

Ordinary Meeting of Council

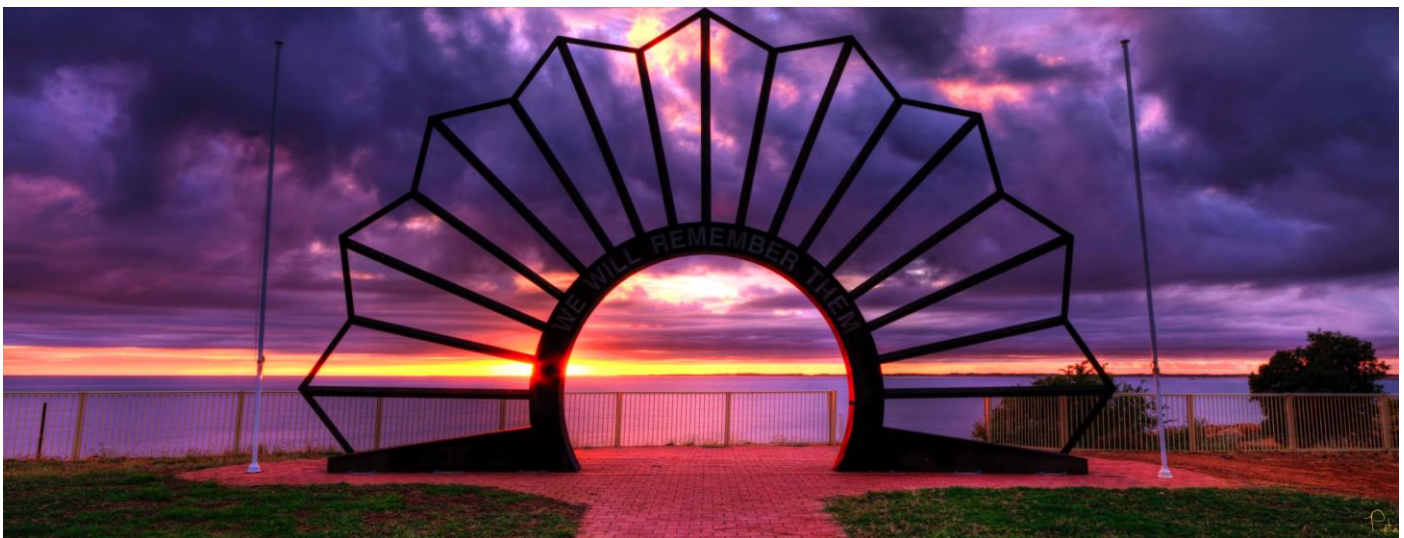
Onslow



PUBLIC AGENDA

8 September 2020

Council Chambers,
Onslow Shire Complex, Second Avenue, Onslow
1.00 pm



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

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
PUBLIC AGENDA**

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

**8 September 2020
1.00 pm**

**PUBLIC AGENDA - ORDINARY MEETING OF COUNCIL
8 SEPTEMBER 2020**

SHIRE OF ASHBURTON

ORDINARY MEETING OF COUNCIL

Notice is hereby given that an Ordinary Meeting of Council of the Shire of Ashburton will be held on 8 September 2020 at the Council Chambers, Onslow Shire Complex, Second Avenue, Onslow commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.



Mr Kenn Donohoe
CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

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1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at ____pm.

1.1 ACKNOWLEDGEMENT OF COUNTRY

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

2. ANNOUNCEMENT OF VISITORS

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

3. ATTENDANCE

3.1 PRESENT

Elected Members:	Cr K White Cr D Diver Cr L Rumble Cr P Foster Cr M Lynch Cr M Gallanagh Cr R de Pledge Cr D Dias Cr J Richardson	Shire President (Presiding Member) Onslow Ward Deputy Shire President, Tom Price Ward Paraburdoo Ward Tom Price Ward Tom Price Ward Pannawonica Ward Ashburton Ward Paraburdoo Ward Tablelands Ward
Staff:	Mr K Donohoe Mr J Bingham Mrs K Bartley Mr M Hudson Mrs C McGurk Mrs M Lewis	Chief Executive Officer Director Corporate Services Director Community Services Director Infrastructure Acting Director Development Services Council Liaison Officer
Guests:		
Members of Public:	There were ____members of the public in attendance at the commencement of the meeting.	
Members of Media:	There were ____ members of the media in attendance at the commencement of the meeting.	

3.2 APOLOGIES

3.3 APPROVED LEAVE OF ABSENCE

4. QUESTION TIME

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

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		owned property paying subsidised rent and utilities.
Cr Lynch	Indirect Financial	The nature of my interest is I am an employee and tenant of Rio Tinto and tenant. The extent of my interest is I am paid a salary by Pilbara Iron.
Cr Diver	Indirect Financial	The nature of my interest is I am employed by Rio Tinto. The extent of my interest is I receive a salary, I also receive subsidised utilities (water / power) and rent as part of my salary package.
Cr Gallanagh	Financial	The nature of my interest is myself and my husband are employed by Rio Tinto, have company housing and shares in Rio Tinto. The extent of my interest is Financial.
Cr Dias	Financial	The nature of my interest is my wife is an 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.

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS WITHOUT DISCUSSION

8. PETITIONS / DEPUTATIONS / PRESENTATIONS

8.1 PETITIONS

8.2 DEPUTATIONS

8.3 PRESENTATIONS

9. CONFIRMATION OF MINUTES

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

That the Unconfirmed Minutes of the Ordinary Meeting of Council held 11 August 2020, as previously circulated on 19 August 2020 (**ATTACHMENT 9.0.1**) be confirmed as a true and accurate record.

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9.1 RECEIPT OF COMMITTEE AND OTHER MINUTES

9.1.0 MINUTES PILBARA REGIONAL COUNCIL, ORDINARY MEETING OF COUNCIL HELD ON 24 AUGUST 2020 (ATTACHMENT 9.1.0)

Officers Recommendation

That the Minutes of the Pilbara Regional Council, Ordinary Meeting of Council held 24 August 2020 (**ATTACHMENT 9.1.0**) be received.

9.2 RECEIPT OF COMMITTEE MINUTES – ‘EN BLOC’

9.3 RECOMMENDATIONS OF COMMITTEE

9.3.1 PILBARA REGIONAL WASTE MANAGEMENT FACILITY – STATUS REPORT

Officers Recommendation

That with respect to Pilbara Regional Waste Management Facility – Status Report, Council receive this status report.

9.3.2 INTERNAL AUDIT FUNCTION

Officers Recommendation

That with respect to the proposal for Internal Audit Services acknowledge the role of the Audit and Risk Management Committee in preparing a three year internal audit plan and acknowledge the Chief Executive Officer is undertaking a spot audit on the following areas:

- Identified matters in the 2019 Financial Management Review;
- Procurement systems and controls;
- Risk management practices;
- Grants applications, payments and acquittals; and
- Records management compliance with regulations and systems review.

9.3.3 ICT AND DIGITAL STRATEGY 2020-23

Officers Recommendation

That with respect to the ICT and Digital Strategy 2020-23, the Audit and Risk Management Committee recommend Council receive the report for the ICT and Digital Strategy 2020-23 (**ATTACHMENT 7.2**) as an informing strategy of the Shire’s Integrated Planning and Reporting Framework.

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9.3.4 REGULATION 17 REVIEW

Officers Recommendation

That with respect to the Regulation 17 Review, the Audit and Risk Management Committee recommends Council:

1. Note the Regulation 17 Risk Audit **ATTACHMENT 7.3** and its suggested improvements / opportunities;
2. Note that a further report will be provided to the Audit and Risk Management Committee for its consideration, outlining recommended positions on those improvement opportunities offered in the Internal Audit; and
3. Request a review of the Risk Register is to be presented to the 15 December 2020 Audit and Risk Management Committee.

9.3.5 AWARD OF RFQ 20.20 LEGAL SERVICES - WITTENOOM CLAIMS

Officers Recommendation

That with respect to the Award of RFQ 20.20 Legal Services – Wittenoom Claims, the Audit and Risk Management Committee recommend Council:

1. Resolve that Report **CONFIDENTIAL ATTACHMENT 7.4** (to be provided under separate cover) is confidential in accordance with s5.23 (2) of the *Local Government Act 1995* because it deals with matters affecting s5.23 (2)(c);

“A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.”
2. Note the attached Evaluation Report, **CONFIDENTIAL ATTACHMENT 7.4**;
3. Award the contract for RFQ 20.20 to Castledine Gregory at the schedule of rates provided for an initial period of one year with option of a further one year plus one year (potentially three years in total);
4. Authorise the Chief Executive Officer to enter into a contract with Castledine Gregory; and
5. Authorise the Chief Executive Officer to manage the Contract, including the provision of possible extensions as outlined in RFQ 20.20 at the discretion of the Shire.

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9.3.6 CONFIDENTIAL ITEM - UPDATE ON WITTENOOM LITIGATION, USE OF DELEGATION, WITTENOOM STEERING COMMITTEE, SENIOR COUNSEL LEGAL BRIEF AND ADVICE AND ROEBOURNE - WITTENOOM ROAD

Officers Recommendation

That with respect to the Confidential Item – Update on Wittenoom Litigation, Use of Delegation, Wittenoom Steering Committee, Senior Counsel Legal Advice and Roebourne - Wittenoom Road, the Audit and Risk Management Committee recommend Council:

1. Receive the Confidential Item – Update on Wittenoom Litigation, Use of Delegation, Wittenoom Steering Committee, Senior Counsel Brief and Advice and Roebourne - Wittenoom Road (**CONFIDENTIAL ATTACHMENT 8.1**) and remain confidential in accordance s5.23 (2)(b) & (d) of the *Local Government Act 1995*; and
2. Ensure that the Shire management continue to provide Wittenoom related reports to the Audit and Risk Management Committee.

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10. AGENDA ITEMS ADOPTED "EN BLOC"

10.1 AGENDA ITEMS ADOPTED 'EN BLOC'

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

"Part 5 – Business of a meeting

Clause 5.6 Adoption by exception resolution:

- (1) In this clause 'adoption by exception resolution' means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the officer recommendation as the Council resolution.*
- (2) Subject to 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."*

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11. OFFICE OF THE CEO REPORTS

11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS STATUS REPORT FOR AUGUST 2020

FILE REFERENCE:	GV04
AUTHOR'S NAME AND POSITION:	Michelle Lewis Council Liaison Officer
AUTHORISING OFFICER AND POSITION:	Kenn Donohoe Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	25 August 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 11.1 (Minute No114/2020) Ordinary Meeting of Council 11 August 2020

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 Leadership Team

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

"Role of council

- (1) *The council —*
(a) governs the local government's affairs; and

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- (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

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

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

The following Risk Matrix has been applied.

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

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Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be low due to the financial value of the project and the risk to the Shire's reputation. Monthly reporting to Council assists with monitoring actions being undertaken.

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation

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

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

FILE REFERENCE:	GV21 CM02
AUTHOR'S NAME AND POSITION:	Michelle Lewis Council Liaison Officer Brooke Beswick Executive Assistant
AUTHORISING OFFICER AND POSITION:	Kenn Donohoe Chief Executive Officer
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	25 August 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 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 August 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 of the Shire of Ashburton Town Planning Scheme No. 7
Delegated Authority Register

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Financial Implications

There are no known financial implications for this matter.

Strategic Implications

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

Goal 05 Inspiring Governance

Objective 4 Exemplary team and work environment

Risk Management

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

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

The following Risk Matrix has been applied.

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be low due to the financial value of the project and the risk to the Shire's reputation. Monthly reporting to Council assists with monitoring actions being undertaken.

Policy Implications

ELM 13 Affixing the Shire of Ashburton Common Seal

FIN12 Purchasing Policy

Voting Requirement

Simple Majority Required

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Officers Recommendation

That with respect to the Use of Common Seal and Actions Performed under Delegated Authority for the month of August 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.**

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**11.3 ANNUAL REVIEW OF THE DELEGATED AUTHORITY REGISTER
2020/2021**

FILE REFERENCE:	GOV20
AUTHOR'S NAME AND POSITION:	Danielle Hurstfield Manager Governance
AUTHORISING OFFICER AND POSITION:	Kenn Donohoe Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	27 August 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 11.3 (Minute No. 660/2019) Ordinary Meeting of Council 22 October 2019.

Summary

This item seeks Council to review and approve the Register of Delegations.

Background

The Shire's delegation register is required to be reviewed each financial year and subsequently presented to Council for adoption. The delegation register was last reviewed and adopted by Council in October 2019.

Delegations of power are intended to provide efficiency. Council may retain any power or set any conditions.

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by relevant legislation. Without delegated authority, most decisions of the Shire would need to be made by Council at its ordinary meetings. Having appropriate delegations in place allow day to day decisions to be made by the Chief Executive Officer, who in turn can sub-delegate these to other staff if appropriate.

In the current register DA02-4 gives the Chief Executive Officer all delegable functions of the Local Government Act 1995 and associated Regulations for the effective management of the Shire of Ashburton, having regard for limitations outlined in S5.43 of the *Local Government Act*. This is problematic as there are two conditions and a requirement to seek Council's approval with 24 hour notice prior to making a decision.

Comment

To provide transparency to Council, clear framework for the Chief Executive Officer and any Officers subsequently provided delegation, the proposed register defines each power that Council delegates, the function and relevant conditions.

The Western Australian Local Government Association (WALGA) has released a suite of best practice documentation and templates to assist and guide Local Governments to ensure the most

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appropriate decision making pathway is applied. This delegation register review has been based on WALGA's model template.

Officers have reviewed each section of WALGA's template and have amended where required. Delegations have been added to align the Shire's current register with WALGA's template and to ensure that current practices have been formalised.

Key changes in this year's review are summarised below.

Local Government Act 1995 – Council to Chief Executive Officer

Delegation Number	Change
1.1.1 Appoint Authorised Persons	Delegation not previously defined. Sets out conditions required - maintaining a register and requirement for appointed persons to be appropriately qualified and trained.
1.1.2 Performing Functions Outside the District	Delegation not previously defined. Would allow for support to be provided during emergencies. This delegation enables, when requested, officers to execute delegated functions in other shires without the need for those shires to undertake a lengthy delegation process each time, or if officers undertook duties on a contract basis for surrounding shires when travel for officers from that shire would be unreasonable.
1.1.3 Compensation for Damage Incurred when Performing Executive Functions	Delegation not previously defined. An example of the use of this delegation would be in relation to officers requiring access to a site for an imminent health, environmental or fire risk and having no other option than to cut fences. In this situation, unless a legal action exempted the action, it would be fair and reasonable for the property owner to seek compensation. This will likely see limited use but a mechanism for the public to seek reimbursement should be included.
1.1.4 Powers of Entry	Delegation not previously defined. Authority to exercise powers of entry to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law.
1.1.5 Declare Vehicle is Abandoned Vehicle Wreck	Transition of DA01-06. Condition to ensure disposal in accordance with Delegated Authority 1.2.6 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.

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Delegation Number	Change
1.1.6 Confiscated or Uncollected Goods	Transition of DA01-07. Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable. Amends value from \$5,000.
1.1.7 Disposal of Sick or Injured Animals	Delegation not previously defined. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass and recover costs
1.1.8 Close Thoroughfares to Vehicles	Transition of DA01-08. Authority to manage the closing of roads for protection and safety, for example after a weather event.
1.1.9 Control Reserves and Certain Unvested Facilities	Delegation not previously defined. Authority to do anything for the purpose of controlling and managing land under the control and management of the Shire of Ashburton that the Shire of Ashburton is permitted to do under s.5 of the Parks and Reserves Act 1895.
1.1.10 Obstruction of Footpaths and Thoroughfares	Transition of DA05-01 – Private Works on, Over or Under Public Places.
1.1.11 Gates Across Public Thoroughfares	Although this delegation is rarely exercised, it is important to include as an operational delegation. The Shire currently utilises gates / chain gates across reserves/ovals.
1.1.12 Public Thoroughfare - Dangerous Excavations	Delegation not previously defined. The Shire has undertaken to manage Excavations on or on land adjoining Public Thoroughfares without the use of delegations.
1.1.13 Crossing - Construction, Repair and Removal	Delegation not previously defined. The Shire has undertaken to manage Crossing - Construction, Repair and Removal, without the use of delegations. For example the management works for the installation/repair of crossovers on council verge/property is by way of policy.
1.1.14 Private Works on, over or under Public Places	Delegation not previously defined. The Shire has undertaken to manage private works within public places without the use of delegations. Currently imposing conditions on road users for private works on unsealed roads for maintenance purpose. Gives ability to take bond and ensure construction to standard.

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Delegation Number	Change
1.1.15 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift	Delegation not previously defined. Currently the Shire can only act on matters related to wind and erosion in a largely reactionary manner i.e. Post occurrence of damage/impact. This delegation will allow for a proactive approach. In situations where an obvious erosion risk is present, they can be addressed collaboratively with the land holder.
1.1.16 Expressions of Interest for Goods and Services	Transition of DA06-4 - Expressions of Interest for Goods and Services.
1.1.17 Tenders for Goods and Services	Transition of DA06-1 - Determining that Tenders do not have to be invited for the supply of goods and services, DA06-2 - Tenders evaluation criteria, DA06-3 - Minor variation for goods or services and DA06-6 - Award Tenders. This delegation provides clearer conditions for use and definition around variations.
1.1.18 Panels of Pre-Qualified Suppliers for Goods and Services	Delegation not previously defined. The Shire currently manages panels without the use of delegations through FIN12 – Purchasing Policy. This delegation provides clearer conditions for use.
1.1.20 Disposing of Property	Transition of DA02-4 – Delegation of Powers and Duties of the Local Government Act to the Chief Executive Officer. This delegation provides clearer conditions for use.
1.1.21 Payments from the Municipal or Trust Funds	Transition of DA03-1 This delegation provides clearer conditions for use and allows operational staff to prepare proper internal controls.
1.1.22 Defer, Grant Discounts, Waive or Write Off Debts	Transition of DA03-2 Write Off of Monies Owing and DA03-10 Concession for Minor Charges. This delegation provides clearer conditions for use.
1.1.23 Agreement as to Payment of Rates and Services Charges	Delegation not previously defined. This delegation provides clearer conditions for use.
1.1.24 Rate Record Amendment	Delegation not previously defined. This delegation provides clearer conditions for use.
1.1.25 Power to Invest and Manage Investments	Delegation not previously defined. This delegation allows operational staff to prepare proper internal controls.

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Delegation Number	Change
1.1.26 Determine Due Date for Rates or Service Charges	Delegation not previously defined. This delegation allows for the generation of rate notices following Council adoption and setting due dates accordingly.
1.1.27 Recovery of Rates or Service Charges	Delegation not previously defined. This delegation provides clearer conditions for use.
1.1.28 Recovery of Rates Debts – Actions to Take Possession of the Land	Delegation not previously defined. This delegation provides clearer conditions for use. Relevant officers have been added to these delegations to ensure efficiency in operations and formalise practices.
1.1.29 Recovery of Rates Debts – Require Lessee to Pay Rent	Delegation not previously defined. This delegation provides clearer conditions for use.
1.1.30 Rate Record – Objections	Delegation not previously defined. This delegation provides clearer conditions for use.
1.1.31 Wittenoom Claims - Legal	Transition of DA04-1
1.1.32 Appointment of an Acting CEO	Transition of DA09-9
1.1.33 Authority to Approve Donations	Transition of DA09-2

Local Government Act 1995 - Chief Executive Officer to Officer

Delegation Number	Change
1.2.1 Determine if an Emergency for Emergency Powers of Entry	Delegation not previously defined. This delegation provides clearer conditions for use.

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1.2.2 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare	Transition of DA05-1 Private Works On, Over or Under Public Places. This delegation provides clearer conditions for use.
1.2.3 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares	Transition of DA05-1 Private Works On, Over or Under Public Places. This delegation provides clearer conditions for use.
1.2.4 Determine and Manage Conditions on Permission for Private Works on, over or under Public Places	Transition of DA05-1 Private Works On, Over or Under Public Places. This delegation provides clearer conditions for use.
1.2.5 Electoral Enrolment Eligibility Claims and Electoral Roll	Delegation not previously defined. This delegation provides clearer conditions for use.
1.2.6 Destruction of Electoral Papers	Delegation not previously defined. This delegation provides clearer conditions for use.
1.2.7 Information to be Available to the Public	Delegation not previously defined. This delegation provides clearer conditions for use.
1.2.8 Financial Management Systems and Procedures	Delegation not previously defined. This delegation provides clearer conditions for use.
1.2.9 Audit – CEO Review of Systems and Procedures	Delegation not previously defined. This delegation provides clearer conditions for use.
1.2.10 Infringement Notices	Delegation not previously defined. This delegation provides clearer conditions for use.

Building Act 2011 Delegations - Council to Chief Executive Officer:

Delegation Number	Change
2.1.1 Grant a Building Permit	Transition of DA07-1 Approve or Refuse Building Permit In accordance with the Building Act 2011, this delegation is exercised by 'change of builder' process that occurs several times a year for applications where proponents change the builder listed on an approved permit.

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Delegation Number	Change
2.1.2 Demolition Permits	Transition of DA07-2 Approve or Refuse Demolition Permit In accordance with the Building Act 2011, this delegation is exercised by 'change of builder' process that rarely occurs for demolition permits and is important to include as an operational delegation.
2.1.3 Occupancy Permits or Building Approval Certificates	Transition of DA07-3 Grant of Occupancy Permit or Building Approval Certificate. In accordance with the Building Act 2011, this delegation is exercised by 'extension of time' processes several times per year and is important to include as an operational delegation.
2.1.4 Designate Employees as Authorised Persons	Transition of DA07-10 Appointment of Authorised Persons – Building Act 2011. This delegation provides clearer conditions for use.
2.1.5 Building Orders	Transition of DA07-5 Issue and Revocation of Building Orders. This delegation provides clearer conditions for use.
2.1.6 Inspection and Copies of Building Records	Delegation not previously defined. This delegation provides clearer conditions for use.
2.1.7 Referrals and Issuing Certificates	Delegation not previously defined. This delegation provides clearer conditions for use.
2.1.8 Private Pool Barrier – Alternative and Performance Solutions	Delegation not previously defined. This delegation provides clearer conditions for use.
2.1.9 Smoke Alarms – Alternative Solutions	Delegation not previously defined. This delegation provides clearer conditions for use.
2.1.10 Appointment of approved officers and authorised officers	Delegation not previously defined. This delegation provides clearer conditions for use.

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Bush Fires Act 2011 Delegations: Council to Chief Executive Officer

Delegation Number	Change
3.1.1 Make Request to DFES Commissioner - Control of Fire	<i>Delegation not previously defined.</i> This delegation gives Fire Control Officers authority to request DFES to take command of a fire when the capacity of the local authority is exceeded. Occurrences where a section 13 request is made are rare, but the process needs to be established and fluid in times of crisis. This delegation will ensure a smooth process when required.
3.1.2 Prohibited Burning Times - Vary	Transition of DA07-13 Prohibited Burning Times. This enables the Shire to vary prohibited burning times when environmental and climate conditions present a heightened risk of fire danger.
3.1.3 Prohibited Burning Times - Control Activities	Transition of DA07-13 Prohibited Burning Times. This delegation grants further powers to Shire officers to take action during prohibited burning times and to mitigate fires when fire weather conditions are extreme. While authority existed this delegation makes the authorities clearer and easier to enforce if required.
3.1.4 Restricted Burning Times - Vary and Control Activities	<i>Delegation not previously defined.</i> This delegation grants further powers to Shire officers to take action during prohibited burning times and to mitigate fires when fire weather conditions are extreme. While authority existed this delegation makes the authorities clearer and easier to enforce if required.
3.1.5 Control of Operations Likely to Create Bush Fire Danger	<i>Delegation not previously defined.</i> This delegation enables Fire Control Officers to issue directions to people undertaking fire risk activities that may present a serious fire risk. Though authority to give direction previously existed, this delegation provides clearer authority and more opportunity for enforcement action if breached.
3.1.6 Burning Garden Refuse/Open Air Fires	<i>Delegation not previously defined.</i> Though authority previously existed, this delegation expands on the powers of a Fire Control Officer and gives certainty regarding their ability to issue or refuse approvals for burning under certain conditions.
3.1.7 Firebreaks	<i>Delegation not previously defined.</i> This delegation provides clearer authority in relation to firebreaks for Fire Control Officers to take action.
3.1.8. Appoint Bush Fire Control Officer/s and Fire Weather Officer	<i>Delegation not previously defined.</i> This delegation provides clearer authority in relation to the appointment of Fire Control Officers and Fire Weather Officers.

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Delegation Number	Change
3.1.9 Control and Extinguishment of Bush Fires	<i>Delegation not previously defined.</i> This delegation provides clearer authority to prevent fires even if a burn permit has been issued. This authority would be exercised in situations where, for example, a significant change in weather conditions has unexpectedly occurred which has increased risks associated with a previously approved controlled burn.
3.1.10 Recovery of Expenses Incurred through Contraventions of this Act	<i>Delegation not previously defined.</i> This delegation establishes a clear authority for action to be taken against those responsible for breaches of the Bushfires Act 2011 that results in costs being incurred by the Shire or agents for the Shire. An example would be that heavy equipment was required to be hired as a result of a fire caused by an individual. Once the fire offense was proven, cost recovery mechanisms could be commenced to recoup the cost of the equipment hire.
3.1.11 Prosecution of Offences	Transition of DA07-14 Issue Infringement Notices. This delegation establishes a clear authority to consider allegations of offences alleged to have been committed against the Bushfires Act 2011 and to institute and carry on proceedings.

Cat Act 2011 Delegations: Council to Chief Executive Officer

Delegation Number	Change
4.1.1 Cat Registrations	Transition of DA07-19 Appointment of Authorised Persons – Cat Act 2011. This clarifies an authorised officer's authority to refuse to assess applications for cat registrations when requirements to provide certain information have not been satisfied. Secondary to this, the delegation allows the executive to make a determination about fee waivers relating to a specific cat or class of cats in the community.
4.1.2 Cat Control Notices	Transition of DA07-19 Appointment of Authorised Persons – Cat Act 2011. This delegation enables authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire.
4.1.3 Approval to Breed Cats	Transition of DA07-19 Appointment of Authorised Persons – Cat Act 2011. This delegation confirms the authority of the Shire to refuse applications for Cat Breeding Licences when requests for certain information have not been satisfied.

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Delegation Number	Change
4.1.4 Appoint Authorised Persons	Transition of DA07-19 Appointment of Authorised Persons – Cat Act 2011. This delegation gives authority to appoint Authorised Persons.
4.1.5 Recovery of Costs - Destruction of Cats	Transition of DA07-19 Appointment of Authorised Persons – Cat Act 2011. This delegation gives authority to the Shire to recover costs associated with the euthanasia of a cat when it's required as a result of the failure of the cat owner to responsibly care for the animal.
4.1.6 Applications to Keep Additional Cats	Transition of DA07-19 Appointment of Authorised Persons – Cat Act 2011. Authority previously existed regarding under delegation but this update provides clearer authority regarding the ability to issue permits for the keeping more than 2 cats.
4.1.7 Reduce or Waiver Registration Fee	Transition of DA07-19 Appointment of Authorised Persons – Cat Act 2011. This delegation allows the executive to make a determination about fee waivers relating to a specific cat registration fees.

Cat Act 2011 Delegations - Chief Executive Officer to Officer

Delegation Number	Change
4.2.1 Infringement Notices – Extensions and Withdrawals	<i>Delegation not previously defined. This delegation provides clearer conditions for use.</i>

Dog Act 1974 Delegations: Council to Chief Executive Officer

Delegation Number	Change
5.1.1 Part Payment of Sterilisation Costs/Directions to Veterinary Surgeons	Transition of DA07-20 Appointment of Authorised Persons – Dog Act 1976. This delegation allows authorised officer's authority to subsidise the costs of sterilisation.

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Delegation Number	Change
5.1.2 Refuse or Cancel Registration	Transition of DA07-20 Appointment of Authorised Persons – Dog Act 1976. This delegation provides the authorised officer's authority to refuse or cancel registrations for dogs or cats (as a result the conditions established in points i-v). Authority is also given to the executive to make determinations regarding waiver of registration fees.
5.1.3 Kennel Establishments	Transition of DA07-20 Appointment of Authorised Persons – Dog Act 1976. This delegation enables an authorised officer authority to grant, refuse to grant or cancel a kennel licence.
5.1.4 Appoint Authorised Persons	Transition of DA07-20 Appointment of Authorised Persons – Dog Act 1976. Authority to appoint Registration Officers and Authorised Persons to exercise the powers and duties conferred by this Act.
5.1.5 Recovery of Moneys Due Under this Act	Transition of DA07-20 Appointment of Authorised Persons – Dog Act 1976. This delegation details the Shire's authority to commence cost recovery for unpaid fees.
5.1.6 Dispose of or Sell Dogs Liable to be Destroyed	Transition of DA07-20 Appointment of Authorised Persons – Dog Act 1976. Provides clear delegation to the Shire to dispose of or sell animals that may be destroyed if not rehomed.
5.1.7 Declare Dangerous Dog	Transition of DA07-20 Appointment of Authorised Persons – Dog Act 1976. Provides authority to declare an individual dog to be a dangerous dog.
5.1.8 Dangerous Dog Declared or Seized - Deal with Objections and Determine when to Revoke	Transition of DA07-20 Appointment of Authorised Persons – Dog Act 1976. This delegation provides the Shire a clear framework to address objections received when a dog is declared dangerous under the Act.

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Delegation Number	Change
5.1.9 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice	Transition of DA07-20 Appointment of Authorised Persons – Dog Act 1976. This delegation provides the Shire a clear framework to address objections received when Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke a dangerous dog declaration or notice to destroy.
5.1.10 Determine Recoverable Expenses for Dangerous Dog Declaration	Transition of DA07-20 Appointment of Authorised Persons – Dog Act 1976. This delegation enables the Shire to consider and include costs incurred through the Dangerous Dog Declaration process when registering the animal in question. The declaration process can be onerous on officer time and resources so this delegation allows for a level of cost recovery up to the designated threshold.

Food Act 2008 Delegations: Council to Chief Executive Officer

Delegation Number	Change
6.1.1 Determine Compensation	Delegation not previously defined. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned This delegation provides clearer conditions for use.
6.1.2 Prohibition Orders	Transition of DA07-16 Prohibition Orders. This delegation provides clearer conditions for use.
6.1.3 Food Business Registrations	Delegation not previously defined. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration
6.1.4 Appoint Authorised Officers and Designated Officers	Transition of DA07-15 Delegation to CEO and Nominated Shire officers as Authorised Officers under the Food Act 2008. This delegation provides clearer conditions for use

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Delegation Number	Change
6.1.5 Debt Recovery and Prosecutions	Delegation not previously defined. This delegation acts to clarify the Shire's ability to recover costs associated with the impounding, seizure and destruction of any items by an authorised officer. For example, in situations where an officer has determined that a food item must be seized and destroyed to prevent it being supplied/sold to the public - this delegation allows the Shire to recover any costs that were incurred resulting from the seizure and destruction (transport, landfill disposal fees etc.)
6.1.6 Abattoir Inspections and Fees	Delegation not previously defined. Authority, relevant to the payment of abattoir meat inspection fees under Food Regulation 41, to require a person to provide security and authority to discharge a security held.
6.1.7 Food Businesses List - Public Access	Delegation not previously defined. This delegation clarifies the Shire's ability to hold and publicise a list of approved food businesses at the discretion of authorised officers.

Graffiti Vandalism Act 2016 Delegation: Council to Chief Executive Officer

Delegation Number	Change
7.1.1 Give Notice Requiring Obliteration of Graffiti	Delegation not previously defined. The Shire has undertaken works within 48hrs if the graffiti in question was offensive and the Shire would absorb the costs.
7.1.2 Notices - Deal with Objections and Give Effect to Notices	Delegation not previously defined. This delegation provides a clear framework for the Shire to deal with objections to notices that have been issued to the public. This also provides clarity to the public on how the objection will be addressed.
7.1.3 Obliterate Graffiti on Private Property	Delegation not previously defined. The Shire has undertaken works within 48hrs if the graffiti in question was offensive and the Shire would absorb the costs.

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Delegation Number	Change
7.1.4 Powers of Entry	Delegation not previously defined. This delegation allows the authorised officer's authority to enter property under notice or seek a warrant to enter property when a breach of the act is suspected or identified

Public Health Act 2015 Delegations: Council to Chief Executive Officer

Delegation Number	Change
8.1.1 Appoint Authorised Officer or approved Officer (Asbestos Regs)	Delegation not previously defined. This delegation gives authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the Criminal Procedure Act 2004
8.1.2 Enforcement Agency Reports to the Chief Health Officer	Delegation not previously defined. This delegation gives authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Shire of Ashburton
8.1.3 Designate Authorised Officers	Delegation not previously defined. This delegation gives authority to designate a person or class of persons as authorised officers
8.1.4 Determine Compensation for Seized Items	Delegation not previously defined. This delegation provides a framework to enable the Shire to consider applications for compensation after an authorised officer has seized goods/items. This delegation also provides clarity to the public on how applications for compensation will be addressed.
8.1.5 <i>Commence Proceedings</i>	Delegation not previously defined. This delegation clarifies the authority of the Shire to commence legal action relating to offences under the Public Health Act 2016

Environmental Protection Act 1986: Council to Chief Executive Officer

Delegation Number	Change
9.1.1 Noise Control - Environmental Protection Notices	These delegations provide clearer and more easily understood wording regarding the Town and the Town's Authorised Officers to address matters relating to noise and noise management plans.

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Delegation Number	Change
9.1.2 Noise Management Plans - Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events	Delegation not previously defined.
9.1.3 Noise Management Plans - Construction Sites	Delegation not previously defined.

Consultation

Executive Leadership Team

Councillors (workshop 14 July 2020)

A comprehensive schedule of internal meetings were held over multiple weeks in preparation of this year's delegation register review. The Shire's Manager Governance individually met with the following officers to assist with determining each business unit's appropriate delegations:

Manager Health and Building Services

Manager Town Planning

Manager Finance and Administration

Manager Roads and Operations

Manager Land and Asset Compliance

Senior Procurement Officer

Statutory Environment

Local Government Act 1995

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
- (a) this Act other than those referred to in section 5.43; or
 - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

* Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

5.43. Limits on delegations to CEO 28

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority of the council;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;

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- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
 - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) — conditions includes qualifications, limitations or exceptions.

5.45. Other matters relevant to delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —
 - (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
 - (a) a local government from performing any of its functions by acting through a person other than the CEO; or
 - (b) a CEO from performing any of his or her functions by acting through another person.

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

9.10. Appointment of authorised persons

- (1) The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.
- (2) The local government is to issue to each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person.

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Delegations under the following additional Acts are included in this delegation register:

Emergency Management Act 2005
Freedom of Information Act 1992
Public Interest Disclosures Act 2003
Building Act 2011
Bush Fires Act 1954
Cat Act 2011
Dog Act 1974
Animal Welfare Act 2002
Fines, Penalties and Infringement Notices Enforcement Act 1994
Food Act 2008
Graffiti Vandalism Act 2016
Litter Act 1979
Control of Vehicles (Off Road Areas) Act 1978
Liquor Control Act 1988
Health (Miscellaneous Provisions) Act 1911
Public Health Act 2015
Caravan and Camping Grounds Act 1995
Planning and Development Act 2005
Mains Roads Act 1930
Road Traffic (Vehicles) Act 2012
Environmental Protection Act 1986

All delegations under each of the Shire's Local Laws have been included in this delegation register as follows:

Dogs Local Law
Cemeteries Local Law
Extractive Industries
Health Local Law
Local Government Property
Standing Orders
Parking and Parking Facilities
Fencing

Financial Implications

Individual delegations set out financial implications.

Strategic Implications

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

Goal 05 Inspiring Governance
Objective 3 Council leadership

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Risk Management

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Compliance Decisions being made by Officers without correct Delegation	Almost Certain (5)	Minor (2)	High (10)	Some temporary non compliances	Adopt Officer's recommendation for reviewed Delegations from Council to CEO and Officers

The following Risk Matrix has been applied.

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be high due to the risk to the risk of non-compliance. Adoption of the reviewed Delegation Register will ensure Officers have clear framework for decision making and reporting. Use of the Attain software will further support the management of use and assist with recording and reporting.

Policy Implications

The use of Delegations are supported by various Council policies and identified at each delegation.

Voting Requirement

Absolute Majority Required

Officers Recommendation

That with respect to the Annual Review of the Delegated Authority Register 2020/2021, Council adopt the amended Delegated Authority Register shown at **ATTACHMENT 11.3**.

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12. CORPORATE SERVICES REPORTS

12.1 MONTHLY FINANCE REPORT

FILE REFERENCE:	FM03
AUTHOR'S NAME AND POSITION:	Geoff Garside Finance and Administration Manager
AUTHORISING OFFICER AND POSITION:	John Bingham Director Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	27 August 2020
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
PREVIOUS MEETING REFERENCE:	Agenda Item 12.1 (Minute No. 117/2020) Ordinary Meeting of Council 11 August 2020

Summary

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

Background

Regulation 34 of the *Local Government (Financial Management) Regulations* requires the Shire to prepare a monthly statement of financial activity for consideration by Council within two months after the end of the month of the report. In addition administration also presents to Council the following:

- budget amendment register;
- schedule of accounts; and
- credit card payments to Council.

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

End of Financial Year Closing

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

Depreciation is not currently being charged in 2020-21 until after year-end is completed. It is estimated that depreciation charges would increase year to date expenditure by approx. \$1m. Depreciation is a non-cash expense and would not impact closing balances.

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Comment

Unless there is an urgent need to do so Budget variations will no longer be reported to Council on a monthly basis. The newly introduced Finance and Costing Review (FACR) process to be undertaken by Shire officers will commence in September 2020 and propose budget variations to Council at the following OCM. (FACR will analyse each Directorates budget vs. actuals performance by assigning line items to a responsible officer for ownership and accountability).

Consultation

Executive Leadership Team
Finance Team

Statutory Environment

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

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

(b) Is authorised in advance by resolution*

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

*requires an absolute majority of Council.

Financial Implications

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

Strategic Implications

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

Goal 05 Inspiring Governance
Objective 4 Exemplary team and work environment

Risk Management

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

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not accept the Officers recommendation	Unlikely (2)	Insignificant (1)	Low (1-4)	Compliance – 3 Moderate – Non-Compliance with significant regulatory requirements imposed.	Accept Officer Recommendation.

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The following Risk Matrix has been applied.

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

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

Policy Implications

FIN06 – Significant Accounting Policy

Voting Requirement

Simple Majority Required

Officers Recommendation

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

1. Receive the Financial Report for July 2020 **ATTACHMENT 12.1A**;
2. Receive the Capital Expenditure Tracker as at 31 August 2020 **ATTACHMENT 12.1B**;
3. Receive the Budget Amendment Register as at 31 August 2020 **ATTACHMENT 12.1C**; and
4. Receive the Schedule of Accounts (July 2020) and Credit Card payments made in the period July 2020 (approved by the Chief Executive Officer in accordance with Delegation DA03-01 payments from Municipal Fund and Trust Funds) **CONFIDENTIAL ATTACHMENT 12.1D**.

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12.2 POLICY REVIEW – FIN12 PURCHASING POLICY AND FIN25 PANELS OF PREQUALIFIED SUPPLIERS POLICY

FILE REFERENCE:	GV20
AUTHOR'S NAME AND POSITION:	Danielle Hurstfield Manager Governance
AUTHORISING OFFICER AND POSITION:	John Bingham Director Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	25 August 2020
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
PREVIOUS MEETING REFERENCE:	Agenda Item 12.4 (Minute No. 103/2020) Ordinary Meeting of Council 14 July 2020

Summary

This item seeks Council adoption of amendments to FIN12 Purchasing Policy as well as FIN25 Panels of Prequalified Suppliers.

Background

The Western Australian Local Government Association (WALGA) has released a suite of best practice documentation and templates to assist and guide Local Governments in the area of Governance. The proposed FIN12 Purchasing Policy and FIN25 Panels of Prequalified Suppliers Policy have been updated using the template as a guide.

Comment

These amendments provide policy settings to ensure the procurement process is both compliant and effective. They strengthen the areas of value for money, managing panels of pre-qualified suppliers, recordkeeping for contractors and non-compliance with the policy.

The proposed FIN12 Purchasing Policy is provided as **ATTACHMENT 12.2A** and FIN25 Panels of Prequalified Suppliers as **ATTACHMENT 12.2B**.

Consultation

Executive Leadership Team
Acting Senior Procurement Officer

Statutory Environment

Local Government Act 1995
Part 2 – Constitution of local government
Division 2 – Local governments and councils of local governments

2.7. *Role of council*

- (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.*

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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.*

Part 5 – Administration

Division 4 – Local government employees

5.42. Delegation of some powers and duties to CEO

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —*
 - (a) *this Act other than those referred to in section 5.43; or*
 - (b) *the Planning and Development Act 2005 section 214(2), (3) or (5).*

** Absolute majority required.*
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

5.43. Limits on delegations to CEO 28

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) *any power or duty that requires a decision of an absolute majority of the council;*
- (b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) *appointing an auditor;*
- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) *any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) *borrowing money on behalf of the local government;*
- (g) *hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) *the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) *any power or duty that requires the approval of the Minister or the Governor;*
- (i) *such other powers or duties as may be prescribed.*

Local Government (Functions and General) Regulations 1996

Part 4 — Provision of goods and services

Division 1 — Purchasing policies

11A. Purchasing policies for local governments

- (1) *A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$250 000 or less or worth \$250 000 or less.*
- (2) *A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1).*
- (3) *A purchasing policy must make provision in respect of —*
 - (a) *the form of quotations acceptable; and*
 - (ba) *the minimum number of oral quotations and written quotations that must be obtained; and*
 - (b) *the recording and retention of written information, or documents, in respect of —*
 - (i) *all quotations received; and*
 - (ii) *all purchases made.*

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*Local Government (Financial management) Regulations 1996
Part 2 – General financial management*

12. *Payments from municipal fund or trust fund, restrictions on making*
- (1) *A payment may only be made from the municipal fund or the trust fund —*
- (a) *if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*
- (b) *otherwise, if the payment is authorised in advance by a resolution of the council.*
- (2) *The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*

Financial Implications

The changes will significantly improve the likelihood of capital works projects being completed in the 2020/21 financial year as well as improve cash-flows and balance the budget.

Strategic Implications

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

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

Risk Management

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

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Compliance Council not endorsing amendments to policy.	Unlikely (2)	Minor (2)	Low (4)	Compliance – contained. Reversible impact managed by internal response.	Accept Officer Recommendation

The following Risk Matrix has been applied.

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

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Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be Low due to the Council's understanding of policy importance through workshopping.

Policy Implications

Adoption of policies will provide current industry standard and support the adoption of Delegations of Authority.

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the Policy Review – FIN 12 Purchasing Policy and FIN25 Panels of Prequalified Suppliers Policy, Council adopt FIN12 Purchasing Policy and FIN25 Panels of Prequalified Suppliers Policy as detailed in **ATTACHMENT 12.2A** and **ATTACHMENT 12.2B**.

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12.3 RECORDS MANAGEMENT SYSTEM

FILE REFERENCE:	IM02
AUTHOR'S NAME AND POSITION:	Danielle Hurstfield Manager Governance
AUTHORISING OFFICER AND POSITION:	John Bingham Director Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	25 August 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

This report seeks to update Council on the status of the Shires record keeping operations highlighting solutions and resources requested to meet compliance requirements.

Background

The State Records Act 2000 ('Records Act') legislates the record keeping requirements for each state and local government organisation in Western Australia. In essence every employee of a government organisation (including temporary staff and contractors) plus elected members are required to keep and maintain records relating to their work.

A record is defined as any record of information, in any medium, including letters, files, emails, word processed documents, scanned documents, databases, photographs, text messages, and social media posts relevant to the business of the organisation.

Comment

Through managing Wittenoom asbestos claims and the associated document discovery process, Shire officers have revealed its records management process is not operating at an optimal level.

As a result the following plan has been developed to assist the Shire to:

1. Finalise records management associated with the Wittenoom project; and
2. Provide an industry standard record keeping platform to ensure optimum performance into the future.

The six priority areas that require resolution are as follows:

1. Digitisation of hardcopy historical Wittenoom files (located in Perth approx. 150 boxes) – there are currently 726 boxes stored with a records provider in Perth. These boxes have varying value in records terms requiring disposal that varies from years (for temporary records) to permanent records that are required to be retained indefinitely. The 150 boxes that have been identified as containing records related to Wittenoom can

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be scanned by a records provider and will provide documents to the required standard with OCR (Optical Character Resolution) i.e. the document has functionality so that it can be searched by keyword which reduces the risk of not identifying documents.

2. Digitisation of prioritised historical files (located in Tom Price approx. 300 boxes) – may also contain reference to Wittenoom. Again having these documents available for keyword search will ensure the Shire has thoroughly reviewed all records available.
3. Identification of Electronic System - specification to be developed and RFQ process to be undertaken in identifying a suitable system. The Shire's existing record keeping system is approximately 20 years old and although provides a framework for managing both physical and electronic documents, it does not have the functionality available that current record keeping systems offer.

Of critical importance is the searching functionality that is provided by the OCR scanning process that would be lost as the existing system has not been developed/upgraded to support this. In addition, by migrating the data held in the existing system to a system that has OCR functionality officers would be able to keyword search the attached documents that have to be individually opened to review now.

This is a slow process that risks information being missed. Indicative costings have been sourced for this item, however market testing in accordance with procurement requirements will need to be undertaken.

4. Catalogue and prioritisation of remaining hardcopy files (located in Perth – approx. 50 boxes) – of the remaining 576 boxes, officers estimate there may be another 50 boxes that could have long term value and therefore be digitised. The remaining 526 catalogued boxes will be destroyed in accordance with destruction requirements and can be housed in offsite storage until such time (estimated to be within the next 5 years).
5. Digitisation of remaining hardcopy files – (located in house) – officers commenced a scanning project during the COVID-19 shutdown achieving the scanning of building property files. This program of works included the scanning of approximately 120 boxes and capture of digitised documents into the record keeping system. The exercise is approximately 50% complete.
6. Move to a digital environment - With the Shire now moving to a 'Digital First' approach officers will undertake a compliance and risk assessment to ensure that the digitisation processes are appropriate for the Shire's business needs.

The aim is to allow the digital record to become the official Shire record – with existing authority officers are permitted to legally destroy source records (those created or received in physical format) after a 6 month period of digitised retention rather than customary seven years for physical records.

The benefits that can be achieved from completing this project include:

- Risk reduction of not identifying documents relevant to Wittenoom discovery.
- Industry standard digital environment for records management into the future.
- Ease of use resulting in staff uptake and improved compliance.
- Improved functionality of records retrieval by improving search times and ensuring informed decision making. As a result staff productivity is increased.
- Reduced risk of records loss and ensuring business continuity.

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- Reduction in both on-site and off-site physical records

Consultation

Executive Leadership Team

Information & Communications Technology Working Group

Manager Libraries and Information Services

Statutory Environment

Local Government Act

5.41. Functions of CEO

The CEO's functions are to —

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

Recordkeeping Act 2000

Part 3 — Record keeping plans for government organizations

16. Content of plans

- (1) A record keeping plan in respect of a government organization is a record setting out —*
 - (a) the matters about which records are to be created by the organization; and*
 - (b) how the organization is to keep its government records.*
- (2) A government organization's record keeping plan must —*
 - (a) comply with principles and standards established by the Commission under section 61; and*
 - (b) ensure that the government records kept by the organization properly and adequately record the performance of the organization's functions; and*
 - (c) be consistent with any written law to which the organization is subject when performing its functions.*
- (3) Without limiting subsection (1), a record keeping plan must set out —*
 - (a) those government records that will be State archives; and*
 - (b) those State archives that will be restricted access archives and the ages at which they will cease to be restricted access archives; and*
 - (c) the retention period for those government records that are not State archives;*
 - (d) the systems to ensure the security of government records and compliance with the record keeping plan.*
- (4) A record keeping plan may set out the manner in which records will be created.*
- (5) A record keeping plan may provide —*
 - (a) for a government record to be reproduced in another form;*

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- (b) *for the destruction of a government record if a reproduction of it is being kept, even though the destruction occurs at a time when the record would otherwise not be able to be lawfully destroyed.*
- (6) *A government organization's record keeping plan may provide that some or all of the organization's State archives —*
- (a) are never to be transferred to the State archives collection under section 32(1);*
or
(b) are to be transferred at a time other than that prescribed by that section.

Financial Implications

Preliminary costings have been sourced from a number of WALGA preferred suppliers to provide an indicative cost to complete the project. These are summarised below:

Item	Estimated Cost (ex GST)
1. Digitisation of hardcopy historical Wittenoom files (located in Perth approx. 150 boxes @ \$150 each).	\$22,500
2. Digitisation of prioritised historical files – may also contain reference to Wittenoom (located in Tom Price approx. 300 box @ \$150 per box).	\$45,000
3. Identification of Electronic System - specification to be developed and RFQ process to be undertaken, inclusive of review of existing systems.	\$120,000
4. Catalogue and prioritisation of remaining hardcopy files in Perth (approx. 50 boxes of long term value).	\$10,000
5. Staff training program	\$50,000
Estimated Implementation Cost	\$247,500

Strategic Implications

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

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

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Risk Management

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

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Compliance Requirements of the Recordkeeping Act are not being achieved	Almost certain (5)	Minor (2)	High (10)	Some temporary non compliances	Accept Officer Recommendation
Financial Impact Litigation claims that are unable to be disputed due to records discovery	Likely (4)	Major (4)	High (16)	\$1,000,000 to \$5,000,000	Accept Officer Recommendation

The following Risk Matrix has been applied.

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be high due to the non-compliance of the existing system and the risk to the Shire financially as a result of not being able to access historical records in a timely manner. A further review of the policy will be workshopped with Council.

Policy Implications

Code of Conduct (ADM04 Recordkeeping Directive)
ELM16 Elected Members Recordkeeping Policy

Voting Requirement

Absolute Majority Required

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Officers Recommendation

That with respect to the Records Management System, Council:

1. Endorse the five step approach outlined in this item to resolve access to historical records in a timely manner provide an industry standard recordkeeping platform to enable the organisation to manage information into the future.
2. Approve budget amendments for the 2020/21 Budget as follows:
 - a. Increase new expenditure account Records Management System Project by \$247,500, from \$0 to \$247,500; and
 - b. Increase Capital Income account GL no. 042477 Transfer from Financial Risk Reserve by \$247,500 from \$0 to 247,500.

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**12.4 EXCISION OF PORTION OF RESERVE 42090 FOR A NEW ONSLOW
POLICE STATION**

FILE REFERENCE:	PR42090
AUTHOR'S NAME AND POSITION:	Janelle Fell Manager Land and Asset Compliance
AUTHORISING OFFICER AND POSITION:	John Bingham Director Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	26 August 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 14.1 (Minute No. 11950) – Ordinary Meeting of Council 20 May 2015

Summary

Council endorsed surrender of portion of Reserve 42090 for creation of a new reserve for police purposes at the May 2015 Ordinary Meeting of Council.

As a new station has not progressed, Council is requested to consider excision and surrender of an alternate portion of Reserve 42090 and endorse the Shire President and Chief Executive Officer to petition State Agencies for a new Onslow Police Service.

Background

At the May 2015 Ordinary Meeting of Council, Councilors supported a request by Western Australia Police (WAPOL) to excise and surrender portion of Reserve 42090 for creation of a new Reserve for police purposes for a new Onslow Police Station.

The preferred site included portion of Lot 501 on Deposited Plan 58872, being the Department of Fire and Emergency Services (DFES) site, along with portion of Lot 970 on Deposited Plan 220088 that comprises the whole of Crown Reserve 42090, which is managed by the Shire of Ashburton for the Purpose of "Recreation".

In their 2015 request to the Shire, WAPOL have advised that:

"DFES has acknowledged WA Police's strategic interest in acquiring a portion of their site, Lot 501 which adjoins Reserve 42090, and are prepared to progress the land assembly with WA Police."

Comment

As acquisition of portion of Lot 501 and excision and surrender of portion of Reserve 42090 has not progressed, it is proposed the entire land requirement be set aside within Reserve 42090. Plans have been received for a North West Police Station which is sited on a ~7,000 sqm land parcel. The plan below depicts an indicative area for excision from Reserve 42090, shaded grey.

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

Goal 05 Inspiring Governance
Objective 2 Community Ownership

Risk Management

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

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Interruption to Service WAPOL service unable to continue from current facility in flood and storm events	Possible (3)	Moderate (3)	Moderate (9)	Medium term temporary interruption – <1 week	Adopt Officer Recommendation

The following Risk Matrix has been applied.

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

Adoption of this item has been evaluated against the Shire of Ashburton’s Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be moderate due the potential interruption to WAPOL services in flood and storm events. Raising awareness of the current operational restrictions with State Agencies will be undertaken by the Shire President and Chief Executive Officer.

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

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Officers Recommendation

That with respect to the Excision of Portion of Reserve 42090 for a New Onslow Police Station, Council:

1. Support the excision and surrender of portion of Reserve 42090 for the provision of a new Onslow Police Station; and
2. Endorse the Shire President and Chief Executive Officer to petition State Agencies for a new Onslow Police Station.

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12.5 CREATION OF RESERVE - LOT 395 ON DEPOSITED PLAN 206976, 50 THIRD AVENUE, ONSLOW

FILE REFERENCE:	THI.0395
AUTHOR'S NAME AND POSITION:	Janelle Fell Manager Land and Asset Compliance
AUTHORISING OFFICER AND POSITION:	John Bingham Director Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	27 July 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

Lot 395 on Deposited Plan 206976, being 50 Third Avenue, Onslow is Freehold Land owned by St John Ambulance Western Australia Ltd.

A new Onslow St John Ambulance Sub Centre is being constructed on Reserve 53372, McGrath Avenue, adjacent to the Onslow Hospital. With construction expected to be completed in late 2020, the present sub centre will be surplus to needs. St John Ambulance propose to relinquish Lot 395 on Deposited Plan 206976 to the State of Western Australia. Upon relinquishment of the land to the Crown, an opportunity presents for Council to acquire the lot for community purposes.

Council support is sought to request the Minister for Lands create a Reserve over Lot 395 with a Management Order issued to the Shire for "Community Purposes", or similar, with Power to Lease. Council is required to accept ownership of all improvements on the land prior to the Minister for Lands considering Council's request to create a reserve.

Background

Partially funded by the State Development Agreement for the Wheatstone project, a new St John Ambulance sub centre is being constructed in Onslow on Reserve 53372, adjacent to the Onslow Hospital.

The current sub centre is located at Lot 395 on Deposited Plan 206976, 50 Third Avenue, Onslow. The 1,012m² lot comprises a brick air conditioned construction with a single ablution and kitchenette for training and storage and, a colourbond shed for ambulance park-up.

ATTACHMENT 12.5

The land adjacent to Lot 395 comprises Lots 394, 396 and 397 being Reserve 41970 for the Purpose of "Staff Housing". The plan below shows Lot 395 hachured red.

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Financial Implications

Financial implications will be assessed and included in the mid-year budget review and include provision for annual maintenance (air conditioning servicing, pest inspection, fair wear and tear etc) estimated to be \$2,500 pa.

Strategic Implications

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

Goal 01 Connected, Caring and Engaged Communities
Objective 2 Sustainable service, clubs, associations and facilities
Objective 4 A rich cultural life

Goal 05 Inspiring Governance
Objective 2 Community ownership

Risk Management

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

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Financial Impact	Minor (2)	Rare (1)	Low (2)	Costs associated with facility compliance and operations	St John Ambulance have maintained the facility throughout occupancy to ensure the safety of staff and volunteers Budget provision to be included in mid-year budget review

The following Risk Matrix has been applied.

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be low.

Policy Implications

ENG09 Asset Management Policy

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Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the Proposed Acquisition of Lot 395 on Deposited Plan 206976, 50 Third Avenue, Onslow, Council:

1. Endorse the Chief Executive Officer to request the Minister for Lands:
 - Create a Reserve over the subject Crown land (Lot 395 on Deposited Plan 206976) for the purpose of “Community Purposes”, or similar, with Power to Lease; and
 - Request the reserve be placed under care, control and management of the Shire of Ashburton; and
2. Accept ownership of all improvements on Lot 395 on Deposited Plan 206976.

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12.6 PROPOSED TEMPORARY USE OF RM FORREST MEMORIAL HALL

FILE REFERENCE:	CP18
AUTHOR'S NAME AND POSITION:	Janelle Fell Manager Land and Asset Compliance
AUTHORISING OFFICER AND POSITION:	John Bingham Director Corporate Services
NAME OF APPLICANT/RESPONDENT:	One Tree Community Services Incorporated
DATE REPORT WRITTEN:	26 August 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 14.1 (Minute No. 11034) Ordinary Meeting of Council 21 September 2011

Summary

One Tree Community Services Incorporated (One Tree) lease a 484 square meter portion of the Onslow Multi-Purpose Centre, for the provision of childcare services.

To address the long wait list for childcare services, a redesign of the current facility, with expansion into the current gymnasium area to better meet the needs of the community, is supported by Council and funded by Chevron through the Community Development Fund. Relocation of the existing operation is required during redevelopment with RM Forrest Memorial Hall proposed as the interim location of the service.

Council are requested to support use of the RM Forrest Memorial Hall by One Tree for the provision of childcare services for the duration of the works. To formalise this, a Council resolution is required to request the Minister for Lands revoke the current Management Order for Reserve 29808 and issue a new Management Order with the purpose of "Community Purposes" or similar and Power to Lease/Licence to ensure the use complies with the *Land Administration Act 1997*.

Background

Reserve 45561 comprises Lot 500 on Deposited Plan 058872 and is reserved for the Purpose of "Community Centre and Recreation". The Shire of Ashburton holds the Management Order for this reserve. One Tree (formerly CSSU) have provided childcare services to Onslow since 2011. Upon completion of the Onslow Multi-Purpose Centre (MPC) located on Reserve 45561, One Tree commenced leasing portion in January 2016 for a term of five years, expiring on 31 December 2020, for the authorised use of childcare services. The rent payable is \$12,600 plus GST per annum, subject to annual CPI reviews.

To address the long wait list for childcare services, a redesign of the current facility, with expansion into the current gymnasium area to better meet the community's needs, was supported by Council and funded by Chevron through the Community Development Fund. Relocation of the existing operation is required during redevelopment with RM Forrest Memorial Hall proposed as the interim location of the service.

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Redevelopment will see the area increase from 176 sqm to approximately 318 sqm by expanding into the current gym area.

ATTACHMENT 12.6

The gym, being a vital community service, will be relocated to a purpose built ~155 sqm facility to be located on Shire managed Reserve 30686, adjacent to the town tennis courts. Five modular units were acquired by the Shire through the demobilization process of Chevron's Wheatstone Project and the Brolga Construction accommodation camp which will be reassembled to create a new gym facility.

Comment

Upon award of the contract for the redevelopment works, the successful contractor will occupy the balance of the MPC building. This will require One Tree to relocate their existing operation and furnishings. Demolition, alterations and extension to the existing facility can then take place, including redevelopment of the existing playground.

Onslow facilities were assessed for suitability for the temporary provision of One Tree's childcare service, currently servicing 12 children. RM Forrest Memorial Hall, sited within the Shire Office on Reserve 29808 is proposed. One Tree staff, Shire staff and contractors will be utilised to relocate essential service items to RM Forrest Memorial Hall with any non-essential items stored during redevelopment. To minimize interruption to the service, relocation will occur over the weekend.

Security has been assessed, with additional locking mechanisms to be installed to prevent entry (by the public) and exit (of children) without assistance.

The service has three staff to care for the children currently utilizing the service. This will not see any burden placed on the facilities provided to Shire staff and the public. Any interim safety measure (temporary fencing/barricades) will be provided. Additionally, the duration has been 'blocked out' to bookings with other users (Shire holiday program and movie nights, St John Ambulance, PKKP, Onslow Keepers, Onslow Primary School Ball, Beats Bugs Musical Playgroup, Youth Yoga, Humble Soul Meditation, Parent Child Mother Goose) advised of the temporary unavailability and offered use of alternative Shire premises ie Business House.

Reserve 29808 comprises Lot 500 on Deposited Plan 406106 and is reserved for the purpose of "Shire Offices". Department of Planning Lands and Heritage (DPLH) were consulted on the proposed use and have requested the Reserve Purpose be amended to "Community Purposes" or similar to allow for the lease/licence/hire for the range of activities offered in the building. Additionally, DPLH advise an amendment to Management Order for Reserve 29808 to include Power to Lease or Licence is required to allow a formal agreement to be in place (for insurance, indemnification etc).

Due to the disruption to service encountered by One Tree from the temporary relocation and to reduce financial strain, it is proposed fees associated with use of RM Forrest Memorial Hall be waived for the duration of occupation. The bond of \$500 would not be adequate should there be any damage to flooring and therefore it is proposed a Lease/Licence Agreement include a clause that any damage will be charged to One Tree accordingly.

One Tree will be required to acquire operational approvals from the Department of Local Government and Communities for service provision from the RM Forrest Hall.

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Practical Completion is scheduled for March 2021. Prior to completion, a new Lease Agreement will be prepared for the redeveloped area within the MPC. To allow One Tree continuity of service and surety, Council support is requested to enter into private treaty with One Tree in accordance with s3.58 of the *Local Government Act 1995* for lease of the new facility within the MPC. The Lease for the new facility will be presented to Council for endorsement in due course.

One Tree currently experience staff attraction issues as the business does not provide staff housing. Without external support these issues will continue and the wait list will not be addressed, which is the purpose of the MPC redevelopment.

Shire officers recommend One Tree be invited to a Council meeting day to share thoughts and ideas about how they can address current and future staff attraction issues. In this way Council will be better positioned to fully understand the staffing issues as well as consider options to support and assist One Tree for the benefit of the Onslow community.

Consultation

Executive Leadership Team

Statutory Environment

In accordance with Regulation 30. Disposition of property excluded from Act s 3.58 of the *Local Government (Functions and General) Regulations 1996*, a disposition of land is an exempt disposition if:

...

- (b) *'The land is disposed of to a body, whether incorporated or not –*
 - i. *The object of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
 - ii. *The members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions'...*

Land Administration Act 1997

Section 41 - Request reserve of Crown land for one or more purposes in the public interest

Section 46 – Request reserve be placed under care, control and management of the Shire

Section 6.12 (1) (c) of the *Local Government Act 1995* states that Council may write off money that is owed to the Local Government by Absolute Majority.

Financial Implications

Onslow Gym and Childcare Project Implementation Plan executed in August 2020 includes funding of \$2,438,464 for both components of the project. BSM Consulting Quantity Surveyors estimate the childcare redevelopment to be \$997,100.00 (excluding professional fees), with the balance of \$1,441,000 for the gym and professional fees.

Fees for November to March inclusive are \$30,351 at the daily rate of \$201 as prescribed in the Fees and Charges Schedule. This amount would be reduced when considering the current lease fee, pro rata, of \$2,133.33 for November and December, upon which the lease expires.

Cleaning at the current facility is provided by Shire Cleaners therefore this cost, along with utilities is not in addition to the fee waiver, rather a continuation of the current arrangement.

Hire Fees and Charges associated with the RM Forrest Memorial Hall for the same period during the last financial year were ~\$6,000.

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Strategic Implications

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

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

Goal 05 Inspiring Governance
Objective 2 Community ownership

Risk Management

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

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Interruption to Service No childcare service without the provision of a Shire facility	Almost Certain (5)	Extreme (5)	Extreme (25)	Prolonged interruption of services > 1 month	Adopt Officer Recommendation to ensure no interruption to business

The following Risk Matrix has been applied.

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be high due the potential interruption to childcare services. Monitoring by the Executive Management Team will be ongoing during project planning and delivery.

Policy Implications

REC08 Community Donations, Grants and Funding, makes provision for \$500 Small Assistance Donation to clubs and groups. As the Fees and Charges waiver requested is over \$500 the request is presented to Council for consideration.

Voting Requirement

Absolute Majority Required

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Officers Recommendation

That with respect to the Proposed Temporary Use of RM Forrest Memorial Hall, Council:

1. Endorse use of the RM Forrest Memorial Hall on Reserve 29808 by One Tree Community Services Incorporated for the duration of the redevelopment of the Multi-Purpose Centre on Reserve 45561, programmed from late October 2020 to end of month March 2021;
2. Request the Minister for Lands to:
 - a. Revoke the current Management Order for Reserve 29808;
 - b. Change the Purpose of Reserve 29808 from “Shire Offices” to “Municipal Office and Community Purposes” or similar with Power to Lease or Licence;
 - c. Issue a Management Order for Reserve 29808 to the Shire of Ashburton for the Purpose of “Municipal Office and Community Services or similar”;
3. Subject to the Minister for Lands consent, endorse the Chief Executive Officer to negotiate and execute a Lease or Licence with One Tree Community Services Incorporated for RM Forrest Memorial Hall for the duration of the redevelopment of the Multi-Purpose Centre on Reserve 45561;
4. Endorse the Chief Executive Officer to enter into private treaty negotiations in accordance with section 3.58 of the *Local Government Act 1995*, advising One Tree Community Services Incorporated at the earliest convenience for continuity of service;
5. Request the Chief Executive Officer invite One Tree Community Services Incorporated to the December 2020 Onslow Council meeting to better understand staffing/operational issues and consider options available to resolve those issues; and
6. Approve waiver of the hire fees and charges for the RM Forrest Memorial Hall for the duration of occupancy by One Tree Community Services Incorporated, estimated to be ~\$30,000 and subject to project programming.

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12.7 MINING ACT 1968 TENEMENT REFERRALS – 25 JULY TO 24 AUGUST 2020

FILE REFERENCE:	ED01
AUTHOR'S NAME AND POSITION:	Janelle Fell Manager Land and Asset Compliance
AUTHORISING OFFICER AND POSITION:	John Bingham Director Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	24 August 2020
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
PREVIOUS MEETING REFERENCE:	Agenda Item 12.8 (Minute No. 124/2020) – Ordinary Meeting of Council 11 August 2020

Summary

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

Background

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

A notice in the form of Form 21 is to be served on the Chief Executive Officer of the local government within 14 days of the lodging of the application to which the notice relates.

The period for lodgement of an objection concerning an application over private land is within 21 days of service of the Form 21 or the date notified on the Form 21, whichever is the longer period.

Comment

Mining tenements prescribed under the *Mining Act 1968* include prospecting licences, exploration licences, retention licences, mining leases, general purpose leases and miscellaneous licences.

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

- Affected Shire assets:
 - Will the licence generate traffic volumes that significantly affect Shire roads
 - Borrow pits
- Bushfire back burning areas
- Aboriginal heritage sites
- Special Control Areas as per the Local Planning Scheme No. 7
 - Wittenoom a particular concern

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- Areas used for public recreation
- Land identified for future use or development (landfill, tourism, etc.)
- Traffic management if operating near roads used by travelling public
- Identify landowner/pastoral company
- Identify Aboriginal groups
- European heritage sites – municipal inventory
- Proximity to:
 - Telecommunications
 - Electricity
 - Water
 - Gas pipelines
- General notification of possible permanent and temporary camps

Five (5) Form 21 - Application for Mining Tenement notifications were received between 25 July 2020 and 24 August 2020.

Exploration Licences

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

Exploration Licence notifications received include:

Company	Application No.	Block/s (~80km²)	Locality
Rio Tinto Exploration Pty Ltd	E 52/3847	1	Hamersley Range
Geobox Internation Pty Ltd	E 08/3223 E 08/3224	20 20	Hamersley Range

Miscellaneous Licences

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

- A road;
- A tramway;
- An aerial rope way;
- A pipeline;
- A powerline;
- A conveyor system;
- A tunnel;
- A bridge;
- Taking water;
- A search for groundwater;
- Hydraulic reclamation and transport of tailings;
- An aerodrome;
- A meteorological station;
- A Sulphur dioxide monitoring station;
- A communications facility;
- A drainage channel;
- A pump station;
- A minesite accommodation facility;
- A bore;

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- A bore field;
- A water management facility;
- A power generation and transmission facility;
- A storage or transportation facility for minerals or mineral concentrate;
- A minesite administration facility;
- A workshop and storage facility;
- A jetty.

Miscellaneous Licence notifications received are:

Company	Application No.	Hectares	Locality	Purposes
Orion Equities Limited	L 47/938	95.96000	Paulsens	<ul style="list-style-type: none"> • a bore • a bore field • a communications facility • a drainage channel • a minesite accommodation facility • a minesite administration facility • a pipeline • a power generation and transmission facility • a power line • a road • a search for groundwater • a water management facility • a workshop and storage facility • taking water
Rio Tinto	L 47/939	77.53000	Brockman 4 Mine, south of	<ul style="list-style-type: none"> • a bore • a communications facility • a drainage channel • a minesite administration facility • a pipeline • a power line • a road • a storage or transportation facility for minerals or mineral concentrate • a workshop and storage facility

ATTACHMENT 12.7

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

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Consultation

Executive Leadership Team

Statutory Environment

PART IV -- Mining tenements of the Mining Act 1968 sets out the grant and conditions of mining tenements in Western Australia.

Mining Regulations 1981

Regulation 64, Application for mining tenement of the Mining Regulations 1981 (Mining Regs) states that application for mining tenements must be in the prescribed form, being a Form 21 and copies served in accordance with 33 (Application for mining by permit holder), 41 (Application for prospecting licence), 56A (Special prospecting licences), 58 (Application for exploration licence), 70 (Special prospecting licence on an exploration licence), 74 (Application for mining lease), 85B (Special prospecting licence on a mining lease), 91 (Grant of miscellaneous licence) and 118 (Notice of application to be given to lessee of pastoral lease) of the Mining Act 1968.

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

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

Goal 02 Economic Prosperity
Objective 1 Strong local economies

Risk Management

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

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Damage to natural environment – social performance responsibilities to the community at large	Rare (1)	Moderate (3)	Low (3)	Natural Environment (3) – contained, reversible impact managed by external agencies	Correspondence to all Applicants advising Shire's required considerations
Financial impact to assets	Rare (1)	Minor (2)	Low (2)	Property (2) – localised damage rectified by routine internal procedures	Where asset implications are identified, user agreements will be initiated

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The following Risk Matrix has been applied.

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be low due to the State and regulatory controls required for these referrals. Regular monitoring will be undertaken with specific procedures and corrective actions applied.

Policy Implications

Town Planning Scheme No. 7
LPP – Transient Workforce Accommodation

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to *Mining Act 1968* Tenement Referrals – 25 July to 24 August 2020, Council acknowledge the contents of this report.

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13. PROPERTY AND DEVELOPMENT SERVICES REPORTS

13.1 EXTENSION TO THE OPERATIONAL USE OF JUNDUNMUNNAH VILLAGE, TOM PRICE

FILE REFERENCE:	ED69
AUTHOR'S NAME AND POSITION:	Benjamin Leavy Acting Manager Town Planning
AUTHORISING OFFICER AND POSITION:	Chantelle McGurk Acting Director Development Services
NAME OF APPLICANT/RESPONDENT:	Rio Tinto Iron Ore
DATE REPORT WRITTEN:	24 August 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 14.3 (Minute No. 268/2017) Ordinary Meeting of Council 21 November 2017

Summary

Hamersley Iron Pty Ltd has approval pursuant to the *Iron Ore (Hamersley Range) Agreement Act 1963* to use the existing 700 bed camp adjacent to the Tom Price Mine, also known as Jundunmunnah Village, until 31 December 2020. The company now wishes to extend the life of the camp by four years.

This item seeks consideration from Council regarding the proposed extension of time that Jundunmunnah Village is able to continue to operate.

Background

Due to the proposed short term use of the then 120 person construction camp at Tom Price, Council endorsed a 12 month extension only at the November 2017 Ordinary Meeting of Council.

The Jundunmunnah Village, also known as the Tom Price Camp, was approved by the Minister for State Development under the *Iron Ore (Hamersley Range) Agreement Act 1963 (WA)* on 21 December 2017 for extended use until 31 December 2020 for its 698 rooms.

On 11 August 2020, correspondence was received from Rio Tinto seeking feedback from the Shire of Ashburton on its proposal for the four (4) year extension to the approval for the Jundunmunnah Village ahead of the submission to the Minister for State Development later this year.

ATTACHMENT 13.1

It is Rio Tinto Iron Ore's (RTIO) intention later this year to seek approval from the Minister for State Development for an extension to the use of the Jundunmunnah Village located on Mine Road south of Tom Price town for an additional 4 years or until 31 December 2024.

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The village is identified as 'transient workforce accommodation', with the definition within the Shire of Ashburton Local Planning Scheme No. 7 defined as:

transient workforce accommodation *Dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractor's camp and dongas.*

The Department of Planning, Lands and Heritage released a Position Statement in January 2018 for 'Workforce Accommodation'. The position statement outlines that in Western Australia the development requirements for 'Workforce Accommodation' are predominantly covered by three legislative instruments.

The Planning and Development Act 2005 establishes a general requirement for all development to obtain approval through a development application made under a planning scheme. However, the jurisdictions of the Mining Act 1978 and State Agreement Acts can vary the application of the Planning and Development Act 2005, and this needs to be reflected in local planning instruments.

The latter two legislative instruments are able to identify the extent of buildings, structure and uses that may be exempt and undertaken without prior planning approval as defined within the *Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015* and Shire of Ashburton Local Planning Scheme No. 7. This is a legacy issue within the Shire, as a large percentage of the mining uses within the local government area are acted upon under the State Agreement Acts and *Mining Act 1978*.

The Shire does not support "fly-in, fly-out (FIFO)" mining as it is considered that it leads to a loss of economic and social value to the Shire and the regional area as a whole. However, the Shire does acknowledge that there are certain circumstances such as remoteness and limited life of a particular mining or industrial activity that result in a need for 'Transient Workforce Accommodation'. The requirements of this type of land use and development are outlined within Local Planning Policy No. 13 – Transient Workforce Accommodation.

The Pilbara Regional Council has previously identified and advocated within the Transient Worker Accommodation – Position Statement that;

1. *That the State Government's Planning Position Statement reflect the recommended '60km rule' for transient workforce accommodation integration;*
2. *That the State Government apply a premium to payroll tax as applied to workers undertaking FIFO work arrangements in recognition of the additional environmental and social impact on the State;*
3. *That the State Government allow Local Government to set and apply differential rating to transient worker accommodation facilities on a three year approval cycle, amending this from the current annual cycle; and*
4. *That the State Government, through its licensing regime(s), actively preclude transient worker accommodation facilities from offering hotel accommodation and amenities to the general public in light of the above, greater policy direction and guidance from the State Government in relation to the move away from FIFO developments within close proximity to an established townsite needs to be established.*

Jundunmunnah Village does not comply with the Transient Worker Accommodation – Position Statement.

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On 1 April 2020, the WA State Government put into place regional border closures for anything other than essential services, it also announced that from 4 April 2020, Inter-state borders were also closed to all non-essential travel. On 21 July 2020, Premier Mark McGowan, called upon resource companies to employ more State-based employees as the current levels of interstate employees was unsustainable in the present environment.

The resource sector has taken proactive measures to ensure a comprehensive testing regime for workers travelling from outside the Pilbara to their mine sites. However, Interstate workers have been unable to return to their families, due to the State's closed borders which may have detrimental effects on the worker's mental health and wellbeing. The mental health stresses on FIFO workers has been long established.

In May 2018, the Medical Journal Australia released a report - 'Psychological distress in remote mining and construction workers in Australia' which detailed the results of a survey held on mine sites in South Australia and Western Australia. The conclusion of the report was that 'Psychological distress is significantly more prevalent in remote mining and construction workforce than in the overall Australian population'. Of those surveyed, the most frequently reported stressor was 'missing special events' when on-site (86% of respondents) and away from their families.

In its 'Impact of FIFO arrangement on the mental health and wellbeing of FIFO workers' report dated September 2018, the WA Mental Health Commission provided several recommendations to support improved mental health and wellbeing of FIFO workers; 'Recommendation 11: Implement rosters and shift structures that optimize mental health and wellbeing'. With the associated strategy;

- *'Options to move or be housed in the regional, local township should be considered and offered where possible.'*

With the impacts of separation from their families being the major stressor for FIFO workers, it makes logical and economic sense for resource companies to invest more into accommodation for their workers and families within towns, potentially reducing the amount of staff turnover and loss of production due to mental health illness. Increasing the numbers of people living in towns will stimulate economic activity and support community connectedness through increased participation in sporting and community activities that in turn improve the mental health and wellbeing of the employees of the resource sector.

In addition, the report provided 'Recommendation 15: Provide a permanent room at accommodation sites'; with the associated strategy;

- *Organisations should enable workers to remain in the same "permanent" accommodation space where possible.*
- *Encourage a sense of security, place and belonging.*

Locating workforce accommodation within established townsites (like Tom Price), can stimulate greater integration of the workforce within the community, encourage the adoption of a sense of place and belonging, rather than a disassociation with the supporting community.

The incorporation of a workforce within a townsite also allows for a greater degree of autonomy and diversity for FIFO workers to undertake activities, and facilitates opportunities to live a less regimented and strenuous lifestyle, whilst still being within proximity of their workplace (as identified within Recommendation 13 and Recommendation 14 of the report). This promotes

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health and wellbeing, recovery from work, social connection and an increased sense of choice and control.

On 17 August 2020, Cr. Foster tabled a Notice of Motion – In support of intrastate FIFO to support the Western Australian economy. The Notice supported by Council resolved the following:

1. *That the Shire of Ashburton supports comments made by the Premier Mark McGowan and others, including neighbouring Pilbara local governments. The Council authorises the Chief Executive Officer to engage with resource companies to encourage moving away from using interstate fly in, fly out (FIFO) workers and towards employing state-based workers.*
2. *That the Chief Executive Officer is requested to write a letter stating that it is the Shire of Ashburton's preference that the McGowan State Government support our four Ashburton towns becoming more liveable. Encouraging investment through the Pilbara Development Commission and other Government agencies to support a greater residential based workforce, with flow on effects supporting growth of business and jobs in our towns. As this will contribute to better mental health outcomes for workers who will have the opportunity to live closer to their families rather than working away from home.*
3. *That the State Government commit to investing in Regional Communities that are driving the recovery of our State and Nation and create investment opportunities for companies to invest within the towns of Western Australia where the resources of this State are extracted and produced providing opportunities for economic and social wellbeing of these towns.*

Comment

The existing 'transient workers accommodation' located at Jundunmunnah Village, is exempt from requiring planning approval under the *Planning and Development Act 2005* by virtue of the conditions and obligations set out within the *Iron Ore (Hamersley Range) Agreement Act 1963 (WA)* and s.120 of the *Mining Act 1978*.

State Agreements are contracts between the Government of Western Australia and proponents of major resources projects, which are ratified by an Act of State Parliament. They specify the rights, obligations, terms and conditions for development of the project and establish a framework for ongoing relations and cooperation between the State and the project proponent.

One of the functions of the State Agreement Acts can be to remove some of the power of local governments so that the local planning system does not prevent a proposed development from going ahead. Often there is a provision included which expressly exempts the proponent from having to obtain development approvals. Some of the more recent State Agreement Acts provide that the local planning scheme ceases to apply in relation to the area the subject of the agreement. The Department of State Development administers State Agreement Acts on behalf of the Government of Western Australia.

Clause 5B of the *Iron Ore (Hamersley Range) Agreement Act 1963 (WA)*, identifies considerations of the Minister in respect of each proposal pursuant to subclause (1) of clause 5A of the *Iron Ore (Hamersley Range) Agreement Act 1963 (WA)*. It is identified within subclause 5B(ii) that if the Minister is considering to refuse to approve a proposal, they must assess whether the implementation of the proposal by itself or together with any other submitted proposal will be contrary to or inconsistent with the planning and development policies and objectives of the State, amongst other specified reasons.

The overarching strategic direction of the development within the Pilbara region is directed partly through the implementation of the *Pilbara Planning and Infrastructure Framework 2012* and the *State Planning Strategy 2050*.

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The *State Planning Strategy 2050*, promotes that within the regional areas of Western Australia, consolidation and expansion of existing settlements is required to make regional communities more sustainable in the long term. Likewise the need to avoid ad-hoc and dispersed new settlements in competition with existing settlements should be avoided.

The *Pilbara Planning and Infrastructure Framework 2012* (pg. 16); specifically recognises that:

It is important that short-term transient workforce accommodation is aligned with long-term planning and community outcomes. In urban situations, this type of accommodation needs to be integrated into the urban fabric rather than be segregated developments. Preference needs to be given to forms of transient workforce accommodation development, that can perform longer-term urban functions, rather than be demolished after a short life.

The Department of Planning, Lands and Heritage Position Statement 2018, also identifies where practicable, workforce accommodation should be located within an established townsite. Though the position statement is not a defined State Planning Policy or Development Control Policy, it does provide a guiding statement with which future workforce accommodation developments should be undertaken, that is in an orderly and properly planned manner.

A similar provision is gazetted within the *Mining Act 1978*, requiring that in considering an application for the grant of a mining tenement, pursuant to s.120 (2) (b) the Minister of the Department of Mines, Industry Regulation and Safety (DMIRS) is required to consult the Minister for Planning; where the local government, in writing has informed the Minister of DMIRS and Minister of Planning, that the mining lease if granted would be contrary to the provisions of a town planning scheme or local law referred to in s.120(1) of the *Mining Act 1978*.

Part 1.5 of the Shire of Ashburton Local Planning Scheme No. 7 identifies the purpose of the Scheme. Part 1.5(b) of the Shire of Ashburton Local Planning Scheme No. 7 specifically relates to the strategic planning directions for the Shire as follows:

(b) Respond to strategic planning directions for the Shire by facilitating development in accordance with the Scheme objectives, strategic statements in the Scheme Report and any other strategic and policy statement adopted by Local Government.

The draft Shire of Ashburton Local Planning Strategy advertised on 27 March 2018, identifies that:

With regard to operational workers however, the Shire strongly opposes the FIFO model and the housing of permanently employed staff in short-term accommodation, preferring that such workers be employed on a residential basis, contributing to the growth and development of towns within the Shire.

This alignment and longer term planning has been considered by the Shire, with the Shire's Local Planning Scheme No. 7 permitting 'transient workforce accommodation' to potentially be developed within a range of zones. The permissibility of the 'transient workforce accommodation' use within the Shire is as follows:

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ZONING TABLE	Residential	Urban Development	Commercial and Civic	Tourism	Mixed Business	Industry	Industrial & Mixed Business Development	Strategic	Rural	Rural Living	Community	Education	Airport
Residential													
Transient Workforce Accommodation	D		X	D	I	X	D	X	D	D	I	I	I

The 'transient workforce accommodation' use is identified as a 'D' use and means that the use is not permitted unless the Local Government has exercised its discretion by granting planning approval. This discretionary use is further clarified by Council's adoption of Local Planning Policy 13 – Transient Workforce Accommodation (LPP 13). The local planning policy was adopted to provide guidance to potential developers of Transient Workforce Accommodation by ensuring that they are aware of the requirements and design required for the proposed in relation to the location and life of the workforce accommodation.

Moreover, within the townsite of Tom Price, land has been designated at Lots 3010 to 3015 (inclusive) and Lot 3017 Central Avenue and Jacaranda Drive, Tom Price; specifically to be utilised for Residential, Transient Workers Accommodation, Tourist Accommodation, and Tourist related uses and ancillary uses. The gazettal of the amendment identifies that the Shire is supportive of 'transient workforce accommodation' within the urban fabric, rather than seeking to prohibit the integration of the land use.

Therefore, in seeking to extend the operation of the Jundunmunnah Village outside of the defined gazetted townsite of Tom Price but within close proximity of the townsite, would be contrary to the purpose of *State Planning Strategy 2050, Pilbara Planning and Infrastructure Framework 2012* and the Shire of Ashburton Local Planning Scheme No. 7. A further extension to the operational status of the short term 'transient workforce accommodation', is not aligned with the strategic guidance of the *State Planning Strategy 2050, Pilbara Planning and Infrastructure Framework 2012* and the desired strategic and statutory direction of the Shire.

The following options are provided in regards to the proposed extension of time that the Jundunmunnah Village should operate;

OPTION 1

1. To not support any extension of time that Jundunmunnah Village is able to operate as the proposed extension of time:
 - a. Does not align with the strategic direction of the *State Planning Strategy 2050*, promoting the consolidation and expansion of existing settlements to make regional communities more sustainable in the long term; and
 - b. Is in conflict with strategic direction of the *Pilbara Planning and Infrastructure Framework 2012* for transient workforce accommodation, as the camp is within the proximity of the townsite of Tom Price and is a segregated development from the established urban area; and

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- c. Is in opposition to the Department of Planning, Lands and Heritage Position Statement 2018 – Workforce Accommodation; as its fundamental purpose is to guide, where practicable, future workforce accommodation developments within established towns; and
 - d. Does not incorporate the strategic and statutory provisions of the Shire of Ashburton draft Local Planning Strategy and Shire of Ashburton Local Planning Scheme No. 7. In so much as the operational workers are not being residentially housed and contributing to the growth and development of towns within the Shire.
2. Authorise the Shire President and Chief Executive Officer to advocate to the State Government of Western Australia that a policy and position of the State is required regarding the integration of ‘workforce accommodation’ into existing townsites in regional areas.

OPTION 2

1. To support the extension of time that Jundunmunnah Village is able to operate by an additional 2 years (until 31 December 2022); and
2. Authorise the Shire President and Chief Executive Officer to advocate to the State Government of Western Australia that a policy and position of the State is required regarding the integration of ‘workforce accommodation’ into existing townsites in regional areas.

OPTION 3

1. To support the extension of time that Jundunmunnah Village is able to operate by an additional 4 years (until 31 December 2024) as part of the Community Lifestyle and Infrastructure Plan; and
2. Authorise the Shire President and Chief Executive Officer to advocate to the State Government of Western Australia that a policy and position of the State is required regarding the integration of ‘workforce accommodation’ into existing townsites in regional areas.

Consultation

Executive Leadership Team

Statutory Environment

Iron Ore (Hamersley Range) Agreement Act 1963 (WA)

Consideration of Company’s proposals under clause 5A

5B. (1) In respect of each proposal pursuant to subclause (1) of clause 5A the Minister shall:

- (a) *subject to the limitations set out below, refuse to approve the proposal (whether it requests the grant of new tenure or not) if the Minister is satisfied on reasonable grounds that is not in the public interest for the proposal to be approved; or*
- (b) *approve of the proposal without qualification or reservation; or*
- (c) *defer consideration of or decision upon the same until such time as the Company submits a further proposal or proposals in respect of some other of the matters mentioned in clause 5A(1) not covered by the said proposal; or*

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- (d) *require as a condition precedent to the giving of his approval to the said proposal that the Company make such alteration thereto or comply with such conditions in respect thereto as he thinks reasonable, and in such a case the Minister shall disclose his reasons for such conditions;*

PROVIDED ALWAYS that where implementation of any proposals hereunder has been approved pursuant to the EP Act subject to conditions or procedures, any approval or decision of the Minister under this clause shall if the case so requires incorporate a requirement that the Company make such alterations to the proposals as may be necessary to make them accord with those conditions or procedures. In considering whether to refuse to approve a proposal the Minister is to assess whether or not the implementation of the proposal by itself, or together with any one or more of the other submitted proposals, will:

- (i) *detrimentally affect economic and orderly development in the said State, including without limitation, infrastructure development in the said State; or*
(ii) *be contrary to or inconsistent with the planning and development policies and objectives of the State; or*
(iii) *detrimentally affect the rights and interests of third parties; or*
(iv) *detrimentally affect access to and use by others of the lands the subject of any grant or proposed grant to the Company.*

The right to refuse to approve a proposal conferred by paragraph (a) may only be exercised in respect of a proposal where the Minister is satisfied on reasonable grounds that a purpose of the proposal is the integrated use of works installations or facilities (as defined in subclause (7) of clause 7C for the purpose of that clause) as contemplated by clause 7C. It may not be so exercised in respect of a proposal if pursuant to clause 5C(5) the Minister, prior to the submission of the proposal, advised the Company in writing that the Minister has no public interest concerns (as defined in that clause) with the single preferred development (as referred to in clause 5C(5)(a)) the subject of the submitted proposals and those proposals are consistent (as to their substantive scope and content) with the information provided to the Minister pursuant to clause 5C(5) in respect of that single preferred development.

Mining Act 1978

120. Town planning schemes and local laws to be considered but not to derogate from this Act

- (1) *In considering any application for the grant of a mining tenement the Minister, warden or mining registrar, as the case requires, shall take into account the provisions of any town planning scheme in force under the Town Planning and Development Act 1928 or local laws in force under the Local Government Act 1995 affecting the use of the land concerned, but the provisions of any such scheme or local laws shall not operate to prohibit or affect the granting of a mining tenement or the carrying out of any mining operations authorised by this Act.*
- (2) *Without affecting subsection (1), where —*
- (a) *an application has been made for a mining lease or a general purpose lease; and*
(b) *the local government has, in writing, informed the Minister and the Minister for the time being administering the Town Planning and Development Act 1928, that the mining lease or general purpose lease would, if granted, authorise the carrying on of mining operations contrary to the provisions of a town planning scheme or local laws referred to in subsection (1),*

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The Minister shall not dispose of the application until he has first consulted the Minister for the time being administering the Town Planning and Development Act 1928 and obtained his recommendation thereon.

Financial Implications

It is identified that there is a financial implication in regards to the proposed matter. The expected ongoing revenue associated with the existing 'transient workforce accommodation' camp outside the townsite boundary is \$112,152.25 for the 2020/21 year. The closure of the Jundunmunnah Village will impact the rates received from the camp.

Strategic Implications

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

Goal 04 Quality Services and Infrastructure
Objective 3 Well planned towns

Goal 05 Inspiring Governance
Objective 1 Effective planning for the future

Risk Management

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

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Reputation (Social / Community)	Possible (3)	Major (4)	High (12)	Substantiated, public embarrassment, widespread high impact on community trust, high media profile, third party actions	Endorse Option 1
Financial Impact	Possible (3)	Extreme (5)	High(15)	>\$5 million	Endorse Option 1
Reputation (Social / Community)	Possible (3)	Minor (2)	Moderate (6)	Substantiated, localised impact on community trust or low media item	Endorse Option 2
Financial Impact	Possible (3)	Major (4)	High (12)	\$1million - \$5 million	Endorse Option 2
Reputation (Social / Community)	Possible (3)	Insignificant (1)	Low (3)	Unsubstantiated, localised low impact on community trust, low profile or no media item.	Endorse Option 3

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Financial Impact	Possible (3)	Insignificant (1)	Low (3)	Less than \$10,000	Endorse Option 3
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The following Risk Matrix has been applied.

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be high - moderate due to the risk to the Shire's reputation and financial implications.

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

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Officers Recommendation

That with respect to the Extension to the Operational Use of Jundunmunnah Village, Tom Price, Council:

Endorse Option 1

1. To not support any extension of time that Jundunmunnah Village is able to operate as the proposed extension of time:
 - i. Does not align with the strategic direction of the *State Planning Strategy 2050*, promoting the consolidation and expansion of existing settlements to make regional communities more sustainable in the long term; and
 - ii. Is in conflict with strategic direction of the *Pilbara Planning and Infrastructure Framework 2012* for transient workforce accommodation, as the camp is within the proximity of the townsite of Tom Price and is a segregated development from the established urban area; and
 - iii. Is in opposition to the Department of Planning, Lands and Heritage Position Statement 2018 – Workforce Accommodation; as its fundamental purpose is to guide, where practicable, future workforce accommodation developments within established towns; and
 - iv. Does not incorporate the strategic and statutory provisions of the Shire of Ashburton draft Local Planning Strategy and Shire of Ashburton Local Planning Scheme No. 7. In so much as the operational workers are not being residentially housed and contributing to the growth and development of towns within the Shire.
2. Authorise the Shire President and Chief Executive Officer to advocate to the State Government of Western Australia that a policy and position of the State is required regarding the integration of 'workforce accommodation' into existing townsites in regional areas.

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14. COMMUNITY SERVICES REPORTS

14.1 KARINGAL NEIGHBOURHOOD CENTRE – REQUEST FOR PERMISSION FOR A MURAL AND SIGNAGE

FILE REFERENCE:	RC42129
AUTHOR'S NAME AND POSITION:	Fiona Pengel Manager Community Services – East
AUTHORISING OFFICER AND POSITION:	Kellie Bartley Director Community Services
NAME OF APPLICANT/RESPONDENT:	Karingal Neighbourhood Centre
DATE REPORT WRITTEN:	10 August 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

In response to a request from Karingal Neighbourhood Centre (Karingal), this report seeks consideration from Council to grant permission for the Karingal to design, paint and erect a mural and signage, adjacent to the area leased by Karingal on Reserve 42129, Paraburdoo.

Background

In numerous cities across the world, 'street art' has evolved into an acceptable and widespread desirable art form. What started as a subversive and radical act of creative vandalism is now popularised and adorned on buildings and landmarks worldwide as a creative intervention in the urban landscape.

Some of the outcomes of mural projects throughout Australia have been and continue to bring socio-economic benefits to the towns in which they are located and revitalise the communities. The media also continues to report of the positive impacts, which include but not limited to:

- Economic rejuvenation for rural communities;
- Increased trade for local businesses;
- Murals being tourist attractions and unique landmarks in their own right, cause traffic to stop where motorists would normally keep on driving, also generating a huge social media following; and
- A boost for community spirit and pride.

The Shire of Ashburton's Economic and Tourism Development Strategy 2019 identifies mural art as an opportunity for future economic growth in the form of a 'Mural trail'. The strategy states that: *'Community stakeholders have expressed a strong desire to pursue public art and/or cultural projects especially on assets such as water tanks, empty walls, school yards, that could be turned into canvases for mural artists to work on and engage with youth.'* The mural trail is recognised

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as a value add to the Shire's rich cultural vibrancy and heritage while being a creative way to attract tourism.

Karingal lease portion of the Karingal Neighbourhood Centre, located within the Paraburdoo Community Hub, Paraburdoo. The lease includes the authorised use of 'Neighbourhood Centre' for the provision of services for the Paraburdoo community to connect, learn new skills, access support services and participate in a range of community buildings activities and events. The lease commenced on 25 January 2019, and ends on 24 January 2021. A further term of two years is able to be exercised, at Council's discretion, and if supported, the final expiry date being 24 January 2023.

Comment

On 22 May 2020, a request was received from Karingal to erect a mural painted on boards and affixed to the fence Karingal's lease area on Reserve 42129, Anzac Place, Paraburdoo. It was concluded that the weight of the proposed boards would compromise the load on the fence making it non-compliant with engineering requirements. Therefore, the proposal was not supported.

ATTACHMENT 14.1A

Karingal provided a second proposal of mounting the mural and signage board adjacent to the fence which encloses the play group outdoor area, which forms part of Karingal's lease area.

The proposed mural design includes themes such as 'Resilience' and flora and fauna endemic to the area. The community will be involved in the painting of the mural. The objective of the project is to reconnect the community post COVID-19 through a permanent installation.

As the proposed location (marked in blue on the plan below) is outside of Karingal's lease area (marked in yellow on the plan below) Councils approval is required to erect the structure.

ATTACHMENT 14.1B

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Proposed Location of Mural

Materials

The proposed method of construction is;

- 6000 x 1700mm MDF/heavy duty board;
- Fixed to a freestanding metal frame with heavy duty screws;
- Frame to be secured with concrete footings; and
- Painted with outdoor weather proof paint

All maintenance, including repainting, replacement and removal, will be the responsibility of Karingal. Approval to proceed with the proposal will be held pending Karingal's acceptance of full responsibility for all maintenance and public liability.

It is recommended that if permission is granted, the request will be subject to completion of the Shire of Ashburton's Development Application process. There is no Building Licence requirement for this request due to the size of the structure.

Consultation

Executive Leadership Team
Manager Building and Health Services
Manager Land and Asset Compliance
Acting Manager Town Planning
Lease and Accommodation Officer
Manager Karingal Neighbourhood Centre

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Statutory Environment

Local Government Act 1995

3.18. Performing executive functions

- (1) A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.*
- (2) In performing its executive functions, a local government may provide services and facilities.*
- (3) A local government is to satisfy itself that services and facilities that it provides —
 - (a) integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body; and*
 - (b) do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and*
 - (c) are managed efficiently and effectively.**

Shire of Ashburton Local Planning Scheme No. 7

3.2 USE AND DEVELOPMENT OF RESERVES

3.2.1 A person shall not carry out any development on, other than the erection of a boundary fence defined or accepted by Local Government, or change the use of a reserve without first applying for and obtaining the planning approval of the Local Government in accordance with Part 5.

5.1 REQUIREMENT FOR PLANNING APPROVAL

5.1.1 A person shall not carry out any development on, other than the erection of a boundary fence defined or accepted by Local Government, or change the use of a reserve without first applying for and obtaining the planning approval of the Local Government in accordance with Part 5.

5.1.2 Any person proposing to undertake development is required to submit a planning application in accordance with subclause 5.5, unless it is exempted from this requirement by subclause 5.3.1.

Financial Implications

No provisions are identified in the 2020/21 Annual Budget however all costs incurred for the mural and mounting structure will be borne by Karingal, including any fees and costs for the Development Application.

Strategic Implications

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

- | | |
|-------------|---|
| Goal 01 | Vibrant and Active Community |
| Objective 1 | Connected, caring and engaged communities |
| Goal 04 | Quality Services and Infrastructure |
| Objective 1 | Quality public infrastructure |

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Risk Management

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

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Property	Possible (3)	Minor (2)	Moderate (6)	Localised damage requiring external resources to rectify	Risk Mitigated by compliance with Development Permit.

The following Risk Matrix has been applied.

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be moderate due to property damage risk. The level of risk will be mitigated through the Development Application process.

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to Karingal Neighbourhood Centre – Request for Permission for a Mural and Signage, Council:

1. Support the request for a freestanding mural and signage by Karingal Neighbourhood Centre Inc. on Reserve 42129; and
2. Authorise the Chief Executive Officer to formally advise Karingal Neighbourhood Centre Inc. that the request is subject to a Development Application process.

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14.2 TOM PRICE HOSPITAL SITE

FILE REFERENCE:	PH11
AUTHOR'S NAME AND POSITION:	Kellie Bartley Director Community Services Ben Leavy Acting Manager Planning Services
AUTHORISING OFFICER AND POSITION:	Kenn Donohoe Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Western Australia Country Health Services
DATE REPORT WRITTEN:	18 August 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 16.1 (Minute No. 292/2018) – Ordinary Meeting of Council 16 January 2018 Agenda Item 11.3 (Minute No. 301/2018) – Ordinary Meeting of Council 13 February 2018 Agenda Item 13.3 (Minute No. 678/2019) – Ordinary Meeting of Council 22 October 2019

Summary

The purpose of this report is for Council to consider progressing the future of the proposed Tom Price Hospital site for the residents of the Tom Price and surrounding districts.

Background

At the 13 February 2018 Ordinary Meeting of Council, the Council supported to liaise with the Health Minister and Premier with the intent to raise the awareness of the state of the ageing hospitals within the Shire of Ashburton (the Shire), as outlined in the previous Government's North West Health Initiative.

A tour of the Paraburdoo Hospital for the Councillors and Directors was arranged after the Ordinary Meeting of Council 13 February 2018. The tour of the facility was to encourage open discussions and communication regarding the status of the hospitals within the Shire into the near future. At the time, considerable research and discussions were going to be held with the Health Minister and Premier, taking into account the available budget, remoteness of the area and a procedural motion for the process to become a reality for both aging hospitals in Tom Price and Paraburdoo.

Further discussions were held in May 2019, with the then Chief Executive Officer and staff to continue further discussions between the parties (the Shire, Rio Tinto and Western Australia Country Health Services (WACHS) around the identification of an appropriate alternative site for a potential new build hospital in Tom Price.

Representatives from the WACHS, Rio Tinto and the Shire met on 28 May 2019 to discuss the future of the Tom Price Health Service and, alternative land opportunities to locate the service.

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Lot 400 and 46 South Road, Tom Price was discussed as an alternative site, which WACHS has confirmed they are prepared to financially support further geotechnical studies in-principle, based upon an agreed scope of works and price, to determine the suitability of the site.

The parties were keen to understand the best possible site location along with the provisions of just upgrading the current site. The discussions lead into the potential new site to be identified whilst maintaining the health service delivery.

Council endorsed the following at the 22 October 2019 Ordinary Meeting of Council,

That with respect to the Tom Price Health Service, Council:

1. *Authorise the Chief Executive Officer to advise WA Health Country Service (WACHS) that Council support:
 - a. *in-principle, a new Health Service being located on portion of Lot 400 on Deposited Plan 409078 and Lot 46 on Deposited Plan 413028 (ATTACHMENT 13.13); and*
 - b. *investigations by WACHS to determine the suitability and viability of a site;**
2. *Authorise the Chief Executive Officer to determine a suitable site within Lot 400 on deposited Plan 409078 and Lot 46 on Deposited Plan 413028 for a new Health Service;*
3. *Request the Chief Executive Officer undertake public consultation in regards to a new Health Service being located within Lots 400 and 46; and*
4. *Request the Chief Executive Officer to prepare a further report for Council's consideration after determining the above.*

Comment

As outlined in the Shire's Strategic Community Plan 2017-2027 and Corporate Business Plan that identifies the Shire to formally advocate to partners for investing to upgrade/redevelop Tom Price Hospital including new Triage facilities and to continue these discussions with WACHS and Rio Tinto.

Public consultation was undertaken in conjunction with the Collocation Emergency Services facility (CES) site in June 2020 with no submissions received. WACHS preference was for their site to be beside the Tom Price Childcare Centre (TPCC) however due to the unusual shape proposed to adjoin the Tom Price Childcare Centre, the initial plan was progressed ie the CES site and TPCC to be adjoining, as depicted below.

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Proposed Site Location

WACHS were to engage an architect to prepare a concept design to determine the exact land parcel size required for the site. The Shire's geotechnical results were shared to inform their decision making. Once they can provide the Shire with what size they require, then the indicative plan can commence.

On the 28 July 2020, correspondence was sent to the Director General, Dr David Russell-Weisz of Department of Health WA, to advocate to rekindle discussions on a new hospital for Tom Price. It must be acknowledged that demand on the current health system in Tom Price and Paraburdoo along with the lack of facilities that is needed to support the increased population and visitor numbers to the region during the tourist season.

ATTACHMENT 14.2A

On the 7 August 2020, the Chief Executive Officer, Director Community Services and Manager Lands and Asset Compliance met with the Regional Director and Director Projects from WACHS – Pilbara branch to openly discuss the opportunities for the Shire to engage with WACHS and the State on the support of a new hospital for Tom Price. After discussions, it was identified that the State would require land to entertain the support for a new site.

An acknowledgement from the Director General's Office was received on 14 August 2020, indicating that \$5.25 million is currently available to support improvement of the Tom Price Hospital facilities and a business case will be considered as part of the 2020/21 budget process, the outcome of which will be known later this year.

ATTACHMENT 14.2B

The Shire sent a letter of provision on 21 August 2020 to WACHS to reaffirm the Shire's support and strengthen WACHS request to the Treasury for funding. It also identified the land that would be available should the State Government support this request through the 2020/21 State Budget process.

ATTACHMENT 14.2C

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Further discussions with regards to the support from Rio Tinto are to be undertaken, with support required with the headworks on this site and additional in-kind support that may be identified.

At the Ordinary Meeting of Council held on 11 August 2020, Council supported the development of the Community Lifestyle and Infrastructure Plan (CLIP) to help understand the Town Planning review, revitalisation and Community Development Strategy. This process will also identify the service provisions that will include the health services of the towns of Tom Price and Paraburdoo.

Officers acknowledge that Paraburdoo Hospital is also in need of an upgrade, however no formal engagement has been received in relation to this facility.

Town Planning

The proposed site at Lot 400 on DP 409078 and Lot 46 on DP 413028 is designated:

- ‘Urban’ under the Draft *Shire of Ashburton Local Planning Strategy*, and
- ‘Residential R20’ under the Shire of Ashburton Local Planning Scheme No. 7.

The proposed use of the site for community purposes is in accordance with the direction and objectives of the draft *Shire of Ashburton Local Planning Strategy*. The Shire of Ashburton Local Planning Scheme No. 7 currently identifies a ‘hospital’ use within the Residential zone as an ‘X’ use, meaning that the use is not permitted by the Scheme.

ZONING TABLE	Residential	Urban Development	Commercial and Civic	Tourism	Mixed Business	Industry	Industrial & Mixed Business Development	Strategic Industry	Rural	Rural Living	Community	Education	Airport
Health, Welfare and Community Services													
Hospital	X		D	X	X	X	X	X	X	X	X	X	X

However, by virtue of s.6 of the *Planning and Development Act 2005*; the Crown, statutory authorities and local governments undertaking, constructing or providing public works are exempt from the requirements to obtain planning approval but are required to consult with the Local Government and to have regard to the purpose and intent of the scheme and local amenity. Part 1.5 of the Shire of Ashburton Local Planning Scheme No. 7 identifies the purpose of the Scheme. Part 1.5(b) of the Shire of Ashburton Local Planning Scheme No. 7 specifically relates to the strategic planning directions for the Shire as follows:

- (c) *respond to strategic planning directions for the Shire by facilitating development in accordance with the Scheme objectives, strategic statements in the Scheme Report and any other strategic and policy statement adopted by Local Government.*

Pursuant to s. 6 of the *Planning and Development Act 2005*, due regard must be given to the Shire’s Local Planning Scheme No. 7 reserve and land objectives, as well as the draft Shire of Ashburton Local Planning Strategy.

On those grounds, the proposed location of the ‘Hospital’ use in a ‘Residential’ designation is not in accordance with the objective of the zone set out within the Shire of Ashburton Local Planning Scheme No. 7; to provide for residential development at a range of densities as indicated on the Scheme Maps.

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Therefore, a scheme amendment is required to be undertaken to redesignate the site to an appropriate land use reserve or zone for the intended purpose of the site. The scheme amendment should also include the co-located CES site, to accurately reflect the intended uses of the sites. The scheme amendment is also required to be undertaken to allow for any potential impacts on the surrounding areas to be identified, as a number of matters for consideration are yet to be adequately addressed:

- Compatibility with the surrounding land uses
- No. of beds proposed
- Traffic access and egress
- Built design (single or two storey)
- Area of land required
- Ancillary infrastructure
- Utility provisions
- Amenity impacts (ambulance/fire brigade)

Further to the above, the proposed development of Lot 400 and Lot 46 South Road, Tom Price is currently being undertaken in an 'ad hoc' process. As part of the scheme amendment an indicative local development plan can be incorporated to illustrate the proposed future development of the site to ensure orderly and proper planning in accordance with the Act.

In addition, an amended subdivision plan will also need to be lodged to reflect the proposed development on the site.

Consultation

Executive Leadership Team
WA Country Health Services
Acting Manager Planning
Director General – Department of Health

Statutory Environment

Planning and Development Act 2005

6. Public works, Act does not interfere with

- (1) *Subject to section 5(2) and (3) and subsections (2) and (3) of this section, nothing in this Act interferes with the right of the Crown, or the Governor, or the Government of the State, or a local government —*
 - (a) *to undertake, construct or provide any public work; and*
 - (b) *to take land for the purposes of that public work.*

- (2) *Rights referred to in subsection (1) are to be exercised having regard to —*
 - (a) *the purpose and intent of any planning scheme that has effect in the locality where, and at the time when, the right is exercised; and*
 - (b) *the orderly and proper planning, and the preservation of the amenity, of that locality at that time.*

- (3) *The responsible authority is to be consulted at the time when a proposal for any public work, or for the taking of land for a public work, is being formulated to ensure that the undertaking, construction, or provision of, or the taking of land for, the public work will comply with subsection (2).*

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Shire of Ashburton Local Planning Scheme No. 7

1.5 PURPOSE OF THE SCHEME

The general purpose of the scheme is to:

- (a) facilitate community input into planning for the appropriate balance between economic and social development, conservation of the natural environment, heritage structures and places, and improvements in lifestyle and amenity,
- (b) respond to strategic planning directions for the Shire by facilitating development in accordance with the Scheme objectives, strategic statements in the Scheme Report and any other strategic and policy statement adopted by Local Government,
- (c) reserve certain portions of land required for public and other purposes,
- (d) zone the balance of the land within the Scheme Area for purposes described in the Scheme, define the uses and types of development to be permitted on land within the Scheme Area, and
- (e) control and regulate the development of land, erection and demolition of buildings and the carrying out of works,
- (f) make provision for the conservation of areas and places of heritage interest,
- (g) make provisions for development having regard for the long term protection of natural resources, such as clean air, water, soil and biological diversity.
- (h) make provision for the administration and enforcement of the Scheme,
- (i) address other matters contained in Schedule 1 of the Act.

Financial Implications

There are no known financial implications for this matter currently however until further investigations into the proposal are considered, it will be required to be supported with relevant funding to support the proposal.

Strategic Implications

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

- Goal 01 Vibrant and Active Communities
- Objective 3 Quality education, healthcare, childcare, aged care and youth services

Corporate Business Plan

Strategy 1.3.1 – Play a leadership role in advocating to, and engaging with, relevant government and private sector stakeholders to foster a whole of Shire approach to the provision of quality education, training, healthcare, childcare, aged care, youth services and facility provision.

Action 1.3.1.5 – Advocate for the redevelopment or refurbishment of Tom Price and Paraburdoo Hospitals.

Risk Management

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

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That support is not provided to improve health services within	Possible (3)	Moderate (3)	Moderate (9)	Continuation of drain of services on the health	The Shire will continue to advocate to the State

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the town of Tom Price				services and lack of local services.	Government Agencies for the support of better services for the region.
Opportunity of the existing hospital site for possible temporary office space or use for future land development for the Shire to be considered	Possible (3)	Moderate (3)	Moderate (9)	Risk is moderate however can be lowered if the opportunity it so present itself through this process.	That the Shire will request WACHS for the opportunity for possible land to be negotiated through the State.

The following Risk Matrix has been applied.

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be moderate due the opportunities for new and improved services to the region and also the possibility for future land opportunities for the shire.

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the proposed Tom Price Hospital Site, Council:

1. Authorise the Chief Executive Officer to continue to liaise with State Government Agencies and Western Australia Country Health Services to provide support and determine the opportunities, risks and constraints of the proposed site as to its suitability for use as a future hospital site by the WA Country Health Service; and
2. Authorise the Chief Executive Officer to commence a scheme amendment to redesignate the sites on Lot 400 on Deposited Plan 409078 and Lot 46 on Deposited Plan 413028, to an appropriate land use reserve or zone for the intended purpose of the site for the future development of the site.

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**14.3 REQUEST FOR ADDITIONAL FUNDING – TOURISM AND WELLBEING
OUTREACH**

FILE REFERENCE:	CS28
AUTHOR'S NAME AND POSITION:	Lisa Boyd Manager Community West
AUTHORISING OFFICER AND POSITION:	Kellie Bartley Director Community Services
NAME OF APPLICANT/RESPONDENT:	Jason Kennedy – MCW Promotions Robert DiPiedomenico
DATE REPORT WRITTEN:	25 August 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

For Council to consider a budget amendment to the 2020/2021 Annual Financial Budget to make provision for a tourism campaign and mental wellbeing during the current COVID 19 climate.

Background

The Shire of Ashburton (the Shire) has been approached to help leverage the tourism and mental wellbeing opportunities with celebrity and retired Australian Rules footballer Robert DiPierdomenico (nickname Dipper). Dipper is a popular media personality promoting tourism and travel destination in Australian and around the world. Dipper also delivers programs to Sporting Groups, Clubs and Schools about mental health, welfare and education programs that build both collective and individual mental health and wellbeing within our communities.

In 2019, the Shire of Ashburton engaged in a media, tourism and wellbeing campaign with celebrity, Robert DiPierdomenico (Dipper). Dipper has a long standing relationship with the Shire of Ashburton and its residents. In October 2019, Dipper and his production team in conjunction with channel 7 network filmed and produced an episode on tourism and economic growth in the Shire of Ashburton, in particular the town of Onslow.

Dipper's Destination "Onslow" episode was aired in May 2020. The program was heavily marketed and estimated over 80,000 viewers watched per week as well as downloads and catch up on 7plus.com. During filming and production, Dipper hosted the Onslow Men's Shed Charity Auction, visit and talk to the students at Onslow Primary School, and was celebrity guest at the Onslow Annual Gala.

More recently, the Shire teamed up with Dipper to participate in the "Stigma Stops Here" tour (Perth to Roebourne), raising awareness on mental health and wellbeing. The program consisted of visits to a number of towns to engage with local schools, sporting clubs and community groups.

Comment

In order to reach sustainability of funding Dipper's visit and filming, it will ideally be looking for external partners and funding streams aligned with the event objects of the Shire of Ashburton

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region as a great place to live work and holiday as well as encouraging community connectedness and cohesion. The Shire proposes other funding streams that may be associated are tourism, the Pilbara Development Commission and seeking grant opportunities or organisations that may be available. The budget provisions have been identified within the Shire's COVID 19 Small Business Community Grants Funds for assistance to help revitalise the Shire on opportunities for business and economic development.

CONFIDENTIAL ATTACHMENT 14.3

The project benefits all community members, tourists, local and regional businesses. With the correct planning and funding this event could potentially attract thousands of people to the region, promoting our natural wonders and beauty, local attractions and economic opportunities in the Shire.

Filming scope and screen time includes:

- Shire of Ashburton will receive a full 30 minute show/special featuring all of the benefits and features that you require to promote in the show
- Alongside a social media campaign to align with the Ashburton special which will reach a further 279,000 followers on Facebook, Instagram and You Tube.
- Additional opportunity for a 15 second You Tube clip as well as Dipper featuring in a 60 second Webisode of him personally endorsing the Shire of Ashburton.
- A supply a mini – sode (condensed show reel of the show) for the Shire's social media advertising.

As identified in the Economic and Tourism Development Strategy 2019, the strategic goals are to promote the Shire, encourage infrastructure development and investment and to promote business development. This opportunity will help to leverage the Shire's target markets and social media capacities and support the initial concept already aligned with the promotional material that Dipper produced in 2019.

With the current COVID19 environment, having the opportunity to reach across the Western Australian Tourism and to help revitalized the Pilbara Region by capturing our towns and tourism across Australia.

Provisions have been made for small marketing budget however the Shire Officers are seeking additional funding to support this opportunity. It must be acknowledged that Dipper is required to apply for the relevant COVID19 restrictions and therefore the funds will only be required, if Dipper is approved by the Western Australian Government to travel interstate.

Consultation

Executive Leadership Team
Manager Media and Communication
Manager Community West

Statutory Environment

There are no known statutory impediments for this matter.

Financial Implications

The support of a budget adjustment will need to be considered for this request. There is no budget amount identified within the 2020/21 Annual Budget and therefore the additional funds of \$53,440 is being sort from Council unless other in-kind support can be garnered from supporting organisations.

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GL/Job No.	General Ledger Description	Current Budget	Amendment	Revised Budget	Reason
NEW	Community Wellbeing Program	0	53,440	53,440	To allow for provisions of wellbeing and media promotions.
11300440	Transfer from COVID- Relief and Stimulus Reserve	0	(53,440)	(53,440)	Utilisation of COVID-19 funds for Shire wellbeing and media promotions.

Strategic Implications

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

Goal 01 Vibrant and Active Communities
Objective 1 People feel connected and actively involved in the community
Objective 4 A rich cultural life

Goal 02 Economic Prosperity
Objective 1 Well-managed tourism
Objective 2 Sustainable tourism benefitting local economies and the Shire as a whole

Risk Management

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

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Reputation	Unlikely (2)	Minor (2)	Low (4)	Substantiated, localised impact on community trust or low media item	Reputation is managed by following adopted policies and the support the Shire's Strategic Corporate Plan.
Financial Impact	Unlikely (2)	Minor (2)	Low (4)	\$10,000 - \$100,00	Financial provisions are allocated in the 20/21 tourism budget.

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The following Risk Matrix has been applied.

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

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Absolute Majority Required

Officers Recommendation

That with respect to the Request for Additional Funding – Tourism and Wellbeing Outreach, Council;

1. Approve the proposal for Dipper's Destinations to be undertaken in the 2020/21 financial year to promote the inland towns within the Shire of Ashburton;
2. Authorise expenditure to be allocated from its COVID19 Financial Support and Stimulus Fund 11300440 for an amount of \$53,440;
3. Authorise the Chief Executive Officer to seek additional funding sources that may be available that promote wellbeing and economic and tourism development.

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14.4 TOM PRICE CO-LOCATED EMERGENCY SERVICES FACILITY

FILE REFERENCE:	POI.0400
AUTHOR'S NAME AND POSITION:	Kellie Bartley Director Community Services
AUTHORISING OFFICER AND POSITION:	Kenn Donohoe Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	27 August 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 13.1 (Minute No. 12/2020) Ordinary Meeting of Council 11 February 2020

Summary

At the Ordinary Meeting of Council on 23 May 2017, Council endorsed the Memorandum of Understanding (MOU) between the Shire of Ashburton and Rio Tinto for the Community Infrastructure and Services Partnership (CISP). Annexure Two of the MOU outlines the priority projects agreed between the parties, including the Tom Price Colocation Emergency Services Precinct.

In accordance with the CISP Rio Tinto have agreed to contribute \$1,500,000.00 towards the construction of the Tom Price Co-located Emergency Services Facility.

This report is for Council to endorse the proceedings of the business case and the funding deed for the Tom Price Co-located Emergency Services Facility.

Background

A MOU between Rio Tinto and the Shire commenced in July 2017, creating a long-term partnership to work together to revitalise existing and develop new civic, sporting and community facilities and programs in the towns that Rio Tinto has a significant presence. The MOU provides an engagement framework and CISP, which details the projects that will be the focus of the partnership.

The engagement framework provides for a Partnership Governing Committee (PGC) to review the activities of the partnership in accordance with the MOU and provide to Council for consideration. After endorsement from Council, funding agreements and conditions for the various projects outlined in the CISP are prepared in consultation with both parties.

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

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The consultation and development of the Tom Price DFES Colocation Facility has been a priority project for both the Shire and Rio Tinto, with significant work being undertaken to date on scoping of the building and site under the advice from Department of Fire and Emergency Services (DFES).

At the February 2020 Ordinary Meeting of Council, Councilors endorsed the Acting Chief Executive Officer to undertake public consultation in regards to the new Co-located Emergency Services Facility being located within Lots 400 and 46. This was undertaken from 12 June 2020, closing on 26 June 2020 with no submissions received.

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

Comment

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

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

An application for funding was submitted through the Department of Fire and Emergency Services Local Government Grants Scheme (LGGS) – Capital and Operating Grants in April 2019 and the Shire was notified on 19 July 2019 that the funding submission was successful. The Director Community Services revised the grant submitted and an increase of funding was provided and supported by DFES resulting in a contribution of \$1,720,400.

On 2 July 2020, the Tom Price Co-location Emergency Services Facility Rio Tinto specific business case, letter of request for funding and relevant attachments were submitted for Rio Tinto's consideration for support of \$1,500,000 to assist financially with the project.

CONFIDENTIAL ATTACHMENT 14.4A

By return correspondence Rio Tinto have committed to provide the additional funds to finalise this project.

CONFIDENTIAL ATTACHMENT 14.4B

A funding agreement outlining the terms and conditions of the contribution of the Shire and Rio Tinto will be prepared by a legal team. Should no submissions be received from advertising of the business case, it is recommended that Council authorise the Chief Executive Officer to negotiate the funding agreement between the parties and, upon agreement between the parties of the funding agreement, authorise the Shire President and the Chief Executive Officer to execute the document.

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An internal Project Control Group has been established by the Chief Executive Officer and include the appropriate Directors and Officers relevant to the project.

Consultation

Executive Leadership Team
Manager Land and Asset Compliance
Rio Tinto
Department of Fire and Emergency Services

Statutory Environment

Local Government Act 1995

3.59. Commercial enterprises by local governments

(1) *In this section —*

...

major land transaction means a land transaction other than an exempt land transaction if the total value

(a) the consideration under the transaction; and

(b) anything done by the local government for achieving the purpose of the transaction, is more, or is worth more, than the amount prescribed for the purposes of this definition;

...

(2) *Before it —*

(a) commences a major trading undertaking; or

(b) enters into a major land transaction; or

(c) enters into a land transaction that is preparatory to entry into a major land transaction,

a local government is to prepare a business plan.

...

(10) *For the purposes of this section, regulations may —*

(a) prescribe any land transaction to be an exempt land transaction;

(b) prescribe any trading undertaking to be an exempt trading undertaking.

Regulation 8(1) of the *Local Government (Functions and General) Regulations 1996* provides the necessary assurance that a business plan is not required:

8. Exempt land transactions prescribed (Act s. 3.59)

(1) *A land transaction is an exempt land transaction for the purposes of section 3.59 of the Act if the local government enters into it —*

(a) *without intending to produce profit to itself; and*

(b) *without intending that another person will be sold, or given joint or exclusive use of, all or any of the land involved in the transaction.*

The Shire plays an ongoing role in the management of the BFB under the Bush Fires Act, allowing the exemption of 8(1) of the *Local Government (Functions and General) Regulations 1996* to apply to this major land transaction.

“Section 9.49A. Execution of documents

(1) *A document is duly executed by a local government if —*

(a) *the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*

(b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*

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

Financial Implications

The financial provisions have been adopted in the 2020/21 CAPEX and Annual Financial year budget allocations. It must be noted that through this process, that any further additional costings are to be submitted to DFES for consideration and any variances that DFES will review and make the necessary adjustments that meet the LGGS guidelines. Ongoing maintenance costs for the facility are administered through the LGGS operating grant scheme once the building is completed.

Project Budget

Item of Expenditure	Budget	Amount	Funding Source	Funding Secured?	Quality of Estimates
Design & Construction	\$3,589,570	\$850,000	Shire of Ashburton	Yes	BSM Consulting
		\$1,720,400	DFES	Yes	
		\$1,500,000	RTIO	Yes	
Site works & Headworks	\$ 480,000	-	Shire of Ashburton	Yes	Shire/Talis
TOTAL	\$ 4,069,570				

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
Objective 2 Active people, clubs and associations
- Goal 02 Enduring Partnerships
Objective 2 Enduring partnerships with industry and government
- Goal 04 Distinctive and Well Serviced Places
Objective 1 Quality public infrastructure
Objective 3 Well planned towns

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Risk Management

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

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Project Time	Minor (2)	Possible (3)	Moderate (6)	Project timeline exceeds deadline by 20% of project timeline	Proceed as per Officers recommendation
Financial Impact	Unlikely (2)	Major (4)	Moderate (8)	Project over budget \$1,000,000 to \$5,000,000 project value	Monitoring will be undertaken with specific procedures and controls engaged throughout delivery

The following Risk Matrix has been applied.

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

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

Policy Implications

ELM10 Financial Sustainability Policy
ENG09 Asset Management Policy

Voting Requirement

Absolute Majority Required

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Officers Recommendation

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

1. Extend its appreciation to Rio Tinto for their support of the project;
2. Authorise the Chief Executive Officer to negotiate the funding agreement with Rio Tinto;
3. At the conclusion of advertising of the business case, should no submissions be received, authorise the Shire President and Chief Executive Officer to affix the common seal to the finalised agreement; and
4. Authorise the Chief Executive Officer to prepare and advertise the Request for Tender for the Design and Construction of the Tom Price Co-location Emergency Services Facility and all associated works.

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15 INFRASTRUCTURE REPORTS

15.1 TOM PRICE PUMP TRACK - LOCATION

FILE REFERENCE:	RC29
AUTHOR'S NAME AND POSITION:	Tracey Rogers Projects Officer
AUTHORISING OFFICER AND POSITION:	Mike Hudson Director Infrastructure Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	24 August 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 13.12 (Minute No. 677/2019) – Ordinary Meeting of Council October 2019

Council consideration is requested to endorse the location and update of the project scope for the Tom Price Pump Track project.

Background

At the October 2019 Ordinary Meeting of Council, Councilors endorsed Reserve 44839 as the preferred location for the Tom Price Pump Track, subject to community consultation. Council requested a further report after community consultation for consideration and determination as to the sites suitability for the Pump Track.

To ensure adequate siting of the Pump Track to deliver a quality facility, amalgamation of Reserves 49947 and 44839 is proposed. Reserve 49947, being Lot 3001 on Plan 48403, is a 3.2254 hectare Crown Reserve located adjacent to Reserve 44839. Reserve 44839 comprises Lots 331 and 334 on Plan 15263 with a combined area of 2.5066 hectares. Access to the Pump Track will be via the currently facility on North Road or via Ngardi Place, Tom Price. Management Orders for both reserve are issued to the Shire of Ashburton for its care, control and management for the purpose of "Drainage" and "Public Recreation" respectively.

ATTACHMENT 15.1

Under the Shire of Ashburton Town Planning Scheme No. 7 (TPS7) Lot 3001 is zoned Residential 'R30' (development approval required to proceed with the proposal) and Lots 332 and 334 are reserved for 'Parks, Recreation and Drainage'.

Comment

Community consultation was undertaken from Monday 10 August to Sunday 23 August 2020 via:

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- i. An online survey as advertised on social media, the Shire's webpage and via email to the local sporting clubs; and
- ii. Letterbox drop to the owners/occupiers of the properties within a 200 meter radius of the proposed site.

54 responses were received, all of which were from residents of Tom Price. 83% of respondents confirmed that this is the preferred location to build the track.

45 respondents agreed that this was the best location for the facility to be built, with 9 not in agreement. Respondents were requested to provide alternate locations if they disagreed with the proposed location. This feedback included previously considered sites, being:

- The grassed area at the skate park
- Vacant land at Lot 400 across from the golf club
- Lot 248 between Mine Road and Poinciana Street

A resident of Ngardi Place responded opposing the location of the build. Potential noise from the use of the finished facility formed the basis of their concern due to shift workers residing at the premises. Although a valid concern in Tom Price, this is the only negative feedback on the location received from residents in close proximity to the proposed location. To alleviate this concern, vegetation buffers will be incorporated into the project to reduce the potential noise irritation to neighbouring residents.

When asked what type of track they would like to see built, the responses included:

- 48 people supported a pump track
- 31 requested a skills track
- 30 a learn to ride area

With the substantial adopted budget it is feasible to extend the scope of works to include the build of these additional tracks. Their inclusion would cater to a larger portion of the community.

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Pump Track



Skills Track

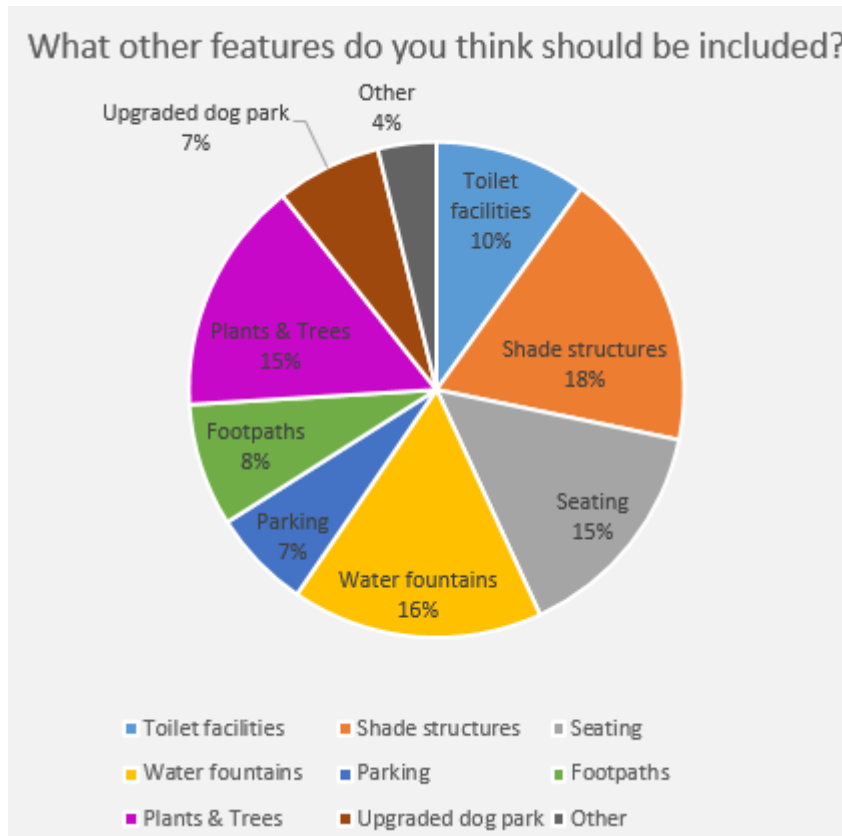


Learn to Ride

The community gave feedback regarding other features for the Pump Track. This feedback will be utilised to plan the project, budget permitting. Suggested features include:

- Upgraded dog park
- Toilet facilities
- Shade structures
- Seating
- Water fountains
- Parking
- Footpaths
- Plants and trees
- A BBQ
- Grassed areas
- Lighting
- Larger dirt jump set

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Although not in the original scope, this information is essential to enabling us to integrate the Pump Track into the existing facilities to create a functional space for all ages.

The portion of Reserve 49947 proposed to be developed (shaded yellow on the below plan) is adjacent to the water course flowing from beside the high school through to wombat crossing. Any high level flood data will be used to inform the site plan to ensure the facility is not compromised during weather events. Reserve 44839 is hachured green and Reserve 44947 is hachured red on the plan below.

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Council support is sought to proceed with a request to the Minister for Lands to revoke Reserves 49947 and 44839 for creation of a new Reserve with management by the Shire of Ashburton to progress design and construction of the Tom Price Pump Track.

Consultation

Executive Management Team
Manager Land and Asset Compliance
Facilities Officer
Acting Manager Town Planning

Part 4, Reserves of the *Land Administration Act 1997* sets out the Ministers powers in relation to reserving Crown land, Cancelling, changing the purpose of or amending the boundaries of, or the locations or lots comprising, a reserve.

Financial Implications

Council has allocated \$950,000 for this project in the 2020-21 budget.

An estimated ongoing annual maintenance budget of \$60,000 will be confirmed at the completion of the budget.

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Strategic Implications

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

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

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

Risk Management

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

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Reputation That community members opposing the build voice their concerns	Possible (3)	Insignificant (1)	Low (3)	Possible negative feedback from community members through social media	Form a panel of community members with perceived experience or a background in BMX/MTB riding to provide feedback gaining community support

The following Risk Matrix has been applied.

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

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

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Officers Recommendation

That with respect to the Tom Price Pump Track – Location, Council:

1. Endorse portion of Reserves 49947 and 44839 as the location of the Tom Price Pump Track;
2. Resolve in accordance with the *Land Administration Act 1997* to request the Minister for Lands to:
 - a) Revoke management order of Reserves 44947 and 44839;
 - b) Cancel Reserves 44947 and 44839 in accordance with section 51;
 - c) Create a new Reserve as a result of the amalgamation of Reserves 44947 and 44839 for the purpose of “Recreation” or similar in accordance with section 41;
 - d) Issue a Management Order for the new Reserve to the Shire of Ashburton for the purpose of “Recreation” or similar in accordance with section 46;
3. Authorise the Chief Executive Officer to extend the scope of the project to include all necessary works and inclusions to integrate these tracks into the existing facilities; and
4. Authorise the Chief Executive Officer to prepare and advertise any necessary Request for Tender or Request for Quotations for the Design and Construction of the Tom Price Pump Track and all associated works.

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

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

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

- (a) a matter affecting an employee or employees;**
- (b) the personal affairs of any person;**
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;**
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;**
 - (I) a matter that if disclosed, would reveal;**
 - (II) a trade secret;**
 - (III) information that has a commercial value to a person; or**
 - (IV) information about the business, professional, commercial or financial affairs of a person,**

Where the trade secret or information is held by, or is about, a person other than the local government.

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

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18.1 CONFIDENTIAL ITEM – LODGING HOUSES

FILE REFERENCE:	FM17
AUTHOR'S NAME AND POSITION:	Robert Jehu Manager Building and Health Services
AUTHORISING OFFICER AND POSITION:	Chantelle Bryce Acting Director Development Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	11 August 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

REASON FOR CONFIDENTIALITY

The Acting Director Development Services Report is confidential in accordance with s5.23 (2) the *Local Government Act 1995* because it deals with matters affecting s5.23 (2):

d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

Officers Recommendation

That with respect to the Lodging Houses, Council:

1. Request the Manager Building and Health Services prepare an agenda item to the Pilbara zone of WALGA, identifying the need for lodging house inspections at mining camps to be retained within legislation for the wellbeing of contractors and employees accommodated within these facilities within the district.
2. Recognise the need for a fee to be applied to provide this service to the community in a similar vein to the Auditor General guidance to Local Governments that any service be provided on a full cost recovery basis, taking into consideration the remoteness and isolation of these facilities; and
3. Write to Chamber of Minerals and Energy, the Department of Health and Unions Australia identifying that the removal of this service provided by local government may result in the health and safety and the wellbeing impacts to members.

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18.2 CONFIDENTIAL ITEM - PILBARA REGIONAL WASTE MANAGEMENT FACILITY – MANAGEMENT MODEL

FILE REFERENCE: WM09

AUTHOR'S NAME AND POSITION: Andrew Quispe
Waste Consultant – Talis Consulting

Mike Hudson
Director Infrastructure Services

AUTHORISING OFFICER AND POSITION: Kenn Donohoe
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 27 August 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

REASON FOR CONFIDENTIALITY

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

d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

Officers Recommendation

That with respect to the Pilbara Regional Waste Management Facility – Management Model, the Pilbara Regional Waste Management Committee recommend Council:

1. Endorse a Hybrid Alliance Model as the preferred contract model for the Pilbara Regional Waste Management Facility; and
2. Proceed with a Hybrid Alliance Model style of contract which will allow Council to determine the exact services to be included in the contract through the use of mandatory and discretionary services.

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19. NEXT MEETING

The next Ordinary Meeting of Council will be held on 13 October 2020, at the Clem Thompson Sports Pavilion, Stadium Road, Tom Price commencing at 1.00 pm.

20. CLOSURE OF MEETING

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