 CAPEX budgeted amount for the proposed Tom Price Tennis Club upgrades was \$800,000.

Due to investigations carried out on site relating to foundation concerns and the rectification works required to remediate the site, the allotted budget will need to be increased substantially to cover these costs.

Based on estimated costings provided by BSM Consulting Quantity Surveyors, the project budget will need to be increased by \$700,000 to a total budget of \$1,500,000.

ATTACHMENT 13.8A

Comment

Upon commencement with the implementation of the concept plans for the Tom Price Tennis Club upgrades and as a result of a site inspection by HQ Management, where Kevin Pickering (Project Manager HQ Management) raised concerns relating to the state of the courts and in particular the surface beneath the court lining material, he recommended that we seek the services of a structural engineer to determine the structural stability of the foundation before progressing any further.

The inspection required some inspection holes to be cut and dug under each of the courts in order to make a more precise indication of the existing condition of the foundation beneath the

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courts and the site as a whole. A Structural Engineer from Local Geotechnics visited the site and provided a written report.

ATTACHMENT 13.8B

In summary, the report from Local Geotechnics indicated that the site subgrade material and the foundation in various areas throughout the site was very poor and required extensive works and replacement of poor subgrade material with adequate subgrade materials, before commencement of any works.

Also noted on site by the engineer from Local Geotechnics was the poor state of the existing site drainage, which was ineffective with the existing problems to be compounded by the proposed works, in which the report provides recommendations for the upgrade and rectification works required.

Preliminary Plans have been completed by Whitehaus Architects and these were provided to BSM Consulting Quantity Surveyors for the project cost estimation.

ATTACHMENT 13.8B

The foundation, drainage rectification works together with increased building costs based on the costs estimation from BSM Consulting Quantity Surveyors, has resulted in the need for the additional funds for completion of the project in its entirety.

If the additional funds are approved, redevelopment of the Tom Price Tennis Club will commence immediately following further discussion with the respective club representatives, and the procurement process for the successful submission to construct.

Consultation

Executive Management 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

The current budget for the Tennis Club Upgrade project will need to increase by \$700,000, from \$800,000 to \$1,500,000 in order to fund the revised estimates. The increase is proposed to be funded from the Future Projects Reserve and would therefore not impact the budget surplus.

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

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Risk Management

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

Policy Implications

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

Voting Requirement

Absolute Majority Required

Officers Recommendation

That with respect to the Capex Budget Variation for the Proposed Tom Price Tennis Club Upgrades, Lot 340 Willow Street, Tom Price, Council:

- 1 Approve an amendment to the CAPEX budget for the proposed Tom Price Tennis Club upgrades as follows:
 - a. Increase Expenditure Account GL AB2013 Tom Price Tennis Club Upgrade by \$700,000 from \$800,000 to \$1,500,000; and
 - b. Increase Capital Income Account GL 113026 Transfer from Future Projects Reserve by \$700,000 from \$0 to \$700,000.

Alternate Council Resolution

MOVED: Cr K White

SECONDED: Cr D Dias

That with respect to the Capex Budget Variation for the Proposed Tom Price Tennis Club Upgrades, Lot 340 Willow Street, Tom Price, Council:

1. Request the Acting Chief Executive Officer to revise the business case and review the financial costings which can be provided back to Council at a later date.

Adjournment

MOVED: Cr Foster

SECONDED: Cr M Lynch

2.53 pm, The Presiding Member advised that the meeting is adjourned due to technical difficulties associated with the electronic meeting and will reconvene when resolved.

Roll call, all Councillors were present and visual upon the adjournment.

CARRIED 8/0

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Reconvene

MOVED: Cr Foster

SECONDED: Cr M Lynch

2.59 pm, The Presiding Member reconvened the electronic meeting, with the following Councillors in attendance:

Roll Call - Cr White, Cr Dias, Cr de Pledge, Cr Richardson, Cr Diver, Cr Lynch and Cr Foster and Cr Rumble.

CARRIED 8/0

Vote taken at 3.00 pm

CARRIED BY ABSOLUTE MAJORITY 8/0

The mover and seconder gave their permission in regard to the alternate decision

Reason for change: Council have requested further information to make a sound financial decision for this project.

14. COMMUNITY SERVICES REPORTS

14.1 COVID-19 – PANDEMIC PLAN, BUSINESS CONTINUITY PLAN AND COMMUNITY RECOVERY ARRANGEMENTS

MINUTE: 66/2020

FILE REFERENCE: GV04

AUTHOR'S NAME AND POSITION: Kellie Bartley
Director Community Services

AUTHORISING OFFICER AND POSITION: John Bingham
Acting Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 5 April 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 7.1 (Minute No. 50/2020) – Special Meeting of Council 21 March 2020

Summary

The purpose of this report is for Council to consider the proposed Shire of Ashburton Pandemic Plan. The Shire is also required to note the Business Continuity Plan and preparation, response and recovery guidelines which the Shire of Ashburton are in the process of implementing actions and outcomes related to the associated documents for COVID-19.

Background

Council held a Special Meeting of Council on 21 March 2020 and the following Council Resolution was endorsed by Council:

Councillor Recommendation

That with respect to the Coronavirus (COVID-19) and the Impact on the Shire and Business, Council:

- 1. Will consider the State and Federal Government Recommendations and will provide guidance to the community as information comes to hand.*

Council Decision

MOVED: Cr P Foster

SECONDED: Cr Rumble

- Note the Western Australian State Government's declaration of a State of Emergency and Public Health Emergency in respect of COVID-19 Pandemic with effect from 12am 16 March 2020;*
- Note the Western Australian Government's Pandemic Plan dated March 2020;*https://www.wa.gov.au/sites/default/files/2020-03/WAGPP_2.pdf

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3. *Instruct the Acting Chief Executive Officer to develop a local Ashburton Pandemic Plan for consideration at the next Ordinary Meeting of Council in Tom Price on 14 April 2020;*
4. *Review operation of the Shire's facilities in consultation with Councillors and in line with Government advice including a possible extension of the pool season for an additional few weeks;*
5. *Instruct the Acting Chief Executive Officer to bring a report back to Council on suggestions on how Council can assist local business and clubs who are experiencing financial losses as a result of COVID-19;*
6. *Write to the Minister for Aboriginal Affairs Ben Wyatt to clarify the closure of aboriginal communities, and the affect it will have on the residents of these communities including leaving community for shopping and medical supplies and attending funerals; and*
7. *Write to the Health Minister Roger Cook to clarify delivery of health services across our towns and aboriginal communities including advocating for a Community Health Nurse in Onslow.*

CARRIED 6/0

As outlined in point 3 of the decision of Council, the Shire of Ashburton is required to develop the Shire of Ashburton Pandemic Plan in relation to the current COVID-19 crisis.

Comment

The *Emergency Management Act 2005* specifies that it is the responsibility of the local government to manage recovery following an emergency affecting the community in its district. Recovery is defined in the Act as “the support of emergency affected communities in the reconstruction and restoration of physical infrastructure, the environment and community, psychosocial and economic wellbeing”.

The Government of Western Australia declared a State of Emergency on 16 March 2020 and a Public Health Emergency on 17 March 2020 in response to COVID-19 Coronavirus.

The following plans and activated meetings/committees that the Shire of Ashburton Shire Officers and relevant stakeholders are actively involved for staff and external stakeholders.

Pandemic Plan

Council had instructed the Acting Chief Executive Officer to develop a local Shire of Ashburton Pandemic Plan. A copy of the plan is attached for Council's consideration. The Shire's Environmental Health Officers have developed the Pandemic Plan that incorporates the WA Pandemic Plan and the State Recovery Plan.

**AMENDED CONFIDENTIAL ATTACHMENT 14.1A
CONFIDENTIAL ATTACHMENT 14.1B**

As part of its emergency management planning, the Shire of Ashburton has developed this Pandemic Plan in response to the COVID-19 coronavirus outbreak, which was characterised as a pandemic by the World Health Organisation (WHO) Director General on 11 March 2020.

The focus of emergency management is Mitigation, Preparedness, Response and Recovery. The major determinant of the severity of the COVID-19 Pandemic Plan, as measured by the number of cases of severe illness and deaths, is the inherent degree of damage of the virus.

Pandemics are epidemics on a global scale. For a communicable disease, such as coronavirus to have pandemic potential, it must meet three criteria:

- Humans have little or no pre-existing immunity to the communicable disease;
- The communicable disease leads to illness in humans; and
- The communicable disease has the capacity to spread efficiently from person to person.

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The impact of a pandemic depends on how sick the virus makes people (clinical severity), the ability of the virus to spread between people (transmissibility), the capacity of the health system, the effectiveness of interventions and the vulnerability of the population.

The National Communicable Diseases Plan outlines the roles and responsibilities of the Australian Government, States and Territories and Local Governments. It also details agreed coordination arrangements for the management of communicable diseases of national significance and their consequences.

The Western Australian State Government Pandemic Plan requires all Local Governments to:

- Provide community leadership and support the maintenance of civil society;
- Maintain emergency management plans and capabilities under the State's emergency management framework;
- Maintain business continuity plans to deliver essential services;
- Represent the interests of local communities and businesses in broader planning processes;
- In partnership with State and Territory Governments, inform the public of planning, preparations, response and recovery activities;
- Work with State and Territory Governments to tailor public information to the needs of the community, particularly to support vulnerable groups; and
- Provide support with other local resources as requested by the Department of Health's State Health Epidemic Coordinator or local State, Metropolitan or Regional Human Epidemic Control Centres.

This Plan, supports the Western Australia Government Pandemic Plan (WAGPP), which outlines the Western Australia Government's whole of government plan for protecting the community and minimising the impact of a human epidemic (of pandemic nature) on Western Australia.

Business Continuity Plan – COVID-19 Working Group

The COVID-19 working group involves the relevant Shire Officers who have met on a weekly basis to overview the required changes identified in relation to COVID-19 and the Shire's service deliverables. Shire Officers have updated the Shire's Business Continuity Plan to create a specific Business Continuity Plan COVID-19 Pandemic. A copy of the plan is attached for Council's consideration and it must be noted it is a live working document.

CONFIDENTIAL ATTACHMENT 14.1C

The document details critical functions, current strategies, roles, responsibilities and contains a series of checklists to prompt key decision making within the Shire. It identifies the strategies and actions to achieve business continuity, and is an agile document noting that the risk associated with this specific event is not static.

Key messages:

- People safety (be it of staff, clients or contractors) is of fundamental importance.
- Appropriate planning is essential to minimise the impact of an issue.
- An appropriate governance structure needs to be in place to effectively manage resources and communication during a significant adverse event.
- We have a responsibility to continue to support and serve the community.
- Business continuity is key to not only dealing with the crisis, but recovering in an effective and expedient manner.

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The purpose of the COVID-19 Working Group (working group) is to oversee, recommend and track key actions associated with the Shire response to the ongoing Pandemic.

- The Chair or delegate will be responsible for keeping Council informed of the circumstances pertaining to the event.
- The working group will identify recommendations for managing the event in line with this plan which will either be operationally approved and allocated through the chair or escalated to Council depending on the nature of the item.
- Importantly, recommendations will be agreed according to the stated goals of:
 - Slowing down the rate of spread of the virus in both staff and the community.
 - Following the State Government's WA Pandemic Plan.
 - Minimising exposure of staff and volunteers to the virus particularly those who are vulnerable as defined by the Health Department of WA.
 - Maintaining wellbeing (physical and mental) of staff and volunteers.
 - Ensure continuity of as many functions of the Shire as possible whilst providing flexibility for us to respond to changing situations.
 - Ensuring honest and regular communication is occurring with staff and the community.
 - Preparing for the recovery of the Shire after the Pandemic.

The overall approach is to attempt to keep business continuity as much as possible whilst maintaining a safe working environment for staff and stakeholders. Staff have been working towards working remotely and changing the face-to-face meetings into teleconferencing or Webex meetings. The organisation will need to review the service deliverables and community capacity in the coming weeks and have consideration of how the local government is to become more effective in this new environment.

With the changing environment, the Shire Administration building may be reduced to essential staff only. Whilst Officers are preparing for this, a complete shutdown is not proposed at this stage. This report deals with efforts being made to keep as many shire services and facilities running as long as possible. Senior Management are also planning as to how essential services could be maintained for the longevity during the COVID-19 pandemic.

OASG & ISG

In response, meetings have been held with the Pilbara Operational Area Support Group (OASG), Inland and West Incident Support Group (ISG) which addresses any agency updates in relation to areas associated with the Department of Health updates of the current situation, any significant issues, business continuity, anticipated impacts, issues of concerns and any further information that needs to be addressed in relation to COVID-19.

The Local Emergency Management Committee was held on 16 and 26 March 2020 (see **ATTACHMENTS 9.0.5 and 9.0.6**) and a new Local Incident Support Group Wellbeing Committee (ISG) currently pending approval from State Government Agencies to be able to activate and have the support from WAPOL and DoH.

Local Wellbeing Committee

The Shire of Ashburton is in discussions with WAPOL to initiate 4 sub-committees that involve Pannawonica, Tom Price, Onslow and Paraburdoo. These committees will include WAPOL, DoH, Shire staff and the relevant community stakeholders in each town.

The key functions of these committees is to provide advice to assist the effected communities in assisting the towns to re-establish economic, social, environmental, emotional and physical well-being. Actions will be required to be discussed at the Inland & West ISG via each agency and other actions may be brought back to Council for consideration.

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The primary objectives of the Committee will include:

- To provide advice and guidance to assist in the restoration and strengthening of community well-being during the Coronavirus Pandemic
- To facilitate understanding on the needs of the impacted community in relation to community wellbeing
- To assess and recommend priority areas, projects, and activities to assist in the immediate and short-term regarding the restoration and strengthening of community wellbeing
- To assess and recommend medium and long term priority areas to the ISG/OASG(Inland/ West) for consideration to assist in the restoration and strengthening of community wellbeing

Conclusion

There is no certainty on how the COVID-19 virus will affect the Shire over the coming year.

The plans and scheduled meetings are there to assist the Shire and relevant stakeholders to ensure the organisation is as well prepared as possible and staff and the stakeholders are supported during this time. Planning to protect the critical functions for the community is a key consideration for the organisation.

It is likely that further reports will be presented to Council regarding this matter as the situation changes and unfolds. However, the recommendations contained in this report are designed to be the best for the organisation at this time.

Consultation

Executive Management Team
Environmental Health Officers
Cr Diver (LEMC)
Tom Price WAPOL
DoH – Local & Regional
DFES – Pilbara Region
Relevant Local Community Stakeholders

Statutory Environment

Per the Western Australian Government's Pandemic Plan key legislation supporting emergency management of a human epidemic occurring in Western Australia includes the *Public Health Act 2016 (WA)*, the *Emergency Management Act 2005 (WA)*, the *National Health Security Act 2007* and the *Quarantine Act 1908*.

The *Public Health Act 2016 (WA)* and *Emergency Management Act 2005 (WA)* provide powers that may be used to manage an emergency as a result of a human epidemic which requires a significant and coordinated response.

Federal legislation such as the *Commonwealth Biosecurity Act 2015* provides a mechanism for the Commonwealth to direct States and state agencies.

The *Local Government Act 1995* continues to provide the legislative framework in which Council operates as a quasi-judicial body during a declared emergency, albeit within the constraints provided by other legislation.

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Financial Implications

There were no known financial implications for this matter however is a separate agenda item to be tabled in relation to the possible effect of the COVID-19 to our community and the Shire of Ashburton.

Strategic Implications

COVID-19 was not identified or planned for in the Shire's Strategic Community Plan or Corporate Business Plan.

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

Goal 01 Vibrant and Active Communities
Objective 1 Caring and engaged communities

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 "Medium" risk and will be managed by specific monitoring and response procedures in the coming months as COVID-19 is consistently being reviewed by the Federal/State Government guidelines.

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That with respect to COVID-19 – Pandemic Plan, Business Continuity Plan and Community Recovery Arrangements, Council:

- 1. Resolve that AMENDED CONFIDENTIAL ATTACHMENT 14.1A, CONFIDENTIAL ATTACHMENT 14.1B and 14.1C are confidential in accordance with s5.23 (2) of the *Local Government Act 1995* because it deals with matters affecting s5.23 (2) (a);

"a matter affecting an employee or employees"**
- 2. Adopt the Shire of Ashburton Pandemic Plan as contained in AMENDED CONFIDENTIAL ATTACHMENT 14.1A; and**
- 3. Note the live document of the Shire of Ashburton Business Continuity Business Plan as contained in CONFIDENTIAL ATTACHMENT 14.1C.**

CARRIED 8/0

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15. INFRASTRUCTURE SERVICES REPORTS

15.1 RFT 24.19 DESIGN AND CONSTRUCT ONSLOW DEPOT VEHICLE STORAGE STRUCTURE

MINUTE: 67/2020

FILE REFERENCE: CM24.19

AUTHOR'S NAME AND POSITION: Alan McColl
Manager Operations

AUTHORISING OFFICER AND POSITION: John Bingham
Acting Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 1 April 2020

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

A Request for Tender (RFT) 24.19 - Design and Construct Onslow Depot Vehicle Storage Structure was issued via Tenderlink and The West Australian on Wednesday 11 December 2019.

Two tenders were received in response. The evaluation panel has completed its assessments of the submissions and their recommendations are included in this report.

Background

The Shire is committed to protecting and safeguarding its Plant and Equipment. The Depot Vehicle Storage Structure is designed to house industrial heavy vehicles including graders with a view to maintaining and preserving their condition and extending their asset life.

Comments

Evaluation of Submissions

The evaluation panel assessed two submissions and concluded the following:

Submission No.1 – This submission lacked both sufficient detail of project scope and experience in completing similar projects. The panel decided this contractor presented a risk to additional costs due to concerns with the quality of the finished product.

Submission No.2 – This submission was acceptable in both capacity to complete the job as well as company experience in completing similar projects. The quoted price however was above the budgeted \$140,000 allocated to the project and would require a Council approved budget variation of \$105,121 were it to be awarded.

The panel's decision was to decline submission one based on lack of detail in project scope and experience whilst submission two was not favoured either due to cost.

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COVID-19 and Local Government Sector advice

Premier Mark McGowan and Minister David Templeman recently addressed Local Governments advising the best ways to respond to the impact of COVID-19 pandemic. Two clear messages were conveyed:

- Local Government's '*should seek to support communities and find ways to stimulate local economies*'; and
- Local Government's should realise '*the current situation is not business as usual and therefore normal practices and processes are out the door*'.

Following on from this WALGA released a suggested Local Government Sector Response to COVID-19 at its State Council Resolution 27 March 2020. The following is to be noted in relation to capital expenditure:

- Bring forward capital works and infrastructure spending with aggressive application of reserves and borrowing; and
- Prioritise Local Government spending with businesses and contractors located within the Local Government.

Currently Council is in a strong financial position and therefore aggressive application of reserves and borrowing is not a requirement. With a current actual surplus of \$22 million to budgeted surplus of \$1.5 million there is adequate funds available to support local business, stimulate local economies and bring forward capital works that would otherwise be justifiably deferred and re-tendered in a normal economic environment.

It is recommended to Council to award RFT 24.19 to submission no.2.

Selection Criteria

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

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

Consultation

Executive Management Team
Senior Procurement Officer
Manager Operations
Acting Technical Officer Tom Price

Statutory Environment

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

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

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

- 1 (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
- 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;”*

Local Government (Functions and General) Regulations 1996

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

Financial Implications

The budgeted provision for Onslow Depot – New Shed Structure Installation is \$140,000.00 for the 2019/2020 financial year.

Strategic Implications

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

Goal 04 Quality Services and Infrastructure
Objective 1 Quality public infrastructure

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk from the Risk Matrix is "Minor (3)".

Policy Implications

Policy FIN12 Purchasing Policy

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

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Voting Requirement

Absolute Majority Required

Officers Recommendation

That with respect to RFT 24.19 Design and Construct Onslow Depot Vehicle Storage Structure, Council:

1. Award the contract to Submission No.2.
 - a. Pursuant to section 3.57 of the *Local Government Act 1995* accept the submission that is over the allocated budget and authorise the additional funds necessary to complete the works:
 - b. Increase Expenditure Job No. BN417, Onslow Depot New Shed Structure Installation, by \$105,121 from \$140,000 to \$245,121; and
 - c. Decrease the budgeted surplus by \$105,121 from \$993,000 to \$887,879.
 - d. Authorise the Chief Executive Officer to manage the resultant Contractor and any variations.

Alternate Council Resolution

MOVED: Cr K White

SECONDED: Cr M Lynch

That with respect to RFT 24.19 Design and Construct Onslow Depot Vehicle Storage Structure, Council:

- 1 Instruct the Acting Chief Executive Officer to review the current infrastructure building in Onslow with the Director of Infrastructure and report back to Council.**

CARRIED BY ABSOLUTE MAJORITY 8/0

The mover and seconder gave their permission in regard to the alternate decision

Reason for change: The project has gone over budget and requires further investigation for Council to make a sound decision.

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15.2 TROPICAL CYCLONE DAMIEN - ROAD FLOOD DAMAGE REPAIRS

MINUTE: 68/2020

FILE REFERENCE: CM25.19

AUTHOR'S NAME AND POSITION: Douglas Bailey
Manager Projects and Assets

AUTHORISING OFFICER AND POSITION: Michael Hudson
Director Infrastructure Services

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 01 April 2020

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

PREVIOUS MEETING REFERENCE: Agenda Item 11.4 (Minute No 27/2020) Ordinary Meeting of Council 10 March 2020

Summary

Tropical Cyclone (TC) Damien passed over the Shire on 9/10 February 2020 causing significant flood damage to key arterial roads.

From 12 February 2020, the Shire Infrastructure Road Crew started the initial assessment of damage and submitted initial findings to Department Fire and Emergency Services (DFES) on Shire roads where they could access safely.

On 17 February 2020, the Department Fire and Emergency Services (DFES) activated the Disaster Recovery Funding Arrangements (DRFAWA) for the event (AGRN899 Tropical Cyclone Damien and Associated Flooding).

Prioritisation of key road infrastructure was identified under the Essential Public Assets Reconstruction Works definitions.

Under emergency works regulations the Shire procured contractors to start work as soon as possible.

We now have cost estimates on the affected roads still to be repaired and updates on completed works carried out since 23 February 2020 to date as such request budget additions for these roads.

Background

Post Tropical Cyclone (TC) Damien, five Shire roads were identified, via contractors, community members and staff, with significant flood damage to warrant Disaster Recovery Funding Arrangements (DRFAWA) being adopted:

ATTACHMENT 15.2

Pannawonica - Millstream Road
Banjima Drive

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Ashburton Downs Road / Ashburton Downs Meekatharra Road
Hamersley – Mt Bruce Road
Roebourne – Wittenoom Road

Each road was allocated a financial job code to separate expenditure incurred in the immediate and longer term repair work. DRFAWA were advised with initial estimates for Pannawonica – Millstream Road with further assessments continuously carried out over the coming weeks.

The Shire road crew were sent out to start repairs on Hamersley – Mt Bruce Road.

Contractors who were already mobilising on-site to Pannawonica – Millstream Rd (Red Dust Holdings (RFT 18.19) were asked to start immediately under Shire President and Acting Chief Executive Officer authority to reconstruct the significant damage to this key road.

Contractors, again who were on-site at Banjima Drive were requested to proceed with minor clearance works to open this road as soon as possible.

Ashburton Downs Road / Ashburton Downs – Meekatharra Road was impassable until late March when Greenfields Consultants provided the Shire with a Cost Estimate to repair significant damage.

Due to restrictions place on Shire employees, we have requested the assistance of Main Roads Western Australia (MRWA) and their contractors MACA to assess Roebourne – Wittenoom Road.

Current Comments and Cost Estimates

Pannawonica Millstream Road emergency works have now been completed with expenditure expected to be slightly under the initial estimate provided to DFES (\$957,000). In addition to contractor costs we estimate that the Shire expenses to date for our own staff on this road is \$150,000. Total cost estimate of Emergency Works \$1,107,000.00.

Hamersley – Mt Bruce Rd repairs were carried out entirely by Shire Road Crew staff and to date the costs of those repairs post TC Damien is \$70,000.

Banjima Drive minor repairs were carried out by Gumala Enterprises at a cost of \$19,800 inc GST in addition to our road crew costs of \$8,500 for additional work carried out in February. Total estimated expenditure \$30,000.

Ashburton Downs Road / Ashburton Downs – Meekatharra Road cost estimate was carried out late March by Greenfields as this was the first opportunity to assess the complete road of which the Shire are responsible for. The cost estimate to repair this road post TC Damien is \$1,110,000.

Roebourne–Wittenoom Rd will be assessed in the next two weeks by MRWA contractors MACA Pty Ltd. The length of road being assessed is 135km and we believe from reports that multiple areas have been damaged and require various levels of repair. Until the cost estimate has been received we can only assume the cost of repairs being similar to Pannawonica-Millstream as the number of KM are consistent (135km Roebourne / 107km Pannawonica), around of \$950,000. A more accurate figure will only be available once the cost estimates are received.

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Statutory Environment

Local Government Act 1995 Section 6.8 (1) (c).

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 —
(c) is authorised in advance by the mayor or president in an emergency.*

Financial Implications

Provide Budgets for four roads based on cost estimates post TC Damien as follows:

Pannawonica–Millstream Road	\$ 1,150,000
Banjima Drive	\$ 30,000
Ashburton Downs Road / Ashburton Downs–Meekatharra Road	\$ 1,110,000
Hamersley–Mt Bruce Road	\$ 70,000
Roebourne–Wittenoom Road	\$ 950,000

DFES (the Department of Fire and Emergency Services) have confirmed that the TC Damien is a claimable event; and the damage to all five roads is claimable under that event. On completion of the work the Shire will submit claims to DFES for AGRN899 Tropical Cyclone Damien and Associated Flooding recoup.

DFES have advised that part of Pannawonica Millstream works are determined as Emergency Works (ie: required to make the road safe and trafficable to provide essential supplies) and would be 100% claimable; and further works to remediate the road back to the original condition would be considered as Essential Public Asset Reconstruction Works (EPAR).

DFES also advised that Pannawonica-Millstream (EPAR works only), Ashburton Downs/Ashburton Downs-Meekatharra and Roebourne–Wittenoom roads, as (EPAR) works, will require the Shire to fund the first 25% - up to a total of \$350,000 for the event (TC Damien). Initial cost estimates on these roads are still being collated, however we believe this to be in the vicinity of \$2.5M in total, inclusive of Roebourne-Wittenoom Rd.

The Banjima Drive and Hamersley-Mt Bruce Road repairs will be fully-funded (100%) by DFES under AGRN899.

Therefore, the Shire will fund \$350,000 from the current budget surplus and DFES will fund the remaining costs upon approval of our total AGRN899 TC Damien claims.

Strategic Implications

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

Goal 03 Unique Heritage and Environment
Objective 1 Flourishing natural environments

Goal 04 Quality Services and Infrastructure
Objective 1 Quality public infrastructure

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be 'High' (consequences 'high', likelihood 'likely'). This level of risk is being driven by the possibility of significant flood events occurring that may interrupt and/or stop the works. Acting Chief Executive Officer and Director Infrastructure Services will monitor progress of this item.

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Policy Implications

Policy ENG09 Asset Management Policy. This policy has been developed to support effective asset management ensuring that all Infrastructure assets are well planned and delivered to the expectations of the community now and into the future.

Voting Requirement

Absolute Majority Required

Officers Recommendation

That with respect to Tropical Cyclone Damien - Road Flood Damage Repairs, Council:

1. Note report on progress of road flood damage repairs; and
2. Provide a budget expenditure for the following roads for the AGRN899 Claim post TC Damien for remedial works:

FW144 Pannawonica - Millstream Road	\$ 1,150,000
FW145 <u>Banjima</u> Drive	\$ 30,000
FW146 Ashburton Downs Road / Ashburton Downs – Meekatharra Road	\$ 1,110,000
FW147 Hamersley – Mt Bruce Road	\$ 70,000
Funded by the following new revenue item:	
124542 DFES AGRN899 Claim TC Damien for remedial	\$ 2,360,000

Alternate Council Resolution

MOVED: Cr P Foster

SECONDED: Cr R de Pledge

That with respect to Tropical Cyclone Damien - Road Flood Damage Repairs, Council:

1. Note report on progress of road flood damage repairs; and
2. Provide a budget expenditure for the following roads for the AGRN899 Claim post TC Damien for remedial works:

FW144 Pannawonica – Millstream Road	\$1,150,000
FW 145 <u>Banjima</u> Drive	\$30,000
FW146 Ashburton Downs Road / Ashburton Downs – Meekatharra Road	\$1,110,000
FW147 Hamersley – Mt Bruce Road	\$70,000
FW148 Roebourne – Wittenoom Road	\$950,000
Funded by the following:	
124542 DFES AGRN899 Claim TC Damien for remedial	\$2,960,000
Budget Surplus	\$350,000

CARRIED BY ABSOLUTE MAJORITY 8/0

The mover and seconder gave their permission in regard to the alternate decision

Reason for change: Updated information on cost estimates and DFES funding provided.

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16. COUNCILLOR AGENDA ITEMS / NOTICES OF MOTIONS

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

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

There were no matters of an Urgent Nature Introduced for this meeting.

18. CONFIDENTIAL MATTERS

There were no confidential Matters for this meeting.

Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

Council resume the Meeting Procedures (Standing Orders) Local Law 2012:

6.1 Meetings generally open to the public; and

8.1 Members to be in the proper places.

Back in order due to the conclusion of this meeting.

CARRIED 8/0

19. NEXT MEETING

The next Ordinary Meeting of Council will be held on 12 May 2020, Council Chambers, Onslow Shire Complex, Second Avenue, Onslow commencing at 1.00 pm. This meeting will also be conducted by electronic means according to the COVID-19 guidelines.

20. CLOSURE OF MEETING

There being no further business to discuss the Presiding Member closed the meeting at 3.23 pm.