

Ordinary Meeting of Council

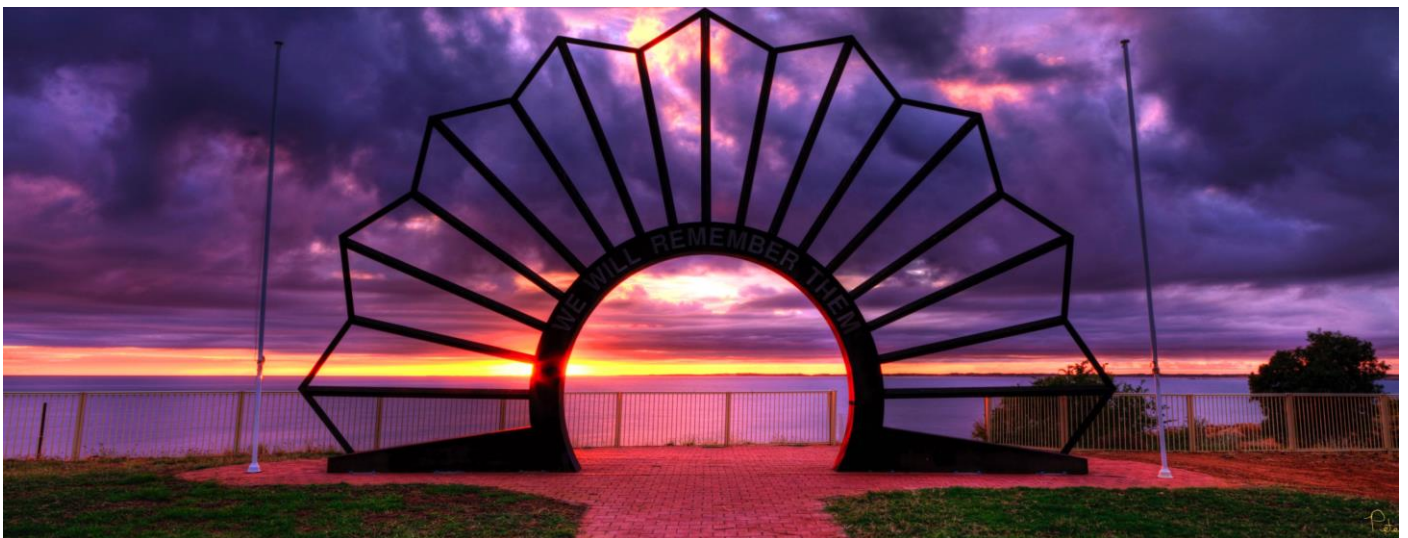
Onslow



Confirmed Public Minutes

12 March 2019

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
ORDINARY MEETING OF COUNCIL**

PUBLIC MINUTES

**Council Chambers, Onslow Shire Complex,
Second Avenue, Onslow
12 March 2019
1.00 pm**

PUBLIC MINUTES- ORDINARY MEETING OF COUNCIL
12 MARCH 2019

SHIRE OF ASHBURTON
ORDINARY MEETING OF COUNCIL

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

CEO: 

Date: 12.03.2019

These minutes were confirmed by Council as a true and correct record of proceedings of the Ordinary Meeting of Council on the 12/03/2019.

Presiding Member: 

Date: 23.4.2019

DISCLAIMER

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

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**PUBLIC MINUTES- ORDINARY MEETING OF COUNCIL
12 MARCH 2019**

1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 1.00 pm.

1.1 ACKNOWLEDGEMENT OF COUNTRY

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

2. ANNOUNCEMENT OF VISITORS

The Presiding Member welcomed Ms Jenni Law (Consultant) and Ms Anna Del Rio from the Shire to the gallery.

3. ATTENDANCE

3.1 PRESENT

Elected Members:	Cr K White Cr L Rumble Cr D Dias Cr P Foster Cr D Diver Cr L Thomas Cr R de Pledge Cr M Gallanagh	Shire President, (Presiding Member) Onslow Ward Deputy Shire President, Paraburdoo Ward Paraburdoo Ward Tom Price Ward Tom Price Ward Tableland Ward Ashburton Ward Pannawonica Ward
Staff:	Mr. R Paull Mr. J Bingham Mrs S Johnston Mr B Cameron Mr. I Hamilton Mrs J Fell Mrs C Bryce Ms J Smith Mrs M Lewis	Chief Executive Officer Director Corporate Services Acting Director Community Services Director Property & Development Services Director Infrastructure Services Manager Land & Asset Compliance Manager Building and Facilities Maintenance Executive Coordinator Council Support Officer
Guests:	Ms J Law Ms A Del Rio	Consultant for the Shire of Ashburton Manager Economic Development and Tourism
Members of Public:	There were no members of the public in attendance at the commencement of the meeting.	
Members of Media:	There were no members of the media in attendance at the commencement of the meeting.	

3.2 APOLOGIES

Cr M Lynch Tom Price Ward

3.3 APPROVED LEAVE OF ABSENCE

There were no Councillors on approved leave of absence.

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4. QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

The following questions were asked at the Ordinary Meeting of Council held on 12 February 2019:

4.1.1 Noni Rumusud, Paraburdoo.

Q1. Question:

“Last week I was chased by a bull. I was just walking around the hotel on my break, when the bull started to chase me. Luckily I was near our backyard so I ran in and closed the gate. Now my only concern was if it was going to hurt me and who was going to be responsible for my hospitalisation. And it also scares me because even my son has been chased by one as well, and I don’t want to wait for someone to get injured really badly.”

Response:

With the assistance of RTIO Pastoral staff, all known cattle were removed from the Paraburdoo townsite on February 1 2019. The cattle were trucked to Rocklea and are being held in cattle yards on Rocklea Station.

On February 22, 2019, correspondence was sent by the Shire to Pastoralists within the greater Paraburdoo area, reminding them that they need to take all reasonable measures to prevent cattle from entering the Paraburdoo townsite. A description of the cattle was also given in this letter as the cattle removed weren’t marked and as such, the owner cannot be identified.

The Shire will continue to monitor the situation with regular patrols of the Paraburdoo townsite and the immediate surrounding areas of the townsite generally being conducted, twice a week. To date there has been no sighting or reports of any more cattle in the Paraburdoo townsite.

4.1.2 Benjamin Garlett, Paraburdoo.

Q1. Question:

“I would like to know what the Shire is doing about the cows coming into Paraburdoo. Last week I seen a cow chasing a man while it was a funny sight, since he was able to get away it got me thinking who will be responsible if he had been badly injured or worse still if it was a child. I was telling my friends this funny story, and was surprised to hear that they all had these similar events. So this is not an isolated incident.”

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Response:

With the assistance of RTIO Pastoral staff, all known cattle were removed from the Paraburdoo townsite on February 1 2019. The cattle were trucked to Rocklea and are being held in cattle yards on Rocklea Station.

On February 22, 2019, correspondence was sent by the Shire to Pastoralists within the greater Paraburdoo area, reminding them that they need to take all reasonable measures to prevent cattle from entering the Paraburdoo townsite. A description of the cattle was also given in this letter as the cattle removed weren't marked and as such, the owner cannot be identified.

The Shire will continue to monitor the situation with regular patrols of the Paraburdoo townsite and the immediate surrounding areas of the townsite generally being conducted, twice a week. To date there has been no sighting or reports of any more cattle in the Paraburdoo townsite.

4.2 PUBLIC QUESTION TIME

Amy Maree Robertson, Tom Price.

4.2.1 Q1.

Question

"I am the owner of Amy's hair addiction and as of recent I have noticed the influx of home hairdressers. I do realise that this does happen but it's getting to the point where small businesses in town are suffering. I have a first year apprentice where I'm trying to up skill which she is the first in many years in Tom Price. Sadly if things don't change in town salons (who pay rent, taxes, wages and help where we can to donate to the community) will eventually have to walk away leaving more empty shops in this beautiful town, and someone may not be able to finish her dream apprenticeship.

I provide a service for this town which is costly for myself and I offer employment for two other stylists in which I've had to cut their hours back significantly. We have two salons in town and I think that is more than enough for the small population we have and I think the shire needs to put their foot down and put a stop to this. Please let me know what I need to do to try and put my message forward.

Kind regards. Amy"

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Response:

The provisions of the National Competition Policy prevents local governments from precluding or limiting business solely due to other fixed businesses being in place.

The Shire has contacted several home hairdressers recently that had been operating from residential premises to ensure they had submitted planning applications and are registered as required under the *Health Act 1911*.

All home hairdressing businesses that the Shire is currently aware, have had inspections to ensure their compliance with the respective standards and related legislation and all were found to be compliant.

Home occupations are permissible under the Shire of Ashburton Town Planning Scheme No. 7 and are able to be registered under the *Health Act 2011*.

Essentially, Council has no ability to place a restriction of trade on any business or activity where they comply with laws or regulations.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr D Dias

That Council approve the application for leave of absence from:

Cr de Pledge for the Ordinary Meeting of Council being held on 23 April 2019

**Cr Dias for the Ordinary Meeting of Council being held on 23 April 2019;
and**

Cr Foster for the Ordinary Meeting of Council being held on 21 May 2019.

CARRIED 8/0

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

**PUBLIC MINUTES- ORDINARY MEETING OF COUNCIL
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6. DECLARATION BY MEMBERS

6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

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

**6.2 DECLARATIONS OF INTEREST
Councillors to Note**

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

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

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

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

NOTES ON DECLARING INTERESTS (FOR YOUR GUIDANCE)

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

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

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the *Local Government Act 1995* but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.

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5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the *Local Government Act*, or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the *Local Government Act*, with or without conditions.

Declarations of Interest provided:

Item Number/ Name		
9.2.1 UNCONFIRMED MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING (ATTACHMENT 9.2.1 TO BE PRESENTED TO COUNCIL)		
Councillor	Type of Interest	Nature/Extent of Interest
Cr Thomas	Financial Impartiality	The nature of my interest is that I am a resident in the area. The extent of my interest is property freehold ownership.
Item Number/ Name		
9.3.5 CONFIDENTIAL ITEM - CLOSURE OF CERTAIN ROADS IN WITTENOOM		
Councillor	Type of Interest	Nature/Extent of Interest
Cr Thomas	Financial Impartiality	The nature of my interest is that I am a resident. The extent of my interest is property freehold ownership.
Item Number/ Name		
12.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID		
Staff Member	Type of Interest	Nature/Extent of Interest
Rob Paull	Indirect Financial	The nature of my interest is that my spouse is employed by Muzzy's Hardware in Tom Price and the extent of my interest is that my spouse is earning an income from Muzzy's Hardware Tom Price.

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Item Number/ Name		
<p>13.1 APPLICATION FOR MISCELLANEOUS LICENCE 47/720 ENCROACHING PANNAWONICA TOWNSITE</p> <p>13.2 LICENCE AGREEMENT BETWEEN THE SHIRE OF ASHBURTON AND ROBE RIVER MINING CO PTY LTD FOR ROOM 1, C BLOCK, 69 DEEPDALE DRIVE PANNAWONICA</p> <p>13.3 APPLICATION FOR MISCELLANEOUS LICENCES ENCROACHING ROEBOURNE WITTENOOM ROAD AND ROAD NO. 1644 (HAMERSLEY IRON PTY LTD)</p>		
Councillor	Nature/Extent of Interest	Type of Interest
Cr Rumble	Financial	The nature of my interest is that I am a shareholder of Rio Tinto and the extent of my interest being I have shares of greater value than \$10,000 in Rio Tinto.
Cr Dias	Financial	The nature of my interest is that my wife and I are Hamersley Iron Pty Ltd and Rio Tinto Ltd employees respectively and we both own shares in Rio Tinto Ltd individually and collectively. Our Primary residence is a house provided by Rio Tinto. We are potential recipients of all the lucrative company benefits/gifts offered to employees and/or shareholders and the extent of my interest being Direct Financial.
Cr Diver	Financial	The nature of my interest is that I am employed by Rio Tinto and the extent of my interest being I receive a salary. I also receive subsidised utilities (water/power) and rent as part of my salary package.
Cr Foster	Financial	The nature of my interest is that my partner is employed by Rio Tinto, is a Rio Tinto shareholder and as a family we live in a Rio Tinto owned property and the extent of my interest being my partner is employed by Rio Tinto, owns over \$10k in Rio Tinto shares and as a family we live in a Rio Tinto owned property paying less then market rent & subsidised power and water bills.
Cr Gallanagh	Financial	The nature of my interest is that myself, my husband and son are all employed by Rio Tinto, have company housing and shares in Rio Tinto and the extent of my interest being myself, my husband and son are all employed by Rio Tinto, have company housing and shares in Rio Tinto. We have shares of greater value than \$10,000 in Rio Tinto.

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Item Number/ Name		
13.1 APPLICATION FOR MISCELLANEOUS LICENCE 47/720 ENCROACHING PANNAWONICA TOWNSITE		
13.2 LICENCE AGREEMENT BETWEEN THE SHIRE OF ASHBURTON AND ROBE RIVER MINING CO PTY LTD FOR ROOM 1, C BLOCK, 69 DEEPDALE DRIVE PANNAWONICA		
13.3 APPLICATION FOR MISCELLANEOUS LICENCES ENCROACHING ROEBOURNE WITTENOOM ROAD AND ROAD NO. 1644 (HAMERSLEY IRON PTY LTD)		
Councillor	Type of Interest	Nature/Extent of Interest
Cr de Pledge	Financial	The nature of my interest is that I am a shareholder with Rio Tinto Pty Ltd and the extent of my interest being I have shares to a value less than \$10,000.
Item Number/ Name		
14.2 PARABURDOO TEE BALL ASSOCIATION INC. – IN-KIND FUNDING TO HOST 2019 NORTH WEST TEEBALL CHAMPIONSHIPS REGIONAL EVENT		
Staff Member	Type of Interest	Nature/Extent of Interest
Sarah Johnston	Impartiality	The nature of my interest is my daughters play tee ball for the Paraburdoe Teeball Association.
Item Number/ Name		
18.2 CONFIDENTIAL BHP BILLITON PETROLEUM PTY LTD DRAFT PIPELINE CROSSING AGREEMENT – MACEDON SALES GAS PIPELINE PL 87		
Cr White	Financial	The nature of my interest is that I have shares in BHP Billiton Petroleum Pty Ltd with a value of over \$10,000. The extent of my interest is financial.
Cr de Pledge	Financial	The nature of my interest is that I have shares in BHP Billiton Petroleum Pty Ltd with a value of over \$10,000. The extent of my interest is financial.
Cr Dias	Financial	The nature of my interest is my wife and I both jointly own shares in BHP Billiton Ltd. As recorded in my declared LG annual financials. The extent of my interest is closely associated persons, matters prescribed for (Act s 5.62) Direct financial.

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

“Dear Mr Paull

I refer to your correspondence dated 5 March 2019 and advise that, in accordance with authority delegated by the Minister for Local Government, the Deputy Director General - Regulation has approved your application, under section 5.69(3)(a) of the Local Government Act 1995 (the Act).

This approval allows disclosing members Cr Rory de Pledge, Cr Linton Rumble, and Cr Douglas Diver to fully participate in the discussion and decision making relating to the following agenda items at the Shire's Ordinary Council Meeting of 12 March 2019.

- 13.1 APPLICATION FOR MISCELLANEOUS LICENCE 47/720 ENCROACHING PANNAWONICA TOWNSITE**
- 13.2 LICENCE AGREEMENT BETWEEN THE SHIRE OF ASHBURTON AND ROBE RIVER MINING CO PTY LTD FOR ROOM 1, C BLOCK, 69 DEEPDALE DRIVE PANNAWONICA**
- 13.3 APPLICATION FOR MISCELLANEOUS LICENCES ENCROACHING ROEBOURNE WITTENOOM ROAD AND ROAD NO. 1644 (HAMERSLEY IRON PTY LTD)**

Subject to the following conditions :

- 1. The approval is only valid for the 12 March 2019 Ordinary Council Meeting when agenda items 13.1, 13.2 and 13.3 are considered;*
- 2. The abovementioned Councillors must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided;*
- 3. The CEO is to provide a copy of the Department's letter of approval to the abovementioned Councillors;*
- 4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;*
- 5. The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to the Department, to allow the Department to verify compliance with the conditions of this approval; and*
- 6. The approval granted is based solely on the interests disclosed by the abovementioned Councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.*

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

*Yours sincerely
Michael Connolly
Deputy Director General - Regulation
11 March 2019*

**PUBLIC MINUTES- ORDINARY MEETING OF COUNCIL
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7. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

There were no announcements without discussion by the presiding person for this meeting.

8. PETITIONS / DEPUTATIONS / PRESENTATIONS

8.1 PETITIONS

There were no petitions presented to Council.

8.2 DEPUTATIONS

There were no deputations presented to Council.

8.3 PRESENTATIONS

Cr Thomas gave a presentation regarding issues in the Tablelands Ward.

9. CONFIRMATION OF MINUTES

9.0 UNCONFIRMED MINUTES ORDINARY MEETING OF COUNCIL HELD ON 12 FEBRUARY 2019 (ATTACHMENT 9.0)

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr M Gallanagh

That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 12 February 2019, as previously circulated on 18 February 2019 (ATTACHMENT 9.0) be confirmed as a true and accurate record.

CARRIED 8/0

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

9.1 RECEIPT OF COMMITTEE MINUTES – ‘EN BLOC’

There were no Committee Minutes carried ‘En Bloc’.

**PUBLIC MINUTES- ORDINARY MEETING OF COUNCIL
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9.2 RECEIPT OF COMMITTEE AND OTHER MINUTES

9.2.1 UNCONFIRMED MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING (ATTACHMENT 9.2.1 TO BE PRESENTED TO COUNCIL)

Declaration of Interest

Prior to consideration of this Agenda Item

Cr Thomas declared a financial and impartiality interest

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

Cr Thomas left the room at 1.31 pm due to her financial and impartiality interest for Agenda 9.2.1 of the Audit and Risk Committee.

Council Decision

MOVED: Cr P Foster

SECONDED: Cr R de Pledge

That the Unconfirmed Minutes of the Audit and Risk Committee Meeting (ATTACHMENT 9.2.1 held on 12 March 2019 be received.

CARRIED 7/0

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

Cr Thomas returned to the room at 1.32 pm. The Presiding Member advised Cr Thomas of the result of the vote for this item.

9.2.2 UNCONFIRMED MINUTES OF THE PILBARA WASTE MANAGEMENT COMMITTEE MEETING (ATTACHMENT 9.2.2 TO BE PRESENTED TO COUNCIL)

Council Decision

MOVED: Cr P Foster

SECONDED: Cr R de Pledge

That the Unconfirmed Minutes of the Pilbara Regional Waste Management Committee Meeting (ATTACHMENT 9.2.2) held on 12 March 2019 be received.

CARRIED 8/0

**Councillors White, Rumble, Dias, Thomas, Foster, Diver, Gallanagh and de
Pledge voted for the motion**

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9.3 RECOMMENDATIONS OF COMMITTEE

9.3.1 LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN 2018 FOR THE SHIRE OF ASHBURTON

Committee Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Dias

That with respect to the Local Government Compliance Audit Return 2018 for the Shire of Ashburton, the Audit and Risk Committee recommend, that Council:

- 1. Note and accept the Compliance Audit Return (ATTACHMENT 7.1) for the local government of the Shire of Ashburton for the period 1 January 2018 to 31 December 2018; and**
- 2. Request the Chief Executive Officer to submit a certified copy of the Compliance Audit Return to the Director General of the Department of Local Government Sport and Cultural Industries by 31 March 2019.**

CARRIED 8/0

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

9.3.2 CORPORATE BUSINESS PLAN – QUARTERLY PROGRESS REPORT

Committee Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Diver

That with respect to the Corporate Business Plan – Quarterly Progress Report that the Audit and Risk Committee recommend, that Council:

- 1. Accept the third quarterly progress report for the 2018/19 Financial Year of the Shire of Ashburton’s Corporate Business Plan 2018 -2022; and**
- 2. Request the Chief Executive Officer to provide Corporate Business Plan – Quarterly Progress Reports directly to Council.**

CARRIED 8/0

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

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9.3.3 OFFICE OF AUDITOR GENERAL – APPOINTMENT OF AN AUDITOR

<p>Committee Recommendation and Council Decision</p> <p>MOVED: Cr P Foster SECONDED: Cr D Dias</p> <p>That with respect to the Office of Auditor General – Appointment of an Auditor, the Audit and Risk Committee recommend that Council:</p> <ol style="list-style-type: none">1. Confirm it is no longer required to undertake the task of appointing the external auditor as the Local Government Amendment (Auditing) Act 2017 mandates the responsibility to the Office of Auditor General;2. Acknowledge the engagement of RSM by the Office of Auditor General as the Shire’s external auditor for a 2 year period; and3. Consider a submission to the 2019/20 Annual Budget that provides for a provision of \$70,000 for external auditor services. <p style="text-align: right;">CARRIED 8/0</p> <p>Councillors White, Rumble, Dias, Thomas, Foster, Diver, Gallanagh and de Pledge voted for the motion</p>

9.3.4 CONFIDENTIAL ITEM - UPDATE ON WITTENOOM LITIGATION AND WITTENOOM STEERING COMMITTEE

<p>Committee Recommendation and Council Decision</p> <p>MOVED: Cr P Foster SECONDED: Cr R de Pledge</p> <p>That with respect to the Strategic Cyber Security Review, the Audit and Risk Committee recommend Council note the outcomes of the review (CONFIDENTIAL ATTACHMENT 8.3) including areas of improvement and recommendations.</p> <p style="text-align: right;">CARRIED 8/0</p> <p>Councillors White, Rumble, Dias, Thomas, Foster, Diver, Gallanagh and de Pledge voted for the motion</p>
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9.3.5 CONFIDENTIAL ITEM - CLOSURE OF CERTAIN ROADS IN WITTENOOM

Declaration of Interest

Prior to consideration of this Agenda Item

Cr Thomas declared a financial and proximity interest

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

Cr Thomas left the room at 1.35 pm due to her financial and proximity Interest for Agenda 9.3.5 of the Audit and Risk Committee.
--

<p>Committee Recommendation and Council Decision</p>

<p>MOVED: Cr P Foster</p>

<p>SECONDED: Cr L Rumble</p>

<p>That with respect to Confidential Item - Closure of Certain Roads in Wittenoom, the Audit and Risk Committee recommend Council:</p>

- | |
|---|
| <ol style="list-style-type: none">1. Approve the closure of all roads in the former Wittenoom townsite to all traffic other than Wittenoom residents and their associates for a period of 12 months, in accordance with Section 3.50 of the Local Government Act 1995 (Act) and to give formal notice for the closure in accordance with 3.50 (1a) of the Act.2. Approve the closure of Bolitho Road, Wittenoom to all traffic for period of 12 months, in accordance with Section 3.50 of the Act and to give formal notice for the closure in accordance with 3.50 (1a) of the Act.3. Direct the Chief Executive Officer to implement appropriate signage to inhibit traffic traversing the closed roads as provided in 1 and 2 above. |
|---|

<p style="text-align: right;">CARRIED 7/0</p>
--

<p style="text-align: right;">Councillors White, Rumble, Dias, Foster, Diver, Gallanagh and de Pledge voted for the motion</p>

Cr Thomas returned to the room at 1.36 pm. The Presiding Member advised Cr Thomas of the result of the vote for this item.
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**9.4.1 PILBARA REGIONAL CLASS IV WASTE MANAGEMENT FACILITY,
ONSLow – INCOME & EXPENDITURE REPORT**

Committee Recommendation and Council Decision

MOVED: Cr L Rumble

SECONDED: Cr D Diver

That with respect to the Pilbara Regional Class IV Waste Management Facility, Onslow – Income & Expenditure Report, the Pilbara Regional Waste Management Committee recommend, that Council:

- 1. Receive the Income and Expenditure Report to 31 January 2019 (ATTACHMENT 7.1) for the Pilbara Regional Class IV Waste Management Facility Project in Onslow.**

CARRIED 8/0

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

**9.4.2 PILBARA REGIONAL CLASS IV WASTE MANAGEMENT FACILITY,
ONSLow – BUILDING BETTER REGIONS FUND (BBRF) MILESTONE
4 REPORT**

Committee Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr R de Pledge

That with respect to Pilbara Regional Class IV Waste Management Facility, Onslow – Building Better Regions Fund (BBRF) Milestone 4 Report, the Pilbara Regional Waste Management Committee recommend that Council:

- 1. Receive the BBRF Milestone 4 Report for the Pilbara Regional Class IV Waste Management Facility project in Onslow.**

CARRIED 8/0

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

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**9.4.3 CONFIDENTIAL – LEGAL MATTERS ASSOCIATED WITH THE
PILBARA REGIONAL WASTE MANAGEMENT FACILITY**

Committee Recommendation and Council Decision

MOVED: Cr L Rumble

SECONDED: Cr D Diver

That with respect to the Confidential Legal Matters associated with the Pilbara Regional Waste Management Facility, the Committee recommend Council:

- 1. Receive and note the appeal lodged by Tellus Holdings Pty Ltd against EPA Decision Not Assessed: Pilbara Waste Management Facility and request the Chief Executive Officer to undertake all reasonable steps to either encourage Tellus Holdings Pty Ltd to withdraw the appeal or to have the appeal assessed in the shortest possible period.**
- 2. Receive and note the Objection 542702 lodged by the Chief Executive Officer on behalf of the Shire of Ashburton to MLA 08/521 by North Rossa Pty Ltd;**
 - a) Support all necessary actions to ensure that mining activity does not impact the establishment and the long term operations of the Pilbara Regional Waste Management Facility; and**
 - b) Authorise the Chief Executive Officer in consultation with the President, to ratify any appropriate agreement as a result of the mediation.**

CARRIED 8/0

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

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**9.4.4 CONFIDENTIAL – BUSINESS PLAN FOR THE PILBARA REGIONAL
WASTE MANAGEMENT FACILITY**

Committee Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr R de Pledge

That with respect to the Business Plan for the Pilbara Regional Waste Management Facility ('Business Plan'), the Pilbara Regional Waste Management Committee recommend, that Council:

- 1. Endorse advertising of the draft Business Plan (CONFIDENTIAL ATTACHMENT 8.2) as generally outlined in this Report for public comment for a period of no less than six weeks with any submissions to be referred to Council for consideration; and**
- 2. Should no submissions be received, authorise the Chief Executive Officer in consultation with the President to approve the draft Business Plan as generally advertised.**

CARRIED 8/0

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

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10. AGENDA ITEMS ADOPTED "EN BLOC"

10.1 AGENDA ITEMS ADOPTED 'EN BLOC'

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

"Part 5 – Business of a meeting

Clause 5.6 Adoption by exception resolution:

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

There were no 'En Bloc' Items.

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11. OFFICE OF THE CEO REPORTS

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

MINUTE: 517/2019

FILE REFERENCE: GV04

AUTHOR'S NAME AND POSITION: Michelle Lewis
Council Support Officer

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

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

DATE REPORT WRITTEN: 18 February 2019

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

PREVIOUS MEETING REFERENCE: Agenda Item 11.1 (Minute No.494/2019) - Ordinary Meeting of Council 12 February 2019

Summary

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

Background

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

Comment

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

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

ATTACHMENT 11.1

Consultation

Executive Management Team

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

"Role of council

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

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

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 4 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr R de Pledge

That Council receive the “Council Decisions Status Reports” for the month of February 2019 as per ATTACHMENT 11.1.

CARRIED 8/0
**Councillors White, Rumble, Dias, Thomas, Foster, Diver, Gallanagh and de Pledge
voted for the motion**

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

MINUTE: 518/2019

FILE REFERENCE:

GV21
CM02

**AUTHOR'S NAME AND
POSITION:**

Michelle Lewis
Councillor Support Officer

Brooke Beswick
Administration Assistant Planning

**AUTHORISING OFFICER AND
POSITION:**

Rob Paull
Chief Executive Officer

**NAME OF APPLICANT/
RESPONDENT:**

Not Applicable

DATE REPORT WRITTEN:

18 February 2019

**DISCLOSURE OF FINANCIAL
INTEREST:**

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

**PREVIOUS MEETING
REFERENCE:**

Not Applicable

Summary

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

Background

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

Comment

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

**ATTACHMENT 11.2A
ATTACHMENT 11.2B**

Consultation

Relevant officers as listed in the Attachment.

Statutory Environment

Local Government Act 1995

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

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Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 4 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

ELM 13 – Affixing the Shire of Ashburton Common Seal

FIN12 – Purchasing and Tendering Policy

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr L Thomas

SECONDED: Cr P Foster

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

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

CARRIED 8/0
**Councillors White, Rumble, Dias, Thomas, Foster, Diver, Gallanagh and de Pledge
voted for the motion**

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**11.3 DRAFT ECONOMIC & TOURISM DEVELOPMENT STRATEGY FOR
STAKEHOLDER FEEDBACK**

MINUTE: 519/2019

FILE REFERENCE:	ED01.01
AUTHOR'S NAME AND POSITION:	Anna Del Rio Manager Economic Development & Tourism
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	20 February 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Council is recommended to accept the Economic & Tourism Development Strategy ("the Strategy") as draft and refer to stakeholders for further feedback and aim to adopt it in May 2019.

Background

In July 2017 following a competitive procurement process, the Shire engaged the services of Right Foot Forward (RRF) to assist the Shire in developing the draft Strategy.

The draft Strategy is intended to strengthen the capacity of the Shire's economy to:

- ✓ Diversify from the mining and energy sectors;
- ✓ Increase employment, business and investment opportunities;
- ✓ Promote local business development and private investment;
- ✓ Enhance facilities that service both residents and visitors;
- ✓ Strengthen relationships and communication with stakeholders and communities;
- ✓ Make the most of local resources and assets, including human capital;
- ✓ Make the Shire an attractive and desirable place to live and work;

From a tourism perspective, it is expected that the Strategy focuses around:

- ✓ Fostering increased tourism;
- ✓ Improving the region's brand awareness;
- ✓ Increasing tourism visitation and lengths of stay including through digital means;
- ✓ Promoting and marketing current and up-coming tourism projects and assets through brand awareness and digital media;
- ✓ Maximising relationships with Australia's North West, Tourism WA and Destination WA;

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- ✓ Proactively responding to and engaging in regional and state tourism campaigns;
- ✓ Facilitating and attracting tourism developments including public art on landmarks;
- ✓ Maximising nature based, adventure, industrial and heritage & arts tourism;
- ✓ Assisting the business community with linkages to regional, state and national tourism programs.

RFF has collated research and information about the Shire, this is contained in the Research Analysis Background document (provided to Shire staff) which was a helpful document for them to take out to stakeholders during the consultation process.

RFF has conducted extensive 1:1 consultations (September-October 2018) with community, operators and other stakeholders (via face to face meetings and workshops, e-mails and phone calls) to gather feedback on the region's strengths, challenges and opportunities which then inform the strategy. Michael Campbell (project lead from RFF) presented a brief summary to elected members about the Strategy format and key aspects at the November Council Meeting in Paraburdoo.

Following discussions with Shire staff, the research conducted, consultation and feedback collected throughout the project RFF has formed a draft Strategy.

ATTACHMENT 11.3

Comment

The Strategy provides approaches that align with the Shire's Community Plan Objectives (*strong local economies, enduring partnerships with industry and government, well managed tourism*). It presents the challenges and opportunities for the Shire and it focusses on three key areas of work:

- promotion;
- infrastructure development facilitation; and
- advocacy on behalf of local operators and businesses

The draft Strategy also provides a concise program of work (implementation plan) which shows the approach and activities the Shire is recommended to take in order to develop economy and tourism.

The draft Strategy follows the SMART Criteria (Specific, Measurable, Attainable, Realistic and Timely) which was requested in the initial stages of the procurement process. The draft Strategy has been reviewed internally (Manager Economic & Tourism Development and Chief Executive Officer). Shire staff who will be most involved in the Strategy are satisfied with this current draft and are seeking Council's feedback and for the document to be shared with stakeholders for final comments.

The draft Strategy is attached (**ATTACHMENT 11.3**). The Council is requested to accept it as 'draft' and progress to next stage which are:

- Sharing the draft Strategy with the stakeholders that have contributed in the consultation phase
- Bringing the draft Strategy to the May Ordinary Meeting of Council meeting for adoption.

Consultation

Executive Management Team

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Statutory Environment

There are no known statutory impediments for this matter.

Financial Implications

There are no financial implications for the 2018/19 Budget .The cost for the development of the Strategic Plan was approximately \$43,000 and provisioned in the 2017/18 budget.

Strategic Implications

Shire of Ashburton Strategic Community Plan 2017-2027 Living Life
Goal 2 - Economic Prosperity
Objective 3 – Well-managed tourism

The development of a strategy is specifically highlighted in Goal 2 as follows:

“Develop a Shire Economic Development Strategy that includes engagement with industry and government to support local economic development initiatives”.

Under Objective 03, “Well-managed tourism” specifically refers to the following:

“Work with the tourism industry, key stakeholders and agencies to collaboratively develop a regional Tourism Strategy that promotes the unique Pilbara offering of distinctive landscapes, seascapes and communities”.

Risk Management

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

Policy Implications

REC07 - Tourism Policy

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr R de Pledge

That with respect to the Draft Economic & Tourism Development Strategy for Stakeholder Feedback, that Council:

- 1. Receive the Economic & Tourism Development Strategy (ATTACHMENT 11.3) and accepted as a ‘draft’; and**
- 2. Request the Chief Executive Officer share the draft Economic & Tourism Development Strategy with relevant stakeholders inviting further feedback for a period of not less than 21 days; and**
- 3. Request the Chief Executive Officer at the earliest opportunity to refer the draft Economic & Tourism Development Strategy via the Ashburton Tourism Development Committee with any comments from stakeholders.**

CARRIED 8/0
**Councillors White, Rumble, Dias, Thomas, Foster, Diver, Gallanagh and de Pledge
voted for the motion**

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12. CORPORATE SERVICES REPORTS

12.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID

Declaration of Interest

Prior to consideration of this Agenda Item

Mr Rob Paull declared an indirect financial interest

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

MINUTE: 520/2019

FILE REFERENCE: FM03

AUTHOR'S NAME AND POSITION: Wongani Harawa
Acting Manager Finance and Administration

AUTHORISING OFFICER AND POSITION: John Bingham
Director Corporate Services

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

DATE REPORT WRITTEN: 26 February 2019

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial, proximity or impartiality interests in the proposal. However, the Chief Executive Officer has an indirect financial interest due to his spouse being employed and receiving an income from 'Muzzy's Hardware (Tom Price).

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

In accordance with *Regulation 34 of the Local Government (Financial Management) Regulations*, the Shire is to prepare a monthly Statement of Financial Activity for consideration by Council. The Financial Reports for February 2019 are presented with comments on variances for Actuals to 2018/19 Budget amounts. A Capex Tracker is also presented.

Background

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

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

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ATTACHMENT 12.1E

Comment

A 2018/19 Capex Tracker is available as part of the Monthly Reports.

The following budget variations are recommended for February 2019.

GL/Job No.	General Ledger Description	Current Budget	Variation Amount	Revised Budget	Reason
BN390	RFT 17/17 Construction of Paraburdoo Community Hub	7,327,237	(50,000)	7,277,237	Re-allocation to cover clubrooms / storage conversion.
BN383	CHUB – Clubrooms / Storage conversion	83,250	50,000	133,250	All RFQ submissions received were above budget - combined with added contingency this extra provision is required.
042103	Organisational Change	145,000	(10,000)	135,000	Surplus provision with year to date actuals below forecast.
042106	Employee Assistance Program	10,200	10,000	20,200	As a result of recent events in the community the program's use has been extended beyond its original forecast use.

Telstra Billing

The Shires Telstra account for January 2019 was \$60,994 excl. GST. This amount was discounted by \$15,704 for overbilling in November 2018 – discontinued old services had not been removed from the account when new services were introduced in June 2018. Telstra have since confirmed a similar discount will apply to December 2018 - the Shire should therefore see a reduction to the February 2019 account. The average Telstra billing for 2018/19 is \$73,618 excl. GST.

It is worth noting the following changes to services have been made in 2018/19 with a further intention of reducing telecommunication costs going forward:

- Cancellation of 31 fixed lines (faxes) plus inactivation of 23 mobile and laptop air-cards due to the services no longer being required. This has resulted in an estimated saving of \$18,000 p.a.;
- Mobile Device Management System installed in June 2018 gives the Shire the ability to cancel unused mobile connections without service or financial penalty. The service assists the Shire by enabling staff to remove data from ex-employees mobile phones;

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- Smart messaging service implemented at no extra cost to improve communications in the area of Fire and Emergency Services.

Further cost reductions are being sought by the ICT team with a view to maintaining reliable and uninterrupted current levels of service.

State Administration Tribunal (SAT) – Chevron Australia Pty Ltd (Chevron) and Valuer Generals Office (VGO)

On 28 February 2019 SAT handed down its ruling for Chevron and the VGO in relation to the former's objection to the valuation of the Wheatstone Plant for rating purposes.

The following information about the ruling has been received from the VGO:

- The ruling stipulated the Income Capitalization method of valuation is applicable and not the Comparable Sales method.
- Given the Income Capitalization method applies, the ruling goes on to state the capitalization rate should be 11% and not 9% (the latter was being used by the VGO).
- This change in capitalization rate from 9% to 11% results in a Property Valuation reduction of \$3,076,590, from \$16,921,500 to \$13,844,910 or -18%.

The financial implications for the Shire are yet to be fully determined however it is important to note Council now has some certainty around this issue for development of its 2019/20 Rating Strategy.

Consultation

Executive Management Team
Finance Team
Valuer General's Office

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.

In relation to the SAT ruling on 28/2/2019 the 2019/20 Rating Strategy process will work through the financial implications in detail for Council consideration.

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 4 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Absolute Majority Required

Officers Recommendation 1 and Council Decision

MOVED: Cr L Rumble

SECONDED: Cr M Gallanagh

That with respect to the Monthly Financial Report, that Council:

- a) Receive the Financial Report for February 2019 ATTACHMENT 12.1A; and**
- b) Approve budget variations for the 2018/19 Budget as outlined below;**
 - a. Increase Expenditure Job no. BN383, CHUB Clubrooms / Storage conversion by \$50,000, from \$83,250 to \$133,250;**
 - b. Decrease Expenditure Job no. BN390, RFT 17/17 Construction of Paraburdoo Community Hub by \$50,000, from \$7,327,237 to \$7,277,237;**
 - c. Increase Expenditure GL Account 042106, Employee Assistance Program by \$10,000, from \$10,200 - \$20,200;**
 - d. Decrease Expenditure GL Account 042103, Organisational Change by \$10,000, from \$145,000 to 135,000; and**
 - e. Note that the Budgeted Surplus position carried forward (Net Current Assets position) forecast as at 30 June 2019 is \$1,500,000.**
- c) Receive the Capital Expenditures Progress Tracker for February 2019 ATTACHMENT 12.1B;**
- d) Receive the Budget Amendment Register as at 28 February 2019 ATTACHMENT 12.1C; and**
- e) Receive the Schedule of Accounts and Credit Card payments made in February 2019 (approved by the Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds) ATTACHMENT 12.1D.**

**CARRIED BY ABSOLUTE MAJORITY 8/0
Councillors White, Rumble, Dias, Thomas, Foster, Diver, Gallanagh and de Pledge
voted for the motion**

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Mr. Paull left the room at 1.46 pm due to a declaration of interest for Officers Recommendation 2.

Officers Recommendation 2 and Council Decision

MOVED: Cr L Rumble

SECONDED: CR GALLANAGH

That with respect to the Monthly Financial Report, that Council:

- 1. Receive the Financial Report for February 2019 associated with Muzzy's Hardware (Tom Price) ATTACHMENT 12.1E.**

**CARRIED BY ABSOLUTE MAJORITY 8/0
Councillors White, Rumble, Dias, Thomas, Foster, Diver, Gallanagh and de Pledge
voted for the motion**

Mr. Paull re-entered the room at 1.47 pm. The Presiding Member advised Mr. Paull of the outcome of the vote for this item.

**PUBLIC MINUTES- ORDINARY MEETING OF COUNCIL
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12.2 INTERIM RATING FOR TRANSIENT WORKERS ACCOMMODATION

MINUTE: 521/2019

FILE REFERENCE:	FM03
AUTHOR'S NAME AND POSITION:	John Bingham Director Corporate Services
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	27 February 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Minute no. 479/2018 Ordinary Council Meeting Onslow 18 December 2018

Summary

At the 19 December 2018 Ordinary Meeting of Council (OMC), Council received correspondence from the Minister of Local Government, Sport and Cultural Industries ("the Minister") advising the Shire's application, dated 3 May 2018, to change method of valuation for Transient Workers Accommodation (TWAs) from Unimproved Valuation (UV) to Gross Rental Valuation (GRV), had been approved.

This report acknowledges responses received to correspondence informing property holders of the Minister's determination and outlines the financial implications of interim rating the TWA's.

Background

At the 19 December 2018 OMC Council received and accepted the Minister's determination for GRV spot rating of 25 TWAs within the district. The report included indicative valuations for each TWA as prepared by the Value General's Office (VGO).

The responsibility to determine the differential rating category of each property in the District remains with the Shire. Accordingly the Minister has provided no indication of the GRV Differential rating category of the TWA properties.

Further to this correspondence was sent to property holders on 7 January 2019 informing each of the Minister's Determination and welcoming comment.

ATTACHMENT 12.2A

Comment

With regards to interim rating the Department has confirmed the Shire should follow the same process as it would for any other property subject to an interim valuation and raise interim rate on receipt of the valuation information from Landgate.

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Determination of the rating category of GRV Differential rating category of TWA properties for the purposes of raising an interim rate is required to be done in accordance with the existing differential rating categories defined when Council adopted the Rate in the Dollar for the 2018/19 Budget as well as in the statement of Objects and Reasons for raising differential rates (advertised in June 2018).

- *GRV - Residential / Community* "This differential rate is applicable to properties that have a predominant land use of residential, or used by organisations involved in activities for community benefit including Arts and Craft facilities, Youth Centres, Day Care Centres, Sporting Grounds/Clubs (that do not run a commercial business/kitchen) and health & emergency service facilities."
- *GRV – Commercial / Industrial* "This rate is applicable to properties that have a predominant land use of commercial or industrial, including Hotels, Shops, Restaurants and Offices and land is used for providing tourism service, including Roadhouses, Tourist Centres, Caravan Parks, **Workers Accommodation**, and Holiday Accommodation.

Based on the defined GRV rating categories the TWA properties are to be rated in the GRV Commercial / Industrial category.

Future budget consideration may be given for the establishment of a separate GRV Differential rating category for TWAs and this option will be considered further within the Rating Strategy currently under review.

Included in those considerations will be the current arrangements of neighboring Pilbara Shires with regards to how TWAs are treated. For the 2018/19 financial year the following rating applies:

Shire	Rating Category	2018/19 Rate in \$	No. of Properties	Rateable Value	Rate Revenue \$
East Pilbara	GRV TWA	\$0.068077	18	24,724,500	1,683,170
Karratha	GRV TWA	\$0.379455	22	13,961,600	5,297,799
Port Hedland	GRV Mass Accommodation	\$0.326058	8	10,753,600	3,506,297

The average rate in the dollar for TWAs in 2018/19 across the region was \$0.257863. Based on this figure and using VGO indicative valuations, rate revenue for TWAs in the Shire of Ashburton would be \$4,728,894.

Table 1 highlights provisional interim rates for the full year as well as from the date of Gazettal (27 November 2018 - see **ATTACHMENT 12.2B**) using VGO indicative property valuations and the 2018/19 GRV Commercial / Industrial rate in the dollar of \$0.064633.

Table 1 – Provisional Interim Rates for TWAs

No.	Camp Name	No. of Beds	VGO Indicative Valuation \$	Full Year Rating \$	Interim Rating \$
1	Bonnie Doon	90	25,000	1,616	961
2	Brockman 2	611	1,040,000	67,218	39,963
3	Brockman 4	755	1,275,000	82,407	48,993
4	Cardo Camp	50	510,000	32,963	19,597
5	Cowra	300	550,000	35,548	21,134

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No.	Camp Name	No. of Beds	VGO Indicative Valuation \$	Full Year Rating \$	Interim Rating \$
6	Dally Village	800	1,900,000	122,803	73,009
7	Delphine	50	50,000	3,232	1,921
6	Dally Village	800	1,900,000	122,803	73,009
7	Delphine	50	50,000	3,232	1,921
8	Edge	60	80,000	5,171	3,074
9	Eliwana	100	85,000	5,494	3,266
10	Homestead	79	105,000	6,786	4,035
11	Jerriwah	414	700,000	45,243	26,898
12	Jundunmunnah	605	1,030,000	66,572	39,578
13	Kangi	1,776	4,250,000	274,690	163,309
14	Kurra Kulli	118	200,000	12,927	7,685
15	Mesa A	585	1,000,000	64,633	38,426
16	Mt Minnie	60	100,000	6,463	3,843
17	Nammuldi	833	1,280,000	82,730	49,185
18	Paulsens Mine	166	340,000	21,975	13,065
19	Ti Tree	49	85,000	5,494	3,266
20	Weelamurra	0	920,000	59,462	35,352
21	West Pilbara	288	500,000	32,317	19,213
22	Yandi Spinifex	1,200	2,250,000	145,424	86,458
	TOTAL	8,989	18,275,000	1,181,168	702,231

Correspondence received from Rio Tinto (RTIO) and Fortescue Metals Group (FMG), in response to the Shires notification of the Ministers Determination, includes the following potential adjustments to the above provisional interim rates:

FMG:

- Bonnie Doon Camp (M47/1408) – camp has not been in use since August 2012 and is beyond repair and will eventually be decommissioned. There are no plans for this camp to be used ever again;
- Delphine Camp (E47/1832) - a small basic exploration camp which is only in use for 6-8 weeks of the year; and
- Edge Camp (E47/1299) - a small basic exploration camp which is only in use for 6-8 weeks of the year.

RTIO:

- Kurra Kulli is scheduled to close in April 2019;
- Weelamurra is closed and in the process of being decommissioned; and
- A study is underway to potentially expand Ti Tree Village to accommodate the workforce associated with the company's rail maintenance program.

ATTACHMENT 12.2C

Accordingly the Shire has advised RTIO and FMG to correspond with the VGO to establish the correct valuations – the VGO will then inform the Shire.

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This may require that property holders provide information from their Asset Registers to determine Depreciated Replacement Cost for each TWA. Going forward the Shire will need to maintain contact with each property holder and in turn inform the VGO of any changes or updates to the status of their camps.

As well as changes to existing TWAs, new camps e.g. FMG's \$1.7B Eliwana project, will need to be added to the TWA register. This report recommends Council receive and note correspondence received from property holders in relation to the Minister' Determination and endorse the interim rating of TWAs in the District for 2018/19.

Consultation

Executive Management Team
Department of Local Government, Sport and Cultural Industries
Valuer General's Office
Moore Stephens

Statutory Environment

Local Government Act 1995 s6.26 (2) (a) (i) under which the Shire is able to rate unoccupied land where a person (or company) is the owner of that land by way of Mining Tenement or similar.

Local Government Act 1995 section 6.28 which specifies that when determining the method of valuation of land, the Minister is to have regard to the general principle that the basis for a rate on any land is to be (a) where the land is used predominantly for rural purposes, the UV of the land; and (b) where the land is used for non-rural purposes, the GRV of the land.

Department of Local Government Rating Policy: Valuation of Land – Mining under which an application is to be made for spot rating TWAs and other structures located on Mining Tenements and other land outside the Town's boundaries.

Financial Implications

Additional Rate Revenue of \$1,090,365 based on provisional calculations in Table 1 of this report.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027
Goal 5 – Inspiring Governance
Objective 4 – Exemplary Team and Work Environment

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

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Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to Interim Rating of Transient Workforce Accommodation, Council:

1. Receive and note correspondence received from Rio Tinto and Fortescue Metals Group (ATTACHMENT 12.2C) ;
2. Endorse, upon final valuations received from the Valuer General's Office, the interim rating of Transient Workers Accommodation in the District for 2018/19.

Motion

MOVED: Cr P Foster

SECONDED: Cr R de Pledge

That with respect to Interim Rating of Transient Workforce Accommodation, Council:

- 1. Receive and note correspondence received from Rio Tinto and Fortescue Metals Group (ATTACHMENT 12.2C);**
- 2. Endorse, upon final valuations received from the Valuer General's Office, the interim rating of Transient Workers Accommodation in the District for 2018/19; and**
- 3. Request the CEO to review the rate in the dollar for TWA to reflect a similar rate for TWA's valued as strategic industries.**

CARRIED 8/0

**Councillors White, Rumble, Dias, Thomas, Foster, Diver, Gallanagh and de Pledge
voted for the motion**

Reason for change: Council sought to identify that a review the rate in the dollar for Transient Workforce Accommodation (TWA) is necessary to ensure a consistent rate for TWA's valued as strategic industries.

**PUBLIC MINUTES- ORDINARY MEETING OF COUNCIL
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13. PROPERTY AND DEVELOPMENT SERVICES REPORTS

**13.1 APPLICATION FOR MISCELLANEOUS LICENCE 47/720
ENCROACHING PANNAWONICA TOWNSITE**

Declaration of Interest

Prior to consideration of this Agenda Item

Cr Dias declared a financial interest

Cr Rumble declared a financial interest

Cr Diver declared a financial interest

Cr Foster declared a financial interest

Cr de Pledge declared a financial interest

Cr Gallanagh declared a financial interest

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

Councillor Dias, Foster and Gallanagh left the room at 1.55 pm due to a financial declaration of interest for Agenda Item 13.1, 13.2 and 13.3.
--

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

MINUTE: 522/2019

FILE REFERENCE: ED77

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

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

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

DATE REPORT WRITTEN: 14 February 2019

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

PREVIOUS MEETING REFERENCE: Not Applicable

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Summary

Application for Miscellaneous Licence 47/720 by Robe River Mining Co Pty Ltd, Mitsui Iron Ore Development Pty Ltd, North Mining Ltd, Nippon Steel & Sumitomo Metal Australia Pty Ltd and Nippon Steel & Sumitomo Metal Australia Pty Ltd, encroaching the Pannawonica townsite, has been referred by Department of Mines, Industry Regulation and Safety (DMIRS) to Council for consideration.

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

DMIRS seeks Council's comments and recommendation for Miscellaneous Licence 47/720 which encroaches the Pannawonica townsite.

Background

The Shire of Ashburton has received referral of Application from the Department of Mines, Industry Regulation and Safety under s23 to 26 of the *Mining Act 1978* for Miscellaneous Licence 47/720. The area of the Licence will support three constructed roads:

1. A sealed road that provides the main vehicle access between the Pannawonica townsite and Rio Tinto Iron Ore's (RTIO) Mesa J mine.
2. An unsealed bypass road for heavy vehicles and vehicles transporting oversized loads which runs from Main Roads WA controlled and managed Pannawonica Road to the Mesa J Mine.
3. An unsealed road that comprises a section of the access road from the Pannawonica townsite to the Mesa J mine landfill site at Bungaroo Valley.

Signage, drains, culverts and roadside infrastructure has been installed along these roads to ensure compliance with the applicable standards. The Licence Application area is shown in blue on the plan below while the Pannawonica Townsite is shown in part in pink.

Comment

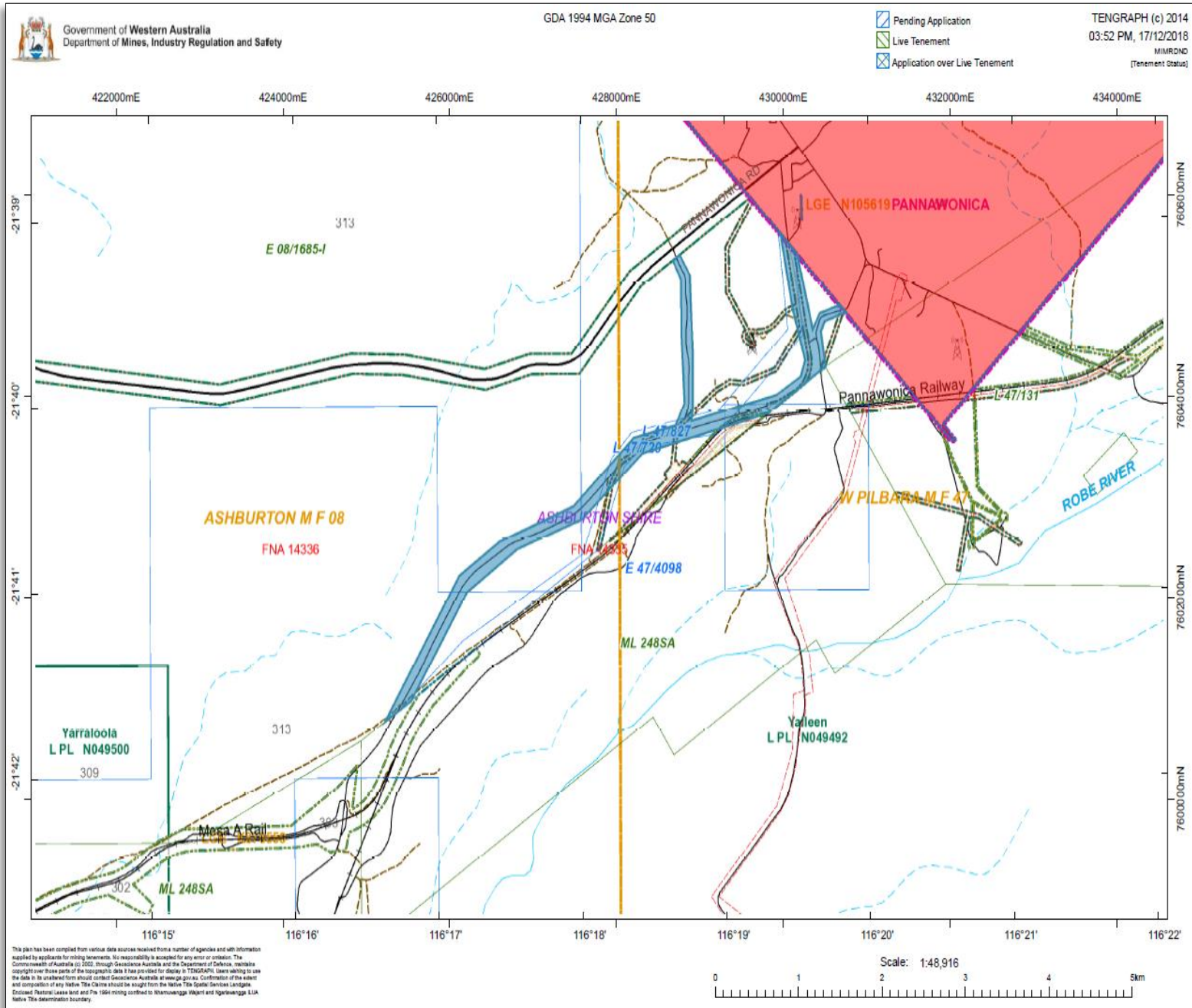
Application for Miscellaneous Licence was lodged in May 2014. DMIRS have advised it was an oversight on their office's behalf that the referral was not sent earlier and due to a requirement to satisfy third party objections and awaiting consent under the State Agreement from the Minister for State Development.

As the townsite encroachment is minor a referral was not considered required by DMIRS however, they have since determined that local municipality consent to the Application is required as it falls within the townsite.

DMIRS proposes the following condition on the tenement.

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

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



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Consultation

Executive Management Team
Department of Mines, Industry Regulation and Safety

Statutory Environment

Mining Act 1978 – s23 to 26 Public reserves, etc. and Commonwealth land

Financial Implications

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

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027
Goal 4 – Quality Services and Infrastructure
Objective 1 – Quality Public Infrastructure

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr R de Pledge

That with respect to the Application for Miscellaneous Licence 47/720 Encroaching Pannawonica townsite, Council offer no objection to Miscellaneous Licence 47/720.

CARRIED 5/0

Councillors White, Thomas, de Pledge, Rumble and Diver voted for the motion

**PUBLIC MINUTES- ORDINARY MEETING OF COUNCIL
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**13.2 LICENCE AGREEMENT BETWEEN THE SHIRE OF ASHBURTON AND
ROBE RIVER MINING CO PTY LTD FOR ROOM 1, C BLOCK, 69
DEEPDALE DRIVE PANNAWONICA**

Declaration of Interest

Prior to consideration of this Agenda Item

Cr Dias declared a financial interest

Cr Rumble declared a financial interest

Cr Diver declared a financial interest

Cr Foster declared a financial interest

Cr de Pledge declared a financial interest

Cr Gallanagh declared a financial interest

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

MINUTE: 523/2019

FILE REFERENCE: CP86

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

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

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

DATE REPORT WRITTEN: 14 February 2019

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

PREVIOUS MEETING REFERENCE: Item No. 13.3 (Minute No. 503/2019) Ordinary Meeting of Council 12 January 2019

Summary

Additional storage of items associated with delivery of the Community Infrastructure and Services Partnership (CISP) has resulted in the Shire being offered an additional 10m² room being Room 1, C Block, 69 Deepdale Drive, Pannawonica. Council endorsement is requested to execute the new agreement to continue the provision of Shire of Ashburton services to Pannawonica.

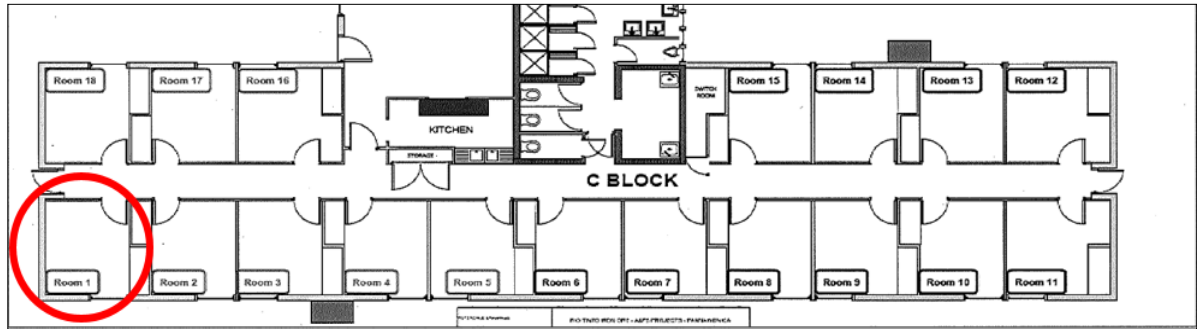
Background

At the Ordinary Meeting of Council on 12 February 2019, Council endorsed execution of Licence Agreements for Rooms 16 & 18, D Block, 69 Deepdale Drive. The rooms have been utilised by the Shire predating 2016 for storage of goods and equipment for delivery of programs under the Community Infrastructure and Services Program (CISP) between the Shire and Rio Tinto.

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Comment

An additional need for storage of items associated with the delivery of the CISP has resulted in the Shire being offered an additional 10m2 room; Room 1, C Block, 69 Deepdale Drive, Pannawonica.



The terms of the Agreement (**ATTACHMENT 13.2**) is as follows:

Schedule	Room 1, C Block 69 Deepdale Drive
Term	3 years, expiring on 31 January 2022
Further Term	Not Applicable
Rent	\$216.36 per annum (plus GST) The Owner and the User agree that the User is not required to pay Rent to the Owner during the Term of this Licence. Any clauses relating to the payment of Rent is not applicable in this Licence. For the purposes of clarity, all other costs relating to the use of the Premises will still continue to be payable by the User.
Permitted Use	General storage for items relating to the activities conducted for the local community
Public Liability Insurance	\$20M
Utilities	Landlord provided
Maintenance (relevant to site) (Tenant Responsibility)	<ul style="list-style-type: none"> • Bin collection beyond what is normally undertaken by the local authority • General pest treatment • Fire extinguisher installation • Fire extinguisher routine testing • Routine RCD testing • Maintenance and repairs to any tenant improvement • General cleaning of premises • Light globes • Smoke alarm batteries • Damage as a result of tenants negligence • Storm water drain cleaning and maintenance

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Schedule	Room 1, C Block 69 Deepdale Drive
	<ul style="list-style-type: none"> • Rubbish bin collection • Maintain Premises and make good at expiry • Building minor maintenance • Repainting at termination of lease • Air conditioning – preventative and maintenance repairs including breakdowns • Electrical, communications and reticulation systems maintenance and repairs • Plumbing system maintenance (tap ware)

Consultation

Executive Management Team

Statutory Environment

Local Government Act 1995 - s9.49A – Affixing the Common Seal states in part:

“9.49A. Execution of documents

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

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 1 Vibrant and Active Communities

Objective 1 - Connected, Caring and Engaged Communities

Objective 2 – Sustainable Services, Clubs, Associations and Facilities

Objective 3 – Quality Education, Healthcare, Childcare, Aged Care and Youth Services

Objective 4 – A Rich Cultural Life

Risk Management

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

Policy Implications

EML13 Affixing of the Shire of Ashburton Common Seal

**PUBLIC MINUTES- ORDINARY MEETING OF COUNCIL
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Voting Requirement
Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr L Thomas

SECONDED: Cr R de Pledge

That with respect to the Licence Agreement between the Shire of Ashburton and Robe River Mining Co Pty Ltd for Room 1, C Block, 69 Deepdale Drive, Pannawonica, Council authorise the Shire President and the Chief Executive Officer to affix the Common Seal of the Shire of Ashburton to, and execute the Licence Agreement (ATTACHMENT 13.2) for a term of three years commencing 1 February 2019 and expiring on 31 January 2022 for \$0 rental per annum.

CARRIED 5/0

Councillors White, Thomas, de Pledge, Rumble and Diver voted for the motion

**PUBLIC MINUTES- ORDINARY MEETING OF COUNCIL
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**13.3 APPLICATION FOR MISCELLANEOUS LICENCES ENCROACHING
ROEBOURNE WITTENOOM ROAD AND ROAD NO. 1644 (HAMERSLEY
IRON PTY LTD)**

Declaration of Interest

Prior to consideration of this Agenda Item

Cr Dias declared a financial interest

Cr Rumble declared a financial interest

Cr Diver declared a financial interest

Cr Foster declared a financial interest

Cr de Pledge declared a financial interest

Cr Gallanagh declared a financial interest

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

MINUTE: 524/2019

FILE REFERENCE: ED77

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

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

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

DATE REPORT WRITTEN: 20 February 2019

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

PREVIOUS MEETING REFERENCE: Agenda Item 15.1 (Minute No. 11817) Ordinary Meeting of Council 18 June 2014

Summary

Application for Miscellaneous Licences 47/289, 47/290, 47/315, 47/277, 47/317, 47/279 and 47/318 by Hamersley Iron Pty Ltd, encroaching the Roebourne Wittenoom Road and Road No. 1644, has been referred by Department of Mines, Industry Regulation and Safety (DMIRS) to Council for consideration.

Under s23 to 26 of the *Mining Act 1978*, mining may be carried out on certain classes of land with the written consent of the Minister for Mines and Petroleum. In respect to road reserves, the Minister for Mines and Petroleum is to first consult and obtain the recommendation of the responsible Minister for Local Government before he can grant consent to mine. The Minister for Local Government has given a general consent provided the matter is first referred to the Local Authority for comment.

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DMIRS seeks Council's comment for Miscellaneous Licences 47/289, 47/290, 47/315, 47/277, 47/317, 47/279 and 47/318 which encroach the Roebourne Wittenoom Road and Road No. 1644.

Background

The Shire of Ashburton has received referral of Applications from the Department of Mines, Industry Regulation and Safety under sections 23 to 26 of the *Mining Act 1978* for Miscellaneous Licences 47/289, 47/290, 47/315, 47/277, 47/317, 47/279 and 47/318.

The purpose of each licence is: *"to conduct all activities for the planning design, construction, commissioning, operation and maintenance of a railway and all associated infrastructure, including the taking of borrow for the purposes of construction and maintenance of the railway, in connection with operations under the Iron Ore (Hamersley Range) Agreement Act 1963"*.

The primary purpose of the licences is to provide a suitable source of borrow material for upgrade, maintenance and repair of the railway and associated facilities such as signalling and communication equipment and roads. Works to be constructed for this purpose will likely be limited to the construction of roads.

Other works which may be required include temporary construction areas such as lay down areas and temporary site facilities in connection with construction and maintenance activities on the railway facilities.

ATTACHMENT 13.3

Comment

Council endorsed the closure of Road No 1644 in its entirety (running from Mount Florance Homestead, through Coolawanyah Pastoral Lease and terminating on Hamersley Pastoral Lease), at the May 2014 Ordinary Meeting of Council. The road was to be amalgamated into Hamersley Iron Pty Ltd's rail leases or convert to Unallocated Crown Land or amalgamated into the existing pastoral leases being Hamersley and Coolawanyah Stations.

Evidence of closure of the road was not able to be located. The Department of Planning, Lands and Heritage has advised that they were not supportive of the road closure due to an isolated parcel of dedicated road remaining that was not identified for closure. Road No 1644 remains a dedicated road, which prompted the referral by DMIRS even though the Shire has not undertaken any maintenance or upkeep, resulting in the road being overgrown and no longer in use where the road is not incorporated into the Rio Tinto Rail Access Road.

Miscellaneous Licences 47/289, 47/290, 47/315, 47/277, 47/317, 47/279 and 47/318 collectively comprise 2,488.55 hectares and encroach the Roebourne Wittenoom Road and Road No. 1644 which are both dedicated public roads, therefore with not go to grant without the Shire's consent as required by the Minister for Local Government.

With the potential sealing of the Tom Price to Karratha Road, pursuing the closure of Road No. 1644 as endorsed by Council at the June 2014 Ordinary Meeting of Council is not deemed necessary as the new alignment will see the closure of redundant portions of the road as required.

It is noted that Item 13.4 of this Agenda addresses an application for Miscellaneous Licence 47/714, by FMG Pilbara Pty Ltd, encroaching Road No. 1644 (known locally as the Tom Price Rail Access Road), for Council's consideration.

**PUBLIC MINUTES- ORDINARY MEETING OF COUNCIL
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It is noted that Item 13.9 of this Agenda addresses a draft Deed agreement has been negotiated between the Shire of Ashburton and FMG Solomon Pty Ltd for Design, Construct & Maintenance Works of portion of Hamersley Road to facilitate safe passage associated with the Eliwana project.

As the purposes outlined on all Applications' statement of works have been undertaken since 2008, it is recommended Council offer no objection to the applications for Miscellaneous Licences.

Consultation

Executive Management Team
Department of Mines, Industry Regulation and Safety

Statutory Environment

Main Roads Act- Highways and main roads

13A Local government to be consulted on matters to do with highways and main roads

Mining Act 1978 – s23 to 26 Public reserves, etc. and Commonwealth land

Financial Implications

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

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 4 – Quality Services and Infrastructure

Objective 1 – Quality Public Infrastructure

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation

MOVED: Cr Rumble

SECONDED: Cr Diver

That with respect to the Hamersley Iron Pty Ltd's Application for Miscellaneous Licences Encroaching Roebourne Wittenoom Road and Road No. 1644, Council offers no objection to Miscellaneous Licences 47/289, 47/290, 47/315, 47/277, 47/317, 47/279 and 47/318.

PUT AND LOST 0/5

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Motion

MOVED: Cr D Diver

SECONDED: Cr L Rumble

That with respect to the Hamersley Iron Pty Ltd's Application for Miscellaneous Licences Encroaching Roebourne Wittenoom Road and Road No. 1644, being Miscellaneous Licences 47/289, 47/290, 47/315, 47/277, 47/317, 47/279 and 47/318 that Council advise the Department of Mines, Industry Regulation and Safety that:

- 1. It is not in a position to provide comment until the following information is provided:**
 - a) Specific location of gravel pits to be accessed by Hamersley Iron Pty Ltd along with the extent of gravel to be extracted;**
 - b) Details of use of extracted material by Hamersley Iron Pty Ltd; and**
 - c) Confirmation that consultation has taken place with relevant pastoral companies with respect to the Miscellaneous Licences.**
- 2. Should the Department of Mines, Industry Regulation and Safety not provide or arrange for the information sought in 1 above that Council objects to Miscellaneous Licences 47/289, 47/290, 47/315, 47/277, 47/317, 47/279 and 47/318.**

CARRIED 5/0

Councillors White, Thomas, de Pledge, Rumble and Diver voted for the motion

Reason for change: Council considered that it was necessary to seek further information of the matter and to ensure that the consultation has taken place with relevant pastoral companies with respect to the Miscellaneous Licences.

Councillor Dias, Foster and Gallanagh returned to the room at 2.02 pm due to a financial declaration of interest for Agenda Item 13.1, 13.2 and 13.3. The Presiding Member advised all Councillors of the outcome of the vote for these items.

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**13.4 APPLICATION FOR MISCELLANEOUS LICENCE 47/714 AND
ENCROACHING ROAD NO. 1644 - TOM PRICE RAIL ACCESS ROAD
(FMG PILBARA PTY LTD)**

MINUTE: 525/2019

FILE REFERENCE: ED96

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

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

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

DATE REPORT WRITTEN: 20 February 2019

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

PREVIOUS MEETING REFERENCE: Agenda Item 15.1 (Minute No. 11817) Ordinary Meeting of Council 18 June 2014

Summary

Application for Miscellaneous Licence 47/714, by FMG Pilbara Pty Ltd, encroaching Road No. 1644 (known locally as the Tom Price Rail Access Road), has been referred by Department of Mines, Industry Regulation and Safety (DMIRS) to Council for consideration.

Under s23 to 26 of the *Mining Act 1978*, mining may be carried out on certain classes of land with the written consent of the Minister for Mines and Petroleum. In respect to road reserves, the Minister for Mines and Petroleum is to first consult and obtain the recommendation of the responsible Minister for Local Government before he can grant consent to mine. The Minister for Local Government has given a general consent provided the matter is first referred to the Local Authority for comment.

DMIRS seeks Council's comment in relation to Miscellaneous Licence 47/714 which encroaches Road No. 1644.

Background

The Shire has received referral of Applications from the DMIRS under s 23 to 26 of the *Mining Act 1978* for Miscellaneous Licence 47/714.

FMG Pilbara Pty Ltd (FMG) propose a bore, a bore filed, a communications facility, a pipeline, a power line, a road and taking water. The primary purpose of the licence is for the construction of a service road to accommodate traffic between the Sheila Valley project on Mining Leases 47/1456 – 47/1459 and the Solomon project.

The road will comprise an 8-10m wide pavement with a shoulder width of 1–2 m and side drains as required. Pavement formation will comprise a self-draining base course of 100–150mm over a 200–250mm sub-base layer over a prepared subgrade.

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FMG propose the road alignment will follow the existing track and terrain where appropriate, with cut and fill requirements balancing approximately every two kilometres. These measures should minimise earthworks and environmental disturbance.

Where the road crosses creeks, a combination of floodway and culvert construction will be utilised to maintain natural water flows. Surface water flows outside defined creek areas will be maintained by directing water either through culverts or over the road surface toward spreader drains, levee banks or other measures which will reinstate natural sheet flow. These measure will be used as appropriate to maintain and promote the natural growth patterns of Mulga and other dependent flora communities.

Where the road crosses Hamersley Iron Pty Ltd's existing rail line, FMG propose to construct a crossing to the requirements and satisfaction of Hamersley Iron Pty Ltd.

The area subject to Miscellaneous Licence 47/714 includes portion of the Mt Brockman Road, Mt Sheila Road, Hamersley Iron Pty Ltd's Rail Access Road and Rail Line crossing and, Hamersley Road

It is noted that Item 13.3 of this Agenda addresses an application for Miscellaneous Licences 47/289, 47/290, 47/315, 47/277, 47/317, 47/279 and 47/318 by Hamersley Iron Pty Ltd, encroaching the Roebourne Wittenoom Road and Road No. 1644 for Council for consideration.

It is noted that Item 13.9 of this Agenda addresses a draft Deed agreement has been negotiated between the Shire of Ashburton and FMG Solomon Pty Ltd for Design, Construct & Maintenance Works of portion of Hamersley Road to facilitate safe passage associated with the Eliwana project.

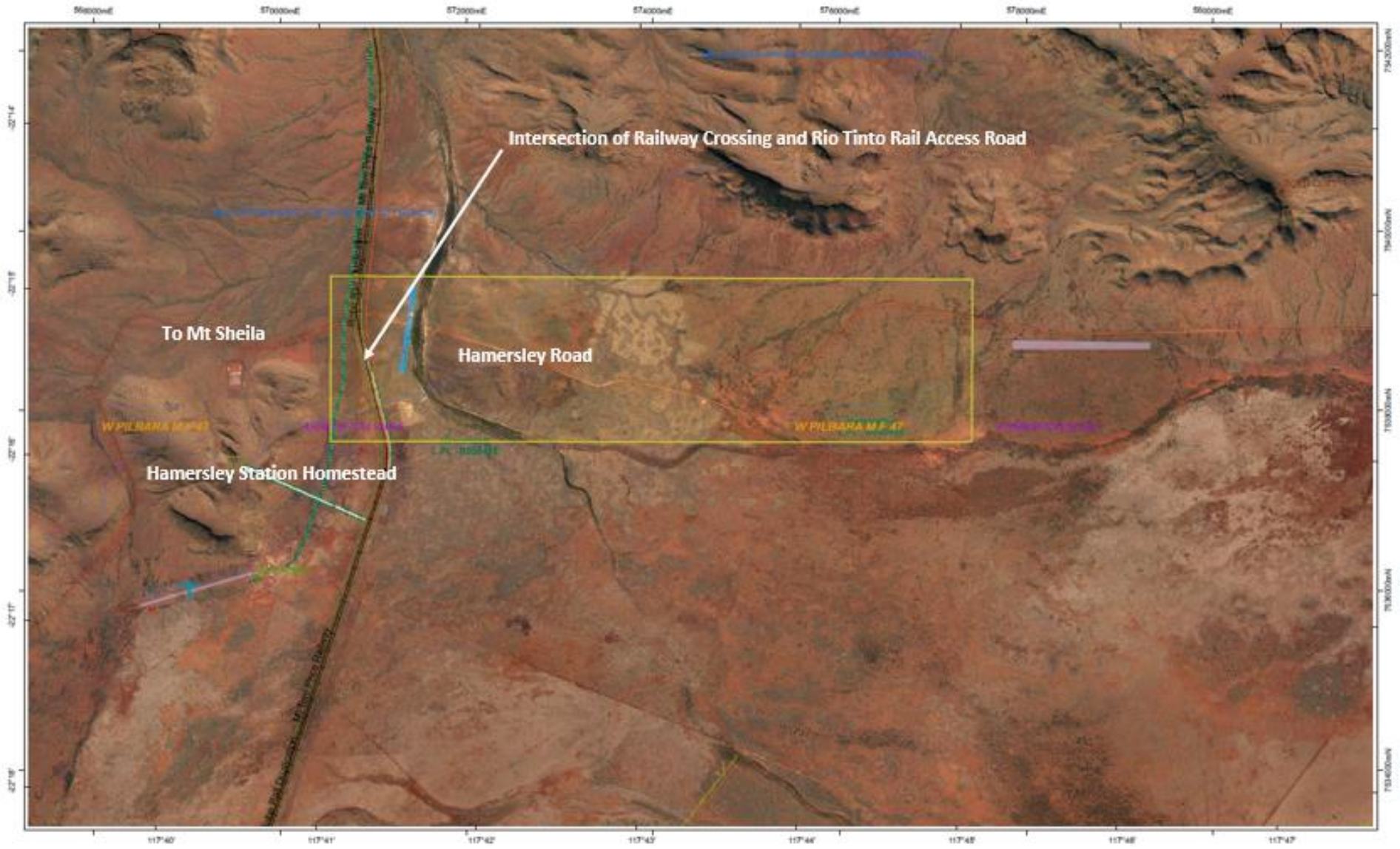
Comment

Council endorsed the closure of Road No. 1644 in its entirety (running from Mount Florance Homestead, through Coolawanyah Pastoral Lease and terminating on Hamersley Pastoral Lease), at the May 2014 Ordinary Meeting of Council. The road was to be amalgamated into Hamersley Iron Pty Ltd's rail leases or convert to Unallocated Crown Land or amalgamated into the existing pastoral leases being Hamersley and Coolawanyah Stations.

Evidence of closure of the road was not able to be located. The Department of Planning, Lands and Heritage were contacted for comment who advised that they were not supportive of the closure of Road No. 1644 due to an isolated parcel of dedicated road that was not identified for closure. Road No. 1644 remains a dedicated road which prompted the referral by DMIRS even though the Shire has not undertaken any maintenance or upkeep resulting in the road being overgrown and no longer in use where the road is not incorporated into the Rio Tinto Rail Access Road.

With sealing of the Tom Price to Karratha Road pending, pursuing the closure of Road No. 1644 is not deemed necessary as the new alignment will see the closure of redundant portions of the road as required.

Miscellaneous Licence 47/714 comprises 1,252 hectares, encroaching Road No. 1644 and will not go to grant without the Shire's consent. Hamersley Road is also encroached by Miscellaneous Licence 47/714. Hamersley Road is not dedicated as a public road however, is included in the Shire's Road Register as the Shire has historically maintained the road for many years as a form of public road.



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The Shire has raised an expectation by the public that the road will continue to be maintained and therefore the Shire has assumed an obligation to continue to maintain the road to a standard that is safe for the public until access to the public is denied.

Legal advice was sought in 2016 and Kyle & Company advised as follows:

“The Lands Department advised that no crown leases authorise the lessee to grant the public permission to drive across the leased land over roads or tracks that are not dedicated roads. Nevertheless the public are allowed to do this via Hamersley Road, presumably with the tacit, if not express, permission, of the lessee and, by inference, the State.

The Shire wishes to keep Hamersley Road open to the public to allow access to Mt Shelia therefore it is obliged to maintain it to a standard that is safe for the public. If the Shire decided that the road should be closed to the public it would be entitled to take steps to do so and thereby absolve itself from further responsibility for the maintenance, subject of course to the statutory requirements for such closure.

As the public has a right of access, because the road leads from one dedicated road (Nanutarra Munjina Road) to either another dedicated road or to a public place (Mt Shelia), Hamersley Road is a road, which under the Land administration Act, the Shire is obliged to maintain. The Shire is responsible to continue to maintain Hamersley Road, over which the public has access, but which is not dedicated as a road. The fact that the Shire has historically maintained Hamersley Road entitles the public to assume that it will continue to be maintained unless it is closed.”

The proposal appears to be consistent with the Shire of Ashburton’s strategic aims and objectives however, the Shire should be satisfied of the Public Road’s use and maintenance while retaining unrestricted public access and safety of the roads.

It is proposed the Shire formally notify DMIRS of its concerns to commence terms of agreement (deed) negotiations, with FMG responsible for preparation costs to include the following, at a minimum:

- Establishing RAV rating required to inform width and integrity;
- Road design including specifications including signage etc;
- Shire inspection schedule;
- Construction materials and testing;
- Construction term;
- Maintenance term;
- Insurance Indemnity; and
- FMG Solomon Pty Ltd being responsible for all costs (including Shire costs) associated with the preparation and implementation of the Agreement.

The Shire makes no comment or observations in relation to FMG’s Application for Miscellaneous Licence 47/714’s interaction with other holders’ tenure in the Application area.

Consultation

Executive Management Team
Development Control Group
Department of Mines, Industry Regulation and Safety

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Statutory Environment

Local Government Act 1995 - s3.27 Particular things local governments can do on land that is not local government property states in part:

“3.27(2A) ...includes Crown land the subject of a pastoral lease within the meaning of Land Administration Act 1997 section 3.”

Part 8 – Scrutiny of the affairs of local governments – section 8.10 Protection from liability

Main Roads Act- Highways and main roads

13A Local government to be consulted on matters to do with highways and main roads

Mining Act 1978 – Section 23 to 26 Public reserves, etc. and Commonwealth land

Financial Implications

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

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 4 – Quality Services and Infrastructure

Objective 1 – Quality Public Infrastructure

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the FMG Pilbara Pty Ltd’s Application for Miscellaneous Licence 47/714 Encroaching Road No. 1644, Council:

1. Advise the Department of Mines, Industry Regulation and Safety that subject to the following condition, Council offers no objection Miscellaneous Licence 47/714 and encroachment on Road No. 1644:
 - a) An agreement (deed) with the Shire of Ashburton and by FMG Pilbara Pty Ltd or the encroachment, use and maintenance of Road No. 1644 to include the following requirements (but not limited to):
 - Establishing RAV rating required to inform width and integrity;
 - Road design including specifications including signage etc;
 - Shire inspection schedule;
 - Construction materials and testing;

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- Construction term;
- Maintenance term;
- Insurance; and
- FMG Pilbara Pty Ltd being responsible for all costs (including Shire costs) associated with the preparation and implementation of the Agreement.

3. Should the Department of Mines, Industry Regulation and Safety not agree to the above condition, Council objects to Miscellaneous Licence 47/714 and encroaching Road No.1644.

Amendment

MOVED: Cr D Diver

SECONDED: Cr L Rumble

That with respect to the FMG Pilbara Pty Ltd's Application for Miscellaneous Licence 47/714 Encroaching Road No. 1644, Council:

1. Advise the Department of Mines, Industry Regulation and Safety that subject to the following condition, Council offers no objection Miscellaneous Licence 47/714 and encroachment on Road No. 1644:

a) An agreement (deed) with the Shire of Ashburton and by FMG Pilbara Pty Ltd for the encroachment, use and maintenance of Road No. 1644 to include the following requirements (but not limited to):

- Establishing RAV rating required to inform width and integrity;
- Road design including specifications including signage etc;
- Shire inspection schedule;
- Construction materials and testing;
- Construction term;
- Maintenance term;
- Insurance;
- FMG Pilbara Pty Ltd being responsible for all costs (including Shire costs) associated with the preparation and implementation of the Agreement; and
- Confirmation from FMG Pilbara Pty Ltd that access to Mt Sheila for the general public will be unconditionally retained.

3. Should the Department of Mines, Industry Regulation and Safety not agree to the above condition, Council objects to Miscellaneous Licence 47/714 and encroaching Road No.1644.

CARRIED 8/0

**Councillors White, Rumble, Dias, Thomas, Foster, Diver, Gallanagh and de Pledge
voted for the motion**

Reason for change: Council sought to ensure that public access to Mt Sheila for the general public will unconditionally be retained.

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13.5 APPLICATION FOR MISCELLANEOUS LICENCE 08/155 AND ENCROACHING OVER ROAD NO. 7912 (ZENITH MINERALS LIMITED)

MINUTE: 526/2019

FILE REFERENCE: ED76

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

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

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

DATE REPORT WRITTEN: 21 February 2019

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

Application for Miscellaneous Licence 08/155, encroaching Public Road No. 7912 has been referred by Department of Mines, Industry Regulation and Safety (DMIRS) for Council's consideration. Zenith Minerals Limited propose a bore, a drainage channel, a meteorological station, a pipeline, a power line, a pump station, a road, a bore field and a communications facility.

DMIRS seeks approval for Miscellaneous Licence 08/155 which encroaches Road No. 7912. Council is recommended to offer no objection to Miscellaneous Licence 08/155 subject to an agreement with the Shire for use of the Public Road No. 7912 being negotiated.

Background

Application for Miscellaneous Licence 08/155, encroaching Road No. 7912 has been referred by DMIRS for Council's consideration. Zenith Minerals Limited proposes an access road over existing tenure which links to Mt Alexander Project tenements to allow mining of magnetite iron ore.

In accordance with s23 to 26 of the *Mining Act 1978*, mining may be carried out on certain classes of land with the written consent of the Minister for Mines and Petroleum. However, where a road reserve is affected, the Minister for Local Government is to make a recommendation to the Minister for Mines and Petroleum. The Minister for Local Government has given a general clearance provided the matter is first referred to the local authority for comment. Zenith Minerals Limited propose a bore, a drainage channel, a meteorological station, a pipeline, a power line, a pump station, a road, a bore field and a communications facility. The Application covers the main access route from the North West Coastal Highway access roads to the Mt Alexander project encroaching on Road No. 7912, being portion of Glenforrie Road approximately 25 kilometres south of the Nanutarra Roadhouse.

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Zenith Minerals Limited advised that the roads/access track will remain but in future will be constructed using in situ compact dirt and soil or possibly upgraded to a fully sealed access road. The Miscellaneous Licence is depicted yellow on the plan.

Comment

Miscellaneous Licence 08/155 comprises 9.29090 hectares affecting Nanutarra Pastoral Lease and the road reserve for Road No. 7912 which the Shire continues to maintain with 2019 works estimated to be in excess of \$1 million. Miscellaneous Licence 08/155 will not go to grant without the Shire's consent. The proposal appears to be consistent with the Shire of Ashburton's strategic aims and objectives however, the Shire should be satisfied of the Public Road No. 7912 use and maintenance while retaining unrestricted public access and safety of the road.

Should Council support the applications in principle, it is recommended that support be conditional on an agreement (deed) with the Shire and Zenith Minerals Limited to include the following (but not limited to):

- Establishing RAV rating required to inform width and integrity;
- Road design including specifications including signage etc;
- Shire inspection schedule;
- Construction materials and testing;
- Construction term;
- Maintenance term;
- Insurance; and
- Zenith Minerals Limited being responsible for all costs (including Shire costs) associated with the preparation and implementation of the Agreement.

Consultation

Executive Management Team
Development Control Group
Manager Rural Roads & Operations West

Statutory Environment

S 23 to 26 of the *Mining Act 1978*

Local Government Act 1995

Part 8 – Scrutiny of the affairs of local governments

8.10 Protection from liability

Main Roads Act 1930

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

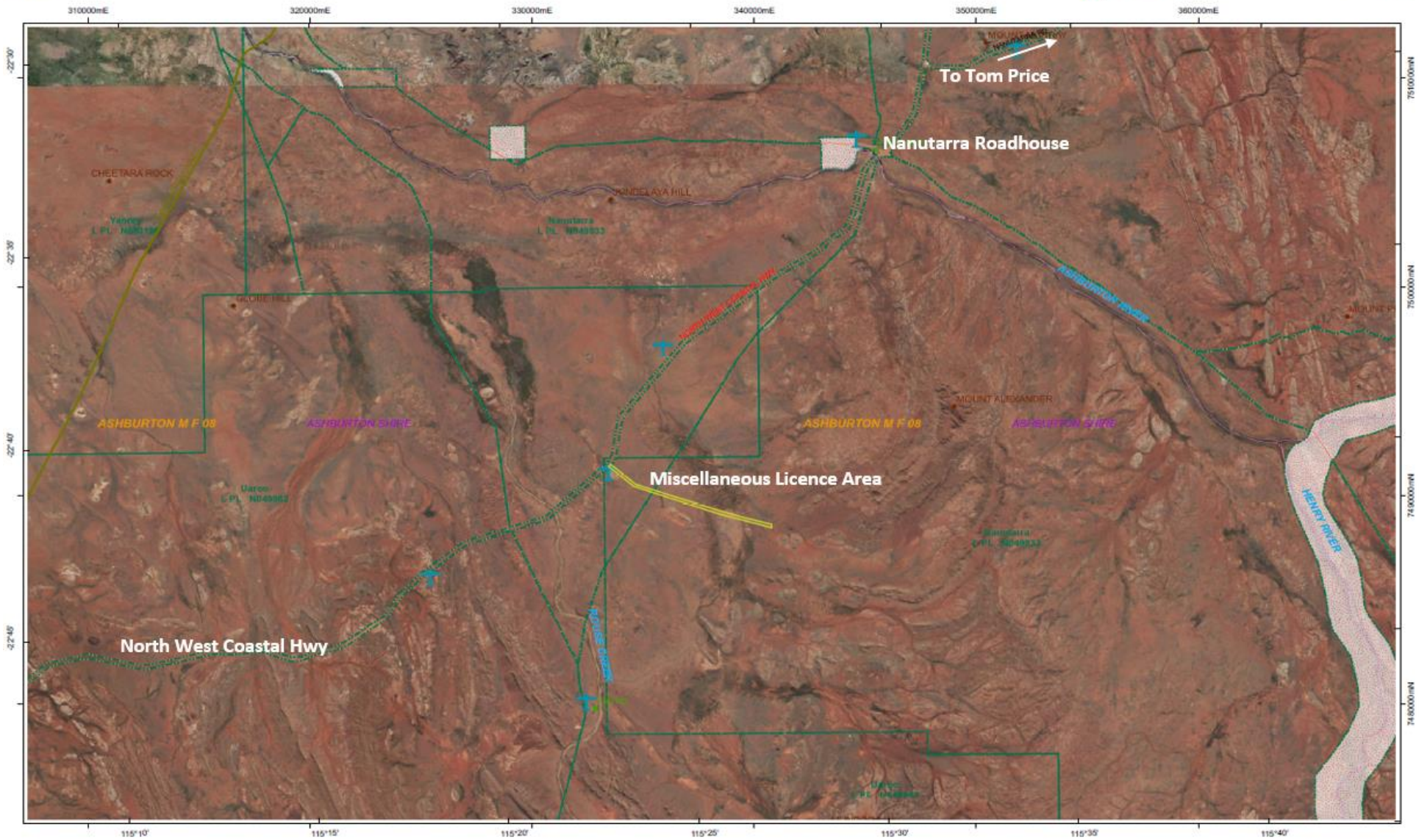
Goal 02 Economic Prosperity

Objective 01 – Strong local economics

Objective 02 – Enduring partnerships with industry and government

Goal 05 Inspiring Governance

Objective 01 - Effective planning for the future



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Risk Management

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

Policy Implications

ENG13 Road Management Policy

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr P Foster

That with respect to Miscellaneous Licence 08/155 encroaching Road No. 7912 – Zenith Minerals Limited, Council:

1. Advise the Department of Mines, Industry Regulation and Safety that subject to the following condition, Council offers no objection Miscellaneous Licence 08/155:

a) An agreement (deed) with the Shire of Ashburton and Zenith Minerals Limited for the encroachment, use and maintenance of Road No. 7912 to include the following requirements (but not limited to):

- **Establishing RAV rating required to inform width and integrity;**
- **Road design including specifications including signage etc;**
- **Shire inspection schedule;**
- **Construction materials and testing;**
- **Construction term;**
- **Maintenance term;**
- **Insurance; and**
- **Zenith Minerals Limited being responsible for all costs (including Shire costs) associated with the preparation and implementation of the Agreement.**

2. Should the Department of Mines, Industry Regulation and Safety not agree to the above condition, Council objects to Miscellaneous Licence 08/155 and encroaching Road No. 7912.

CARRIED 8/0
Councillors White, Rumble, Dias, Thomas, Foster, Diver, Gallanagh and de Pledge
voted for the motion

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**13.6 MISCELLANEOUS LICENCE 08/172 ENCROACHING ROAD NO. 8400 –
K PLUS S SALT AUSTRALIA PTY LTD**

MINUTE: 527/2019

FILE REFERENCE: ED98

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

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

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

DATE REPORT WRITTEN: 21 February 2019

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

PREVIOUS MEETING REFERENCE: Item No. 13.5 (Minute No. 505/2019) Ordinary Meeting of Council 12 February 2019

Summary

Application for Miscellaneous Licence 08/172, encroaching Road No. 8400 has been referred by Department of Mines, Industry Regulation and Safety (DMIRS) to Council for consideration. K Plus S Salt Pty Ltd proposes a conveyor system, a drainage channel, a pipeline, a power line, a pump station, a road, a storage or transportation facility for minerals or mineral concentrate and a water management facility.

DMIRS seeks approval for Miscellaneous Licence 08/172 which encroaches Road No. 8400. Council support is sought to advise the Department of Mines, Industry Regulation and Safety that the Shire of Ashburton supports Miscellaneous Licence 08/172 conditional on terms of agreement for use of the Public Road being negotiated.

Background

Application for Miscellaneous Licence 08/172, encroaching Road No. 8400 has been referred by Department of Mines, Industry Regulation and Safety to Council for consideration. K Plus S Salt Pty Ltd proposes a conveyor system, a drainage channel, a pipeline, a power line, a pump station, a road, a storage or transportation facility for minerals or mineral concentrate and a water management facility.

In accordance with s23 to 26 of the *Mining Act 1978*, mining may be carried out on certain classes of land with the written consent of the Minister for Mines and Petroleum. However, where a road reserve is affected, the Minister for Local Government is to make a recommendation to the Minister for Mines and Petroleum. The Minister for Local Government has given a general clearance provided the matter is first referred to the Local Authority for comment. At the February 2019 Ordinary Meeting, Council authorised the Chief Executive Officer to negotiate the terms of agreement with Quarry Park Pty Ltd in relation to Miscellaneous Licences 08/171 for the construction, use and maintenance of Road No. 8400 as access to a proposed salt project.

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Comment

Miscellaneous Licences can co-exist with other mining tenements. Miscellaneous Licence 08/172 affects the following tenements.

Tenement ID	Holder/Applicant	Status	Encroached Area	Encroached Percentage
RE0502887 E 08/2333	Onslow Premium Sands Pty Ltd	Recorded	1345.4592HA	99.92%
E 08/2911	K Plus S Salt Australia Pty Ltd	Pending	1345.3801HA	99.92%
L 08/171	Quarry Park Pty Ltd	Pending	6.5692HA	0.49%
P 08/691	K Plus S Salt Australia Pty Ltd	Live	0.0789HA	0.01%
TR 70/5350	Ministerial	Live	47.251HA	3.51%

Miscellaneous Licence 08/172 comprises 1,347 HA over Urala Pastoral Lease, unallocated crown land, groundwater area and surface water area, including portion of the road reserve for Road No. 8400. Therefore, Miscellaneous Licence 08/172 will not go to grant without the Shire's consent.

The proposal appears to be consistent with the Shire of Ashburton's strategic aims and objectives however, the Shire should be satisfied of the Public Road's use and maintenance while retaining unrestricted public access and safety of the road. Should Council support the applications in principle, it is recommended that support be conditional on an agreement (deed) with the Shire and K Plus S Salt Pty Ltd to include the following (but not limited to):

- Establishing RAV rating required to inform width and integrity;
- Road design including specifications including signage etc;
- Shire inspection schedule;
- Construction materials and testing;
- Construction term;
- Maintenance term;
- Insurance; and
- K Plus S Salt Pty Ltd being responsible for all costs (including Shire costs) associated with the preparation and implementation of the Agreement.

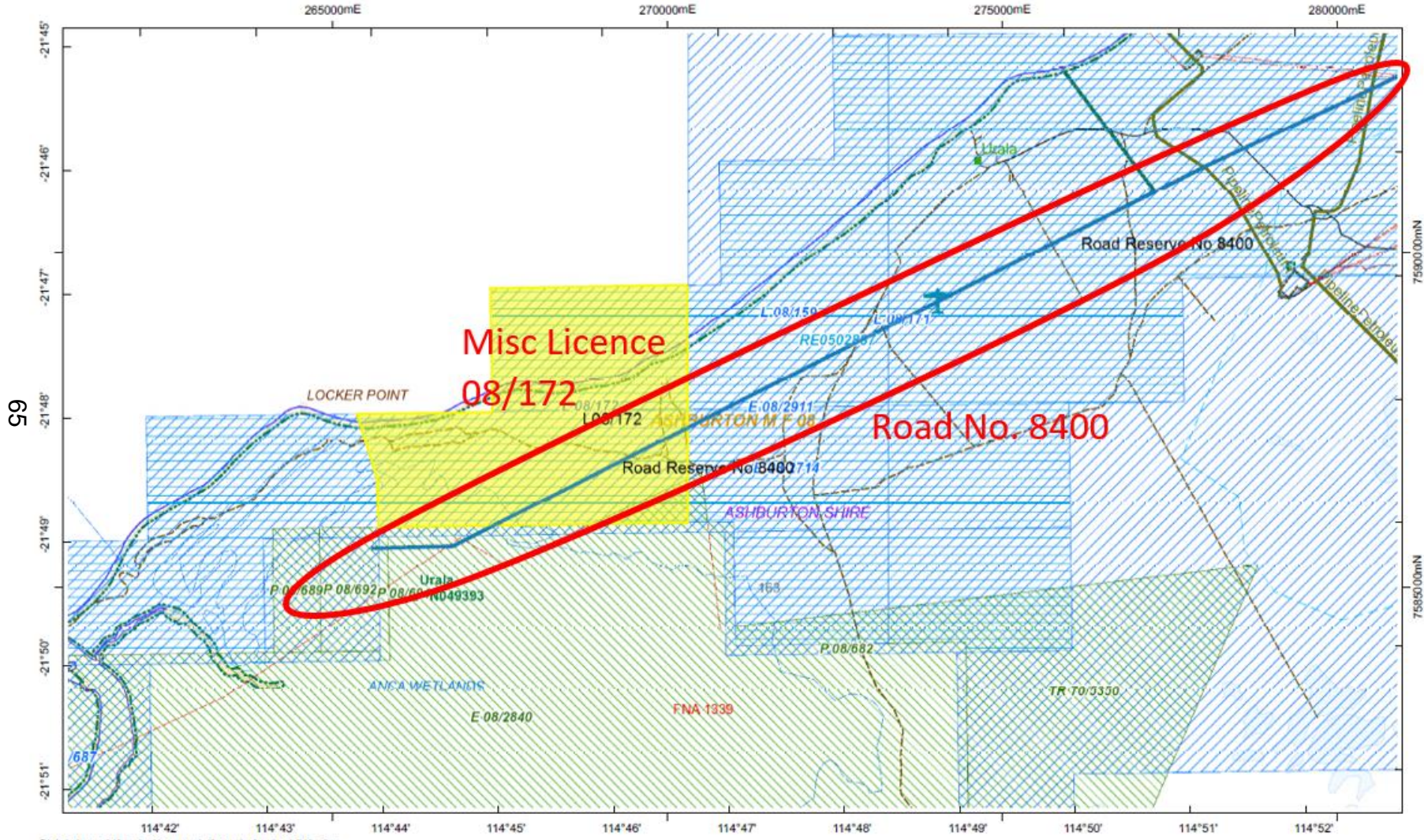
Miscellaneous Licence 08/172 is shown in yellow on the plan. Road No. 8400 is within the red shape.

Consultation

Executive Management Team
Development Control Group

Statutory Environment

S23 to 26 of the *Mining Act 1978*
Local Government Act 1995
Part 8 – Scrutiny of the affairs of local governments
8.10 Protection from liability



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Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 02 Economic Prosperity

Objective 01 – Strong local economics

Objective 02 – Enduring partnerships with industry and government

Goal 05 Inspiring Governance

Objective 01 - Effective planning for the future

Risk Management

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

Policy Implications

ENG13 Road Management Policy

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Diver

That with respect to Miscellaneous Licence 08/172 encroaching Road No. 8400 – K Plus S Salt Australia Pty Ltd, Council:

1. Advise the Department of Mines, Industry Regulation and Safety that subject to the following condition, Council offers no objection Miscellaneous Licence 08/172 encroaching Road No. 8400:

a) An agreement (deed) with the Shire of Ashburton and K Plus S Salt Australia Pty Ltd for the encroachment, use and maintenance of Road No. 7912 to include the following requirements (but not limited to):

- **Establishing RAV rating required to inform width and integrity;**
- **Road design including specifications including signage etc;**
- **Shire inspection schedule;**
- **Construction materials and testing;**
- **Construction term;**
- **Maintenance term;**
- **Insurance; and**
- **K Plus S Salt Australia Pty Ltd being responsible for all costs (including Shire costs) associated with the preparation and implementation of the Agreement.**

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- 2. Should the Department of Mines, Industry Regulation and Safety not agree to the above condition, Council objects to Miscellaneous Licence 08/172 encroaching Road No. 8400.**

CARRIED 8/0

**Councillors White, Rumble, Dias, Thomas, Foster, Diver, Gallanagh and de Pledge
voted for the motion**

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13.7 DRAFT DEED OF EXTENSION AND VARIATION - LICENCE AGREEMENT FOR COMMUNITY GARDEN, ONSLOW

MINUTE: 528/2019

FILE REFERENCE: PR30685

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

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

NAME OF APPLICANT/RESPONDENT: Minister for Education

DATE REPORT WRITTEN: 21 February 2019

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

PREVIOUS MEETING REFERENCE: Not applicable

Summary

Currently, a Licence Agreement exists between the Minister for Education (Licensor) and the Shire of Ashburton (Licensee) for the Community Garden, Onslow Primary School, and expires on 30 April 2019.

A draft Deed of Extension and Variation is presented, seeking Council support to:

- Exercise the optional ten year Further Term;
- Vary Item 2 of the Schedule to include the ablutions in the Facilities until such time that the Shire of Ashburton installs ablutions within the Licensed garden area; and
- Vary Item 7 of the Schedule making the Shire of Ashburton responsible for all water consumption for the Licence Area, as metered through a sub-meter.

Background

A Licence Agreement between the Minister for Education and the Shire of Ashburton for the Community Garden, Onslow Primary School was executed in May 2009. The initial ten year term expires on 30 April 2019 and has a ten year renewal option.

ATTACHMENT 13.7A

The Community Garden is sited on approximately 1,883 square metres of Reserve 30685 being Lot 641 on Deposited Plan 214895. Reserve 30685 is for the Purpose of Children School and is under care, control and management of the Minister for Education via Management Order L52884.

The Shire of Ashburton has been responsible for the construction, maintenance and management of the facility which consists vegetable beds, food forests, plant nursery and outdoor kitchen to the benefit of the Onslow community.

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Comment

Under the terms of the Licence, the Minister for Education is responsible for water and major maintenance (and/or replacement of the bore, pump and tank servicing the facilities).

As the Shire is responsible for the ongoing maintenance and management, it is deemed appropriate that the Shire is responsible for water consumption in accordance with a sub-meter as required.

Water consumption at the reticulated Community Garden has been the responsibility of the Minister of Education however, the Onslow School Principal requested the Shire become responsible for this to alleviate costs to the School. No hand watering was enforced by the Principal until the Deed is executed. The Shire will consider removing hoses and hose cocks if water consumption continues to be excessive and reticulation programming adjusted accordingly.

The Facilities under the Licence do not include the ablutions used by the community when visiting the Community Garden. It is proposed this is rectified in the draft Deed of Extension and Variation until such time that the Shire installs ablutions within the Licensed garden area.

ATTACHMENT 13.7B

A Licence Fee is not included in the Agreement however the Shire is responsible for Operating Costs.

Consultation

Executive Management Team
Manager Facilities
Onslow Primary School
Minister for Education

Statutory Environment

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

“9.49A. Execution of documents

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

Financial Implications

There are no known meaningful financial implications relative to this matter in excess of officer time and minor administrative costs. We need to have some idea as to the costs of water/operating costs

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027
Goal 4 – Quality Services and Infrastructure
Objective 1 – Quality Public Infrastructure

Risk Management

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

Policy Implications

EML13 Affixing of the Shire of Ashburton Common Seal

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the Deed of Extension and Variation to the Licence Agreement Community Garden, Onslow between the Shire of Ashburton and Minister for Education, Council:

1. Endorse the Deed of Extension and Variation as provided in ATTACHMENT 13.7B; and
2. Authorise the Shire President and the Chief Executive Officer to affix the Common Seal to, and execute the Deed of Extension and Variation.

Alternative Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Diver

That with respect to the Draft Deed of Extension and Variation to the Licence Agreement Community Garden, Onslow between the Shire of Ashburton and Minister for Education, Council:

- 1. Authorise the Chief Executive Officer to negotiate the terms of the Deed of Extension and Variation in accordance with the terms of this report; and**
- 2. Authorise the Shire President and the Chief Executive Officer to affix the Common Seal to, and execute the Deed of Extension and Variation.**

CARRIED 8/0
**Councillors White, Rumble, Dias, Thomas, Foster, Diver, Gallanagh and de Pledge
voted for the motion**

Reason for change

The amendment is proposed as the installation of ablutions (by the Shire of Ashburton) within the Licensed garden area will improve public safety as the current facility poses trip hazards and has poor lighting. Additionally, it will provide convenience for users.

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13.8 PROPOSAL TO LEASE PARABURDOO COMMUNITY HUB FUNCTION ROOM

MINUTE: 529/2019

FILE REFERENCE:	RC39572
AUTHOR'S NAME AND POSITION:	Janelle Fell Manager Land & Asset Compliance
AUTHORISING OFFICER AND POSITION:	Brian Cameron Director Property and Development Services
NAME OF APPLICANT/RESPONDENT:	Paraburdoo Saints Football and Sporting Club Inc
DATE REPORT WRITTEN:	22 February 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not applicable

Summary

After public consultation with the Paraburdoo community seeking expressions of interest from parties interested in leasing the Function Room within the Paraburdoo Sports, Fitness and Community Complex, Paraburdoo Saints Football and Sporting Club Inc has been working with Shire Officers on a proposal to lease the facility.

Council endorsement is sought for the Chief Executive Officer to negotiate and execute a Community Lease Agreement.

Background

A Memorandum of Understanding was signed by Shire of Ashburton and Rio Tinto in July 2012, creating a long term partnership to work together to revitalise existing and develop new civic, sporting and community facilities and programs in the towns that Rio Tinto has a significant presence.

The Paraburdoo Community HUB (CHUB) project has been a primary focus of that partnership.

A business case was endorsed by Council at its Ordinary Meeting of Council on 26 April 2016, including a concept design providing the following scope:

- New multipurpose hall suitable for recreation and emergency shelter;
- Swimming pool facility upgrades (change rooms, first aid, office, kiosk);
- New facilities to support oval users including change rooms, first aid, equipment storage, club room, kitchen, bar, spectator outdoor viewing;
- Gym;
- Refurbish existing sports hall for neighbourhood centre, toy library, playgroup, squash courts;

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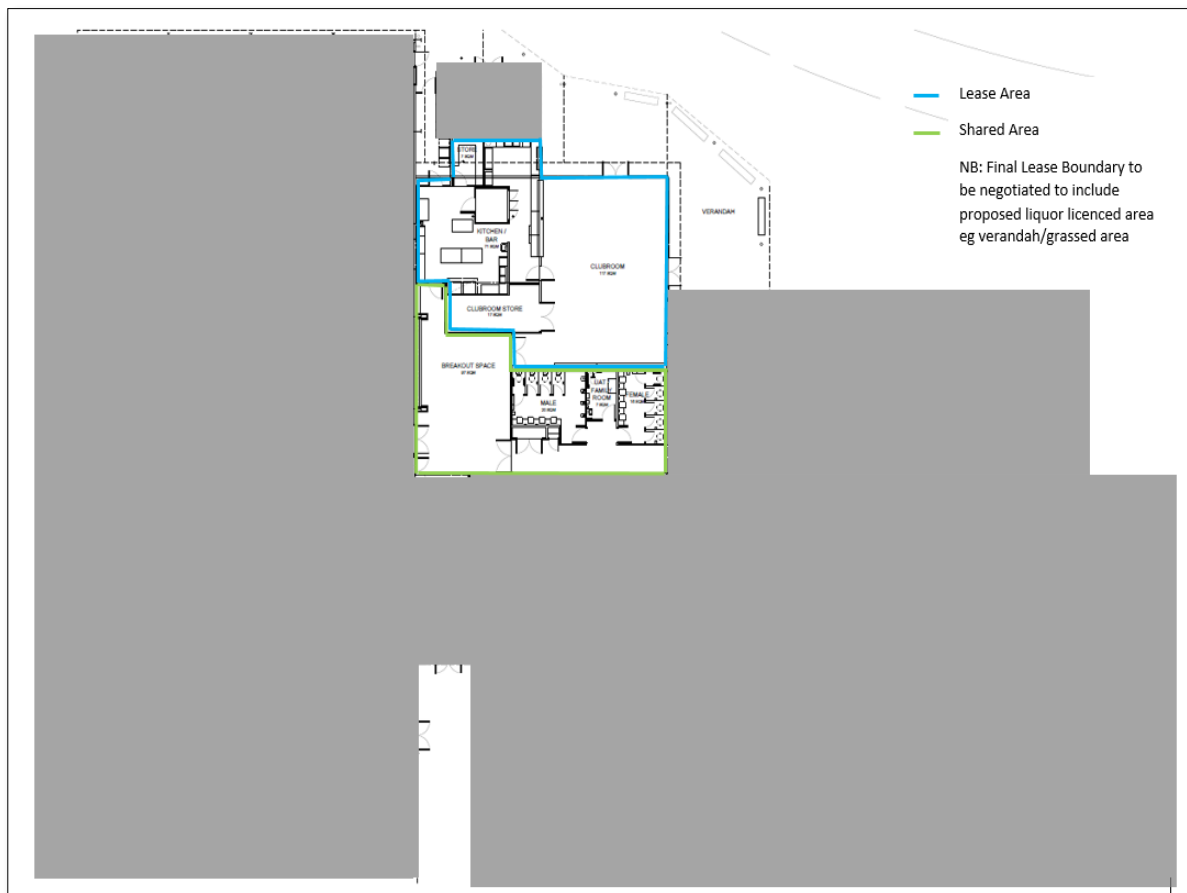
- Upgrades to Lesser Hall; and
- External works (landscaping, carpark, footpaths) to improve connectivity and activation.

At the Ordinary Meeting of Council held on 21 September 2017 the contract for “RFT 17/17 Construction of the Paraburdoo Community Hub” was awarded to Pindan Pty Ltd, enabling the delivery of new multipurpose centre and refurbishment of the existing Paraburdoo Sports Pavilion.

The new multipurpose centre, known as the Paraburdoo Sports, Fitness and Community Complex, is sited on Reserve 39572, which has the purpose “Public Recreation” with the Power to Lease for any term not exceeding 21 years.

Paraburdoo Saints Football and Sporting Club (the Club) became an incorporated association in April 1984. The Club constructed the current Department of Racing, Gaming and Liquor licensed clubhouse, located on Hamersley Iron’s Lot 30 Camp Road, for the benefit of members and the community through fund raising and financial and in-kind support. To continue their legacy to the Paraburdoo community, the Club proposes to Lease the Function Room located in the Paraburdoo Sports, Fitness and Community Complex.

The proposed lease area is hatched blue on the floor plan, while the area to be shared by multiple users is hatched green. The final boundary will depict the liquor licence area, inclusive of the verandah and yet to be determined portion of grassed area.



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Comment

The Club has a strong history of providing support to the community through sponsorship of junior football, the provision of their clubhouse for community and sporting group use, including end of season functions and hire of the Club's bus to the community. The Club proposes to select a committee for the purposes of administration and day to day running of the Function Room to continue to improve the livability of the local community in Paraburdoo.

The Club has revised their constitution to allow affiliation of other clubs. It is proposed that the affiliation of other clubs will result in a committee which will govern the Function Room operations. Further benefits of affiliation to other sporting groups being considered include access and use of the facility, use of the clubrooms, one free use of the facility for fundraising activity/evening, profit share resulting is sustainable clubs, hire reduction outside the affiliation benefits.

Groups that have expressed an interest in affiliation to date include Paraburdoo Saints Cricket, Paraburdoo Netball Association Inc., Paraburdoo Soccer Inc., Paraburdoo Amateur Swimming Club (Inc.), Paraburdoo Tee Ball Association Inc., Paraburdoo Ladies Softball Association Inc, Paraburdoo Squash Rackets Club (Incorporated).

The Club will establish a bank account and financial records to monitor the viability of the running of the Function Centre in collaboration with the Shire's Club Development Officers.

The Club's first home game is scheduled for May 2019. To allow adequate time to finalise the operating model, it is suggested that the Chief Executive Officer progress negotiations and secure agreement on the terms of a lease for execution by the Shire President and CEO, on Council's behalf.

In accordance with *section 79 of the Land Administration Act 1997*, approval of the Lease will be sought from the Minister for Planning, Lands and Heritage.

Consultation

Club Development Officer
Executive Management Team
Paraburdoo Saints Football and Sporting Club
Sporting clubs within Paraburdoo
Information sessions – all clubs invited

Statutory Environment

Local Government Act 1995 s3.58 - Disposing of Property.

Local Government (Function and Regulations) 1996 (F & G) Regulation 30 "Dispositions of property to which section 3.58 does not apply".

Under Regulation 30(2)(b) F & G if land is disposed to an organisation that has objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions; then the disposition is exempt.

S5.42 – Delegation of some powers and duties to the Chief Executive Officer.

S9.49A – Affixing the Common Seal states in part:

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“9.49A. Execution of documents

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

Land Administration Act 1997 s79 – Minister’s power as to lease of Crown land.

Financial Implications

Policy REC05 addresses the annual lease fee for users.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 1 Vibrant and Active Communities

Objective 1 - Connected, Caring and Engaged Communities

Objective 2 – Sustainable Services, Clubs, Associations and Facilities

Goal 04 Quality Services and Infrastructure

Objective 1 – Quality Public Infrastructure

Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton’s Risk Management Policy CORP5 Risk Matrix.

The perceived level of risk is considered to be “Low”, can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

REC01 Consumption of Alcohol on Shire of Ashburton owned and managed properties

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

EML13 Affixing of the Shire of Ashburton Common Seal

Voting Requirement

Simple Majority Required

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Officers Recommendation and Council Decision

MOVED: Cr L Rumble

SECONDED: Cr D Dias

That with respect to Proposal to Lease Paraburdoo Community HUB Function Room, Council:

- 1. Agree in principal to a Community Lease between the Shire of Ashburton and Paraburdoo Saints Football and Sporting Club Inc;**
- 2. Authorise the Chief Executive Officer to negotiate the Lease terms;**
- 3. Authorise the Chief Executive Officer to seek formal approval from the Minister for Planning, Lands and Heritage of the Lease Agreement; and**
- 4. Subject to approval from the Minister for Planning, Lands and Heritage, authorise the Shire President and Chief Executive Officer to affix the Common Seal of the Shire of Ashburton to the finalised Lease.**

CARRIED 8/0

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

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**13.9 DRAFT DEED OF AGREEMENT CONCERNING HAMERSLEY ROAD
DESIGN, CONSTRUCT AND MAINTENANCE WORKS (FMG SOLOMON
PTY LTD)**

MINUTE: 530/2019

FILE REFERENCE: ED96

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

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

**NAME OF APPLICANT/
RESPONDENT:** FMG Solomon Pty Ltd

DATE REPORT WRITTEN: 22 February 2019

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

**PREVIOUS MEETING
REFERENCE:** Not Applicable

Summary

A draft Deed of agreement has been negotiated between the Shire of Ashburton and FMG Solomon Pty Ltd for Design, Construct & Maintenance Works of portion of Hamersley Road to facilitate safe passage associated with the Eliwana project.

It is recommended Council authorise the Shire President and Chief Executive Officer to execute the Deed including the application of the Common Seal.

Background

FMG Solomon Pty Ltd (FMG) has agreed to design, construct and maintain the portion of Hamersley Road between the intersection of Nanutarra Munjina Road and the intersection of Castle Road in order to accommodate proposed movements for the delivery of its Eliwana Project.

Hamersley Road, from Nanutarra Munjina Road to the intersection of Castle Road, is classified by Main Roads Western Australia (MRWA) as a conditional RAV Tandem Drive Network 10 rated road.

Hamersley Road is not dedicated as a public road however, is included in the Shire's Road Register as the Shire has historically maintained the road for many years as a form of public road.

Legal advice was sought in 2016 and Kyle & Company advised as follows:

"The Lands Department advised that no crown leases authorise the lessee to grant the public permission to drive across the leased land over roads or tracks that are not dedicated roads.

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Nevertheless the public are allowed to do this via Hamersley Road, presumably with the tacit, if not express, permission, of the lessee and, by inference, the State.

The Shire wishes to keep Hamersley Road open to the public to allow access to Mt Shelia therefore it is obliged to maintain it to a standard that is safe for the public. If the Shire decided that the road should be closed to the public it would be entitled to take steps to do so and thereby absolve itself from further responsibility for the maintenance, subject of course to the statutory requirements for such closure.

As the public has a right of access, because the road leads from one dedicated road (Nanutarra Munjina Road) to either another dedicated road or to a public place (Mt Shelia), Hamersley Road is a road, which under the Land Administration Act, the Shire is obliged to maintain.

The Shire is responsible to continue to maintain Hamersley Road, over which the public has access, but which is not dedicated as a road. The fact that the Shire has historically maintained Hamersley Road entitles the public to assume that it will continue to be maintained unless it is closed."

Comment

FMG has agreed to perform the road design, construction, maintenance and rehabilitation to facilitate safe passage associated with the Eliwana project. Shire Officers have been liaising with FMG to ensure mutually agreeable conditions to both parties. The draft Deed clearly sets out the particulars in relation to:

- Initial road condition
- Funding
- Design documentation
- Intellectual property
- Works plans
- Insurance Indemnity and
- FMG Solomon Pty Ltd responsible for all costs (including Shire costs) associated with the preparation and implementation of the Agreement.

CONFIDENTIAL ATTACHMENT 13.9

It is noted that Item 13.4 of this Agenda addresses application for Miscellaneous Licence 47/714, by FMG Pilbara Pty Ltd, encroaching Road No. 1644 (known locally as the Tom Price Rail Access Road), has been referred to Council for consideration. It is also noted that Item 13.3 of this Agenda addresses an application for Miscellaneous Licences 47/289, 47/290, 47/315, 47/277, 47/317, 47/279 and 47/318 by Hamersley Iron Pty Ltd, encroaching the Roebourne Wittenoom Road and Road No. 1644 for Council for consideration.

The draft Deed is critical in allowing FMG to meet project deadlines. It is therefore recommended that Council authorise the Shire President and Chief Executive Officer to execute the Deed including the application of the Common Seal.

Consultation

Executive Management Team
Manager Rural Roads & Operations West
Fortescue Metals Group Ltd

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Statutory Environment

Local Government Act 1995 - section 3.27 Particular things local governments can do on land that is not local government property states in part:

“3.27(2A) ...includes Crown land the subject of a pastoral lease within the meaning of Land Administration Act 1997 section 3.”

Part 8 – Scrutiny of the affairs of local governments - 8.10 Protection from liability

S9.49A – Affixing the Common Seal states in part:

“9.49A. Execution of documents

- (1) A document is duly executed by a local government if —
 - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.**
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 - (a) the mayor or president; and*
 - (b) the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.”**

Financial Implications

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

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 4 – Quality Services and Infrastructure

Objective 1 – Quality Public Infrastructure

Risk Management

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

Policy Implications

EML13 Affixing of the Shire of Ashburton Common Seal

Voting Requirement

Simple Majority Required

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Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr R de Pledge

That with respect to Hamersley Road Design, Construct and Maintenance Works Deed – FMG Solomon Pty Ltd, Council:

- 1. Resolve that Report CONFIDENTIAL ATTACHMENT 13.9 is confidential in accordance with s5.23 (2) the Local Government Act because it deals with matters affecting s5.23 (2):**

“(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;”

- 2. Authorise the Shire President and Chief Executive Officer to affix the Common Seal of the Shire of Ashburton to, and execute the Deed as provided for in CONFIDENTIAL ATTACHMENT 13.9.**

CARRIED 8/0

**Councillors White, Rumble, Dias, Thomas, Foster, Diver, Gallanagh and de Pledge
voted for the motion**

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14. COMMUNITY SERVICES REPORTS

14.1 PARABURDOO AMATEUR SWIMMING CLUB (INC) – IN-KIND FUNDING TO HOST 2019 HANCOCK PROSPECTING PILBARA SWIMMING CHAMPIONSHIPS AT THE QUENTIN BROAD SWIMMING POOL

MINUTE: 531/2019

FILE REFERENCE: GS02

AUTHOR'S NAME AND POSITION: Sarah Johnston
Acting Director – Community Services

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Paraburdoo Amateur Swimming Club (Inc)

DATE REPORT WRITTEN: 13 February 2019

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The Paraburdoo Amateur Swimming Club (Inc) (PASC) has been granted the opportunity to host the 2019 Hancock Prospecting Pilbara Swimming Championships, at the Quentin Broad Swimming Pool in Paraburdoo, on the weekend commencing Friday 22 November 2019.

PASC are requesting in kind support in the form of fees and charges attributed to hiring of Shire facilities, for the competition including entry fees and facility hire.

Background

The Hancock Prospecting Pilbara championships is an annual competition where clubs from the Gascoyne, Pilbara and Kimberley regions are invited to compete on a team basis. Teams from Tom Price, Pannawonica, Onslow, Carnarvon, Exmouth, Karratha, Newman, Port Hedland, Wickham and Broome are expected to take part in the competition.

The annual competition has a proud history across the Pilbara and brings great benefit to the community and local economy. Accommodation facilities across Paraburdoo and Tom Price have begun receiving bookings for the weekend. The past championship hosted in Tom Price resulted in most accommodation being booked out over the weekend.

The host club is required to provide accommodation for travelling teams, flights and accommodation for officials, sufficient shade for competitors, a continuous supply of iced water to all volunteers, officials and swimmers as well as ensuring competitors and officials have sufficient access to food over the weekend.

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PASC is an incorporated swimming club with 22 competitive swimming members at present with an increase in this number expected prior to the competition. In addition to the competitive swimming members, the club has a 'learn to swim program' and is actively seeking more coaching staff and members to develop and strengthen the club. The club has been set up to promote competitive swimming, skill training and social swimming.

Comment

The competition has not been held in Paraburdoo since 1997. With a strong committee in place and new facilities the club successfully applied to host the competition. PASC advised the Shire formally on 11 February 2019 they had been selected to host the 2019 Hancock Prospecting Pilbara Swimming Championships.

ATTACHMENT 14.1

The competition is expected to have in excess of 150 competitors ranging in age from 9-16 years. In addition to the competitors the competition traditionally attracts approximately 300 visitors being parents of competitors and spectators for the completion. The Championships will require exclusive use of the pool for the duration of the competition.

Due to the potential significant cost to the host club, the committee are seeking corporate sponsorship from Rio Tinto and in-kind support from local businesses to assist in funding the competition. PASC have written to the Shire and requested the below in kind assistance from the Shire;

Quentin Broad Swimming Pool;

- Access to the pool from 26 August 2019, four weeks prior to the public opening date to allow Paraburdoo swimmers to train. Three to four days per week for a two hour period at a time. This would be for registered swimmers only and the insurance would be the responsibility of PASC,
- Hire of 6 lanes – Friday 3pm – 9pm, Saturday 6am – 8pm and Sunday 6am – 3pm,
- Restricted public access to the pool for anything other than spectating during these times,
- Approval to place a demountable office on the grassed area to the left of the starting blocks. (to host the chief recorders with the required electronic equipment in an air conditioned office with direct view of the start line),
- Approval to place a generator near the fence of the pool area to run the demountable office, and
- Access through the back gate of the pool to the new hub change rooms and approval to install temporary fencing to restrict access to the pool.

Team and Visitor accommodation

- 48 hours of use of the Ashburton Hall, Lesser Hall, the Multipurpose Sports Court and the Home and away change rooms, and
- Provision of advice on how to establish an overflow camp site (the committee is currently in discussions with the Paraburdoo Drive In Committee for the use of their facility for the weekend) for those travelling families and spectators with a caravan, camper or a tent.

General support

- The use of five Shire branded marquees at the pool for sun protection.

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- Additional rubbish bins – five 240L and one 1110L
- 100 chairs and 20 trestle tables, and
- The use of the Shire’s dolphin timing system.

It is proposed the Quentin Broad Swimming Pool be operated as a Class 3 Swimming Pool from 26 August 2019 prior to the public opening date to allow Paraburdoo swimmers to train. Shire staff will continue to monitor, test and treat the water during this period. PASC will be required to:

- Remove pool blankets prior to users entering the water;
- Replace pool blanket over the pool at the conclusion of the session;
- Provide a suitably qualified person who will be responsible for providing patron supervision, including ensuring all persons on the site are financial members of the PASC;
- Provide a register of financial members for inspection at any time (when the pool is being used) by a Shire Officer;
- PASC must maintain public liability insurance to the level of cover determined by the Shire;
- Ensure the facility has restricted access for use by PASC financial members only;
- PASC must provide appropriate First Aid and Rescue equipment;
- PASC must have access to a mobile phone at all times for communication with Emergency Services and the Shire.

Consultation

Executive Management Team
 Manager Building and Facility Maintenance
 Club Development Officers
 Swimming WA
 Department of Local Government, Sport and Cultural Industries – Pilbara Manager

Statutory Environment

There are no known statutory impediments for this matter.

Financial Implications

The financial implications of the in-kind request are summarised below;

Quentin Broad Swimming Pool 6 lanes	\$913.50
Ashburton Hall	\$366.50
Lesser Hall	\$159.00
Multipurpose Sports Hall – note fees and charges have not been established for this facility yet.	TBC
Home and Away Change rooms – note fees and charges have not been established for this facility yet.	TBC
Bin Hire	\$357.00
Shire branded marquee use – Not on the fees and charges	N/A
Chairs	\$600.00
Trestle tables	\$184.00
Dolphin timing system – not on the fees and charges	N/A

Note – 50% discount has been applied to the fees based on PASC being a junior club

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The Shire is expected to receive revenue over the weekend from the following sources:

- Spectator entry fees approximately 200 pax for three entries @ \$1 = \$600
- Kiosk sales

Pool staff levels and pool operating costs (water treatment) will result in a minor increase during the training period. Allocation for these expenses will need to be included in the 2019/20 budget.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 01 – Vibrant and Active Communities

Objective 2 – Sustainable services, clubs, associations and facilities

Goal 02 – Economic Prosperity

Objective 2 – Strong local economies

Risk Management

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

Policy Implications

The request for in kind support by PASC is in addition to the provisions in REC08 – Community Donations, Grants and Funding

Voting Requirement

Absolute Majority Required

Officers Recommendation and Council Decision

MOVED: Cr D Dias

SECONDED: Cr P Foster

That with respect to the in-kind funding request (ATTACHMENT 14.1) from the Paraburdoo Amateur Swimming Club (PASC) to host 2019 Hancock Prospecting Pilbara Swimming Championships at the Quentin Broad Swimming Pool that Council:

- 1. Authorise the Chief Executive Officer to negotiate the terms of the donation; and**
- 2. Authorise the Quentin Broad Swimming Pool be operated as a Class 3 Swimming Pool from 26 August 2019 prior to the public opening date for PASC financial members only.**

**CARRIED BY ABSOLUTE MAJORITY 8/0
Councillor White, Rumble, Dias, Thomas, Foster, Diver, Gallanagh and de Pledge
voted for the motion**

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**14.2 PARABURDOO TEE BALL ASSOCIATION INC. – IN-KIND FUNDING TO
HOST 2019 NORTH WEST TEEBALL CHAMPIONSHIPS REGIONAL
EVENT**

**Declaration of Interest
Prior to consideration of this Agenda Item**

Mrs S Johnston declared an impartiality interest

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

MINUTE: 532/2019

FILE REFERENCE: GS01

AUTHOR'S NAME AND POSITION: Sarah Johnston
Acting Director – Community Services

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

**NAME OF APPLICANT/
RESPONDENT:** Paraburdoe Tee Ball Association Inc.

DATE REPORT WRITTEN: 21 February 2019

DISCLOSURE OF FINANCIAL INTEREST: The daughter of the author plays in the Paraburdoe Tee Ball Association. The authorising officer has no financial, proximity or impartiality interests in the proposal.

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The Paraburdoe Tee Ball Association Inc. (PTBA) has been granted the opportunity to host the 2019 North West Teeball Championship in Paraburdoe, on the weekend commencing 20 September 2019.

PTBA are requesting in kind support in the form of fees and charges attributed to hiring of Shire facilities.

Background

The Northwest Teeball Championships is an annual competition where clubs from Newman, Tom Price, Port Hedland, Karratha and Wickham compete in three different age categories for the title of North West Teeball Champions.

The annual competition has a proud history across the Pilbara and brings great benefit to the community and local economy.

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Accommodation facilities across Paraburdoo and Tom Price have begun receiving bookings for the weekend. The past championship hosted in Tom Price resulted in a substantial amount of accommodation being booked out over the weekend.

The host club is required to provide accommodation for travelling teams, flights and accommodation for officials, sufficient shade for competitors, a continuous supply of iced water to all competitors, volunteers and officials as well as ensuring competitors and officials have sufficient access to food over the weekend.

Paraburdoo has not hosted the completion for 21 years due to the lack capacity and of facilities available in the town. The new community HUB facility sees Paraburdoo well positioned to host the 2019 championships.

PTBA is an incorporated tee-ball association with approximately 70 members at present with an increase in this number expected prior to the competition, with the season only just getting underway. In addition to the competitive tee-ball teams, PTBA offer a Little Aussie's program to teach tee-ball fundamentals.

Comment

The competition is expected to have in excess of 240 competitors ranging in age from 6-13 years, 55 coaches, team managers and eight officials from Teeball WA (TBWA). In addition to the competitors, the competition traditionally attracts approximately 300 visitors, being parents of competitors, and spectators for the completion. The Championships will require exclusive use of Paraburdoo's oval's for the duration of the competition.

The volume of work that will be required from the PTBA volunteers will not enable them to do all the food service, the PTBA committee are in discussions with other clubs and groups within Paraburdoo to offer the food service activities as a fundraising opportunity. PTBA have been liaising with previous host towns who have all indicated the approximate costs to host the completion is \$30,000 with \$10,000 being recouped in nomination fees from the competing towns.

Due to the significant cost to PTBA a fundraising campaign was started during the 2018 season, the committee are also seeking corporate sponsorship from Rio Tinto and in-kind support from local businesses to assist in funding the competition. PTBA have written to the Shire and requested the below in kind assistance from the Shire;

Oval and light usage

- Peter Sutherland Oval, 7am Friday 20 – 4pm Sunday 22 September,
- Lights on the Peter Sutherland Oval 6 – 10pm Friday and Saturday night,
- Judy Woodvine Oval, 7am Friday 20 – 4pm Sunday 22 September,
- Permission to store 1000L water pods on the oval for the duration of the weekend, and
- Permission to use a four wheeler motor bike on the oval at low speed to fill water stations that are required at each of the five diamonds.

Team and Visitor accommodation

- 48 hours of use of the Ashburton Hall, Lesser Hall, the Multipurpose Sports Court within the Paraburdoo Sports, Fitness and Community Complex, the Home and away change rooms and pool toilet/shower facilities, and

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- Provision of advice on how to establish an overflow camp site (the committee is currently in discussions with the Paraburdoo Drive-In Committee for the use of their facility for the weekend) for those travelling families and spectators with a caravan, camper or a tent.

General support

- The use of four Shire branded marquees at the pool for sun protection.
- PA system for the weekend,
- Additional rubbish bins – five 240L and two 1110L, and
- Function room and canteen in Paraburdoo Sports, Fitness and Community Complex throughout the weekend (Note: should Council agree to the lease negotiations as per Agenda Item 13.8 of this report, PTBA will be required to seek access from the Lessee).

Consultation

Executive Management Team

Manager Building and Facility Maintenance

Club Development Officers

Department of Local Government, Sport and Cultural Industries – Pilbara Manager

Statutory Environment

There are no known statutory impediments for this matter.

Financial Implications

The financial implications of the in-kind request are summarised below:

Facility/Description	Quantity	Total	Jnr Discoun
Ashburton and Lesser Halls	48	\$1,965.00	\$982.50
Paraburdoo Sports, Fitness and Community Complex – note fees and charges have not been established for this facility yet however Tom Price Rec Centre fees used	48	\$773.00	\$386.50
Peter Sutherland Oval	57	\$228.00	\$114.00
Lights – Peter Sutherland Oval	8	\$121.60	\$60.80
Judy Woodvine Oval	8	\$228.00	\$114.00
Change Rooms and Public Toilets in Paraburdoo Sports, Fitness and Community Complex – based on Peter Sutherland change rooms	57 x 2	\$760.00	\$380.00
Function/Canteen in Paraburdoo Sports, Fitness and Community Complex	1	Unknown	Unknown
Poolside Change Rooms	1 per town	Unknown	Unknown
Bins 50%	5 x 840L, 2 x 11000L	\$612.00	\$306.00
Shire marquees	4	Unknown	Unknown
Total	-	\$4,687.60	\$2,343.80

Note – 50% discount has been applied to the fees based on PTBA being a junior club.

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 01 – Vibrant and Active Communities

Objective 2 – Sustainable services, clubs, associations and facilities

Goal 02 – Economic Prosperity

Objective 2 – Strong local economies

Risk Management

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

Policy Implications

REC08 – Community Donations, Grants and Funding.

Voting Requirement

Absolute Majority Required

Officers Recommendation and Council Decision

MOVED: Cr D Dias

SECONDED: Cr L Rumble

That with respect to the in kind request (ATTACHMENT 14.2) from the Paraburdoo Tee Ball Association Inc. to host the 2019 Northwest Teeball Association that Council:

- 1. Authorise the Chief Executive Officer to negotiate the terms of the donation.**

**CARRIED BY ABSOLUTE MAJORITY 8/0
Councillor White, Rumble, Dias, Thomas, Foster, Diver, Gallanagh and de Pledge
voted for the motion**

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14.3 SMOKE FREE SIGNAGE PROJECT

MINUTE: 533/2019

FILE REFERENCE: PH04

AUTHOR'S NAME AND POSITION: Robert Jehu
Manager Development Services

AUTHORISING OFFICER AND POSITION: Sarah Johnston
Acting Director Community Services

Brian Cameron
Director Property and Development Services

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

22 February 2019

DATE REPORT WRITTEN:

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 item seeks Council's approval to hold a competition in each of the towns for school students to design smoke free signage to be installed in strategic locations within each town.

The signage campaign would allow for the introduction of health promotion messages to school students and result in their artwork being publically displayed further enhancing the work being undertaken by the WA Country Health Service.

Background

Smoking is considered the largest single preventable cause of death and disease in Australia. It affects almost all of the organs in the body and causes cancer, heart disease, respiratory disease and many other damaging and potentially fatal conditions. There are also proven risks to non-smokers from being exposed to second hand tobacco smoke.

Second hand tobacco smoke (SHS) is defined as the smoke emitted either from the burning end of a tobacco product or by the exhalation of smoke-filled air by a smoker, both of which contain known human carcinogens. Passive smoking (or involuntary smoking) occurs when non-smokers inhale SHS, resulting in exposure to the same harmful chemicals as a smoker.

There are many adverse symptoms and health effects of passive smoking, including, but not limited to:

- Headaches
- Cough
- Bronchitis, pneumonia and other respiratory infections

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- Exacerbated asthma
- Heart disease
- Cancer
- Increased risk of ectopic pregnancy or miscarriage, delivery of premature or low birth weight baby
- Increased risk of Sudden Infant Death Syndrome (SIDS) in babies
- Protecting people from exposure to SHS is a critical factor in reducing the burden of disease attributed to tobacco use.
- Be harmful effects of second hand smoke underpin the importance of establishing and maintaining smoke free environments.

Smoke free environments are an important strategy in continuing efforts to lower smoking rates and eliminating exposure to second hand smoke in places, where the health of others can be affected. Reducing the exposure to the harmful effects of second hand smoke, is particularly important for protecting vulnerable members of community, including children and young people, pregnant women, the elderly and people with a chronic illness.

Smoke free environments demoralises smoking, by encouraging quitting, reinforces cessation in people who are trying to quit or who have quit to stay stopped, and discourages people from starting to smoke in the first place. In the period between 2010 - 2016, approximately one in five adults aged 16 years and over living in the Shire of Ashburton were current smokers. The prevalence of current smoking was similar in the Shire of Ashburton to that of the Pilbara Health Region and WA overall.

In the five-year period between 2011 - 2015, there were an estimated 228 tobacco-attributable hospitalisations in the Shire of Ashburton. Around 62.4% of the hospitalisations were for males and 37.6% of the hospitalisations were for females. The difference in rates of tobacco-attributable hospitalisations between male and female residents was statistically significant. Specifically, there were 1790.4 hospitalisations per 100,000 male residents compared to 735.9 hospitalisations per 100,000 female residents.

During the same time period, there were an estimated 80 tobacco-attributable hospitalisations in the Aboriginal population and 147 in the non-Aboriginal population within the Shire of Ashburton. Around 35.1% of the hospitalisations were for Aboriginals and 64.5% of the hospitalisations were for non-Aboriginals. The difference in rates of tobacco-attributable hospitalisations between Aboriginal and non-Aboriginal residents was statistically significant. Specifically, there were 2,288 hospitalisations per 100,000 Aboriginal residents compared to 1,043 hospitalisations per 100,000 non-Aboriginal residents.

An audit of the playgrounds, skate parks, youth services and sporting clubs in Tom Price, Paraburdoo, Onslow and Pannawonica, indicated a lack of smoke free signage in these areas. There have been observations of people smoking in close proximity to these areas and cigarette butt litter was also evident. People may choose to smoke in these areas because they may be unaware that smoking is not permitted in or around these areas.

A similar project has been completed within other Local Governments in Western Australia through the Local Government Tobacco Control Grants Scheme. Examples of signage developed by young people in Mullewa in the City of Greater Geraldton are included below. These were installed at the basketball court, playgrounds, swimming pool, Skate Park and youth centre.

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Comment

The project aims to develop localised smoke free signage and tear drop flags that can be used to signify smoke free environments and smoke free events in the Shire of Ashburton. The signage will be designed by young people through local schools, youth services and community groups, who will receive education about the dangers of smoking and develop their own smoke free messages for the signage. Previous examples of the 'signage are as follows:



It is anticipated that this project will increase awareness of where smoking is prohibited throughout the Shire of Ashburton, and reduce community's exposure to second hand smoke.

The following groups will be invited to develop designs for the smoke free signage:

- Tom Price Primary School-15 signs
- North Tom Price Primary School
- Paraburdoo Primary School
- Pannawonica Primary School
- Onslow Primary School
- Tom Price Youth Support Association
- V Swans Youth Centre
- Wirrapunda Foundation Deadly Sistaz Program
- Ranger 4 Life Program – ABC Foundation
- Tom Price Cadets

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The total signs required for each town would be:

- Paraburdoo – 10
- Onslow – 8
- Pannawonica – 8
- Tom Price – 15

Total Signs = 41

Consultation

Executive Management Team
Senior Health Promotion Officer – WA Country Health Service

Statutory Environment

There are no known statutory matters relevant to this matter.

Financial Implications

The cost \$3000 for the printing of the signs and \$5000 for the insulation of the signs.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027
Goal 01 – Vibrant and Active Communities
Objective 03 – Quality education, healthcare, childcare, aged care and youth services

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Diver

That with respect to the Smoke Free Signage Project, that Council:

- 1. Support the design of smoke free signage age by school children and for the designs then to be printed on to signs and placed in designated areas throughout the Shire; and**
- 2. Consider a submission to the 2019/20 Annual Budget that provides for \$8000 towards the implementation of the Smoke Free Signage Project.**

CARRIED 7/1
Councillor Rumble, Dias, Thomas, Foster, Diver, Gallanagh and de Pledge voted for the motion
Cr White voted against the motion

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**14.4 RFT 02/19 2019 PASSION OF THE PILBARA FESTIVAL - EVENT
MANAGEMENT SERVICES**

MINUTE: 534/2019

FILE REFERENCE: CM02.19
CS16.2

**AUTHOR'S NAME AND
POSITION:** Sarah Johnston
Acting Director Community Services

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

DATE REPORT WRITTEN: 23 February 2019

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

**PREVIOUS MEETING
REFERENCE:** Not Applicable

Summary

A Request for Tender 02.19 Passion of the Pilbara Festival – Event Management Services was issued via the Shire's e-tendering portal known as TenderLink and also advertised via state wide public notice in The West Australian Newspaper from Saturday 9 February 2019.

The evaluation panel recommendation was not available at time of preparing the Agenda and will be provided to Council under separate cover.

Background

The Shire seeks to engage a suitably qualified and experienced event management contractor to undertake the planning, licence approvals, programming, budgeting, sourcing and contracting supplier and entertainment, onsite event management and post event reporting of the Shire of Ashburton's Passion of the Pilbara Festival for 2019.

The selection criteria were amended under Delegated Authority (DA 06-2) as the criteria in FIN12 Purchasing Policy were not suitable for the requirements of this Request for Tender.

The advertised selection criteria were:

Criteria	Weighting
(a) Relevant Experience	30%
(b) Local Content	20%
(c) Tenderers Resources	10%
(d) Plant, Equipment and Materials	5%
(e) Methodology demonstrated understanding	15%
(f) Price	20%

The evaluation and recommendation report, will be provided under separate cover.

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Comment

The Passion of the Pilbara festival is a biennial event since 2009 focused on both creating an exciting and unique event for locals as well as deriving economic benefits from investment and tourism.

The festival is designed as a celebration to capture the heart and soul of the vibrant Onslow community, and an opportunity for residents to experience the excitement of the weekend event. Market stalls, art and photography exhibitions, family entertainment, live music, food vans and food showcases will engage and immerse locals in all that they love about their community.

With a focus on the spectacular Mackerel Islands, the outstanding fishing, engaging local culture, music and art, the festival will also showcase the unique tourism opportunities available to visitors. The event in 2017 had attendance at each activity over the festival weekend was high attracting in excess of 600 people over the weekend.

This event has historically been made possible through the support of major funding partners such as Chevron, BHP Billiton and the Pilbara Development Commission. In addition, the strong local support and ownership of the festival is evidenced by the high number of partnerships forged with local businesses and organisations each year.

The evaluation panel will be provided under separate cover.

Consultation

Executive Management Team

Community Services team

Manager - Building and Facilities Maintenance

Statutory Environment

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

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

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

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
 - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;”*

Local Government (Functions and General) Regulations 1996

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

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Financial Implications

The RFT sought for submission up to the value of \$150,000 and was later amended to increase the consultancy services budget up to \$300,000 for the provision of event management services. The total cost of the festival including in kind donation is anticipated to be approximately \$300,000.

The anticipated Shire funding contribution to the festival in the 2019/20 financial year is approximately \$100,000 dependent on external funding being secured.

A contract was executed with Chevron Australia Pty Ltd for the 2017 Passion of the Pilbara Festival with a provision to apply for additional funding for the 2019 festival. A funding proposal was submitted to Chevron in late 2018 for funding of \$150,000, subsequent email correspondence has been received from Chevron where they propose to reduce their commitment to the festival to \$75,000 and requested that the balance of the funding of \$75,000 is redirected from the 2019 Working Together Onslow partnership funded by Chevron.

Third party funding is being sought from other businesses and funding bodies to assist in the funding of the festival. To date \$20,000 has been secured through Pilbara Ports and a number of other funding opportunities are being discussed. .

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 01 – Vibrant and Active Communities

Objective 01 – Connected, caring and engaged communities

Objective 04 – A rich cultural life

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Moderate" (consequences "extreme", likelihood "rare"). This level of risk is being driven by the fact that high risk work is proposed to be undertaken in a rural environment, and the fact that prolonged interruption of services may result from delays to the works. It is considered that the likelihood of a risk event occurring is "rare" but it will be managed by specific monitoring and response procedures by the Acting Manager Technical Services.

Policy Implications

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

The evaluation criteria for Council procurement is three Procurement categories, Plant, Services and Infrastructure. This RFT utilised evaluation criteria not contained within a category under FIN12 as it was not suitable for the requirements. Alternative criteria were used in accordance with DA06-2 *Tenders Evaluation Criteria*.

Voting Requirement

Absolute Majority Required

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Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Diver

That with respect to Tender RFT 02.19, Council to consider the evaluation panel assessment (provided under separate cover) and resolve accordingly.

**CARRIED BY ABSOLUTE MAJORITY 8/0
Councillors White, Rumble, Dias, Thomas, Foster, Diver, Gallanagh and de Pledge
voted for the motion**

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15. INFRASTRUCTURE SERVICES REPORTS

15.1 FIFTEEN (15) YEAR RURAL UNSEALED ROADS RENEWAL PROGRAM

MINUTE: 535/2019

FILE REFERENCE: RD05

AUTHOR'S NAME AND POSITION: Les Morgan
Contractor - Projects Manager

AUTHORISING OFFICER AND POSITION: Ian Hamilton
Director Infrastructure Services

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 19 February 2019

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

This is the first report presented to Council pertaining to a 15 year rural unsealed roads renewal program that establishes a systematic, transparent framework for the cost effective management of the Shire's rural unsealed road network that will ensure that these roads continue to provide an acceptable level of service to the Shire's community and visitors alike, whilst enhancing asset management maturity and sustainability into the foreseeable future.

Introduction

The Shire of Ashburton is responsible for managing an extensive unsealed road network on behalf of the community and visitors, in an effective and efficient manner. The underlying challenge facing the Shire is the sustainable provision of this service to ensure that:

- Roads remain safe and functional;
- Roads meet the needs of the present and future generations;
- Future generations enjoy the same level of service as the current generation; and
- Future generations aren't left with a major backlog of works and the ensuing financial strain.

This Report focuses specifically on the sustainable renewal of rural unsealed roads, however, it should be noted that it is one of a series of reports that will address the sustainable provision of the services associated with each asset class.

Background

The Shire of Ashburton is responsible for over 1700km of unsealed rural roads. About 200km of these roads are maintained by external parties and the remaining 1500km of rural unsealed roads are maintained by the Shire. A condition assessment was completed on these roads in

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February 2019. There are some aspects of the unsealed road network that became evident during this assessment, as follows:

- A significant amount of the roads have inadequate crossfall and roadside drainage to effectively disperse stormwater off the road surface (refer to figure 1);
- Some of the roads have adverse crossfall that directs stormwater to the centre of the road (refer to figure 2);
- Many of the unsealed roads have been graded to the point that their surface is below the adjacent land, thereby meaning that they effectively acting as a channel for stormwater (refer to figure 2); and
- Most of the unsealed roads have a covering of gravel sourced from land adjacent to the road. Most of these gravels are doing an acceptable job. However, some are breaking down into fines that provide a loose running surface (refer to figure 2).

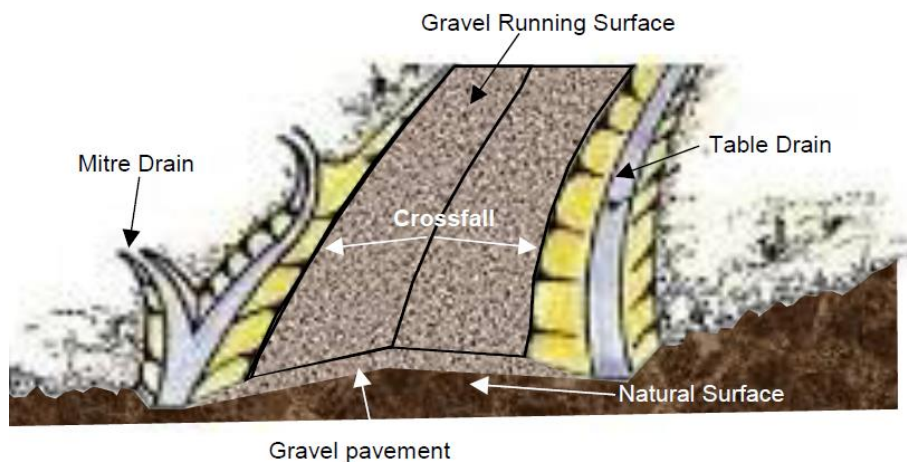


Figure 1

The most concerning aspects of these issues is the inadequate crossfall, roadside drainage, and roads being below the adjacent land. Figure 2 below, depicts a section of Twitchen Road that has crossfall that slopes towards the middle of the road, inadequate roadside drainage and has been graded down below the adjacent land. This type of construction results in water after a rain event not being able to escape off the road to the adjacent land. Therefore, leading to saturation of the running surface, motorists not being able to drive the road and a severe shortening of the useful life of the road. This photograph also depicts the use of local inadequate gravels that quickly develop into fines which reduce friction for motorists.



Figure 2

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The best way to combat the issues depicted in figure 2 is to enable the water to run off the road as quickly as possible through adequate crossfall into adequate roadside drainage. An example of a well-constructed unsealed road is also a section of Twitchen Road as shown in figure 3 below.



Figure 3

This section of road has been constructed with a quality gravel, plus adequate crossfall and roadside drainage. It can be seen that this sound construction method has enabled the water, from a recent rain event, to drain quickly the roadside drainage and allow the gravel running surface to dry relatively quickly without any damage being incurred. Accordingly, in some instances it may be necessary to correct or repair the crossfall and roadside drainage whilst undertaking the programmed works.

Overview of the Development of the Program

The following steps need to be undertaken to develop a transparent program of works for unsealed roads:

- Step 1. Develop the methodology to determine the condition of unsealed roads.
- Step 2. Determine the average useful life of unsealed roads.
- Step 3. Determine the condition when the shire would intervene and renew an unsealed road.
- Step 4. Determine the budget necessary to ensure that all roads can be renewed at their intervention level.
- Step 5. Determine the system to prioritise the works.
- Step 6. Develop the program of works.

Condition Determination

The main categories that are taken into account when condition rating an unsealed road are as follows:

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- **Wearing Surface (Running Surface).** For an unsealed road, the wearing surface is provided by the gravel. Its primary purpose is to provide a tightly bound surface to reduce material loss and moisture penetration which in turn provides a smooth surface to drive on with relatively high surface friction assisting vehicle movements and braking. Conversely, natural earth unsealed roads usually do not provide an adequate running surface.
- **Crossfall.** The purpose of crossfall is to facilitate the expedient escape of surface water to the roadside drainage facilities to ensure protection of the gravel pavement. Lack of adequate crossfall leads to ponding of water and saturation of the surface.
- **Ride Comfort.** Issues such as corrugations, surface scouring, loose gravels, inadequate or adverse superelevation and fine silts reduce the ride comfort and safety of motorists through distraction and reduction in skid resistance.
- **Roadside Drainage.** Table drains and mitre drains play an important part in the protection of the gravel pavement. Properly constructed table drains collect surface water from the road and carry it to the mitre drains. Mitre drains then take the water away from the road formation to the adjacent land.

Non-existent, blocked, undersized or poorly constructed table or mitre drains can also lead to scouring of the running surface and/or erosion of the road formation as depicted in figure 4 below:



Figure 4

Rating Scale and Weighting.

The rating scale and weighting of each aspect are detailed in the table on the next page. It should be noted that more than one defect in the same category may be evident in the same section of road. In these cases the worst score is to be recorded.

For example, in the Ride Comfort category, a section of road may have a reduction in skid resistance (Rating 3) and inadequate superelevation (Rating 4). In this example a Rating score of 4 (20% of New) is to be recorded.

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Category	Description	Rating	% of New (CRC)	Weighting
Wearing Surface	As New	0	100%	30%
	Imported Gravel > 100mm depth.	1	80%	
	Local Gravel > 100mm depth.	2	60%	
	Imported or local gravel < 100mm depth.	3	40%	
	Natural earth providing good running surface.	4	20%	
	Natural earth providing poor running surface.	5	0%	
Crossfall	As New	0	100%	30%
	Crossfall allows water to drain effectively.	1	80%	
	Shallow crossfall with no evidence of ponding.	2	60%	
	Shallow crossfall with some evidence of ponding.	3	40%	
	No crossfall with significant evidence of ponding.	4	20%	
	Adverse crossfall directing water onto the road.	5	0%	
Ride Comfort	As New	0	100%	10%
	Comfortable running surface with little evidence of defects	1	80%	
	Fine silts or corrugations not reducing skid resistance or driver attention	2	60%	
	Fine silts or corrugations reducing skid resistance or distracting to drivers	3	40%	
	Inadequate superelevation to contain vehicles travelling at a safe speed.	4	20%	
	Adverse superelevation.	5	0%	
Roadside Drainage	As New	0	100%	30%
	Roadside drainage adequate to cater for surface water run-off.	1	80%	
	Mitre drains only inadequate to cater for roadside drainage.	2	60%	
	Table drains only inadequate to cater for roadside drainage	3	40%	
	Table and Mitre drains inadequate to cater for roadside drainage	4	20%	
	No roadside drainage evident.	5	0%	
Total				100%

Converting the Condition Rating to a Percentage of New (CRC)

Assuming that a section of road received the following condition scores:

- Imported or local gravel < 100mm = Rating 3 – 40% of New (CRC)
- Shallow crossfall, no evidence of ponding = Rating 2 – 60% of New (CRC)
- Adverse superelevation = Rating 5 – 0% of New (CRC)
- No roadside drainage evident = Rating 5 – 0% of New (CRC)

The following formulas would give its overall condition scores:

$$= (\text{Wearing Surface} \times 30\%) + (\text{Crossfall} \times 30\%) + (\text{Ride Comfort} \times 10\%) + (\text{Roadside Drainage} \times 30\%)$$

$$= (40\% \times 30\%) + (60\% \times 30\%) + (0\% \times 10\%) + (0\% \times 30\%)$$

$$= 12\% + 18\% + 0\% + 0\%$$

Therefore, Condition Score = 30% of New (CRC)

Average Useful lives

The loss of gravel due mainly to rainfall and traffic use, is the best predictor of the useful life of an unsealed road. The surface may become rough, but if there is still adequate gravel in place, it can be reshaped through maintenance grading and the useful life still achieved. A gravel loss prediction model has been developed by the Australian Road Research Board (ARRB) to enable this useful life prediction to be made. This model takes into account:

- Traffic volumes;
- Annual rainfall;
- The gradient of the road; and
- The use of different types of gravel.

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The ARRB model was also reviewed at the International Conference on Low-Volume Roads held in, Florida, USA in 2011 during their case study “The Evaluation of Gravel Loss Deterioration Models.” The case study analysed 5 gravel loss prediction models from around the world against actual gravel loss. The study found that ARRB model compared well to actual gravel loss on more roads than any of the other models.

The ARRB gravel loss prediction model is as follows:

$$\text{Annual Gravel Loss (mm)} = F \left(\frac{\text{Ta}^2}{\text{Ta}^2 + 50} \right) \times \left(4.2 + (0.092\text{Ta}) + (3.5\text{Ri}^2) + (1.88\text{Vc}) \right)$$

Where,

Ta = Annual Average Daily Traffic,

Ri = annual rainfall in metres,

Vc = average gradient (%) of the road,

F = constant for gravels (laterite 1.29, quartzitic 1.51, volcanic 0.96, sandstone 1.38).

To enable a useful life prediction for all unsealed roads within the Shire of Ashburton, across the board averages will need to be used.

Annual average daily traffic figures have been ascertained for a representative cross section of unsealed roads within the LGA. The average of these traffic counts is 21 vehicles per day. Hence, this figure will be adopted for the purposes of this exercise.

The following annual average rainfalls have been ascertained from the Australian Bureau of Meteorology:

- Onslow = 273mm
- Paraburdoo = 271mm
- Tom Price = 399mm
- Average = 314mm

Therefore, the annual rainfall to be used is 0.314m.

At the most north/western edge of the Shire (Onslow), the height above sea level is 7.72m. At the most south/eastern point of the Shire (Juna Downs). The height above sea level is 830m. These two points are about 395km apart (as the crow flies). Therefore an average gradient of 0.21% will be adopted for the purposes of this exercise.

The most commonly used gravels on unsealed roads with the LGA are laterite gravels. Accordingly, a constant for gravels of 1.29 will be used.

Substituting the above figures into the equation results in the average annual gravel loss on unsealed roads in the Shire of Ashburton being 8.38mm per year. As it is the Shire’s practice of providing a 150mm gravel pavement on its unsealed roads, when gravel resheeting is carried out, the useful life of these roads can be calculated by dividing 150mm by 8.38mm. Hence, the useful life of unsealed roads in The Shire of Ashburton is estimated to be 18 years.

Intervention levels

The estimated useful life of 18 years in effect means that a 150mm gravel pavement will deteriorate back to natural surface in 18 years. Obviously, it would be desirable for the Shire to intervene prior to this and bring the gravel depth back up to 150mm.

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The point at which this intervention is considered to be appropriate is when the gravel reaches a depth of 50mm or when 100mm of the gravel has been lost. Using the previously calculated average annual gravel loss of 8.38mm as a guide it is estimated that this loss of 100mm of gravel will on average take 12 years. Therefore, an intervention point of 12 years is considered appropriate.

Required Budget

The Shire of Ashburton maintains about 10,000,000 m² of unsealed roads. At present it costs about \$4.25 per m² to undertake a gravel resheet. Using these figures and the life cycles discussed previously, it is estimated that it will cost approximately \$57 million over the life of the program to gravel resheet all of the unsealed rural roads, within their intervention level. This equates to annual budget of \$3,803,000 being required to complete the program.

Prioritising the Works

Prioritising gravel resheeting works is a matter of assessing the useful life and intervention period on each individual road and then using the condition rating to assess where the road is on its life cycle. This will then give the roads remaining life until the Shire needs to intervene and gravel resheet the road.

By adding the remaining life to the year that the condition survey was carried out the year when gravel resheeting is required is then known. An example of this calculation is as follows:

Asset Name	AADT	Condition Score (% of New)	Annual Gravel Loss (mm)	Useful Life (years)	Intervention Period (years)	Remaining Life (years)	Year of Assessment	Year of First Resheet	Year of Second Resheet
Pannawonica - Millstream Rd	35	34%	10.56	14	9	3	2019	2022	2031

The above table shows that Pannawonica – Millstream Road has on average about 35 vehicles using it per day and that its current condition is 34% of new (34% of its life remains). Using the previously outlined formula this gives an annual gravel loss for the road of 10.56mm. This annual gravel loss gives it a 14 year useful life for a 150mm gravel pavement and a 9 year intervention period until there is only 50mm of gravel left.

Multiplying the intervention period of 9 years by the condition score of 34% equates to there being 3 years left until it needs resheeting again. As the condition survey was undertaken in 2019, it is a matter of adding the 3 years left to 2019 to give 2022 as the year that resheeting will need to take place. The intervention period of 9 years is then added to 2022 to give the year that the next resheet will need to take place, which is 2031.

Developing the Program of Works

The estimated year that gravel resheeting is required is the primary consideration in developing the program of works, however, there are some other factors that need to be considered and if necessary minor adjustments are made, as follows:

- Sections of the same road may have different condition scores and hence a different estimated year of gravel resheeting. Where there is only one or two years difference adjustments have been made to the program to ensure that the same road is gravel resheeted in the same year.

Gravel resheeted short sections of a road one year and then coming back the following year to do another short section of the same road is an inefficient use of resources and can add to the cost of the program significantly.

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Hence, where possible adjustments have been made to ensure that as much as possible of the same road is gravel resheeted in the same year;

- Onslow – Peedamulla Road is an important network link to areas such as Karratha, Pannawonica, Millstream – Chichester National Park and beyond. As such it is considered necessary that Council provide an all-weather surface on this road for expedient all year round access. Accordingly, this program of works includes bitumen sealing this road over a 3 year period from 2019/2020 to 2021/2022. There is also a causeway on Onslow – Peedamulla Road that is often impassible during wet season and seriously dilapidated. In order to maintain this all-weather access, this causeway will need to be replaced with a structure that can cater for significant rainfall events as part of this sealing program.
- Twitchen Road also provides an important network link to the Exmouth, Ningaloo and Coral Bay areas. To aid use of this link it is proposed to seal 10km of the road at the southern end in 2019/2020 and 10km at the northern end in 2020/2021. The possibility of sealing more sections of this link will be considered as this program is reviewed annually.

The varying nature of the length of sections of roads means that it's difficult to have an exact balance at the end of each year in line with the estimated annual budget allocation. However, it will balance out over the life of the program as shown in the table below. This table takes the estimated yearly expenditure and the grant funding available to show the level of Council funding required each year.

Year	Financial Year	Total Funds Required	Available Grant Funding	Council Funds Required
1	19/20	\$ 3,566,205	\$ 2,288,790	\$ 1,277,415
2	20/21	\$ 3,505,500	\$ 2,288,790	\$ 1,216,710
3	21/22	\$ 3,427,020	\$ 2,288,790	\$ 1,138,230
4	22/23	\$ 4,700,500	\$ 2,288,790	\$ 2,411,710
5	23/24	\$ 4,312,500	\$ 2,288,790	\$ 2,023,710
6	24/25	\$ 3,911,880	\$ 2,288,790	\$ 1,623,090
7	25/26	\$ 4,012,000	\$ 2,288,790	\$ 1,723,210
8	26/27	\$ 3,780,460	\$ 2,288,790	\$ 1,491,670
9	27/28	\$ 3,271,840	\$ 2,288,790	\$ 983,050
10	28/29	\$ 3,112,507	\$ 2,288,790	\$ 823,717
11	29/30	\$ 3,796,420	\$ 2,288,790	\$ 1,507,630
12	30/31	\$ 3,775,020	\$ 2,288,790	\$ 1,486,230
13	31/32	\$ 4,005,180	\$ 2,288,790	\$ 1,716,390
14	32/33	\$ 3,833,500	\$ 2,288,790	\$ 1,544,710
15	33/34	\$ 4,029,680	\$ 2,288,790	\$ 1,740,890
Totals		\$57,040,212	\$34,331,850	\$22,708,362

In summary, the above table shows that over the 15 year life of this program about \$3,803,000 is needed per year to complete the works. As the Shire will have about \$2,288,790 per year in grant funding to put towards this program, about \$1,514,210 will be needed per year from Council funds.

It is important to acknowledge that the condition ratings and assessments outlined previously provide a snapshot in time and that it can only be used for estimated predictions of future deterioration rates. Factors such as traffic volumes, types of vehicles, vehicle loadings and environmental factors can result in roads deteriorating at varying rates.

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In line with the above, it is considered appropriate that:

- The first year of the recommended program be adopted and implemented;
- The 15 year program be adopted in principle for long term reporting requirements; and
- The program be reviewed and if necessary updated annually to reflect varying deterioration rates.

Consultation

Elected Members

Executive Management Team

Statutory Environment

Section 5.56 Planning for the Future, of the Local Government Act 1995, outlines that:

- (1) *A local government is to plan for the future of the district.*
- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

Section 19C of the Local Government (Administration) Regulations 1996, outlines that:

- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) *In making or reviewing a strategic community plan, a local government is to have regard to:*
 - (a) *the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) *demographic trends.*

Financial Implications

The proposed spending is in line with the Shire of Ashburton Long Term Financial Plan (2017-2032).

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 4 – Quality Services and Infrastructure

Objective 01 – Quality Public Infrastructure

Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "low" in light of there being zero backlog of unsealed roads renewals.

Asset Management

As this program has been developed on the basis of intervening before sections of roads no longer meet their intended purpose, it enhances Council's Asset Management capabilities as defined in the International Infrastructure Management Manual.

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In short, the core difference between basic and advanced asset management is the development of budgets on an as need basis (i.e. works required to keep assets functional) as opposed to works programs being developed in line with set budgets.

This report is a critical step in the establishment of a framework whereby budgets are set according to the needs of an asset class to ensure the long term safe, functional and financially sustainable provision of the service.

Sustainability Impacts

Implementation of this program will mean that funding will always be there to keep the Shire's unsealed roads in a safe and functional condition, thereby enhancing sustainability.

This program will also negate any backlog of works on unsealed roads, therefore ensuring that current and future generations enjoy a continued acceptable level of service and that there is no increased financial burden on future generations.

Policy Implications

ENG09 – Asset Management Policy

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr P Foster

That with respect to the Fifteen (15) Year Rural Unsealed Roads Renewal Program, that Council:

- 1. Adopt the Fifteen (15) year Rural Unsealed Roads Renewal Program (Program);**
- 2. Request the Chief Executive Officer to refer the Program to Council on a yearly basis for review; and**
- 3. Consider a submission to the 2019/20 Annual Budget that provides for \$3,566,205 (comprising \$ 2,288,790 Grant Funding and \$1,277,415 Council contribution) to achieve the first year of the Program.**

CARRIED 8/0
**Councillors White, Rumble, Dias, Thomas, Foster, Diver, Gallanagh and de Pledge
voted for the motion**

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15.2 FIFTEEN (15) YEAR RURAL SEALED ROADS RENEWAL PROGRAM

MINUTE: 536/2019

FILE REFERENCE: RD05

AUTHOR'S NAME AND POSITION: Les Morgan
Contractor Projects Manager

AUTHORISING OFFICER AND POSITION: Ian Hamilton
Director Infrastructure Services

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 21 February 2019

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

This is the first report presented to Council pertaining to a 15 year rural sealed roads renewal program that establishes a systematic, transparent framework for the cost effective management of the Shire's rural sealed road network that will ensure that these roads continue to provide an acceptable level of service to the Shire's community and visitors alike, whilst enhancing asset management maturity and sustainability into the foreseeable future.

Introduction

The Shire of Ashburton is responsible for managing an extensive road network, on behalf of its community and visitors, in an effective and efficient manner. The underlying challenge facing the Shire is the sustainable provision of this service to ensure that:

- Roads remain safe and functional;
- Roads meet the needs of the present and future generations;
- Future generations enjoy the same level of service as the current generation; and
- Future generations aren't left with a major backlog of works and the ensuing financial strain.

This report focuses specifically on the sustainable renewal of rural sealed roads, however, it should be noted that it is the one in a series of reports that will address the sustainable provision of the services associated with each asset class.

Background

The Shire of Ashburton is responsible for over 33km of Rural Sealed Roads. A condition rating assessment was completed on these roads in January 2019. Like the urban road network, there are some particular aspects of the rural sealed road network that became evident during this assessment that need to be addressed prior to moving forward, as follows:

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- The pavements (base layer and sub-base layer – refer to Figure 1) are in excellent condition with little signs of any major defects;
- The few pavement defects can be repaired through minor maintenance works; and
- The seals on the rural roads are generally in good condition with little renewal work being required in the initial years of the program.

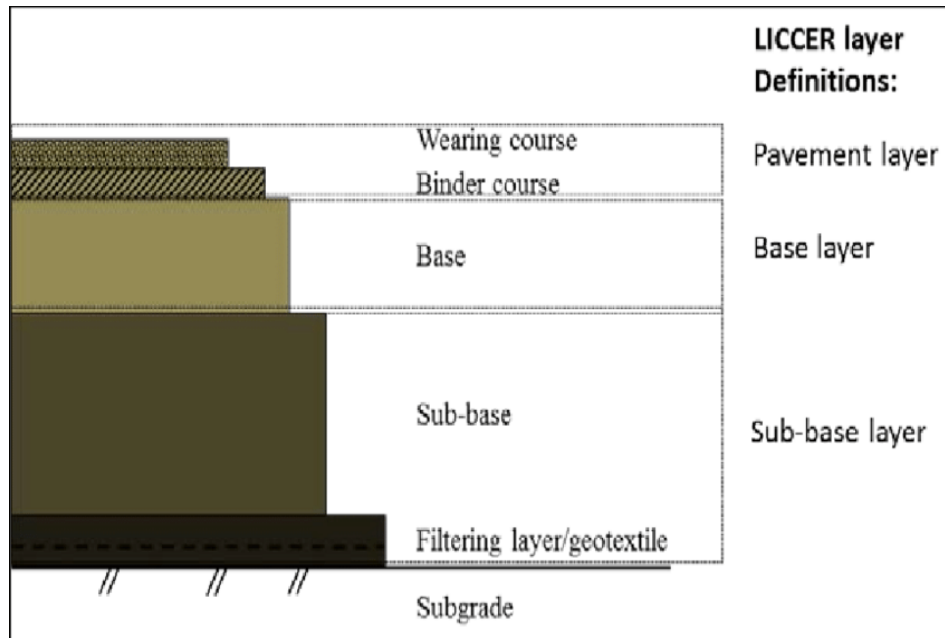


Figure 1

As all pavement distresses can be repaired through minor maintenance works, this report will concentrate on the renewal of the wearing surface.

Overview of the Development of the Program

As with the Urban Roads program, the following steps were undertaken to develop a transparent program of works to renew the wearing surfaces of sealed rural roads:

- Step 1. Develop the methodology to determine the condition of each segment of road.
- Step 2. Determine the average useful life.
- Step 3. Determine the condition at which the shire would intervene and renew the wearing surface.
- Step 4. Determine the budget necessary to ensure that all roads can be renewed at their intervention level.
- Step 5. Determine the system to prioritise the works.
- Step 6. Develop the program of works.

Condition Determination

The previously mentioned road condition survey collected the following data:

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- **Roughness Counts**

Roughness is a measure of the upward movement of the rear axle of a standard station wagon relative to the vehicle's body as the vehicle travels at a standard speed along a road. A cumulative upward vertical movement of 15.2 mm corresponds to 1 Roughness Count.

- **Rutting (example only – Figure 2)**

Rutting is a form of pavement deformation being a longitudinal depression in a road surface, usually but not always in a wheel path. An example of this type of defect is depicted below:



Figure 2

- **Surface Texture (example only – Figure 3/4)**

Surface texture is the macro-texture of a wearing surface. Macro-texture is the average depth of the surface voids. A low surface void depth corresponds to too much bitumen being present. This defect is called Flushing and is depicted in the photo below.



Figure 3

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A high surface void depth correlates to too little bitumen being present. This is known as a Hungry seal, which often manifests in stripping as shown in the photo below.



Figure 4

- **Cracking (example only – Figure 5)**

Surface Cracking is fissures resulting from fractures of the wearing surface, as depicted below.



Figure 5

- **Condition Scores**

The table on the next page provides the mechanism to convert the road condition survey results to a 0 – 5 rating (Excellent – Very Poor), provide a % value of Current Replacement Cost (CRC) (% of New) and the weighting used to derive a condition value for pavement and wearing surface. When assessing a wearing surface's condition, roughness, surface texture and cracking are taken into account.

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Surface Texture gives the best condition indication, as it is solely a measure of the deterioration of the seal and the state of the bitumen.

Cracking is also indicative of the breakdown of a wearing surface however, other factors such as pavement breakdown leading to reflective cracking can also play a role. Hence, cracking has been given a lesser weighting. Roughness is also indicative of the breakdown of a wearing surface, however, again there are other factors relating to the pavement that play a role, thus this score was given the lowest weighting.

When assessing a pavement's condition Rutting provides a total reflection of a distressed pavement and should be given a significant weighting. Roughness counts also give a good indication of the state of a pavement as pavement deformations will show up in the count. However, a number of wearing surface defects can also play a role in this count. Hence, its weighting has been reduced. Cracking also plays a role in assessing a pavement's condition as it can reflect underlying pavement defects. Furthermore, it is also an indication that moisture is infiltrating the pavement. However, as cracking is more of a catalyst to pavement breakdown and not actual breakdown it has been given a relatively low weighting.

Table 1. Condition Rating Matrix – Sealed Roads						
Defect	Survey Result	Rating	% of CRC (or of New)	Weighting Wearing Surface	Weighting Pavement	
Roughness (NAASRA – Vertical Movements per km)	<50	0	100%	20%	20%	
	50-74	1	80%			
	75-100	2	60%			
	101-125	3	40%			
	126-150	4	20%			
	>150	5	0%			
Rutting (Depth of Rutting)	0	0	100%	N/A	70%	
	<5.0	1	80%			
	5.0-9.0	2	60%			
	9.1-14.9	3	40%			
	15.0-20.0	4	20%			
	>20	5	0%			
Surface Texture (depth of voids – Macro Texture)	Flushed	Hungry		50%	N/A	
	1.19-1.20	1.20-1.21	0			100%
	1.00-1.18	1.22-1.40	1			80%
	0.80-0.99	1.41-1.60	2			60%
	0.70-0.79	1.61-1.70	3			40%
	0.60-0.69	1.71-1.80	4			20%
	<0.60	>1.80	5			0%
Cracking (Extent and Severity)	None	0	100%	30%	10%	
	S1	1	80%			
	S2-S3	2	60%			
	M1-M2	3	40%			
	M3-X1	4	20%			
	X2-X3	5	0%			
Total				100%	100%	

Hence, assuming that a section of road received the following condition scores:

Roughness = 130 (Rating 4 – 20% of CRC)
 Rutting = 5.5 (Rating 2 – 60% of CRC)
 Texture = 0.80 – 0.99 (Rating 2 – 60% of CRC)
 Cracking = M1 (Rating 3 – 40% of CRC)

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The following formulas would give its overall condition scores:

Wearing Surface

$$\begin{aligned} &= (\text{Surface Texture \%} \times 50\%) + (\text{Cracking \%} \times 30\%) + (\text{Roughness \%} \times 20\%) \\ &= (60\% \times 50\%) + (40\% \times 30\%) + (20\% \times 20\%) \\ &= 30\% + 12\% + 4\% \\ &= 46\% \end{aligned}$$

Therefore Wearing Surface Condition Score = 46%

Pavement

$$\begin{aligned} &= (\text{Roughness \%} \times 20\%) + (\text{Rutting \%} \times 70\%) + (\text{Cracking \%} \times 10\%) \\ &= (20\% \times 20\%) + (60\% \times 70\%) + (40\% \times 10\%) \\ &= 4\% + 42\% + 4\% \\ &= 50\% \end{aligned}$$

Therefore Pavement Condition Score = 50%

• **Average Useful lives**

The percentage of Current Replacement Cost (CRC) or percentage of new score as outlined above can then be used to calculate the useful life. For example, the example given above for wearing surface gives a percentage of CRC of 46%. This means that 54% of the wearing surface useful life has been used and that 46% of its useful life remains. Therefore if the date of the last reseal was 2012, then the full useful life can be calculated as follows.

$$\frac{2019 - 2012}{54\%} = \frac{\text{Remaining Life}}{46\%}$$

$$\text{Remaining Life} \times 54\% = (2019 - 2012) \times 46\%$$

$$\text{Remaining Life} = \frac{7 \times 46\%}{54\%}$$

$$\text{Remaining Life} = 6 \text{ years}$$

Hence:

$$\text{Useful Life} = \text{Life used} + \text{Remaining Life}$$

$$\text{Useful Life} = 7 \text{ years} + 6 \text{ years}$$

$$\text{Useful Life} = 13 \text{ years}$$

Accordingly, the following table depicts the results of this exercise for spray seals, as all rural roads have a spray seal wearing surface.

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- **Spray Seal**

Road	Town / Suburb	Year of Last Reseal	% of CRC	Life Used	Remaining Life	Useful Life
Burt Cl	Onslow	2014	58%	5 years	7 years	12 years
Cameron	Onslow	2014	54%	5 years	6 years	11 years
Paterson Pl	Onslow	2014	58%	5 years	7 years	12 years
Payne Way	Onslow	2014	54%	5 years	6 years	11 years
McRae Ave	Paraburdoo	2006	27%	13 years	5 years	18 years
Minderoo Way	Paraburdoo	2006	18%	13 years	3 years	16 years
Murchison	Paraburdoo	2014	54%	5 years	6 years	11 years
Yampire Ave	Paraburdoo	2006	20%	13 years	3 years	16 years
Acacia St	Tom Price	2006	22%	13 years	4 years	17 years
Coolibah St	Tom Price	2006	30%	13 years	6 years	19 years
Mungarra St	Tom Price	2006	22%	13 years	4 years	17 years
Privet St	Tom Price	2014	68%	5 years	11 years	16 years
Average Useful Life						15 years

Therefore, a Useful Life of 15 years has been adopted for spray sealed wearing surfaces.

- **Intervention levels**

The end of the useful life of an asset is the point at which the asset becomes unsafe or no longer able to fulfil its function. Accordingly, it is important to set levels at which the Shire would intervene and restore an asset before it becomes unsafe or no longer able to fulfil its intended purpose.

The breakdown of a bitumen seal is also a catalyst to accelerated pavement deterioration as cracking in the wearing surface allows water to infiltrate into the pavement layers. This will lead to the need for full pavement renewal works at significantly higher costs.

The following interventions levels have been adopted for bituminous wearing surfaces to ensure that they are renewed whilst they are still safe and before they have an impact on the breakdown of the pavement.

The wearing surface intervention level for renewal is considered to be as follows:

- Roughness > 125 vertical movements per km
- Surface Texture < 0.7mm or > 1.7mm
- Cracking > M2

These intervention levels equate to a point where the asset is deteriorating from a condition 3 to condition 4. Hence as this is 40% of CRC, an intervention level of 40% of useful life has been adopted or 60% deterioration of the seal. In terms of years this equates to about 10 years for spray seals.

- **Required Budget**

The Shire of Ashburton currently has approximately 33km of sealed Rural Roads. However, the 15 year rural unsealed roads program includes the sealing of about 88km of roads that are currently unsealed (Onslow – Peedamulla Road and Twitchen Road).

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As this is a 15 year program, these roads will require resealing during the latter years of the program and as such have been included in the program.

Using the tendered unit rate for spray sealing as put before Council in December 2018 together with a factor for site preparation works, it is estimated that it will cost about \$7.8 million, in total, to renew the wearing surfaces of all of the Rural Sealed roads over the 15 years of the program. As the 40% intervention level for spray seals equates to 10 years, it is appropriate that a budget be set to ensure that all Rural Roads can be renewed every 10 years.

Hence, it is recommended that the annual budget for renewal of Rural Roads be set at \$520,000.

- **Prioritising the Works**

Prioritising the renewal of sealed wearing surfaces is a matter of using the age of the existing seal, its condition and the date that the condition assessment was carried out, then determining its estimated remaining life to provide a year that it needs to be renewed.

For example, if a road was resealed in 2014 and the condition assessment was carried out in 2019, then the existing seal would be 5 years old. If the wearing surface has a condition score of 45% of CRC or new, then this 5 years of age equates to the 55% that it has deteriorated over the 5 years. Conversely, the 45% condition score, then equates to the remaining life of the seal which in this example is equal to 4 years.

As the wearing surface condition assessment was carried out in 2019 it is estimated that the wearing surface will need to be renewed in 2023. This estimated year of renewal is then used as a guide to prioritise the works program.

- **Developing the Program of Works**

The estimated year of renewal is the primary consideration in developing the program of works, however, there are some other factors that need to be considered and if necessary minor adjustments are made, as follows:

- Works programs such as drainage infrastructure renewal works impact on a wearing surface renewal. If the Shire was to renew the surface of a road one year then replace a pipe culvert line the following year then sections of the new surface would need to be removed and replaced. Thereby, incurring significant extra costs and leaving unsightly patch work in the finished surface. Hence, adjustments are made to align programs of works to enhance cost effectiveness and maintain aesthetical appeal.
- Sections of the same road may have slightly different condition scores and hence a different estimated year of renewal. Where there is only one or two years difference adjustments have been made to the program to ensure that the same road is renewed in the same year. Renewing short sections of a road one year and then coming back the following year to do another short section of the same road is an inefficient use of resources and can add to the cost of the program significantly. Hence, where possible adjustments have been made to ensure that as much as possible of the same road is renewed in the same year.

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The varying nature of the length of sections of roads and the estimated year of renewal means that it is difficult to have an exact balance at the end of each year in line with the estimated annual budget allocation of \$520,000. However, it will balance out over the life of the program as shown in the table below. This table takes the recommended budget and the actual funds required in each year of the recommended program:

Year	Financial Year	Budget Allocation	Funds Required	Annual Surplus / Deficit (-)	End of Year Balance (Cumulative)
1	19-20	\$ 520,000	\$ -	\$ 520,000	\$ 520,000
2	20-21	\$ 520,000	\$ -	\$ 520,000	\$ 1,040,000
3	21-22	\$ 520,000	\$ 984,893	-\$ 464,893	\$ 575,107
4	22-23	\$ 520,000	\$ -	\$ 520,000	\$ 1,095,107
5	23-24	\$ 520,000	\$ 630,410	-\$ 110,410	\$ 984,697
6	24-25	\$ 520,000	\$ -	\$ 520,000	\$ 1,504,697
7	25-26	\$ 520,000	\$ -	\$ 520,000	\$ 2,024,697
8	26-27	\$ 520,000	\$ -	\$ 520,000	\$ 2,544,697
9	27-28	\$ 520,000	\$ 224,000	\$ 296,000	\$ 2,840,697
10	28-29	\$ 520,000	\$ 3,144,330	-\$ 2,624,330	\$ 216,367
11	29-30	\$ 520,000	\$ 1,193,640	-\$ 673,640	-\$ 457,273
12	30-31	\$ 520,000	\$ -	\$ 520,000	\$ 62,727
13	31-32	\$ 520,000	\$ 984,893	-\$ 464,893	-\$ 402,166
14	32-33	\$ 520,000	\$ -	\$ 520,000	\$ 117,834
15	33-34	\$ 520,000	\$ 630,410.	-\$ 110,410	\$ 7,424
Totals		\$ 7,800,000	\$ 7,792,576		

It is important to acknowledge that the condition ratings outlined previously provide a snapshot in time and that it can only be used for estimated predictions of future deterioration rates. Factors such as traffic volumes, types of vehicles, vehicle loadings and environmental factors can result in sealed roads deteriorating at varying rates.

In line with the above, it is considered appropriate that:

- The first year of the recommended program be adopted and implemented;
- The 15 year program be adopted in principle for long term reporting requirements; and
- The program be reviewed and if necessary updated annually to reflect varying deterioration rates.

Consultation

Elected Members
Executive Management Team

Statutory Environment

S5.56 Planning for the Future, of the Local Government Act 1995, outlines that:

- (1) *A local government is to plan for the future of the district.*
- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

Section 19C of the Local Government (Administration) Regulations 1996, outlines that:

- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*

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- (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) *In making or reviewing a strategic community plan, a local government is to have regard to:*
 - (a) *the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) *demographic trends.*

Financial Implications

The proposed spending is in line with the Shire of Ashburton Long Term Financial Plan (2017-2032).

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 4 – Quality Services and Infrastructure

Objective 01 – Quality Public Infrastructure

Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "low" in light of there being zero backlog of wearing surface renewals.

Asset Management

As this program has been developed on the basis of intervening before sections of roads no longer meet their intended purpose, it enhances Council's Asset Management capabilities as defined in the International Infrastructure Management Manual.

In short, the core difference between basic and advanced asset management is the development of budgets on an as need basis (i.e. works required to keep assets functional) as opposed to works programs being developed in line with set budgets.

This report is a critical step in the establishment of a framework whereby budgets are set according to the needs of an asset class to ensure the long term safe, functional and financially sustainable provision of the service.

Sustainability Impacts

Implementation of this program will mean that funding will always be there to keep the Shire's rural sealed roads in a safe and functional condition, thereby enhancing sustainability.

Policy Implications

ENG09 – Asset Management Policy

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Voting Requirement
Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr M Gallanagh

SECONDED: Cr D Dias

That with respect to the Fifteen (15) Year Rural Sealed Roads Renewal Program referred to in this report, that Council:

- 1. Adopt the Fifteen (15) year Sealed Roads Renewal Program;**
- 2. Request the Chief Executive Officer to refer the Program to Council on a yearly basis for review; and**
- 3. Consider a submission to the 2019/20 Annual Budget that provides for \$520,000 to achieve the first year of the Program.**

CARRIED 8/0

**Councillors White, Rumble, Dias, Thomas, Foster, Diver, Gallanagh and de Pledge
voted for the motion**

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

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

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Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Gallanagh

That Council close the meeting to the public at 2.21 pm pursuant to sub section 5.23 (2) (a) and (b) of the *Local Government Act 1995*.

CARRIED 8/0

**Councillors White, Rumble, Dias, Thomas, Foster, Diver, Gallanagh and de Pledge
voted for the motion**

Mr. J Bingham, Mr. B Cameron, Mr. I Hamilton, Mrs. S Johnston. Ms. C Bryce, Mrs. J Fell, Ms. J Smith, Ms. J Law, Ms. A Del Rio and Mrs. M Lewis left the room at 2.21 pm due Confidential Agenda Item 18.1. Minutes were taken by Mr. .Rob Paull when staff left the room.

18. CONFIDENTIAL MATTERS

18.1 CONFIDENTIAL ITEM - POSITION OF DIRECTOR COMMUNITY SERVICES

MINUTE: 537/2019

FILE REFERENCE:

GV05
PE03

AUTHOR'S NAME AND POSITION:

Carla Loney
Acting Manager Human Resources

AUTHORISING OFFICER AND POSITION

Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT:

Not applicable

DATE REPORT WRITTEN:

19 February 2019

DISCLOSURE OF FINANCIAL INTEREST:

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

PREVIOUS MEETING REFERENCE:

Agenda Item 18.1 (Minute No.419/2018) – Ordinary Meeting of Council 14 August 2018

REASON FOR CONFIDENTIALITY

The Chief Executive Officer's Report is confidential in accordance with s5.23 (2) *the Local Government Act* because it deals with matters affecting s5.23 (2):

- (a) *a matter affecting an employee or employees; and*
- (b) *the personal affairs of any person; and*
- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

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Officers Recommendation

That with respect to the matter of the position of Director Community Services, that Council:

1. Note the report with respect to permanent arrangements for the appointment of a Director Community Services.
2. Accept the Chief Executive Officer's invitation to have two (2) Councillors participate in the selection of candidate/s for the permanent appointment to the position of Director Community Services.
3. In relation to 2. above, Council nominates:

Councillor:; and

Councillor:

to participate in the selection of candidate/s for the permanent appointment of a Director Community Services position.

Officers Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr P Foster

That with respect to the matter of the position of Director Community Services, that Council:

- 1. Note the report with respect to permanent arrangements for the appointment of a Director Community Services.**
- 2. Accept the Chief Executive Officer's invitation to have two (2) Councillors participate in the selection of candidate/s for the permanent appointment to the position of Director Community Services.**
- 3. In relation to 2. above, Council nominates:**

Councillor Cr Diver; and

Councillor White;

to participate in the selection of candidate/s for the permanent appointment of a Director Community Services position.

CARRIED 8/0

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

Mr. J Bingham, Mr. B Cameron, Mr. I Hamilton, Mrs. S Johnston, Ms. C Bryce, Mrs. J Fell, Ms. J Smith, Ms. J Law, and Mrs. M Lewis returned to the room at 2.25 pm. Minutes were resumed by the Council Support officer when staff returned. Ms. A Del Rio did not return the room. at 2.25 pm. The Presiding Member advised staff of the outcome of the vote for this item.

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**18.2 CONFIDENTIAL BHP BILLITON PETROLEUM PTY LTD DRAFT
PIPELINE CROSSING AGREEMENT – MACEDON SALES GAS
PIPELINE PL 87**

Declaration of Interest

Prior to consideration of this Agenda Item

Cr White declared a financial interest

Cr Dias declared a financial interest

Cr de Pledge declared a financial interest

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

Councillors White, de Pledge and Dias left the room at 2.26 pm due to a financial declaration of interest for Agenda Item 18.2. Cr Rumble resumed the chair at 2.26 pm.

MINUTE: 538/2019

FILE REFERENCE: WM09

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

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

Ian Hamilton
Director Infrastructure

**NAME OF APPLICANT/
RESPONDENT:** BHP Billiton Petroleum Pty Ltd

DATE REPORT WRITTEN: 19 February 2019

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

PREVIOUS MEETING REFERENCE: Not Applicable

REASON FOR CONFIDENTIALITY

The Chief Executive Officer's Report is confidential in accordance with s5.23 (2) *the Local Government Act 1995* because it deals with matters affecting s5.23 (2):

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

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Officers Recommendation and Council Decision

Moved: Cr P Foster

Seconded: Cr L Thomas

That with respect to the BHP Billiton Petroleum Pty Ltd Draft Pipeline Crossing Agreement – Macedon Sales Gas Pipeline PL 87, that Council:

- 1. Endorse the draft Pipeline Crossing Agreement – Macedon Sales Gas Pipeline PL 87 (CONFIDENTIAL ATTACHMENT 18.2); and**
- 2. Authorise the Shire President and the Chief Executive Officer to affix the Common Seal of the Shire of Ashburton and manage the works of the Pipeline Crossing Agreement – Macedon Sales Gas Pipeline PL.**

CARRIED 5/0

Councillors Rumble, Thomas, Foster, Diver and Gallanagh voted for the motion

Crs White, de Pledge and Dias returned to the room at 2.28 pm. Councillor Rumble advised of the outcome of the vote for this item. Shire President resumed the Chair at 2.29 pm.

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18.3 CONFIDENTIAL - PROPOSED PURCHASE OF AIRPORT ASSETS

MINUTE: 539/2019

FILE REFERENCE: ONS.0016

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

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

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 24 February 2019

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

PREVIOUS MEETING REFERENCE: Agenda Item 18.1 (Minute No.362/2018) Ordinary Meeting of Council 23 April 2018

REASON FOR CONFIDENTIALITY

The Chief Executive Officer's Report is confidential in accordance with s5.23 (2) *the Local Government Act 1995* because it deals with matters affecting s5.23 (2):

- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.*

Officers Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr R de Pledge

That with respect to the Confidential - Proposed Purchase of Airport Assets, that Council authorise the:

- 1. Gratuity payment for two aircraft hangars located on Lot 9500, McAullay Road, Onslow from Morgan & Co Pty Ltd; and**
- 2. Chief Executive Officer to determine the value of the gratuity payment to acquire the aircraft hangars as referred to in 1 above in accordance with the valuation and building report as referred in this Report.**

CARRIED BY ABSOLUTE MAJORITY 8/0
Councillors White, Rumble, Dias, Thomas, Foster, Diver, Gallanagh and de Pledge voted for the motion

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**18.4 CONFIDENTIAL ITEM - REQUEST FROM ASHBURTON INVESTMENTS
PTY LTD (LESSEE) - ONSLOW SUN CHALETS**

MINUTE: 540/2019

FILE REFERENCE:	SEC.0588
AUTHOR'S NAME AND POSITION:	Janelle Fell Manager Land & Asset Compliance
AUTHORISING OFFICER AND POSITION:	Brian Cameron Director Property and Development Services
NAME OF APPLICANT/ RESPONDENT:	Ashburton Investments Pty Ltd
DATE REPORT WRITTEN:	24 February 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 18.1 (Minute No. 313/2018) – Ordinary Meeting of Council 13 February 2018

REASON FOR CONFIDENTIALITY

The Chief Executive Officer's Report is confidential in accordance with s5.23 (2) the Local Government Act because it deals with matters affecting s5.23 (2):

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

Council Decision

MOVED: Cr D Diver

SECONDED: Cr R de Pledge

That Council Suspend Standing Orders at 2.30 pm.

CARRIED 8/0
**Councillors White, Rumble, Dias, Thomas, Foster, Diver, Gallanagh and de Pledge
voted for the motion**

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Council Decision

MOVED: Cr L Rumble

SECONDED: Cr P Foster

That Council resume Standing Orders at 2.54 pm.

CARRIED 8/0

**Councillors White, Rumble, Dias, Thomas, Foster, Diver, Gallanagh and de Pledge
voted for the motion**

Officers Recommendation

That with respect to the request from Ashburton Investments Pty Ltd (Lessee) regarding Onslow Sun Chalets, Council determine the appropriate arrangement for the request from Ashburton Investments Pty Ltd for a review of the lease fee for the Onslow Sun Chalets

Motion

MOVED: Cr L Rumble

SECONDED: Cr D Diver

That with respect to the request from Ashburton Investments Pty Ltd (Lessee) regarding Onslow Sun Chalets, that Council:

- 1. Advise Ashburton Investments Pty Ltd that at this point in time, the request for a lease fee reduction is not supported by Council;**
- 2. Is prepared to suspend Stage 2 development for period of 12 months (to be reviewed in March 2020); and**
- 3. Invites Ashburton Investments Pty Ltd to prepare appropriate documents for the development of caravan sites on the 2500m² beach front at the Onslow Sun Chalets.**

CARRIED 8/0

**Councillors White, Rumble, Dias, Thomas, Foster, Diver, Gallanagh and de Pledge
voted for the motion**

19. NEXT MEETING

The next Ordinary Meeting of Council will be held on 23 April 2019, 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 2.56 pm.