

# Ordinary Meeting of Council

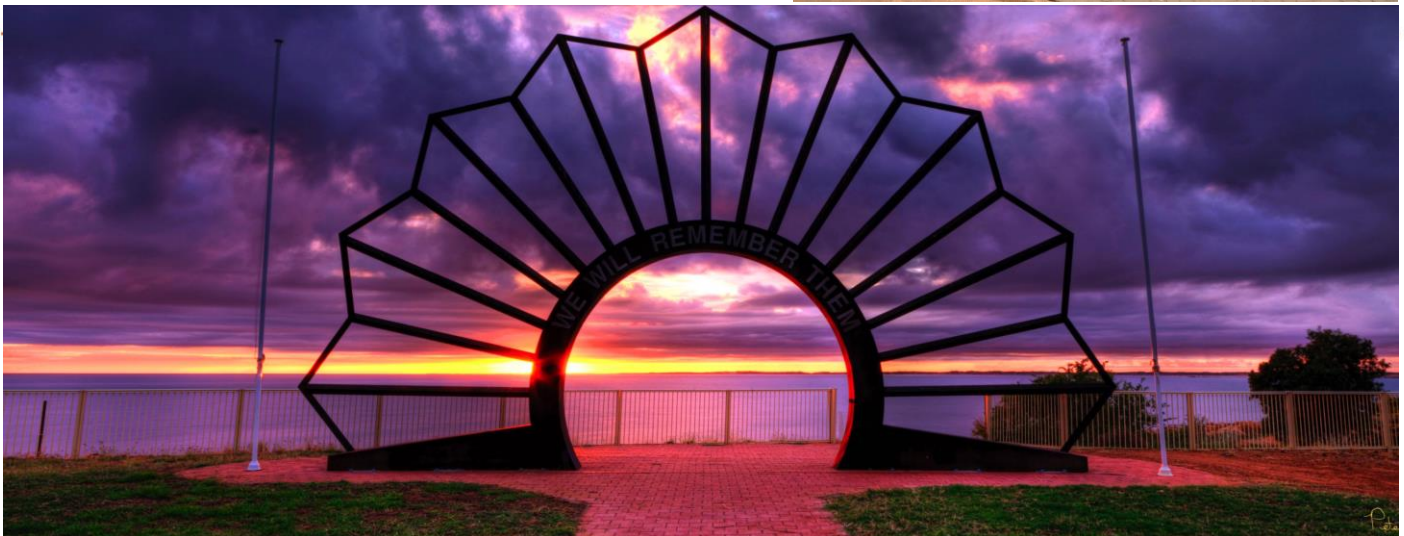
Onslow



## PUBLIC AGENDA

11 December 2020

Onslow Sports Club,  
Third 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.

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# Our Vision

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



## STRATEGIC DIRECTIONS

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



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





**SHIRE OF ASHBURTON  
PUBLIC AGENDA**

**Onslow Sports Club  
Third Avenue  
Onslow**

**11 December 2020  
1.00 pm**

**PUBLIC AGENDA - ORDINARY MEETING OF COUNCIL  
11 DECEMBER 2020**

**SHIRE OF ASHBURTON**

**ORDINARY MEETING OF COUNCIL**

Notice is hereby given that an Ordinary Meeting of Council of the Shire of Ashburton will be held on 11 December 2020 at the Onslow Sports Club, Third Avenue, Onslow commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.



Mr Kenn Donohoe  
**CHIEF EXECUTIVE OFFICER**

**DISCLAIMER**

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

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**1. DECLARATION OF OPENING**

The Presiding Member declared the meeting open at \_\_\_\_pm.

**1.1 ACKNOWLEDGEMENT OF COUNTRY**

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

**2. ANNOUNCEMENT OF VISITORS**

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

**3. ATTENDANCE**

**3.1 PRESENT**

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

**3.2 APOLOGIES**

There are no apologies for this meeting.

**3.3 APPROVED LEAVE OF ABSENCE**

Cr D Dias                      Paraburdoo Ward

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**4. QUESTION TIME**

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

The following questions were taken on notice at the Ordinary Meeting of Council 10 November 2020 and the following responses have been provided.

**4.1.1**

**Name:** Rueben Taniora

**Address:** PARABURDOO

**Question:**

The SOA have identified in the 2020 Community Services Key Strategies Road Map projects to help support community infrastructure and communities aspirations and deliverables. What is the SOA long term vision for community clubs and delivering accessible facilities to our volunteer clubs, including the provision of an accessible replacement clubrooms for the Paraburdoo Amateur Swimming Club that was not reinstated in the 2017 Paraburdoo CHUB revitalisation project. The PASC originally had their own clubrooms in the Paraburdoo Sports Pavilion from 1982 – 2017. What timeframe in the foreseeable future will the PASC be given to identify our priorities regarding a replacement clubrooms and an opportunity to participate in the decision making processes for the future sustainability of the club?

**Response:**

Extensive Consultation with Paraburdoo Community and Sporting groups for the Paraburdoo Chub was conducted back in 2016 to 2017 when consultations concluded. (Feedback from Paraburdoo Amateur Swim Club will be provided as an attachment).

Paraburdoo Amateur Swimming Club (PASC) representative at the time was Ms Claire Potter, the PASC did not have a clubroom as such, a donga that was used for storage located at the Quentin Broad Swimming Pool Facility. This donga was condemned and was removed as part of the CHUB redevelopment. A new store has been provided to club in the new Paraburdoo Hub.

The intention of CHUB was to be a shared space for all groups in Paraburdoo and not separate clubrooms. Below is feedback from PASC in relation to feedback regarding clubrooms.

*“Main club room, kitchen, bar and verandah. Would welcome the opportunity to hire, use space for function such as quiz night, meetings, training etc. Swim club currently has 104 swimmers and 186 members. Large group function space required – Multipurpose facility and or clubroom use as a rental user – as required.”*

The Saints Football Club currently have a lease over the clubroom area but they also support local community groups to utilise the space by booking arrangements.



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Shire of Ashburton's long term financial plan has no allowances for a clubroom for the Paraburdoo Amateur Swimming Club at this time and will not be funded in the immediate future.

- 4.1.2**      **Name:**                      **Reuben Taniora**  
                 **Address:**                **PARABURDOO**  
                 **Question:**              The Paraburdoo Amateur Swimming Club currently have a Lease agreement with the SOA comprising Lot 555, Deposited Plan 411246 for a storage unit located at the Community CHUB. Recently the SOA installed a gate and lock, restricting all vehicle access to the Community CHUB storage units. We would like to know if there is a possibility the Swim Club could obtain a separate key under the current lease arrangement to gain vehicle access to the storage unit, without having to obtain the key from the SOA Facilities Department or the current Pool Staff during office hours?
- Response:**              For equity and to maintain the security of Shire assets, issuance of a key for the gate lock to access the rear of the Community HUB is not supported. Shire staff will kindly make arrangements as required to ensure timely access to the leased storage unit.

**4.2**                      **PUBLIC QUESTION TIME**

**5.**                      **APPLICATIONS FOR LEAVE OF ABSENCE**

That Council approve the application for Approved Leave of Absence for Cr Foster between the dates of 5 February 2021 through to 13 March 2021, he will be absent for the Ordinary Meeting of Council to be held 16 February 2021.

**6.**                      **DECLARATION BY MEMBERS**

**6.1**                      **DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA**

Councillors are requested to give due consideration to all matters contained in the Agenda presently before the meeting.

**6.2**                      **DECLARATIONS OF INTEREST**  
**Councillors to Note**

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

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

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

- (a) Preside at the part of the Meeting, relating to the matter or;
- (b) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing

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member is allowed to do so under Section 5.68 or Section 5.69 of the *Local Government Act 1995*.

**NOTES ON DECLARING INTERESTS (FOR YOUR GUIDANCE)**

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

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

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measured in money terms. There are exceptions in the *Local Government Act 1995* but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc.), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in 6.2(b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
  - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the *Local Government Act 1995*; or
  - 6.2 Where the Minister allows the Councillor to participate under s.5.69 (3) of the *Local Government Act 1995*, with or without conditions.

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**Declarations of Interest provided:**

Item Number/ Name	Type of Interest	Nature/Extent of Interest
<b>12.2 MINING ACT 1978 TENEMENT REFERRALS – 28 OCTOBER - 25 NOVEMBER 2020</b>		
Cr Gallanagh	Financial	The nature of my interest is 'myself and my husband are employed by Rio Tinto, have company housing and shares in Rio Tinto'. The extent of my interest is 'Financial, we have shares of greater value than \$10,000 in Rio Tinto'.
Cr Rumble	Financial	The nature of my interest is 'I am a shareholder with Rio Tinto'. The extent of my interest is 'I have shares in value greater than \$10,000'.
Cr Lynch	Indirect Financial	The nature of my interest is 'I am an employee and tenant of Rio Tinto'. The extent of my interest is 'I am paid a salary by Pilbara Iron'.
Cr Foster	Indirect Financial	The nature of my interest is 'Indirect Financial'. The extent of my interest is 'My partner is employed by Rio Tinto and receives a salary, my partner owns Rio Tinto shares, and as a family we live in a Rio Tinto property paying reduced rent and utilities to Rio Tinto'.
Cr Diver	Indirect Financial	The nature of my interest is 'I am employed by Rio Tinto'. The extent of my interest is 'I receive a salary, I also receive subsidised utilities (water /power) and rent as part of my salary package'.

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Item Number/ Name	Type of Interest	Nature/Extent of Interest
<b>19.1 CONFIDENTIAL ITEM – RAIL INTERFACE AGREEMENTS</b>		
Cr Gallanagh	Financial	The nature of my interest is 'Myself and my husband are employed by Rio Tinto, have company housing and shares in Rio Tinto'. The extent of my interest is 'Financial, we have shares of greater value than \$10,000 in Rio Tinto'.
Cr Rumble	Financial	The nature of my interest is 'I am a shareholder with Rio Tinto'. The extent of my interest is 'I have shares in value greater than \$10,000'.
Cr Lynch	Indirect Financial	The nature of my interest is 'I am an employee and tenant of Rio Tinto'. The extent of my interest is 'I am paid a salary by Pilbara Iron'.
Cr Foster	Indirect Financial	The nature of my interest is 'Indirect Financial'. The extent of my interest is 'My partner is employed by Rio Tinto and receives a salary, my partner owns Rio Tinto shares, and as a family we live in a Rio Tinto property paying reduced rent and utilities to Rio Tinto'.
Cr Diver	Indirect Financial	The nature of my interest is 'I am employed by Rio Tinto'. The extent of my interest is 'I receive a salary, I also receive subsidised utilities (water /power) and rent as part of my salary package'.
Cr de Pledge	Financial	The nature of my interest is 'I have shares with Fortescue Metals Group'. The extent of my interest is 'I have shares of greater value than \$10,000 with FMG'.

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

**8. PETITIONS / DEPUTATIONS / PRESENTATIONS**

**8.1 PETITIONS**

**8.2 DEPUTATIONS**

**8.3 PRESENTATIONS**

**9. CONFIRMATION OF MINUTES**

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

That the Unconfirmed Minutes of the Ordinary Meeting of Council held 10 November 2020, as previously circulated on 13 November 2020 (**ATTACHMENT 9.0.1**) be confirmed as a true and accurate record subject to the following changes:

Agenda Item 11.2 CHANGE OF DATE FOR THE DECEMBER 2020 ORDINARY MEETING OF COUNCIL

From: CARRIED 8/0

To: CARRIED 6/2 Councillor Dias and Rumble voted against the motion.

And

Agenda Item 16.1 BUS TURN AROUND AREA – FORTESCUE ROAD, PARABURDOO

From: That the meeting proceed to the next item of business and lay this item on the table.

To: That the meeting proceed to the next item of business, and that the Agenda Item 1.3 lay on the table until the February 2021 Ordinary Meeting of Council.

**9.0.2 MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD ON 26 NOVEMBER 2020**

That the Unconfirmed Minutes of the Special Meeting of Council held 26 November 2020 (**ATTACHMENT 9.0.2**) be confirmed as a true and accurate record.



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**9.1 RECEIPT OF COMMITTEE AND OTHER MINUTES**

**9.1.1 MINUTES OF THE PILBARA COUNTRY ZONE MEETING HELD ON 23 NOVEMBER 2020**

That the Unconfirmed Minutes of the Pilbara Country Zone Meeting held 23 November 2020 be received.

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

**9.3 RECOMMENDATIONS OF COMMITTEE**

**9.3.1 UNCONFIRMED MINUTES ORDINARY MEETING OF COUNCIL HELD ON 8 SEPTEMBER 2020 (ATTACHMENT 9.3.1)**

That the Unconfirmed Minutes of the Audit and Risk Committee held 8 September 2020, as previously circulated on 15 September 2020 (**ATTACHMENT 9.3.1**) be confirmed as a true and accurate record.

**9.3.2 REGULATION 17 REVIEW – 2020 PROGRAM**

**Officers Recommendation**

That with respect to the Regulation 17 Review - 2020 Program, the Audit and Risk Management Committee recommends to Council that the program of suggested improvements/opportunities to address the Regulation 17 Risk Audit (**ATTACHMENT 7.1B**) be adopted and reported quarterly.

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

**Officers Recommendation**

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

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

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**10. AGENDA ITEMS ADOPTED "EN BLOC"**

**10.1 AGENDA ITEMS ADOPTED 'EN BLOC'**

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

*"Part 5 – Business of a meeting*

*Clause 5.6 Adoption by exception resolution:*

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

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**11. OFFICE OF THE CEO REPORTS**

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

<b>FILE REFERENCE:</b>	GV04
<b>AUTHOR'S NAME AND POSITION:</b>	Michelle Lewis Council Liaison Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Kenn Donohoe Chief Executive Officer
<b>NAME OF APPLICANT/ RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	25 November 2020
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 11.1 (Minute No 184/2020) Ordinary Meeting of Council 13 November 2020

**Summary**

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

**Background**

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

**Comment**

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

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

**ATTACHMENT 11.1**

**Consultation**

Executive Leadership Team

**Statutory Environment**

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

*"Role of council*

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

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

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

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

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

### Financial Implications

There are no known financial implications for this matter.

### Strategic Implications

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

Goal 05 Inspiring Governance  
 Objective 4 Exemplary team and work environment

### Risk Management

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

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

The following Risk Matrix has been applied.

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

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

**Policy Implications**

There are no known policy implications for this matter.

**Voting Requirement**

Simple Majority Required

**Officers Recommendation**

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



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

<b>FILE REFERENCE:</b>	GV21 CM02
<b>AUTHOR'S NAME AND POSITION:</b>	Danielle Hurstfield Manager Governance
<b>AUTHORISING OFFICER AND POSITION:</b>	Kenn Donohoe Chief Executive Officer
<b>NAME OF APPLICANT/ RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	27 November 2020
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The authors and authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

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

**Background**

Council has historically sought a monthly update of the more significant activities for the organisation relative to (1) use of the Common Seal, and (2) actions performed under delegated authority requiring referral to Council as per the Shire of Ashburton Delegated Authority Register 2020.

**Comment**

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

**ATTACHMENT 11.2A  
ATTACHMENT 11.2B**

**Consultation**

Relevant officers as listed in the Attachment.

**Statutory Environment**

*Local Government Act 1995*

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

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**Financial Implications**

There are no known financial implications for this matter.

**Strategic Implications**

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

Goal 05 Inspiring Governance

Objective 4 Exemplary team and work environment

**Risk Management**

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

**Policy Implications**

ELM 13 Affixing the Shire of Ashburton Common Seal

FIN12 Purchasing Policy

**Voting Requirement**

Simple Majority Required

**Officers Recommendation**

That with respect to the Use of Common Seal and Actions Performed under Delegated Authority for the month of November 2020, Council receive the reports relating to:

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

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**12. CORPORATE SERVICES REPORTS**

**12.1 MONTHLY FINANCE REPORT**

<b>FILE REFERENCE:</b>	FM03
<b>AUTHOR'S NAME AND POSITION:</b>	John Bingham Director Corporate Services
<b>AUTHORISING OFFICER AND POSITION:</b>	John Bingham Director Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	30 November 2020
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 12.1 (Minute No. 161/2020) Ordinary Meeting of Council 12 November 2020

**Summary**

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

**Background**

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

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

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

**End of Financial Year Closing**

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

Depreciation is not currently being charged in 2020-21 until after year-end is completed. It is estimated that depreciation charges would increase year to date expenditure by approx. \$5m. Depreciation is a non-cash expense and would not impact closing balances.

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**Comment**

The following budget variations are recommended for November 2020:

GL/Job No.	General Ledger Description	Current Budget	Variation Amount	Revised Budget	Reason
124463	Urban Roads Renewal	1,134,000	(116,479)	1,017,521	Unspent funds from asphalt resealing project in TP.
NEW	Anzac Memorial Park Landscaping	0	116,479	116,479	New project generated by the footpath works carried out in the area.
AR2012	Tom Price Central Rd Speed Bumps Construction	70,000	(14,750)	55,250	Unspent funds from speed bumps construction project in TP.
NEW	Tom Price Depot Shade Structure	0	14,750	14,750	Shade structure required at the end of the main building covering TP depot staff meeting / toolbox / smokers area.

**Rate Refund**

Council endorsed a change of valuation method for Transient Workers Accommodation (TWAs) in 2018. Prior to this being implemented all TWAs were rated UV Mining.

In the case of the Brockman 2 Campsite the following refund (due to a decommissioning confirmed by the Valuer Generals Office) of five months, rated as UV – Mining, applies after which a change to GRV – TWAs comes into effect.

Date	Type	Valuation	Rate in the dollar	Rates
30/11/2018	Decommissioned	\$0	\$36.9571	-\$486,977.13
13/09/2018	Receipt	\$2,258,000	\$36.9571	\$834,573.32
30/06/2018	Billing 2018	\$2,258,000	\$36.9571	\$834,537.32

At the time of the change the property owner requested the refund be kept on the accounts and credited against future billing. That arrangement has now changed and the back dated refund is requested.

**Consultation**

Executive Leadership Team  
Finance Team

**Statutory Environment**

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

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

(b) Is authorised in advance by resolution\*

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

\*requires an absolute majority of Council.

### Financial Implications

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

### Strategic Implications

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

Goal 05 Inspiring Governance  
Objective 4 Exemplary team and work environment

### Risk Management

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

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

The following Risk Matrix has been applied.

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

Adoption of this item has been evaluated against the Shire of Ashburton’s Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be low due to the financial value of the project and the risk to the Shire’s reputation. Regular monitoring will be undertaken



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with specific procedures and controls engaged throughout the delivery of the project and will be consistently reviewed and managed.

**Policy Implications**

FIN06 – Significant Accounting Policy

**Voting Requirement**

Absolute Majority Required

**Officers Recommendation**

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

1. Receive the Financial Report for October 2020 **ATTACHMENT 12.1A**;
2. Approve the following budget amendments:
  - a. Decrease Capital Expenditure GL no. 124463 Urban Roads Renewal by \$116,479 from \$1,134,000 to \$1,017,521;
  - b. Increase new Capital Expenditure account Anzac Memorial Park Landscaping by \$116,479 from \$0 to \$116,479;
  - c. Decrease Capital Expenditure job no. AR2012 Tom Price Central Road Speed Bumps construction by \$14,750 from \$70,000 to \$55,250; and
  - d. Increase new Capital Expenditure account Tom Price Depot Shade Structure by \$14,750 from \$0 to \$14,750.
3. Receive the Capital Expenditures Progress Tracker as at 30 November 2020 **ATTACHMENT 12.1B**;
4. Receive the Budget Amendment Register as at 30 November 2020 **ATTACHMENT 12.1C**;
5. Receive the Schedule of Accounts (November 2020) and Credit Card payments made in the period November 2020 (approved by the Chief Executive Officer in accordance with Delegation DA03-01 Payments from Municipal Fund and Trust Funds) **CONFIDENTIAL ATTACHMENT 12.1D**; and
6. Authorise the Chief Executive Officer to refund \$486,977.13 to the property owner of assessment no. A49021 – Brockman 2 Campsite.

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**12.2 MINING ACT 1978 TENEMENT REFERRALS – 28 OCTOBER - 25 NOVEMBER 2020**

<b>FILE REFERENCE:</b>	ED01
<b>AUTHOR'S NAME AND POSITION:</b>	Janelle Fell Manager Land and Asset Compliance
<b>AUTHORISING OFFICER AND POSITION:</b>	John Bingham Director Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	25 November 2020
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 12.2 (Minute No. 192/2020) – Ordinary Meeting of Council 10 November 2020

**Summary**

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

**Background**

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

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

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

**Comment**

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

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

- Affected Shire assets:
  - Will the licence generate traffic volumes that significantly affect Shire roads
  - Borrow pits
- Bushfire back burning areas
- Aboriginal heritage sites

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

Twenty (20) Form 21 - Application for Mining Tenement notifications were received between 28 October - 25 November 2020.

**Exploration Licences**

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

Exploration Licence notifications received include:

<b>Company</b>	<b>Application No.</b>	<b>Block/s (~80km2)</b>	<b>Locality</b>
World Metals Pty Ltd	E 47/4463	1 BL	Hamersley Range
A.C.N. 629 923 753 PTY LTD	E 08/3281	64 BL	Ashburton
	E 08/3283	36 BL	Ashburton
AMMM Resources Pty Ltd	E 47/4399	2 BL	Nammuldi North

**Mining Leases**

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

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

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Mining Lease notifications received are:

Company	Application No.	Hectares	Locality	Mineral
FMG Pilbara Pty Ltd	M 47/1610	6,412.000 00 HA	FMG – Hamersley	Iron Ore
	M 47/1611	3,784.000 00 HA	FMG – Hamersley	Iron Ore

Miscellaneous Licences

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

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

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

Miscellaneous Licence notifications received are:

Company	Application No.	Hectares	Locality	Purposes
API Management Pty Ltd	L 08/199	4,699.75000 HA	Red Hill Station	<ul style="list-style-type: none"> <li>• A bore</li> <li>• A field</li> <li>• A bridge</li> <li>• A pipeline</li> <li>• A power line</li> <li>• A pump station</li> <li>• A road</li> <li>• A search for groundwater</li> <li>• Taking water</li> <li>• A communications facility</li> <li>• A tunnel</li> <li>• A pump station</li> <li>• A water management facility</li> <li>• A power generation and transmission facility</li> <li>• A drainage channel</li> </ul>

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Company	Application No.	Hectares	Locality	Purposes
A.C.N. 629 923 753 PTY LTD	L 08/202	245.52000 HA	Ashburton	<ul style="list-style-type: none"> <li>• A bore</li> <li>• A bore field</li> <li>• A bridge</li> <li>• A communications facility</li> <li>• A drainage channel</li> <li>• A minesite accommodation facility</li> <li>• A minesite administration facility</li> <li>• A pipeline</li> <li>• A power generation and transmission facility</li> <li>• A 12A powerline</li> <li>• A pump station</li> <li>• A road</li> <li>• A search for groundwater</li> <li>• A storage or transportation facility for minerals or mineral concentrate</li> <li>• A tunnel</li> <li>• A water management facility</li> <li>• A workshop and storage facility</li> <li>• Taking water</li> </ul>
	L 08/205	359.69000 HA	Ashburton	<ul style="list-style-type: none"> <li>• A bore</li> <li>• A bore field</li> <li>• A bridge</li> <li>• A communications facility</li> <li>• A drainage channel</li> <li>• A minesite accommodation facility</li> <li>• A minesite administration facility</li> <li>• A pipeline</li> <li>• A power generation and transmission facility</li> <li>• A power line</li> <li>• A pump station</li> <li>• A road</li> <li>• A search for groundwater</li> <li>• A storage or transportation facility for minerals or mineral concentrate</li> <li>• A tunnel</li> <li>• A water management facility</li> <li>• A workshop and storage facility</li> <li>• Taking water</li> </ul>

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Company	Application No.	Hectares	Locality	Purposes
	L 08/206	365.85000 HA	Ashburton	<ul style="list-style-type: none"> <li>• A bore</li> <li>• A bore field</li> <li>• A bridge</li> <li>• A communications facility</li> <li>• A drainage channel</li> <li>• A minesite accommodation facility</li> <li>• A pipeline</li> <li>• A power generation and transmission facility</li> <li>• A power line</li> <li>• A pump station</li> <li>• A road</li> <li>• A search for groundwater</li> <li>• A storage or transportation facility for minerals or mineral concentrate</li> <li>• A tunnel</li> <li>• A water management facility</li> <li>• A workshop and storage facility</li> <li>• Taking water</li> </ul>
	L 08/208	277.46000 HA	Ashburton	<ul style="list-style-type: none"> <li>• A bore</li> <li>• A bore field</li> <li>• A bridge</li> <li>• A communications facility</li> <li>• A drainage channel</li> <li>• A minesite accommodation facility</li> <li>• A minesite administration facility</li> <li>• A pipeline</li> <li>• A power generation and transmission facility</li> <li>• A power line</li> <li>• A pump station</li> <li>• A road</li> <li>• A search for groundwater</li> <li>• A storage or transportation facility for minerals or mineral concentrate</li> <li>• A tunnel</li> <li>• A water management facility</li> <li>• A workshop and storage facility</li> <li>• Taking water</li> </ul>

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Company	Application No.	Hectares	Locality	Purposes
	L 08/209	26.23000 HA	Ashburton	<ul style="list-style-type: none"> <li>• A bore</li> <li>• A bore field</li> <li>• A bridge</li> <li>• A communications facility</li> <li>• A drainage channel</li> <li>• A minesite accommodation facility</li> <li>• A minesite administration facility</li> <li>• A pipeline</li> <li>• A power generation and transmission facility</li> <li>• A power line</li> <li>• A pump station</li> <li>• A road</li> <li>• A search for groundwater</li> <li>• A storage or transportation facility for minerals or mineral concentrate</li> <li>• A tunnel</li> <li>• A workshop and storage facility</li> <li>• A water management facility</li> <li>• Taking water</li> </ul>
	L 08/212	5,277.61000 HA	Ashburton	<ul style="list-style-type: none"> <li>• A bore</li> <li>• A bore field</li> <li>• A bridge</li> <li>• A communications facility</li> <li>• A drainage channel</li> <li>• A pipeline</li> <li>• A power generation and transmission facility</li> <li>• A power line</li> <li>• A pump station</li> <li>• A road</li> <li>• A search for groundwater</li> <li>• A tunnel</li> <li>• A water management facility</li> <li>• Taking water</li> </ul>
	L 08/213	2,933.28000 HA	Ashburton	<ul style="list-style-type: none"> <li>• A bore</li> <li>• A bore field</li> <li>• A bridge</li> <li>• A communications facility</li> <li>• A drainage channel</li> <li>• A pipeline</li> <li>• A power generation and transmission facility</li> <li>• A power line</li> </ul>



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Company	Application No.	Hectares	Locality	Purposes
				<ul style="list-style-type: none"> <li>• A pump station</li> <li>• A road</li> <li>• A search for groundwater</li> <li>• A tunnel</li> <li>• A water management facility</li> <li>• Taking water</li> </ul>
	L 08/214	3,452.93000 HA	Ashburton	<ul style="list-style-type: none"> <li>• A bore</li> <li>• A bore field</li> <li>• A bridge</li> <li>• A communications facility</li> <li>• A drainage channel</li> <li>• A pipeline</li> <li>• A power generation and transmission facility</li> <li>• A power line</li> <li>• A pump station</li> <li>• A road</li> <li>• A search for groundwater</li> <li>• A tunnel</li> <li>• A water management facility</li> <li>• Taking water</li> </ul>
	L 08/215	3,555.15000 HA	Ashburton	<ul style="list-style-type: none"> <li>• A bore</li> <li>• A bore field</li> <li>• A bridge</li> <li>• A communications facility</li> <li>• A drainage channel</li> <li>• A pipeline</li> <li>• A power generation and transmission facility</li> <li>• A power line</li> <li>• A pump station</li> <li>• A road</li> <li>• A search for groundwater</li> <li>• A tunnel</li> <li>• A water management facility</li> <li>• Taking water</li> </ul>
	L 08/216	1,663.47000 HA	Ashburton	<ul style="list-style-type: none"> <li>• A bore</li> <li>• A bore field</li> <li>• A bridge</li> <li>• A communications facility</li> <li>• A drainage channel</li> <li>• A minesite accommodation facility</li> <li>• A minesite administration facility</li> <li>• A pipeline</li> <li>• A power generation and transmission facility</li> </ul>

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Company	Application No.	Hectares	Locality	Purposes
				<ul style="list-style-type: none"> <li>• A power line</li> <li>• A pump station</li> <li>• A road</li> <li>• A search for groundwater</li> <li>• A storage or transportation facility for minerals or mineral concentrate</li> <li>• A tunnel</li> <li>• A water management facility</li> <li>• A workshop and storage facility</li> <li>• Taking water</li> </ul>
Hamersley Iron Pty	L 47/959	28.1500 HA	Brockman No. 2 Mine	<ul style="list-style-type: none"> <li>• A bore</li> <li>• A drainage channel</li> <li>• A pipeline</li> <li>• A road</li> <li>• Taking water</li> </ul>
	L 47/958	910.40000 HA	Brockman No. 2 Mine	<ul style="list-style-type: none"> <li>• A bore</li> <li>• A communications facility</li> <li>• A drainage channel</li> <li>• A minesite administration facility</li> <li>• A pipeline</li> <li>• A power generation and transmission facility</li> <li>• A power line</li> <li>• A storage and transportation facility for minerals or mineral concentrate</li> <li>• A workshop and storage facility</li> <li>• Taking water</li> </ul>

Prospecting Licences

Prospecting licences are granted subject to conditions including: minerals of economic interest discovered be reported to the Minister; that no ground disturbing equipment be used unless a programme of work has been approved by the Minister; that disturbances to the surface of the land the subject of the prospecting licence are made safe; and, the licence holder takes steps to prevent fire and damage to trees, property or livestock.

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**ATTACHMENT 12.2**

As Exploration Licences 08/3281 and 08/3283 and Miscellaneous Licences 08/202, 08/212, 08/213, 08/215 and 08/216 encroach the Shire controlled and managed Onslow-Peedamulla Road, the Department of Mines, Industry Regulation and Safety will formally refer these to the Shire for comment. Applicant A.C.N. 629 923 753 PTY LTD's 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

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and safety of the roads. An Agreement for the design, construction and maintenance of Onslow- Peedamulla Road to include the following requirements (but not limited to) will be required:

- 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
- A.C.N. 629 923 753 PTY LTD being responsible for all costs (including Shire costs) associated with the preparation and implementation of the Agreement.

Alternatively, should the Shire be responsible for maintenance of Onslow-Peedamulla Road, an adequate fee will be required from A.C.N. 629 923 753 PTY LTD to contribute to ongoing maintenance costs associated with use of the road.

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

**Consultation**

Chief Executive Officer  
Executive Leadership Team

**Statutory Environment**

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

*Mining Regulations 1981*

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

**Financial Implications**

There are no known financial implications for this matter.

**Strategic Implications**

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

Goal 02      Economic Prosperity  
Objective 1    Strong local economies

Goal 04      Quality Services and Infrastructure  
Objective 1    Quality public infrastructure

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**Risk Management**

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

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

The following Risk Matrix has been applied.

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

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

**Policy Implications**

Town Planning Scheme No. 7

LPP – Transient Workforce Accommodation

**Voting Requirement**

Simple Majority Required

**PUBLIC AGENDA - ORDINARY MEETING OF COUNCIL  
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**Officers Recommendation**

That with respect to *Mining Act 1978* Tenement Referrals – 28 October – 25 November 2020, Council:

1. Acknowledge the contents of this report;
2. Advise the Department of Mines, Industry Regulation and Safety of the Shire of Ashburton's request to negotiate terms of agreement with A.C.N. 629 923 753 PTY LTD in relation to Exploration Licences 08/3281 and 08/3283 and Miscellaneous Licences 08/202, 08/212, 08/213, 08/215 and 08/216; and
3. Negotiate terms of agreement with A.C.N. 629 923 753 Pty Ltd in relation to Exploration Licences 08/3281 and 08/3283 and Miscellaneous Licences 08/202, 08/212, 08/213, 08/215 and 08/216.

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**12.3 NEW POLICY – ELM28 ELECTED MEMBER AND CHIEF EXECUTIVE OFFICER ATTENDANCE AT EVENTS AND FUNCTIONS**

**FILE REFERENCE:** GV20

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

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

**NAME OF APPLICANT/RESPONDENT:** Elected Members

**DATE REPORT WRITTEN:** 27 November 2020

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

**Summary**

The Shire of Ashburton is required under the *Local Government Act 1995 (Act)*, to adopt an attendance at events and functions policy, and report on attendance at events of Elected Members and the Chief Executive Officer (CEO).

This report recommends Council adopt a new Policy, "*ELM28 - Elected Member and Chief Executive Officer Attendance at Events and Functions*" to meet that compliance requirement.

**Background**

Section 5.90A of the *Local Government Legislation Amendment Act 2019* was passed by Parliament and requires Western Australian local governments to develop a policy related to Elected Member and CEO attendance at events.

A policy has been developed to meet the requirements of the *Act*, and to provide guidance to Elected Members and the CEO, for the acceptance of tickets and invitations to various events. The policy is also designed to clarify who is responsible for the payment of tickets or the equivalent value of the invitation.

**Comment**

The draft policy is considered to meet the requirements of the *Act*, as well as providing suitable guidance to Elected Members and the CEO for appropriate disclosure and management of acceptance of invitations to events and functions.

It is to be noted that tickets and invitations that fall under this policy are those provided to the Shire, not directly to individual Elected Members. A ticket or invitation provided directly to an Elected Member (as a member of the Council) or to the CEO, by a donor, sits outside of this policy and must therefore be considered as a potential gift to that person and declared as such if it meets the legislated gift requirements.

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**Consultation**

Executive Leadership Team  
Manager Governance

**Statutory Environment**

*Local Government Act S2.7 (Role of council)* outlines in (2) (b) that Council determines the local government's policies.

*Local Government Act Section 5.90A(2) (Policy for attendance at events)* stipulates that attendance at events policy must be adopted by the Council.

(1) In this section —

*event* includes the following —

- (a) a concert;
- (b) a conference;
- (c) a function;
- (d) a sporting event;
- (e) an occasion of a kind prescribed for the purposes of this definition.

(2) A local government must prepare and adopt\* a policy that deals with matters relating to the attendance of council members and the CEO at events, including —

- (a) the provision of tickets to events; and
- (b) payments in respect of attendance; and
- (c) approval of attendance by the local government and criteria for approval; and
- (d) any prescribed matter.

\* *Absolute majority required.*

(3) A local government may amend\* the policy.

\* *Absolute majority required.*

(4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.

(5) The CEO must publish an up-to-date version of the policy on the local government's official website.

**Financial Implications**

The application of a Regional Price Preference may result in the Shire awarding contracts that demonstrate best value for money.

**Strategic Implications**

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

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

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**Risk Management**

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

<b>Risk</b>	<b>Risk Likelihood</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
That the Shire Elected Members/CEO do not comply with the required policy.	Rare (1)	Minor (2)	Low (2)	Legal & Compliance	Adopt policy as required by the <i>Local Government Act</i> .

The following Risk Matrix has been applied.

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

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

**Policy Implications**

There were administrative costs in development of the policy and the preparation of this report, and there will be ongoing administrative costs in monitoring and managing the requirements of the policy.

**Voting Requirement**

Absolute Majority Required



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**Officers Recommendation**

That with respect to the New Policy – ELM28 Elected Member and Chief Executive Officer Attendance at Events and Functions, Council:

1. Adopt the New Policy ELM28 Elected Member and Chief Executive Officer Attendance at Events and Functions per **ATTACHMENT 12.3**; and
2. Note that the policy will be added to the Shire's webpage.

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**12.4 POLICY REVIEW – ADM03 - FLYING OF FLAGS, ADM12 - CLOSURE OF CERTAIN FACILITIES – CHRISTMAS AND NEW YEAR, CORP05 - RISK MANAGEMENT, ADM07 – COMMUNICATIONS AND MEDIA, ENG09 - ASSET MANAGEMENT AND FIN07 - INVESTMENTS**

<b>FILE REFERENCE:</b>	GV20
<b>AUTHOR'S NAME AND POSITION:</b>	Danielle Hurstfield Manager Governance
<b>AUTHORISING OFFICER AND POSITION:</b>	John Bingham Director Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	25 November 2020
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	(Minute No. 722/2019) Ordinary Meeting of Council 17 December 2019.

**Summary**

This item seeks Council adoption of reviewed of policies ADM 03 - Flying Of Flags, ADM12 - Closure of Certain Facilities – Christmas And New Year, CORP05 - Risk Management, ADM07 – Communications And Media, ENG09 - Asset Management AND FIN07 – Investments.

**Background**

The above reviewed policies are provided in **ATTACHMENT 12.4**.

**Comment**

A summary of findings is detailed below:

- **ADM 03 - Flying Of Flags**  
This policy has been reviewed with no amendments recommended.
- **ADM12 - Closure of Certain Facilities – Christmas And New Year**  
This policy has been reviewed with no amendments recommended.
- **CORP05 - Risk Management**  
This policy has been reviewed and revealed Appendix 1 has not been included. Recommend reinstatement of Appendix 1 - Risk Assessment and Acceptance Criteria, Measures of Consequence, Measures of Likelihood, Risk Matrix, Risk Acceptance Criteria, Existing Controls Ratings.
- **ADM07 – Communications and Media**  
This policy has been reviewed and recommendations for amendments to support greater clarity around responsibilities for staff, expectations and conduct of Councillor's and staff and use of Social Media. Additions are highlighted in yellow on the attached draft policy.
- **ENG09 - Asset Management**  
This policy has been reviewed with no amendments recommended.
- **FIN07 – Investment**  
This policy has been reviewed with no amendments recommended.

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**Consultation**

Executive Leadership Team  
Councillors – Workshop  
Managers of function areas

**Statutory Environment**

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

**2.7. Role of council**

- (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.*

**Financial Implications**

As detailed in each policy.

**Strategic Implications**

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

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

**Risk Management**

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

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

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The following Risk Matrix has been applied.

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

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

**Policy Implications**

As detailed in each policy.

**Voting Requirement**

Simple Majority Required

**Officers Recommendation**

That with respect to the Policy Review – ADM03 - Flying of Flags, ADM12 - Closure of Certain Facilities – Christmas and New Year, CORP05 - Risk Management, ADM07 – Communications and Media, ENG09 - Asset Management and FIN07 – Investments, Council adopt the reviewed policies as detailed in **ATTACHMENT 12.4**.

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**12.5 AMENDMENT TO THE DELEGATED AUTHORITY REGISTER 2020/2021  
- 6.1.3 FOOD BUSINESS REGISTRATIONS AND 1.1.17 TENDERS FOR  
GOODS AND SERVICES**

<b>FILE REFERENCE:</b>	GV20
<b>AUTHOR'S NAME AND POSITION:</b>	Danielle Hurstfield Manager Governance
<b>AUTHORISING OFFICER AND POSITION:</b>	John Bingham Director Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	26 November 2020
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 11.3 (Minute No. 139/2020) Ordinary Meeting of Council 8 September 2020

**Summary**

This item seeks Council's approval for minor amendments to Delegation Register 6.1.3 to allow the Director Development Services and Manager Building and Health Services to approve Food Business Registrations and 1.1.17 to allow Directors to call tenders and approve variations.

**Background**

Council reviewed and adopted the Delegations Register at the 8 September 2020 Ordinary Meeting of Council. This review provided an amendment to the format and clear definition of each power that Council delegates, the function and relevant conditions.

**Comment**

The adopted Delegations Register has now been in place for three months with reporting functions being completed as required. Since this time Officers have identified a number of areas that require amendment for operational efficiencies:

*6.1.3 Food Business Registrations*

It has been identified that the Director Development Services and Manager Building and Health Services were not included in the register for delegation 6.1.3. This delegation cannot be sub delegated and therefore for Officers to issue licences the power must be delegated by Council direct to Officers. This item seeks a minor amendment to include these two Officers.

**ATTACHMENT 12.5A**

*1.1.17 Tenders for Goods and Services*

*Add 'function 1' to sub-delegations*

Authority to call tenders is currently delegated to the Chief Executive Officer, with no sub delegation to Directors. Operationally requiring the Chief Executive to sign off on every tender is not practical and does not support the intent of the delegation.

**ATTACHMENT 12.5B**

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*Amend Sub-delegation 3*

The amendment will mean that Directors can approve individual variations up to their financial authorisation limit of \$249,999 as per the FIN22.

**Consultation**

Chief Executive Officer  
Director Development Services  
Director Projects and Procurement

**Statutory Environment**

**Local Government Act 1995**

**5.42. Delegation of some powers and duties to CEO**

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

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

**5.43. Limits on delegations to CEO**

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

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

**5.44. CEO may delegate powers and duties to other employees**

- (1) *A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.*
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) *This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —*
  - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
  - (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.*

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- (4) *Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
- (5) *In subsections (3) and (4) — conditions includes qualifications, limitations or exceptions.*
- 5.45. *Other matters relevant to delegations under this Division*
  - (1) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*
    - (a) *a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and*
    - (b) *any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*
  - (2) *Nothing in this Division is to be read as preventing —*
    - (a) *a local government from performing any of its functions by acting through a person other than the CEO; or*
    - (b) *a CEO from performing any of his or her functions by acting through another person.*
- 5.46. *Register of, and records relevant to, delegations to CEO and employees*
  - (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
  - (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
  - (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*
- 9.10. *Appointment of authorised persons*
  - (1) *The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.*
  - (2) *The local government is to issue to each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person.*

**Financial Implications**

Adoption of the detailed Delegations will have financial implications when each contract is signed, however within framework of the adopted budget

**Strategic Implications**

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

Goal 05      Inspiring Governance  
Objective 3    Council leadership

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**Risk Management**

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

<b>Risk</b>	<b>Risk Likelihood</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
Compliance	Possible (3)	Minor (2)	Moderate (6)	Some temporary non compliances	Adopt Officer's recommendation for minor amendments as detailed.

The following Risk Matrix has been applied.

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be moderate due to the risk to the Shire's reputation. Adoption of the amendments to the reviewed Delegation Register will ensure Officers have clear framework for decision making and reporting. Regular monitoring will be undertaken with specific procedures for recording and reporting.

**Policy Implications**

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

**Voting Requirement**

Absolute Majority Required

**Officers Recommendation**

That with respect to the Amendment to the Delegated Authority Register 2020/2021 6.1.3 Food Business Registrations and 1.1.17 Tenders for Goods and Services of the Delegated Authority Register, Council adopt amendments contained in **ATTACHMENT 12.5A and 12.5B**.



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**12.6 CHANGE OF VENUE FOR THE MARCH 2021 ORDINARY MEETING OF COUNCIL**

<b>FILE REFERENCE:</b>	GV04
<b>AUTHOR'S NAME AND POSITION:</b>	Michelle Lewis Council Liaison Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	John Bingham Director Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	2 December 2020
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 11.3 (Minute No 159/2020) Ordinary Meeting of Council 13 October 2020

**Summary**

The March 2021 Ordinary Council Meeting (OCM) and the Audit and Risk Management Committee Meeting was scheduled to be held at the Council Chambers, Onslow Shire Complex, Second Avenue, Onslow at 1.00 pm on 16 March 2021 as per the Resolution of Council 13 October 2020.

Due to the hall at the Onslow Shire Complex being utilised for childcare services, the Council Meeting will be required to be held at the Onslow Sports Club for March 2021.

**Background**

In October 2020, Council adopted the meeting schedules for the entire 12 month period from February to December 2021.

This report sets out the proposed location for the Ordinary Meeting of Council and the Audit and Risk Management Committee Meeting to be held on Tuesday 16 March 2021.

**Comment**

Approval is sought for the change of venue of the Shire of Ashburton's Meetings to be held on Tuesday 16 March 2021 and that the Chief Executive Officer provide public Notice on Notice Boards, the Shire Website and Social Media advertising the venue and address for this meeting.

**Consultation**

Councillors  
Executive Leadership Team

**Statutory Environment**

*Local Government Act 1995*

*Section 5.3 requires Council to hold an Ordinary Meeting not more than three months apart.*

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Section 5.25(g) Local Government Act 1995 indicates regulations may be made concerning the giving of public notice of the date and agenda for council or committee meetings.  
Local Government (Administration) Regulations 1996

Reg. 12. Meetings, public notice of (Act s. 5.25(1)(g)) (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which:

- (a) the ordinary council meetings; and
- (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

### Financial Implications

There are no known financial implications for this matter.

### Strategic Implications

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

Goal 05 Inspiring Governance  
Objective 3 Council leadership

### Risk Management

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

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

The following Risk Matrix has been applied.

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

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

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11 DECEMBER 2020**

**Policy Implications**

Council Policy ELM01 – Council and Other Meetings

Council Policy ELM09 – Elected Member Information Forums

**Voting Requirement**

Simple Majority Required

**Officers Recommendation**

That with respect to the Change of Venue for the Ordinary Meeting of Council and Audit and Risk Management Committee to be held 16 March 2021, Council:

1. Approve the March 2021 meetings venue be changed, to be held at the Onslow Sports Club, Third Avenue, Onslow; and
2. Pursuant to section 5.25(g) of the *Local Government Act 1995*, approve the Chief Executive Officer to give local public notice of the schedule of the meeting date, time and location with Notice Boards, the Shire Website and Social Media.

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**12.7 PROPOSED TELSTRA TELECOMMUNICATIONS BASE STATION  
FACILITY - LOT 619 NICKOL AVENUE, PARABURDOO**

**FILE REFERENCE:** NIC.0619

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

**AUTHORISING OFFICER AND POSITION:** John Bingham  
Director Corporate Services

**NAME OF APPLICANT/RESPONDENT:** Visionstream Australia Pty Ltd

**DATE REPORT WRITTEN:** 4 December 2020

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

**Summary**

Visionstream Australia Pty Ltd, on behalf of Telstra, propose to install a Telstra Telecommunication Facility, comprising antennas upon the existing tower, at Lot 619 Nickol Avenue, Paraburdoo.

In accordance with the Mobile Phone Base Station Deployment Code, Telstra is required to notify Council of the form of consultation that will be undertaken in relation to the proposed site.

**Background**

To improve Telstra coverage to Paraburdoo, Telstra is proposing to install a Telstra Telecommunication Facility at Lot 619 Nickol Avenue, Paraburdoo. The works comprise installation of antennas upon existing site infrastructure, being a tower. The facility proposes to:

- Meet increased demand placed on the network;
- Accommodate growth in Telstra's customer base; and
- Improve and maintain local mobile network services.

Telstra is required to notify Council of the form of community consultation that will be undertaken in relation to the proposed site in accordance with the Mobile Phone Base Station Deployment Code (the Code). The Code requires Telstra to invite Council to comment on:

- The suitability of the draft consultation plan for this community;
- Whether there are any additional key stakeholders who should be included as Interested and Affected Parties; and
- Whether there are any significant events within the community that the Carrier should be aware of in developing the draft consultation plan.

The form of proposed community consultation is documented within the attached consultation plan.

**CONFIDENTIAL ATTACHMENT 12.7A**

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**Comment**

The community consultation plan proposes occupiers of the area hachured green be consulted. The area was determined through a 200m radius from the site location based on the potential visual impacts of the site and sensitive land users located near the facility.



Sensitive locations as identified by Visionstream Australia Pty Ltd (Visionstream) include:

- Paraburdoo Primary School
- Karingal Neighbourhood Centre
- Paraburdoo Swimming Pool

Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) provides the following information in [A Guide to the Environmental EME Report](#) (the Guide).

*'Wireless base stations and small cells work by sending out RF EME in the form of waves carrying information. When the RF EME reaches objects, including people and animals, some of the energy carried by the waves is deposited in the object. This can lead to heating of the object and, if levels are too high, can cause harmful effects. The ARPANSA RF Standard<sup>4</sup> provides limits of exposure which must be complied with by all radio installations, including wireless base stations and small cells. The limits for EME exposure given in the ARPANSA Standard are intended to provide protection for people of all ages and medical conditions when exposed 24 hours per day, 7 days per week. The EME Report shows the maximum calculated levels for a specific installation and compares them against the exposure limits in the ARPANSA Standard.'*

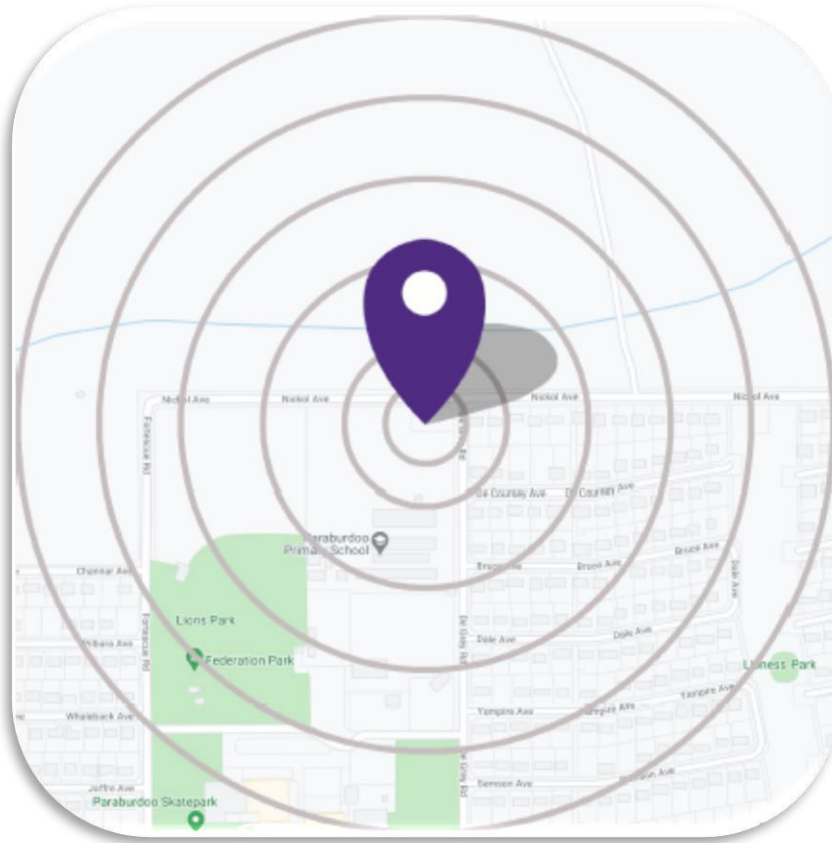
Visionstream have calculated the radiofrequency electromagnetic energy (EME) around the wireless base station using methodology developed by the ARPANSA. The Guide states, *'[t]he values of EME are presented in 3 different units:*

- *volts per metre (V/m) – the electric field component of the RF wave*
- *milliwatts per square metre (mW/m<sup>2</sup>) – the power density (or rate of flow of RF energy per unit area) 5*
- *percentage (%) of the ARPANSA Standard'*

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**ATTACHMENT 12.7B**

Each ring on the plan below indicates the 'distance from the site' on the table.



The proposed 4G and 5G transmitting antennas have been calculated. An acceptable exposure limit for the sensitive areas indicated above is a minor percentage of the ARPANSA Standard.

Distance from the site	Electric field (V/m)	Power density (mW/m <sup>2</sup> )	Percentage of the public exposure limit
0-50m	1.47	5.72	0.059%
50-100m	1.1	3.24	0.046%
100-200m	1.28	4.33	0.1%
200-300m	1.93	9.88	0.19%
300-400m	1.97	10.24	0.19%
400-500m	1.78	8.39	0.15%

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Community consultation is proposed to be undertaken from 14 December 2020 until EOM January 2021. To ensure Paraburdoo Primary School parents are provided the opportunity to respond, Visionstream will be requested to extend community consultation until mid-February 2021 and undertake community consultation with all residents in Paraburdoo.

Community consultation will include:

- Newspaper Advertisement to typically include:
  - Overview of proposal
  - Overview to consultation process
  - References to information on radio emissions
  - Carrier's phone contact for development/construction issues and for references to EME information
  - An invitation and timeframe for making submissions on the proposed work (10 days)

Telstra pledges to respond in writing to any community feedback:

- Within 2 working days for non-complex issues; and
- For complex enquiries, acknowledgement within 2 working day and a response within 10 working days.

### **Consultation**

Executive Leadership Team  
Visionstream Australia Pty Ltd

### **Statutory Environment**

There are no known statutory impediments to the Shire for this matter.

### **Financial Implications**

There are no financial implications relative to this matter.

### **Strategic Implications**

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

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

Goal 04	Quality Services and Infrastructure
Objective 1	Quality public infrastructure

Goal 05	Inspiring Governance
Objective 1	Effective planning for the future

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**Risk Management**

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

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Natural Environment	Rare (1)	Moderate (3)	Low (3)	Contained, reversible impact managed by external agencies	EME's within tolerance as set out by ARPANSA Standard

The following Risk Matrix has been applied.

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be low due to controls put in place by the Australian Radiation Protection and Nuclear Safety Agency.

**Policy Implications**

There are no known policy implications for this matter.

**Voting Requirement**

Simple Majority Required

**Officers Recommendation**

That with respect to Proposed Telstra Telecommunications Base Station Facility - Lot 619 Nickol Road, Paraburdoo, Council:

1. Acknowledge the Community Consultation Plan and EME Report; and
2. Authorise the Chief Executive Officer to advise Visionstream Australia Pty Ltd, on behalf of Telstra, to:
  - a. Extend community consultation to all Paraburdoo residences; and
  - b. Extend the community consultation to mid-February 2021.



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**13. DEVELOPMENT SERVICES REPORTS**

There are no Development Services Reports for this meeting.

**14. COMMUNITY SERVICES REPORTS**

There are no Community Services Reports for this meeting.

**15. INFRASTRUCTURE SERVICES REPORTS**

**15.1 EMERGENCY GRADING WORKS – ROEBOURNE-WITTENOOM ROAD**

**FILE REFERENCE:** RD.0299

**AUTHOR'S NAME AND POSITION:** Alan Sheridan  
Acting Director Infrastructure Services

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

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

**DATE REPORT WRITTEN:** 2 December 2020

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

**Summary**

The purpose of this report is to provide an update regarding Emergency Grading Works on Roebourne-Wittenoom Road and to endorse the actions of the Shire President and the Chief Executive Officer in arranging for these works.

**Background**

Prior to March 2018, the Shire actively maintained the Roebourne-Wittenoom Road. At that time, the the Roebourne-Wittnoom Rd commenced at the Shire boundary (near Python Pool and terminated at the intersection with the Nanutarra-Munjina Rd (near the former townsite of Wittenoom); a total distance of 208km.

Parts of Roebourne-Wittenoom Rd were declared as a contaminated site by the State Government in 2018. This declaration was due to the road forming part of the Wittenoom Roebourne transport route during the period from 1940 to 1966, and the presence of asbestos along the corridor.

In 2019, Main Roads completed the construction of Stage 3 of the Manuwarra-Red Dog Highway which removed a 48km section of Roebourne-Wittenoom Rd from the local road network. The road now includes the 25.7km from the Shire boundary (near Python Pool) to the new Highway and the 134 km from the Rio Rail Crossing to the Nanutarra-Munjina Rd.

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Prior to March 2018, the Shire performed, on average, three maintenance grades of the Roebourne-Wittenoom Rd per year at an annual cost of \$270,000 per year. However, since March 2018, no maintenance grading has been undertaken by the Shire. The Shire does not have the equipment or systems in place which would allow for the road to be graded safely.

In August 2019, Main Roads organized for a heavy grade (graders and water trucks) of the Roebourne-Wittenoom Rd. The work was organized with an approved Asbestos Management Plan. That plan required wet grading methods, HEPA filters on all machinery, regular filter changes, asbestos monitoring and an occupational hygienist on site for the duration of the works.

### **Comment**

Over the last three years, the Roebourne-Wittenoom Rd has only been graded once, when it would normally have been graded nine times at a cost of around \$600,000 (\$200,000 per year).

This has resulted in a deterioration of the road through weathering and a loss of road pavement. Sections of the road present unsafe conditions for road users and include large sections of significant corrugations which could cause unfamiliar users to lose control, leading to serious injury or fatalities.

However, large sections of the road can be brought back to a satisfactory condition if maintenance grading is undertaken in the very near future. The road will deteriorate rapidly if work is not undertaken within the immediate future.

It is noted that portions of the road (floodways) are subject to a flood damage repair claim as a result of TC Damien. It is not possible to repair those sections as part of a maintenance grade. These sections will be repaired and reinstated under contract following the wet season.

The contractor who undertook the heavy maintenance grade for Main Roads in August last year (TLC contracting) is available to undertake the work in January 2021. A quote has been obtained in the sum of \$537,360 excl GST. The quote is considered reasonable and is in line with the pre-tender estimate of \$500,000.

The work includes a full wet maintenance grade with 2 graders, 5 water trucks, associated pumping equipment and fixed water storage tanks. The quote includes works in accordance with an approved Asbestos Management Plan, airborne monitoring during the works, a qualified hygienist on-site, traffic control and camp establishment for 13 people.

It is also intended to have a Shire Project Officer on-site for start-up and the first two days of work, followed by site visits during the course of works and a joint site inspection at the conclusion of the works.

### **Consultation**

Executive Leadership Team  
Shire President  
Councillors

### **Statutory Environment**

Local Government (Functions and General) Regulations 1996 Section 11 (2) (a) states:

“Tenders do not have to be publicly invited according to the requirements of this Division if 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”.

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Local Government Act Section 6.8(1)(c) states:

“A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by the mayor or president in an emergency”.

Council’s Purchasing Policy (FIN12) states:

“Emergency purchases are defined as the supply of goods or services associated with:

(a) A local emergency and the expenditure is required (within existing budget allocations) to respond to an imminent risk to public safety, or to protect or make safe property or infrastructure assets; OR

(b) A local emergency and the expenditure is required (with no relevant available budget allocation) ***to respond to an imminent risk to public safety, or to protect or make safe property or infrastructure assets in accordance with s.6.8 of the Local Government Act 1995 and Functions and General Regulation 11(2)(a);*** OR

(c) A State of Emergency declared under the Emergency Management Act 2005 and therefore, Functions and General Regulations 11(2)(aa), (ja) and (3) apply to vary the application of this policy. Time constraints, administrative omissions and errors do not qualify for definition as an emergency purchase. Instead, every effort must be made to research and anticipate purchasing requirements in advance and to allow sufficient time for planning and scoping proposed purchases and to then obtain quotes or tenders, as applicable.

“Where goods or services are required for an emergency response and are within scope of an established Panel of Pre-qualified Supplier or existing contract, the emergency supply must be obtained from the Panel or existing contract using relevant unallocated budgeted funds. If there is no existing Panel or contract, then clause 1.4.2(1) Supplier Order of Priority (existing pre-qualified supplier panel, local supplier, tender exempt-WALGA Preferred Supplier) will apply wherever practicable. ***However, where due to the urgency of the situation; a contracted or tender exempt supplier is unable to provide the emergency supply OR compliance with this Purchasing Policy would cause unreasonable delay, the supply may be obtained from any supplier capable of providing the emergency supply.*** However, an emergency supply is only to be obtained to the extent necessary to facilitate the urgent emergency response and must be subject to due consideration of best value and sustainable practice. The rationale for policy non-compliance and the purchasing decision must be evidenced in accordance with the Shire’s Record Keeping Plan”.

“The CEO is responsible for ensuring that and authorized emergency expenditure under s6.8 is reported to the next ordinary Council Meeting”.

**Summary**

The works are considered essential to make the infrastructure (ie. the Roebourne-Wittnoom Rd) safe and to preserve the asset against further deterioration.

The preferred contractor, TLC Contracting, undertook a maintenance grade of the Roebourne-Wittnoom Road for Main Roads in August 2019. As such, they are familiar with the local conditions, the location of water bores, have the appropriate equipment and are fully conversant with the systems which are required to undertake the works safely.

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Given the requirement to have appropriately fitted machinery and a site specific Asbestos Management plan in place, it is highly unlikely that another contractor could be mobilised to undertake these works at short notice.

LTC Contracting is on a Main Roads WA pre-qualified panel of providers for civil works and have previously undertaken works (including the grading of Roebourne-Wittenoom Rd) for Main Roads.

In accordance with the Local Government (Functions and General) Regulations 1996 Section 11 (2) (a), the Local Government Act Section 6.8(1)(c) and Council's Purchasing Policy (FIN12), the Shire President and the Chief Executive Officer have approved the award of a contract to TLC Contracting for Emergency Grading works on Roebourne Wittenoom Road. That contract has been awarded and works are scheduled to be undertaken in January 2021.

**Financial Implications**

The Emergency Works will be funded from the Rural Unsealed Road Maintenance Budget which has a budget allocation of \$1,028,000, and a Year to Date expenditure of \$328,185. However, this budget will require an additional allocation of funds to allow for grading operations to continue for the remainder of the 2020/21 Financial Year. It is proposed to address this during the mid-year financial review.

**Strategic Implications**

Shire of Ashburton 10 Year Strategic Community Plan 2017-2027 (desktop review 2019)

Goal 02        Economic Prosperity  
Objective 2    Enduring partnerships with industry and government

Goal 04        Quality Services and Infrastructure  
Objective 2    Accessible and safe towns

**Risk Management**

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

<b>Risk</b>	<b>Risk Likelihood</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
Impact of Wet Season – work unable to be undertaken prior to onset of wet season.	Moderate (3)	Moderate (3)	Moderate (9)	\$100,000 - \$1 million	The work has been scheduled for Jan 2021. This is the earliest that it could be organised.

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The following Risk Matrix has been applied.

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be medium due to risks associated with the coming wet season. Risk associated with coming wet season cannot realistically be mitigated. Plan is to undertake works ASAP in January 2021.

### Policy Implications

Matters associated with Council's Purchasing Policy (FIN12) have been detailed above.

### Voting Requirement

Simple Majority Required

### Officers Recommendation

That with respect to the Emergency grading of Roebourne-Wittenoom Road, Council:

1. Endorse the actions of the Shire President and Chief Executive Officer in organising for the Emergency Works;
2. Note that, in organising for these works, the Shire President and Chief Executive Officer have acted in accordance with the provisions of the *Local Government (Functions and General) Regulations 1996 Section 11 (2) (a)*, the *Local Government Act Section 6.8(1)(c)* and Council's Purchasing Policy (FIN12); and
3. Note that a budget adjustment will be required at the mid-year review to provide additional operation funds for the Rural Road Maintenance Program.

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**16. PROJECTS AND PROCUREMENT**

**16.1 PILBARA INLAND ISLANDS DRAFT MANAGEMENT PLAN**

<b>FILE REFERENCE:</b>	ED02.2
<b>AUTHOR'S NAME AND POSITION:</b>	Alison Lennon Manager Media and Communications
<b>AUTHORISING OFFICER AND POSITION:</b>	Kenn Donohoe Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	30 November 2020
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

This report seeks to inform Council of recent submission by Shire of Ashburton staff in response to the Pilbara Inshore Islands Nature Reserves and Proposed Additions Draft Management Plan 2020.

The Shire supports the Plan and is seeking further studies undertaken to determine the opportunity for tourism in the planning area and recommends identifying a symbiosis between biodiversity, conservation and tourism, using recognised frameworks to assess visitor impacts on the islands, providing site hardening and visitor education in relation to the conservation of the unique flora and fauna and cultural significance of the islands, and low impact tourism development.

**Background**

The Shire of Ashburton was invited to comment on Pilbara Inshore Islands Nature Reserves and Proposed Additions Draft Management Plan. The Plan outlines management directions of existing and proposed island nature reserves between Exmouth Gulf and Cape Preston within the planning area.

The draft was released for a two-month period (September – November 2020) to provide the public with an opportunity to comment on how the reserves covered by the plan are proposed to be managed over the next 10 years and into the future.

The draft management plan will be reviewed in light of submissions, according to the criteria outlined below. A summary of public submissions will be made available along with the final management plan.

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**Comment**

The Pilbara Inshore Islands include 174 islands in total; 97 islands, islets and rocks that are within 20 existing nature reserves, and an additional 77 small unallocated Crown land (UCL) islands proposed to become nature reserves.

Located in Western Australia's North West with a hot, dry and cyclone-prone environment that has resulted in geologically unique vegetated sand cay islands, less than 12m in elevation and are characterised by foredunes surrounding a central depression. Despite being relatively young (less than 10,000 years old) they provide a refuge for threatened species including the 'critically endangered' eastern curlew, great knot, curlew sandpiper, and are nesting beaches for 'vulnerable' green, flatback and hawksbill turtles and 'endangered' loggerhead turtles.

A systems thinking approach was used to identify, analyse, and make recommendations for suggested alternatives for those aspects of the plan which the Shire wishes to formally address.

This includes a preliminary concept of vesting the larger islands (Long, Anchor, Besserie, Thevenard, Direction, Brodie and Airlie) under the management of the Pilbara Islands Authority under the provisions of a government Act (suggested Pilbara Islands Authority Act) giving it power to control and manage the islands.

The planning area in the management plan spans the area between Exmouth Gulf and Cape Preston and includes over 170 islands, islets and rocks. The islands vary in size dependent on land exposure due to tidal range which can be anywhere between 5,630 hectares and 53,000 hectares. North Muiron, South Muiron and Sunday Island form part of the Ningaloo Coast World Heritage Area and as such, are not included in the proposed changes stated within the management plan. A number of existing nature reserves lie within the boundary of the planning area and are included in the proposed changes stated in the management plan, as are a total of 77 Unallocated Crown Land (UCL) islands in the planning area which are not currently designated reserves.

Tourism is a key economic driver for the Shire, recognised in the Shires' key strategies and supported by reports published by the Pilbara Development Commission, data obtained from REMPLAN (2020) and aligning with key state initiatives such as the Government of Western Australia's 'State Planning Strategy 2050' (2014c). With approximately 365,000 visitors to the Shire in 2019 (Tourism Research Australia, 2020) providing an economic benefit of more than \$150M, almost 30% of the total output of the Pilbara region (REMPLAN, 2020), tourism provides an opportunity for intrastate, interstate and international visitors to explore the heritage and culture on land, and marine experiences of the ocean.

However, the change of status of the islands has the potential to inhibit tourism numbers to the Shire, the loss of economic benefit by 10% or 36,000 visitors represents a loss of almost \$15M to the local economy including food and beverage outlets, accommodation providers, fuel outlets, associated fishing revenue streams such as parking and launch fees, and bait and ice.

Community consultation conducted in the process of developing various key strategies between 2017 and 2019 has identified support for the diversification of the economy, in particular the opportunity that tourism provides through cultural, inland and coastal tourism, more products and promotion.

The current global environment in 2020 has highlighted the significance of intrastate travel and the need for a well-developed holistic government strategy, with international visitation to Australia expected to be limited until the end of 2021. Developing tourism product that defines the heritage, culture and great diversity of Western Australia, on land and sea, should be

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fostered with defined management plans developed to ensure limited environmental damage and footprint while sustaining the unique attributes of the islands in the planning area.

The Shire supports tourism in the planning area and recommends identifying a symbiosis between biodiversity, conservation and tourism, using recognised frameworks to assess visitor impacts on the islands, providing site hardening and visitor education in relation to the conservation of the unique flora and fauna and cultural significance of the islands, and low impact tourism development.

The Shire also supports the biodiversity and conservation requirements of the planning area and recognises the unique habitat, its flora and fauna. The planning area is currently well utilised by the community and visitors as a recreational area for boating, fishing, camping and relaxation and as such, the Shire does not support the restriction of visitation to the islands or to accommodation development as proposed in the management plan.

The preliminary vision of the Shire is to develop the Pilbara Islands Authority (PIA) under the provisions of a government Act with the islands of Long, Anchor, Besserie, Thevenard, Direction, Brodie and Airlie vested under the PIA, incorporate environment and conservation friendly accommodation options, low impact onshore and marine activities, a centre for study and engaging hospitality through visitor education and experiential activities in biodiversity conservation and rehabilitation benefitting the community and environment, moorings to facilitate camping at not only South Muiron, Serrurier and Sholl Islands but also the islands in the proposed Authority, and a booking system to manage the carrying capacity of the area within the Authority.

1. Submission Response to the Pilbara Inshore Islands Nature Reserves and Proposed Additions Draft Management Plan 2020.

**ATTACHMENT 16.1A**

2. Department of Biodiversity, Conservation and Attractions (DBCA) Pilbara Inshore islands nature reserves and proposed additions draft management plan.

**ATTACHMENT 16.1B**

**Consultation**

Executive Leadership Team  
Manager Media and Communications  
Chief Operating Officer Aviation & Tourism

**Statutory Environment**

There are no known statutory impediments for this matter

**Financial Implications**

There are known financial implications for this matter.



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**Strategic Implications**

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

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

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

Goal 03        Unique Heritage and Environment  
Objective 1    Flourishing natural environments  
Objective 2    Leading regional sustainability  
Objective 3    Celebration of history and heritage

Goal 04        Quality Services and Infrastructure  
Objective 1    Quality public infrastructure

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

**Risk Management**

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

<b>Risk</b>	<b>Risk Likelihood</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
Reputation	Low (2)	Minor (2)	Low (4)	Substantiated, localised impact on community trust or low media item	Reputation is managed by following the officer's recommendation and the support to the Shire's Strategic Corporate Plan.
Natural Environment	Moderate (5)	High (12)	Likely (4)	Contained, reversible impact managed by external agencies	Managed by following the officers recommendation

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Financial Impact	Moderate (3)	Moderate (6)	Possible (3)	\$10,000 - \$100,000	Managed by following the officers recommendation
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The following Risk Matrix has been applied.

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

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

#### **Policy Implications**

There are no known policy implications for this matter

#### **Voting Requirement**

Simple Majority Required

#### **Officers Recommendation**

That with respect to the Pilbara Inland Islands Draft Management Plan, Council acknowledge the information that has been submitted to the Department of Biodiversity, Conservation and Attractions (DBCA); and authorise the Chief Executive Office and the Shire President to continue to investigate tourism and development opportunities for the Pilbara Inland Island Group.

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**16.2      ONSLOW WATER SPRAY PARK**

<b>FILE REFERENCE:</b>	THI.0644
<b>AUTHOR'S NAME AND POSITION:</b>	Annie Dobe Facilities Officer Onslow
<b>AUTHORISING OFFICER AND POSITION:</b>	Chantelle McGurk Director Projects & Procurement
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	21 November 2020
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

The purpose of this report is to provide a status update on the Onslow Water Spray Park closure and present a solution and options for budget consideration in relation to the reopening of the facility.

**Background**

A closure order was placed on Onslow's Water Spray Park on 11 September 2019, by Western Australia Department of Health (DoH) Chief Health Officer (CHO). *Under Health (Miscellaneous Provisions) Act 1911, Health (Aquatic Facilities) Regulations 2007 (Regulation 22).*

**ATTACHMENT 16.2A**

The closure was due to microbiological water standards being non-compliant with Section 5.3 of the Code of Practice. Thermophilic Naegleria was detected in more than 1 concurrent water test.

*'Thermophilic Naegleria refers to a group of amoebae which includes Naegleria fowleri, the organism that causes the waterborne disease amoebic meningoencephalitis. Thermophilic Naegleria refers to those microorganisms that are tolerant to 42 degrees Celsius. The microorganism that causes amoebic meningitis, Naegleria fowleri, is the most severe. However, the Thermophilic Naegleria organism has been detected and is considered to be the pre-cursor to possible Naegleria fowleri.'*

**Comment**

Shenton Aquatics have been engaged by Shire Officers to compile a report on the current Onslow Water Spray Park and also provide options to the Shire for consideration.

**ATTACHMENT 16.2B**

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The following measures to remedy the closure order by the DoH are as follows:

- The operator must review and demonstrate that the water spray park treatment system is capable of consistently meeting microbiological and chemical compliance with the Code of Practice
- The operator must seek approval from Department of Health before undertaking works required to upgrade the facility and upon completion of any works to upgrade the facility.
- Satisfactory microbiological water samples from the Shire of Ashburton must be obtained.

**Solution A**

This option is likely to be in the range of \$320,000.00 (excl gst)

*Advantages:*

- *Compliance with Code of Practice;*
- *Utilises all existing infrastructure;*
- *Largest volume system.*

*Disadvantages:*

- *High cost option;*
- *Longest construction time;*
- *Baffles may present maintenance issues.*

**Solution B**

This option is likely to be in the range of \$103,000.00 (excl gst)

*Advantages:*

- *Compliance with Code of Practice*
- *Utilises some existing infrastructure*
- *Adequate volume system*
- *Minimises costs*
- *Most work is above ground*
- *Avoids excavation*
- *Likely fits existing equipment shed*
- *Fastest completion time estimates*

*Disadvantages:*

- *Equipment shed may become cramped although there is adequate clearances as measured*
- *Consideration of how to treat abandoned tank*
- *Cannot support extended backwashing*
- *C5 weekly treatment required for AD Retention Tank*

**Solution C**

The ultimate solution is to demolish and remove the entire existing spray pad and replace with a completely new spray pad. This option is included for information and completeness.

Verbal estimates place this option above \$800,000.00 (excl gst)

*Advantages:*

- *Complete compliance with the Code of Conduct*

*Disadvantages:*

- *Highest cost*
- *Longest delivery time*

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**\*\*All of these options require staff to do a water testing every 2 hours during the operational hours of the Water Spray Park.**

Shenton Aquatic's has made application to DoH requesting an alternative solution to providing a water test every 2 hours – Shenton Aquatics are confident DoH may accept this solution, however, it is subject to DoH approval. If this is not approved by DoH this will have an effect on operation times of the park.

Also of note in the Shenton Aquatic's report, is the current state of the Water Spray Park's spray pad surface coating as it is beginning to show areas of decay – making it a potential habitat where bacteria can shelter from water treatment chemicals.

Initial enquiries to resurface the spray pad surface are in the proximity of \$120,000.00 to \$150,000.00 (excl gst).

**Consultation**

Director Projects and Procurement  
Director Corporate Services  
Manager Building and Health Services  
Environmental Health Officer  
Facilities Officer, Onslow  
Shenton Aquatics

**Statutory Environment**

*Local Government Act*

**5.41. Functions of CEO-**

*The CEO'S functions are to –*

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

**Part 6 Financial Management**

**Division 4 General financial provisions**

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

- 1. A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure-**
  - a) Is incurred in a financial year before the adoption of the annual budget by the local government; or*
  - b) Is authorised in advance by resolution\*; or*
  - c) Is authorised in advance by the mayor or president in an emergency*

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**Financial Implications**

The recommended option for rectification and resurfacing of the Onslow Water spray Park is forecast to cost \$470,000 (ex GST). To fund this it is further recommended a transfer from Infrastructure Reserve be approved.

**Strategic Implications**

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

- Goal 01      Vibrant and Active Communities
- Objective 1   Connected, caring and engaged communities
- Objective 4   A rich cultural life
  
- Goal 02      Economic Prosperity
- Objective 1   Strong local economies
- Objective 2   Partnerships with industry and government
- Objective 3   Well-managed tourism
  
- Goal 04      Quality Services and Infrastructure
- Objective 1   Quality public infrastructure
  
- Goal 05      Inspiring Governance
- Objective 1   Effective planning for the future
- Objective 2   Community ownership
- Objective 4   Exemplary team and work environment

**Risk Management**

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

<b>Risk</b>	<b>Risk Likelihood</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
Reputation	Major (4)	High (10)	High (12)	The longevity of the Water Spray Park being closed since September 2019	Let the community know why the Water Spray Park is closed and what we're doing to get it operational again
Interruption to Service	Extreme (5)	High (12)	High (12)	The longevity of the Water Spray Park being closed since	Let the community know why the Water Spray Park is closed and what we're doing to get it

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				September 2019	operational again
Financial Impact	Moderate (3)	Moderate (9)	Moderate (9)	Estimated expenses may increase	

The following Risk Matrix has been applied.

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

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

#### **Policy Implications**

There are no known policy implications for this matter

#### **Voting Requirement**

Absolute Majority required

#### **Officers Recommendation**

That with respect to the Onslow Water Spray Park, Council

1. Acknowledge the status of the Onslow Water Spray Park and the information contained in Shenton Aquatics Report;
2. Approve option 1 rectification works at a approx. cost of \$320,000 plus resurfacing of the splash pad up to \$150,000, totaling \$470,000 ex GST; and
3. Approve a budget amendment for the 2020/21 budget as follows:
  - a) Increase new Capital Expenditure job 'Upgrade to Onslow Water Spay Park' by \$470,000 from \$0 to \$470,000; and
  - b) Increase Transfer from Infrastructure Reserve account no. 110310 by \$470,000 from \$0 to \$470,000.

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

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

**19. CONFIDENTIAL MATTERS**

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

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

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

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

***(e) a matter that if disclosed, could be reasonably expected to:***

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



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**19.1 CONFIDENTIAL ITEM – RAIL INTERFACE AGREEMENTS**

**FILE REFERENCE:** RD.0299  
RD.0038  
RD.0317  
NAM.0000

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

**AUTHORISING OFFICER AND POSITION:** John Bingham  
Director Corporate Services

**NAME OF APPLICANT/RESPONDENT:** The Pilbara Infrastructure Pty Ltd  
Rio Tinto Iron Ore

**DATE REPORT WRITTEN:** 19 November 2020

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

**PREVIOUS MEETING REFERENCE:** Agenda Item (Minute No. 649/2019) Ordinary Meeting of Council 20 September 2019

**REASON FOR CONFIDENTIALITY**

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

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

**Officers Recommendation**

That with respect to the Confidential Item - Rail Interface Agreements, Council authorise the Chief Executive Officer to execute the Interface Agreement between:

1. Pilbara Iron Pty. Ltd and Shire of Ashburton and Main Roads Western Australia; and
2. The Pilbara Infrastructure Pty Ltd and Shire of Ashburton and Main Roads Western Australia.

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**20. NEXT MEETING**

The next Ordinary Meeting of Council will be held on 16 February 2021, at the Ashburton Hall, Ashburton Avenue, Paraburdoo commencing at 1.00 pm.

**21. CLOSURE OF MEETING**

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