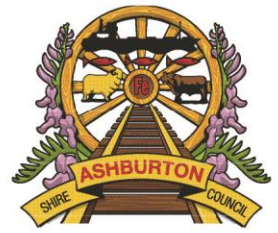


Ordinary Meeting of Council

Pannawonica



Confirmed Minutes

18 September 2019

Mayu Maya Centre
Pannawonica
1.00pm



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

Our Vision

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



STRATEGIC DIRECTIONS

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



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



SHIRE OF ASHBURTON

PUBLIC MINUTES

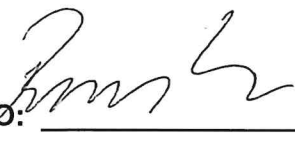
Mayu Maya Centre, Pannawonica

**18 September 2019
1.00 pm**

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL
18 SEPTEMBER 2019**


**SHIRE OF ASHBURTON
ORDINARY MEETING OF COUNCIL**

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

CEO:  _____

Date: 18.09.2019

These minutes were confirmed by Council as a true and correct record of proceedings of the Ordinary Meeting of Council on the 18/09/2019.

Presiding Member:  _____

Date: 22-10-2019

DISCLAIMER

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

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1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 1.00 pm.

1.1 ACKNOWLEDGEMENT OF COUNTRY

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

2. ANNOUNCEMENT OF VISITORS

The Presiding Member welcomed Mr Vince Catania and Mr Richard Evans to the gallery.

3. ATTENDANCE

3.1 PRESENT

Elected Members:	Cr K White Cr L Rumble Cr D Dias Cr P Foster Cr M Lynch Cr D Diver Cr L Thomas Cr M Gallanagh	Shire President (Presiding Member) Onslow Ward Deputy Shire President Paraburdoo Ward Paraburdoo Ward Tom Price Ward Tom Price Ward Tom Price Ward Tablelands Ward Pannawonica Ward
Staff:	Mr R Paull Mr J Bingham Ms C Bryce Mrs S Johnston Mr M Richardson Mrs J Fell Ms A Del Rio Mrs M Lewis	Chief Executive Officer Director Corporate Services Acting Director Property and Development Services Acting Director Community Services Manager Waste Services Manager Land and Asset Compliance Tourism and Economic Development Specialist Council Liaison Officer
Guests:	Mr R Evans Mr V Catania	Representative of Onslow Sun Chalets Member for North West Central
Members of Public:	There were no members of the public in attendance at the commencement of the meeting.	
Members of Media:	There were no members of the media in attendance at the commencement of the meeting.	

3.2 APOLOGIES

There were no apologies for this meeting.

3.3 APPROVED LEAVE OF ABSENCE

Cr R de Pledge Ashburton Ward

4. QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil

4.2 PUBLIC QUESTION TIME

The following question has been asked:

4.2.1 Brie Healy: Tom Price.

Q1. Question :

What support is in place for small businesses? State government has expressed a desire for investment in new economies; such as art and tourism; in regional WA. How is this need being met and what future needs will be met by the Shire of Ashburton?

Response:

To respond to your query, the Shire has recently adopted (August 2019) its first Economic and Tourism Development Strategy which focuses on three main goals:

- Encourage Infrastructure Development and Investment;
- Promote the District; and
- Promote Business Development.

Facilitating business investment and growth is a key focus area for the Strategy and as we begin to implement the first year of the strategy our key priorities for action include:

- becoming a 'Small Business Friendly local government' (see this month's Council Agenda which features a report about joining the State Government's Small Business Friendly Program)
- developing a grant program for local businesses, and
- work with training providers to bring professional development workshops to the Shire.

The Shire is committed to enhancing our collaboration with stakeholders and Chambers of Commerce to facilitate increased opportunities for local industries.

The Strategy also focuses on tourism growth, its promotion and further development. The Shire has been working closely with local tourism operators and will continue to do so on promotional and development initiatives.

In relation to Art, the Strategy makes reference to the commencement of a mural on the Onslow Water Tanks in 2020 which is envisaged to spike additional murals across the Shire over time.

The Shire aspires to be more innovative by providing and promoting business friendly initiatives to the business community and we urge all current and aspiring business owners and tourism operators to review our new Economic and Tourism Strategy (available on the Shire website).

5. APPLICATIONS FOR LEAVE OF ABSENCE

There were no Applications for Leave of Absence for this meeting.

6. DECLARATION BY MEMBERS

6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

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

6.2 DECLARATIONS OF INTEREST Councillors to Note

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

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

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

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

NOTES ON DECLARING INTERESTS (FOR YOUR GUIDANCE)

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

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

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

Declarations of Interest provided:

Item Number/ Name	Type of Interest	Nature/Extent of Interest
18.2 CONFIDENTIAL ITEM – INTERFACE AGREEMENTS FOR ROEBOURNE-WITTENOOM ROAD		
Cr Diver	Financial	The nature of my interest is I am employed by Rio Tinto. The extent of my interest is I receive a salary, I also receive subsidised utilities (water / power) and rent as part of my salary package.
Cr Foster	Financial	The nature of my interest is Financial. The extent of my interest is my partner works for and receives an income from Rio Tinto, my partner also owns over \$10k in shares with Rio Tinto and as a family we live in a Rio Tinto owned property paying subsidised rent and utilities.
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	Proximity Indirect Financial	The nature of my interest is I am an employee and tenant of Pilbara Iron. The extent of my interest is I am paid a salary by Rio Tinto.
Cr Gallanagh	Financial	The nature of my interest is my husband and I are employed by Rio Tinto, have company housing and shares in Rio Tinto. The extent of my interest is my husband and I are employed by Rio Tinto, have company housing and shares in Rio Tinto. We have shares of greater value than \$10,000 in Rio Tinto.

Item Number/ Name	Type of Interest	Nature/Extent of Interest
18.2 CONFIDENTIAL ITEM – INTERFACE AGREEMENTS FOR ROEBOURNE-WITTENOOM ROAD		
Cr Dias	Financial	The nature of my interest is my wife and I are Hamersley Iron Pty Ltd and Rio Tinto Ltd employees respectively and we both own shares in Rio Tinto Ltd Individually and collectively. Our primary residence is a house provided by Rio Tinto. We are potential recipients of all the lucrative company benefits/gifts offered to employees and/or shareholders.
18.7 CONFIDENTIAL ITEM – STAFF MATTER		
Rob Paull	Financial	The nature of my interest is I am employed as CEO with the Shire of Ashburton and receive remuneration along with accommodation and vehicle. The extent of my interest is Financial interest pursuant to <i>Section 5.60A of the Local Government Act 1995</i> .

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

“Dear Mr Paull

I refer to your correspondence dated 11 September 2019 and advise that, in accordance with authority delegated by the Minister for Local Government, the Deputy Director General - Regulation has approved your application, under section 5.69(3)(a) of the Local Government Act 1995 (the Act).

This approval allows disclosing members Cr Linton Rumble, Cr Douglas Diver and Cr Matthew Lynch to fully participate in the discussion and decision making relating to the following agenda item at the Shire's Ordinary Council Meeting of 18 September 2019.

18.2 CONFIDENTIAL ITEM – INTERFACE AGREEMENTS FOR ROEBOURNE-WITTENOOM ROAD

Subject to the following conditions:

- 1. The approval is only valid for the 18 September 2019. Ordinary Council Meeting when agenda item 18.2 is considered;*
- 2. The abovementioned Councillors must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided;*
- 3. The CEO is to provide a copy of the Department's letter of approval to the abovementioned Councillors;*
- 4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the*

- abovementioned meeting, when the item is considered;*
5. *The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to the Department, to allow the Department to verify compliance with the conditions of this approval; and*
 6. *The approval granted is based solely on the interests disclosed by the abovementioned Councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.*

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

Yours sincerely

*Michael Connolly
Deputy Director General – Regulation
18 September 2019.*

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS WITHOUT DISCUSSION

President, Cr White:

The Shire President congratulated Cr Rumble, Cr Foster, and Cr de Pledge, whom like herself have been re-elected unopposed. Cr Thomas is contesting her seat for Tablelands and best wishes have been extended for her campaign.

The Shire has received a Certificate of Appreciation from the North Tom Price Primary School in recognition of the support and donations to their 2019 NAIDOC celebrations.

Meeting with the Minister for Transport in Tom Price on 11 September 2019 where the following was discussed:

- Onslow Marina Project
- Roebourne – Wittenoom Road (MRWA Criteria and Asbestos); This Road was to be handed back to MRWA (Perth) under their traffic management assessment.
- Fortescue Valley Road – The pastoralists have requested this road to be maintained. The Shire road cannot be maintained due to the asbestos issues.
- Nameless Valley (MRWA Criteria); This Road was to be handed back to MRWA (Perth) under their traffic management assessment.
- Doradeen Road (MRWA Criteria; This Road was to be handed back to MRWA (Perth) under their traffic management assessment.
- Intersection of Mine Road and Tom Price/Paraburdoo Road at Tom Price (MRWA meeting/tourist bays); recently completed, agreement with MRWA (Port Hedland).
- Twitchin Road; Funding: This Road to be upgraded to a Regional Road Significance and Funding.
- Peedamulla; Funding. This road to be upgraded to a Regional Road Significance and Funding / bridge construction over the Cane River.

- Pilbara Regional Class IV Waste Management Facility (PRWMF); recently completed, Agreement with MRWA (Port Hedland) JTSI and Chevron.
- Beadon Creek Road (RAV 1 rating) and possible RAV 10 rated road into Beadon Creek facility. A new road to be constructed into Beadon Creek facilities and upgraded to RAV 10

Cr Foster:

- Meet & Greet with WA Country Health Service Board at Tom Price Hospital on Thursday 22nd August.
- Tom Price Primary School Fire Local Recovery Meeting with TPPS, Shire, Police, DFES, Rio Tinto on Monday 26th August.
- Tom Price Primary School Assembly to present Showcase in Pixels Winners Awards on Wednesday 28th August.
- Conversation with Pastor Gavin Douglas on Thursday 29th August regarding possible redevelopment of Tom Price Baptist Church.
- Tom Price Primary School Board Meeting on Thursday 5th September.
- Rio Tinto & Shire of Ashburton Partnership Governing Committee Meeting Thursday 12th September.
- Meet & Greet with Premier Mark McGowan and Transport Minister Rita Saffioti at Windawarri Lodge Thursday 12th September discussing Stage 4 Tom Price-Karratha Road, Tom Price Primary School and Tom Price Hospital.

8. PETITIONS / DEPUTATIONS / PRESENTATIONS

8.1 PETITIONS

There were no petitions for this meeting

8.2 DEPUTATIONS

Mr Richard Evans in regards to Confidential Agenda Item 18.1 – Request from Ashburton Investments Pty Ltd (Lessee) – Onslow Sun Chalets

8.3 PRESENTATIONS

There were no presentations for this meeting

Mr R Evans left the Chambers at 1.30 pm.
--

9. CONFIRMATION OF MINUTES

9.0 UNCONFIRMED MINUTES ORDINARY MEETING OF COUNCIL HELD ON 13 AUGUST 2019 (ATTACHMENT 9.0)

Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That the Unconfirmed Minutes of the Ordinary Meeting of Council held 13 August 2019, as previously circulated on 20 August 2019 (ATTACHMENT 9.0) be confirmed as a true and accurate record, subject to the following amendment:

Item 6.2 – Declarations of Interest

~~13.5 APPLICATION FOR DEVELOPMENT APPROVAL FOR LAUNDRY AND RECREATION BUILDING AT LOT 1 CAMP ROAD, PARABURDOO (PARABURDOO CARAVAN PARK)~~

Should have been:

13.5 REQUEST FROM MACKEREL ISLANDS PTY LTD TO EXTEND DEVELOPMENT APPROVAL FOR USE OF TOURIST ACCOMMODATION FOR WORKFORCE ACCOMMODATION

And

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS WITHOUT DISCUSSION

~~2. Cr Dias announcements~~

~~2.1. 21st May 2019 I did have breakfast with Drew Norrish CEO Mackerel Island Resort this morning in Onslow Beach resort. It was not a planned meeting we just happened to be in the restaurant at the same time. During breakfast amongst a lot of small talk (regarding their issues with Chevron etc) he did however mention that he had 2 x agenda items that will be coming to Council in the next few month. Items that were mentioned are recorded below;~~

- ~~• Approval of TWA for the decommissioning by Chevron.~~
- ~~• Permanently licencing the reserve in front of (beach side) of the Beach resort.~~

~~He was hoping that Council would support his applications and I did not give him any indication if Council would or would not support his application, just that we would need to read the agenda item and debate it as per the LGA to make any decision.~~

~~2.2. I met the Yinhawangka interim CEO this afternoon. He would like to progress on the plan tidy up of the Paraburdoo corner stone area (Dr Kahn's original plan) attached. Furthermore a write up on the rock history as was discussed with Dr Khan. He will be discussing it with the administrators next week. He advised that he will need to change the lower plaque of the rock since it has the names of the former CEO and board and it is inappropriate due to their discretisation and possible pending legal action arising. The replacement plaque will only have a statement 'You are standing on Yinhawangka land' or words to that effect. He is aware he will need to contact the shire for approval with plans etc.~~

~~We also discussed availability and sale of local Aboriginal art work and artefacts (boomerangs, clapping stick etc) made locally. I advised him to let us know when he had something in place so we could advertise it via our tourism team as a promotion.~~

To read as follows:

2. Cr Dias announcements:

2.1. 21st May 2019 I had breakfast with the CEO of the Mackerel Island Resort

2.2. I met the Yinhawangka interim CEO.

CARRIED 8/0

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

9.1 RECEIPT OF COMMITTEE MINUTES – 'EN BLOC'

There were no Committee Minutes carried 'En Bloc'

9.2 RECEIPT OF COMMITTEE AND OTHER MINUTES

9.2.1 UNCONFIRMED MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD 18 SEPTEMBER 2019 (ATTACHMENT 9.2.1 PRESENTED TO COUNCIL)

Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That the Unconfirmed Minutes of the Audit and Risk Committee Meeting held on 18 September 2019, (ATTACHMENT 9.2.1) be received.

CARRIED 8/0

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

9.2.2 MINUTES OF THE WALGA ANNUAL GENERAL MEETING HELD ON 7 AUGUST 2019 BE RECEIVED (ATTACHMENT 9.2.2)

Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Rumble

That the Minutes of the WALGA Annual General Meeting held on 7 August 2019 be received (ATTACHMENT 9.2.2).

CARRIED 8/0

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

9.3 RECOMMENDATIONS OF COMMITTEE

9.3.1 AUDITOR GENERAL REPORT, VERIFYING EMPLOYEE IDENTITY AND CREDENTIALS

Council Decision

MOVED: Cr M Lynch

SECONDED: Cr P Foster

That with respect to the Auditor General Report, Verifying Employee Identity and Credentials, the Audit and Risk Committee recommend Council:

- 1. Note the matters addressed in the Report.**

CARRIED 8/0

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

9.3.2 POOL INSPECTION REPORT 2018/19

Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That with respect to the Pool Inspection Report 2018/19, the Audit and Risk Committee recommend Council:

- 1. Note that the Shire undertook a Pool Inspection Program between January 2019 and July 2019 whereby:**
 - The Shire has 532 pools on its register; and**
 - 520 pools were inspected during the Inspection program with nil pools overdue for inspection.**

CARRIED 8/0

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

9.3.3 LOCAL GOVERNMENT INSURANCE SCHEME OCCUPATIONAL HEALTH AND SAFETY AUDIT

Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Rumble

That with respect to the Local Government Insurance Scheme Occupational Health and Safety Audit, the Audit and Risk Committee recommend Council:

- 1. Receive the Confidential Item – Local Government Insurance Scheme Occupational Health and Safety Audit (CONFIDENTIAL ATTACHMENT 7.3) and remain confidential in accordance s5.23 (2)(b) & (d) of the Local Government Act 1995; and**
- 2. Note the matters addressed in the Report.**

CARRIED 8/0

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

9.3.4 CONFIDENTIAL ITEM - UPDATE ON WITTENOOM LITIGATION, WITTENOOM STEERING COMMITTEE, SENIOR COUNSEL LEGAL ADVICE AND ROEBOURNE - WITTENOOM ROAD

Council Decision

MOVED: Cr P Foster

SECONDED: Cr P Lynch

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

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

CARRIED 8/0

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

10. AGENDA ITEMS ADOPTED "EN BLOC"

10.1 AGENDA ITEMS ADOPTED 'EN BLOC'

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

"Part 5 – Business of a meeting

Clause 5.6 Adoption by exception resolution:

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

There were no Agenda Items adopted 'En Bloc'

Cr Gallanagh and Mr V Catania left the Chambers at 1.38 pm.

11. OFFICE OF THE CEO REPORTS

11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS STATUS REPORT FOR AUGUST 2019

Cr Gallanagh returned to the Chambers at 1.39 pm.

MINUTE: 632/2019

FILE REFERENCE: GV04

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

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 2 September 2019

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

PREVIOUS MEETING REFERENCE: Agenda Item 11.1 (Minute No 616/2019) - Ordinary Meeting of Council 13 August 2019

Summary

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

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

Comment

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

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

ATTACHMENT 11.1

Consultation

Executive Management Team

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

“Role of council

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

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

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

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

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

Goal 05 Inspiring Governance
Objective 4 Exemplary team and work environment

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Rumble

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

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

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

MINUTE: 633/2019

FILE REFERENCE: GV21
CM02

AUTHOR'S NAME AND POSITION: Michelle Lewis
Councillor Liaison Officer

Brooke Beswick
Administration Assistant Planning

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 2 September 2019

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

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

Background

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

Comment

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

ATTACHMENT 11.2A
ATTACHMENT 11.2B

Consultation

Relevant officers as listed in the Attachment.

Statutory Environment

Local Government Act 1995

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

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic 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 and can be managed by routine procedures, and is unlikely to need specific application of resources.

Policy Implications

ELM 13 – Affixing the Shire of Ashburton Common Seal

FIN12 – Purchasing Policy

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

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

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

CARRIED 8/0

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

11.3 SMALL BUSINESS FRIENDLY LOCAL GOVERNMENT PROGRAM

MINUTE: 634/2019

FILE REFERENCE: ED01.01

AUTHOR'S NAME AND POSITION: Anna Del Rio
Manager Economic Development and Tourism

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 2 September 2019

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

Council support and endorsement is sought for the Shire of Ashburton to be a 'Small Business Friendly Local Government', an initiative by the State Government Small Business Development Corporation.

Background

While blessed with natural resources, the Shire's economy is dominated by mining and resource activity, which creates inherent risks and volatility. In this transient environment, small and medium enterprises are the backbone to local economic stability, community vibrancy and town livelihood. Factors such as growing population, economic strengths and low unemployment rates combined with thriving local businesses make the Shire an attractive place to live and work. The unemployment rate in the Shire (June 2018) was the country's lowest with 0.6%.

The Shire is expected to grow at a rate of 1.7% per year to a population of 13,247 by 2026 (WA Tomorrow 2015). Those choosing to relocate to the Pilbara for employment still want access to the services and facilities offered in metropolitan areas, many of which are yet to be developed. This presents a range of opportunities for many new businesses to successfully establish themselves in the Shire. While working in the resource sector is the primary employer within the Shire's four towns, it has led to a strong establishment of home businesses with 50 currently registered and operating. However, our remote location creates a barrier for entrepreneurs to network and grow, therefore stagnating business growth.

The Shire also experiences a population turnover from residents moving into and out of the area on a regular basis (the average family will spend 3-4 years in the Shire before moving away). This level of churn can impact the long-term sustainability of the area as customers, business owners and rate payers leave the area. A concentrated focus on creating a positive community business environment is crucial to local economic development and growth, which is also a goal in the Economic & Tourism Development Strategy. The Shire can have a significant influence over how attractive the area is for businesses to set up, and established enterprises to grow.

The Shire also plays a key role in the lifecycle of a small business; in fact most of the interactions business owners have with government are at a local level. The Shire can play an important facilitating role for businesses to be established and grow by providing and promoting a wide variety of small business friendly initiatives from a cross collaboration of Shire Departments.

The Program

To help build stronger, more productive relationships between small business and local government, the Small Business Development Corporation (SBDC) has developed the Small Business Friendly Local Governments initiative. The initiative aims to recognise local governments that are working to support their small business communities.

Taking part in the initiative means committing to excellence in customer service when dealing with small local businesses, as well as committing to work with, and support them by adopting three 'standard' activities and at least three 'additional' activities that suit our Shire.

Standard activities:

- adopting a policy to pay invoices from small business suppliers within 30 days
- regularly meeting with and consulting members of the local small business community to improve our understanding of their needs
- introducing and promoting a timely and cost effective process to manage any disputes arising between your organisation and small business clients

Examples of additional activities:

- surveying local small businesses to assess their needs
- accepting online payments
- simplifying processes and forms
- providing more small business information on website
- improving communication and customer service
- encouraging 'buy local' shopping campaigns
- supporting business incubators or start-up spaces
- introducing an economic development practices
- facilitating small business forums and events

The program is about reviewing the Shire's processes that involve and affect small businesses and ensure the processes are as simple, flexible and cost efficient. The Shire currently already provides practices that are small business friendly, however these may not be commonly known by the business community. Some examples as below by area:

Area	Current initiatives	Future initiatives (for businesses registered in the SOA)
Corporate Services/finance	<ul style="list-style-type: none"> • Provide equal opportunity to local suppliers in the way of a 'Buy Local – Regional Price Preference' this is the application of a discount to the price when comparing tendered prices, so as to give a marginal advantage to a regional tenderer • Payments to suppliers as early as 7 days up to a maximum of 30-possible 	Continuation of the current initiatives

Area	Current initiatives	Future initiatives (for businesses registered in the SoA)
Corporate Services/finance (Continued)	<ul style="list-style-type: none"> • A procurement process that supports local content 	Continuation of the current initiatives
Administration/ Customer Service	<ul style="list-style-type: none"> • Extended Shire opening hours • Updating application forms • Online editable PDFs • Customer service training for staff 	<ul style="list-style-type: none"> • Increased opening hours across the Shire's administration centres. • Implementation of an 'after hours' call centre • Improved new Shire website with improved opportunity for feedback – complaint process • Small Business Friendly LG information on upcoming website • Simplified application forms • Continuation of free Welcome Wi-Fi at libraries and other Rest Stops
Planning and regulatory services	<ul style="list-style-type: none"> • Maximum of 60 day application process turnover for home businesses • New business that requires a pre-registration inspection under the Health Act or the Food Act will be completed within seven days • Simplifying forms 	Continuation of the current initiatives
Tourism/media	<ul style="list-style-type: none"> • Free listing in the Shire Business & Community Directory • Discount for Tom Price Visitor Centre members to advertise in the holiday guide • Promotion via social media and websites for TPVC members • Collaborations with the Shire on marketing campaigns • Group meetings with operators 	<ul style="list-style-type: none"> • Workshops • Partnership with Australia's North West • Networking end of season event with operators • Other activities as per newly released Economic & Tourism Development Strategy
Economic Development	<ul style="list-style-type: none"> • Newly released Economic & Tourism Development Strategy with goal of Business Development • Shire representation at Pilbara Inland Chamber of Commerce Meetings • Provision of linkages to other support organisations • Letters of support for grant applications 	<ul style="list-style-type: none"> • Business grants and other actions as per newly released Economic & Tourism Development Strategy • Networking events with home based businesses • Increased collaboration with local Chambers of commerce

The existing practices can be added to the list of small business friendly initiatives to be further promoted, with the future initiatives identified by each department to be implemented for the benefit of the business sector and to maximize the program.

Clearly, some of the improvements may require a review of staffing resources and an acceptance of the significance of staff turnover.

Feedback from other local governments has been sought, with overwhelming positive feedback about the initiative and benefits to the business community, they encourage the Shire of Ashburton to join the program. Additionally, formalising a partnership with SBDC through this program means SBDC have an obligation to assist our Shire in our economic development efforts. This could be beneficial for the Shire it effectively get a team of economic development staff for no cost, to help the Shire deliver improved services to the business community.

Consultation

Executive Management Team

Statutory Environment

Complies with all statutory requirements.

Financial Implications

Although there is no cost to Council to join the 'Small Business Friendly Local Government' program, it is likely there will be a cost in relation to the officer's time for the future initiatives and a cost associated to the identified initiatives.

Strategic Implications

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

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

Shire of Ashburton Economic & Tourism Development Strategy 2019

Goal 03	Promote Business Development
Action 2.6	Become a 'Small Business Friendly Local Government' through the Small Business Development Corporation

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" as the outcomes of the report do not pose a risk to the Shire's operations.

Policy Implications

Economic and Tourism Strategy 2019

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr M Lynch

SECONDED: Cr P Foster

That with respect to the Small Business Friendly Local Government Program and the vision to facilitate economic prosperity and business development in our Shire, Council:

- 1. Seek membership to become a Small Business Friendly Local Government through the Small Business Development Corporation.**

CARRIED 8/0

Councillor White, Rumble, Dias, Thomas, Foster, Diver, Lynch and Gallanagh voted for the motion

11.4 REQUEST FOR INPUT - NAMING OF WARLU ROAD, PORTION OF ROEBOURNE-WITTENOOM ROAD AND THE FUTURE ROAD TO TOM PRICE (KNOWN AS 'KARRATHA -TOM PRICE ROAD') TO "RED DOG HIGHWAY"

MINUTE: 635/2019

FILE REFERENCE:	RD.0299
AUTHOR'S NAME AND POSITION:	Rob Paull Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Kevin Michel MLA
DATE REPORT WRITTEN:	10 September 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Kevin Michel MLA and State Member for the Pilbara is requesting Council's views on naming the eventual road that will link Karratha to Tom Price to "Red Dog Highway". The position of Council concerning the request is sought.

Background

Landgate's Geographic Names Committee is the primary source and official register for all approved named geographic features, administrative boundaries and road names.

Kevin Michel MLA and State Member for the Pilbara has written to the Shire as follows:

"I am writing to ask you for your support in renaming the Karratha - Tom Price Road to Red Dog Highway. The story of Red Dog has captured audiences across Australia and worldwide since the movie's release in 2011.

It is the remarkable story of a kelpie who travelled the Pilbara region in the 1970's, gaining the nickname Red Dog due to the red dirt of the Pilbara. We have the perfect opportunity to use this sentiment to help boost tourism and local jobs in the Pilbara.

With the sealing of the Tom Price to Karratha Road underway, I think it is fitting we honour this Pilbara legend and rename the road Red Dog Highway - the road Red Dog was often seen wandering along. The iconic Karijini National Park will be unlocked with the sealing of this stretch of road, encouraging more tourists to visit the wonders of the Pilbara, boosting local jobs and tourism opportunities.

It will give Pilbara local governments the opportunity to provide amenities along the highway promoting and building the Pilbara tourism industry. The story of Red Dog is essentially a story about the Pilbara and the remarkable people who live here. It is fitting the Red Dog Highway goes through the heart of the Pilbara and will offer tourists a unique and wonderful experience.

I hope you can consider this request, and I look forward to discussing with you further.”

Comment

It is understood that the portion of roads to be named ‘Red Dog Highway’ as referred by Kevin Michel MLA includes Warlu Road, 50km portion of Roebourne-Wittenoom Road that is currently being sealed and the future road connection to Tom Price (which is likely to have an alignment that mirrors the RTIO Access Road).

It is anticipated that MRWA will take care and control when the sealed road from Karratha to Tom Price is sealed. The public section of the road is often locally referred to as ‘Karratha -Tom Price Road’. The following seeks to define the section of road to be named ‘Red Dog Highway.’

Whilst the suggestion of naming the road section ‘Red Dog Highway’ may have merit (as outlined in the correspondence), it is suggested that the views of the community be sought before Council determines its position.

On this basis, it is open for Council to request the Shire to undertake community consultation in the form of an online community survey to be open for at least 3 weeks, to gauge whether there is support for naming ‘Karratha -Tom Price Road’ to ‘Red Dog Highway’.

Once completed, a further report on the community response will be provided to Council.

Consultation

Councillors

Executive Management Team

Statutory Environment

Landgate’s Geographic Names Committee is the primary source and official register for all approved named geographic features, administrative boundaries and road names in Western Australia.

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

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

Goal 05 Inspiring Governance

Objective 4 Exemplary team and work environment

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement
Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr L Rumble

SECONDED: Cr D Dias

That with respect to Request For Input - Renaming The Karratha - Tom Price Road To “Red Dog Highway”, Council:

- 1. Request the Chief Executive Officer to undertake community consultation in the form of an online community survey to be open for at least 3 weeks, to gauge whether there is support for naming ‘Karratha -Tom Price Road’ To ‘Red Dog Highway’; and**
- 2. Request the Chief Executive Officer to report the finding of the consultation back to Council.**

VOTE 4/4

**Councillor White, Rumble, Diver and Lynch voted for the motion
Councillor Thomas, Dias, Gallanagh and Foster voted against the motion
Shire President, Cr White casting vote
CARRIED 5/4**

12. CORPORATE SERVICES REPORTS

12.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID

MINUTE: 636/2019

FILE REFERENCE: FM03

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

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 19 August 2019

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

In accordance with *Regulation 34 of the Local Government (Financial Management) Regulations*, the Shire is to prepare a monthly Statement of Financial Activity for consideration by Council. The Financial Reports for August 2019 are presented with comments on variances for Actuals to 2019/20 Budget amounts.

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 as well as Budget Amendment Register and Schedule of Accounts and Credit Card payments.

A 2019/20 Capex Tracker is also available as part of the Monthly Reports.

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

Comment

The following budget variations are recommended for September 2019:

GL/Job No.	General Ledger Description	Current Budget	Variation Amount	Revised Budget	Reason
120002	Aerodrome Consultant Fees	30,000	25,000	55,000	Additional consultancy services required to assist in price submission for proposed rotary wing base.

GL/Job No.	General Ledger Description	Current Budget	Variation Amount	Revised Budget	Reason
19089	Kiosk Fit Out	40,000	(25,000)	15,000	This project is no longer going ahead as planned.
W290	Paraburdoo Parks and Reserves	186,994	(25,000)	161,994	Reduction in provision results in sufficient funds to complete planned program.
BN391	Paraburdoo Chub Cricket - Net Renewal	80,000	25,000	105,000	Given current quotes the initial cost estimate is insufficient to complete project.
NEW	Building Asbestos Containing Materials Audit	0	50,000	50,000	Audit required to prepare Asbestos Management Plan and Registers
041093	Consultant / Project Costs	296,945	(50,000)	246,945	Reduction in provision results in sufficient funds to complete planned program.
WTO2	School Holiday Programs	20,000	(8,000)	12,000	Dippers Destinations filming with MCR Productions.
WTO16	Miscellaneous Opportunities	18,000	8,000	26,000	Funding for 'Dippers Destinations' made available through Working Together Onslow.

Consultation

Executive Management Team

Finance Team

Statutory Environment

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

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

*(b) Is 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 Community Strategic 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 "Low" and can be managed by routine procedures, and is unlikely to need specific application of resources.

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Absolute Majority Required

Officers Recommendation and Council Decision

MOVED: Cr L Rumble

SECONDED: Cr M Lynch

That with respect to the Monthly Financial Report, Council:

- 1. Receive the Financial Report for August 2019 ATTACHMENT 12.1A;**
- 2. Approve budget variations for the 2019/20 Budget as outlined below;**
 - a. Increase Expenditure Account GL 120002, Aerodrome Consultant Fees by \$25,000, from \$30,000 to \$55,000;**
 - b. Decrease Expenditure Job no. 19089, Kiosk Fit Out by \$25,000, from \$40,000 to \$15,000;**
 - c. Decrease Expenditure Job no. W290, Paraburdoo Parks and Reserves by \$25,000, from \$186,994 to \$161,994;**
 - d. Increase Expenditure Job no. BN391, Paraburdoo Chub Cricket Net Renewal by \$25,000, from \$80,000 to \$105,000;**
 - e. Increase New Expenditure Account, Building Asbestos Containing Materials Audit by \$50,000, from \$0 to \$50,000;**
 - f. Decrease Expenditure Account no. 041093, Consultants / Project Costs by \$50,000 from \$296,945 to \$246,945;**
 - g. Increase Expenditure Job no. WTO16, Miscellaneous Opportunities by \$8,000 from \$18,000 to \$26,000;**
 - h. Decrease Expenditure Job no. WTO2 School Holiday Programs by \$8,000 from \$20,000 to \$12,000; and**
 - i. Note that the Budgeted Surplus position carried forward (Net Current Assets position) forecast as at 30 June 2020 is \$1,500,000.**

- 3. Receive the Capital Expenditures Progress Tracker for August 2019 ATTACHMENT 12.1B;**
- 4. Receive the Budget Amendment Register as at 31 August 2019 ATTACHMENT 12.1C; and**
- 5. Receive the Schedule of Accounts and Credit Card payments made in August 2019 (approved by the Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds) ATTACHMENT 12.1D.**

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

12.2 2020/21 PRE BUDGET SUBMISSION

MINUTE: 637/2019

FILE REFERENCE: GR01

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

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 3 September 2019

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

Council is requested to consider that the Shire prepare and submit a 2020/21 Budget submission to the State Government of West Australia ("State").

Background

On 20 February 2019 the Shire President prepared and sent a 2019/20 pre-budget submission to the State's Treasurer, Hon. Ben Wyatt MLA. The submission highlighted in detail the Shire of Ashburton's future economic, service and infrastructure priorities and further requested the Treasurer's assistance when he determines the State's allocation of funds for 2019/20.

Comment

It is appropriate to prepare and submit a pre-budget submission to the Treasurer in relation to the State's 2020/21 Budget. Important Shire projects, including the Tom Price Child Care Facility and Onslow Marina would benefit from State Government investment. Regional projects such as Stage 4 of the Tom Price - Karratha Road (backed now by Federal funding) and the Tom Price Hospital upgrade are potential beneficiaries also.

Consultation

Cr Foster
Executive Management Team

Statutory Environment

There are no known statutory implications for this matter.

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 year Community Strategic Plan 2017 – 2027 (Desktop Review 2019)

Goal 05 Inspiring Governance
Objective 3 Council leadership
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."

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That with respect to a 2020/21 Pre Budget Submission to the State Government of Western Australia, Council:

- 1. Request the Chief Executive Officer to prepare and submit a pre-budget submission to the WA Treasurer in relation to the State's 2020/21 Budget requesting the Treasurer to allocate funds to identified projects that will assist the community of the Shire of Ashburton.**

CARRIED 8/0
Councillor White, Rumble, Dias, Thomas, Foster, Gallanagh, Diver and Lynch voted for the motion

13. PROPERTY AND DEVELOPMENT SERVICES REPORTS

13.1 PROPOSED ADOPTION OF THE SHIRE OF ASHBURTON'S LOCAL GOVERNMENT HERITAGE INVENTORY (FORMERLY KNOWN AS THE MUNICIPAL HERITAGE INVENTORY)

<p>The Chief Executive Officer advised this item 13.1 has been withdrawn from this agenda due to matters associated with the incorrect attachment.</p>
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13.2 COMMERCIAL VEHICLE PARKING STATION – RESERVE 52322, NAMELESS VALLEY DRIVE

MINUTE: 638/2019

FILE REFERENCE: LE34

AUTHOR'S NAME AND POSITION: Kyle Cameron
Senior Ranger

AUTHORISING OFFICER AND POSITION: Chantelle Bryce
Acting Director Property and Development Services

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 2 September 2019

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

PREVIOUS MEETING REFERENCE: Agenda Item 13.4 (Minute No. 623/2019) Ordinary Meeting of Council 13 August 2019

Summary

On 13 August 2019, Council resolved to adopt Reserve 52322 as a Parking Station under the '*Parking and Parking Facilities Local Law 2013*' ('Local Law').

Subsequent to the resolution, discussion ensued amongst Councillors and staff in relation to the wording of conditions of entry to the Parking Station.

Council is requested to review the wording and if acceptable, revoke the previous decision and adopt revised wording.

Background

On 13 August 2019, Council resolved to adopt Reserve 52322 as a *Parking Station* under the Local Law, thus allowing for the control of *Class of Vehicle* permitted to enter, as well as the *time allowable* for vehicle parking. The conditions of entry were adopted directly from Main Roads WA for their parking stations.

Subsequent to the resolution, discussion ensued amongst Councillors and staff in relation to the wording of conditions of entry to the Parking Station.

Comment

The Shire provided this Truck Laydown Area (TLA) to assist the transport industry and heavy vehicle drivers meet their lawful requirements relating to reconfiguring loads and *Occupational Safety and Health Act 1984* and associated Regulations relating to fatigue management. The TLA is not a long term stay area, the maximum time permitted is 48 hours without seeking Shire approval.

The Shire does not take any responsibility for any malicious acts, theft or damage that may occur within the TLA. It is the user's responsibility to ensure they take all measures to provide security for their vehicle and have adequate insurance cover.

Based on discussions with Councillors, the suggested revised wording of the conditions of entry are underlined in red:

- As a professional driver you need to be aware that if you intend to use the Truck Laydown area (TLA) you must abide by the rules and do not negatively impact on other operators and the amenities of the TLA are maintained.
- All vehicles are to be driven in a slow and safe manner adhering to signs (if applicable).
- When exiting your vehicle in the TLA, Hi-vis shirts and safety boots are to be worn at all times.
- When exiting your vehicle in the TLA, it is recommended that high visibility shirts and safety boots are worn at all times.
- When exiting your vehicle in the TLA, it is recommended that all necessary safety precautions are taken at all times.
- Operators are responsible for their own vehicle loads and vehicles while in the TLA.
- The TLA is not to be used by drivers to load or unload goods unless in an emergency situation. Should this occur the Shire of Ashburton is to be notified at the first opportunity to investigate the emergency.
- The TLA is not to be used to perform maintenance on vehicles.
- The TLA is not to be used to perform maintenance on vehicles, unless the situation is an emergency or genuine breakdown.

Dangerous Goods

- Drivers must not leave their vehicles unattended when parked at the TLA except for a brief toilet break
- Drivers must not park their vehicle standing within 15 metres of any building of which there is likely to be a concentration of people such as toilet blocks
- Drivers must not park their vehicle standing within 8 metres of another vehicle which is transporting dangerous goods
- Drivers must not park their vehicles within 20 metres of another vehicle which is identified transporting dangerous goods.

To assist with the maintenance management and safety of the TLA drivers are requested to report any concerns to the appropriate authority in relation to damage, maintenance or suspicious activity or acts of vandalism.

Should Council prefer the revised wording, it is appropriate to revoke the decision under Agenda Item 13.4 (Minute No. 623/2019) Ordinary Meeting of Council 13 August 2019 and adopt the wording accordingly.

The establishment of a 'Commercial Vehicle' parking station will not only allow officers authorised under the Local Law to enforce the provisions of the Local law, it will also provide officers with the powers to remove unauthorised campers/vehicles from the parking station (Reserve 52322). Two (2) signs to be installed providing clear instructions on the conditions of entry.

ATTACHMENT 13.2A

Consultation

Executive Management Team

Statutory Environment

(Subdivision 1 of the *Local Government Act 1995* – Local Laws made under this act.

3.5. Legislative power of local governments

- (1) *A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.*

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

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

Goal 04	Quality Services and Infrastructure
Objective 1	Quality public infrastructure
Objective 2	Accessible and safe towns
Objective 3	Well-planned towns

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Absolute Majority Required (Recommendation 1)

Simple Majority (Recommendation 2)

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr M Lynch

That Council suspend Standing Orders at 2.10 pm.

CARRIED 8/0

Councillor White, Rumble, Dias, Thomas, Foster, Gallanagh, Lynch and Diver voted for the motion

Council Decision

MOVED: Cr M Lynch

SECONDED: Cr L Thomas

That Council resume Standing Orders at 2.21 pm.

CARRIED 8/0

Councillor White, Rumble, Dias, Thomas, Foster, Gallanagh, Lynch and Diver voted for the motion

Officers Recommendation and Council Decision

MOVED: Cr M Lynch

SECONDED: Cr P Foster

That with respect to Minute: 623/2019 Commercial Vehicle Parking Station – Reserve 52322, Nameless Valley Drive, that Council in accordance with Regulation 10(1a) of the Local Government (Administration) Regulations 1996, Council Resolution dated 13 August 2019, Item 13.4, being:

“That with respect to the Commercial Vehicle Parking Station – Reserve 52322, Nameless Valley Drive, Council:

- 1. Allow the Shire to regulate the ‘Class of Vehicle’ permitted to enter and restrict allowable time (48 Hours) vehicles can park within the Parking Station (ATTACHMENT 13.4A);**
- 2. Approve Two (2) signs to be installed providing clear instructions on the conditions of entry. In accordance with Parts 1.2 and 2.1 of the Local Law (ATTACHMENT 13.4B); and**
- 3. Recognise Reserve 52322 on Nameless Valley Drive Tom Price as a Parking Station. ATTACHMENT 13.4C.”**

be REVOKED.

CARRIED BY ABSOLUTE MAJORITY 7/1

**Councillor White, Dias, Thomas, Foster, Gallanagh, Diver and Lynch voted for the motion
Councillor Rumble voted against the motion**

Officers Recommendation

That with respect to Commercial Vehicle Parking Station – Reserve 52322, Nameless Valley Drive, Council:

- 1. Allow the Shire to regulate the ‘Class of Vehicle’ permitted to enter and restrict allowable time (48 Hours) vehicles can park within the Parking Station; and approve the two (2) signs to be installed providing clear instructions on the conditions of entry. In accordance with Parts 1.2 and 2.1 of the Local Law (ATTACHMENT 13.2A); and**
- 2. Recognise Reserve 52322 on Nameless Valley Drive Tom Price as a Parking Station. ATTACHMENT 13.2B.**

Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Thomas

That with respect to Commercial Vehicle Parking Station – Reserve 52322, Nameless Valley Drive, Council:

1. Allow the Shire to regulate the 'Class of Vehicle' permitted to enter and restrict allowable time (48 Hours) vehicles can park within the Parking Station; and approve the two (2) signs to be installed providing clear instructions on the conditions of entry as follows:

"In accordance with Parts 1.2 and 2.1 of the Local Law:

- As a professional driver you need to be aware that if you intend to use the Truck Laydown area (TLA) you must abide by the rules and do not negatively impact on other operators and the amenities of the TLA are maintained.
- All vehicles are to be driven in a slow and safe manner adhering to signs (if applicable).
- When exiting your vehicle in the TLA, it is recommended that all necessary safety precautions are taken at all times.
- Operators are responsible for their own vehicle loads and vehicles while in the TLA.
- The TLA is not to be used by drivers to load or unload goods unless in an emergency situation. Should this occur the Shire of Ashburton is to be notified at the first opportunity to investigate the emergency.
- The TLA is not to be used to perform maintenance on vehicles, unless the situation is an emergency or genuine breakdown."

2. Recognise Reserve 52322 on Nameless Valley Drive Tom Price as a Parking Station. ATTACHMENT 13.2B.

CARRIED 7/1

Councillor White, Rumble, Thomas, Foster, Diver, Gallanagh and Lynch voted for the motion

Councillor Dias voted against the motion

13.3 PROPOSAL TO LEASE TOM PRICE TOURIST PARK – SUMMERSTAR PTY LTD

MINUTE: 639/2019

FILE REFERENCE:	RC38762
AUTHOR'S NAME AND POSITION:	Janelle Fell Manager Land and Asset Compliance
AUTHORISING OFFICER AND POSITION:	Chantelle Bryce Acting Director Property and Development Services
NAME OF APPLICANT/RESPONDENT:	Summerstar Investments Pty Ltd
DATE REPORT WRITTEN:	30 August 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Lessee and Owner of Tom Price Tourist Park, Summerstar Pty Ltd, propose to negotiate a new lease for the caravan and tourist park located on Reserve 38762.

The new lease will provide surety to the lessee as they propose investing ~\$16,000,000 over a ten year period.

Background

Lot 66 on Deposited Plan 186857 (Tom Price Tourist Park) Nameless Valley Drive, Tom Price, is a Crown reserve created under the *Land Administration Act 1997* for the purpose of "Caravan Park and Chalets". The lot comprises 24.9562 hectares and is appropriately zoned "Tourism" under the Shire of Ashburton Town Planning Scheme No. 7.

The Shire holds a Management Order for Reserve 38762, with Power to Lease for up to 21 years. In 2001, the Shire entered into a Lease with Arther Drage and Karen Drage to operate the Caravan Park, with this lease expiring on 3 November 2011. A Deed of Extension of Lease was executed in 2012, exercising the Lessee's option to a further 12 year term; consequently, the Lease expires in 2032.

On 1 April 2005, the Lease was assigned from Arther Drage and Karen Drage to Kaussie Holdings Pty Ltd (proprietors being Arther Drage and Karen Drage).

A Deed of Variation in 2008 introduced a nightly occupancy fee and documented development works to be undertaken by the Lessee.

Council endorsed the assignment of the Lease to complete the sale of the business by Kaussie Holdings Pty Ltd to Summerstar Pty Ltd in June 2017.

In November 2018, Summerstar Director, John Layman and Town Planner, Marc Halsall presented a concept plan to Council to gauge Council's view for the proposed vision for the site to allow further planning and scoping for the estimated \$16,000,000 investment required. After being received favourably by Council, Summerstar have progressed investigations and present a request for a new lease with a 21 year term with further term of 21 years to secure the capital required for the development.

Comment

Summerstar has shown commitment in the short time they have held the Lease at the Tom Price Tourist Park by renovating the existing ablutions (\$400,000), undertaking improvements to the water bore for landscaping improvements (\$48,000) and investing in marketing, an online booking platform and search engine optimization (\$50,000).

The proposed development term, totaling 42 years, allows for the investment (and return on investment) over the life of the Lease.

It is proposed the site be developed in stages over ten years to expand and improve accommodation options. Flexibility in the staging arrangement is required to allow for market forces, economic circumstances and experiences within the park. It is requested that Council support development applications in consecutive submissions based on the stages as defined in the business case. Any application would be assessed against the Development Plan appended to the Lease, with variations only permitted where they meet the overall design intent.

The improvements will provide quality accommodation options and park experiences, maximizing the peak season (July-September) in addition to improving the Pilbara experience and attracting and retaining tourists for longer durations. The stages proposed are:

Stage 1a - ~\$2,575,000

- 10 x two bedroom chalets (western edge)
- 10 x ensuite powered sites (northern edge)
- Playground with bouncing pillow

Stage 1b - ~\$1,510,000

- 10 x ensuite powered sites (northern edge)
- 55 x powered sites (northern edge)
- Camp kitchen, laundry and ablutions
- Outdoor cinema

Stage 2a - ~\$3,600,000

- 10 x two bedroom chalets (southern edge)
- 10 x one bedroom chalets (western edge)
- Dog minding facility
- Solar panel bank
- BBQ area

Stage 2b - ~\$1,850,000

- Indigenous themed nature play area
- Fencing of effluent areas
- 15 x ensuite powered sites (southern edge)
- 10 x campsites
- Automatic car wash
- Indigenous interpretive centre

Stage 3a - ~\$600,000

- Waterpark
- Relocation of effluent disposal area

Stage 3b - ~\$7,000,000

- 40 x chalets/transient and semi-professional workers units

Stage 3b endeavors to generate income outside the tourism season making the park financially viable, allowing further investment and development by the owners.

ATTACHMENT 13.3A

A Flora and Fauna Significance Assessment and Bushfire Management Plan have been provided, which provide technical support and compliance of the proposal. These reports are required when considering development applications by the proponent.

ATTACHMENT 13.3B ATTACHMENT 13.3C

The particulars of the proposed Lease are:

Length of Lease:	Twenty-one years with a twenty-one year option of renewal
Commencement:	Upon approval from the Minister for Lands
Annual Rent:	\$45,000 (ex GST) per annum payable by quarterly payments in advance of \$11,250 (ex GST) on the first day of each calendar month
Rent Review:	<u>CPI</u> on each anniversary

Market Review on each fifth anniversary

Permitted Use: Caravan Park comprising cabins, chalets, park homes and camping and related ancillary uses including a convenience store, workers accommodation

Outgoings: Lessee to pay:

- All utilities including water consumption, electricity and telecommunications and installation of services
- Local government authority rates and land tax
- Insurance for:
 - all buildings for its full reinstatement and replacement value
 - public liability not less than \$20 million
 - glass
 - the Tenant's fixtures
 - loss from burglary
 - breakdown and replacement for all plant and equipment
 - workers compensation
 - any other policy which the Landlord acting reasonably requires
- All maintenance at the site
- All costs associated with compliance with statutory requirements

The lease income for the total term of the lease (42 [21 +21] years) exceeds the \$2,000,000 threshold at which a Major Land Transaction Plan is required in accordance with Section 3.59 of the *Local Government Act 1995* and Clause 8A(b) of the *Local Government (Functions and General) Regulations 1996*. As such, this proposal requires the development, advertising and consideration of submissions of a Major Land Transaction Plan.

The Department of Planning, Lands and Heritage (DPLH) were requested to consider a change to the Management Order to increase the Power to Lease term to 21 years with a further term of 21 years.

DPLH requested a business case which included justification/details, investment required and community benefit of the proposed expansion and, details on seasonal occupancy.

ATTACHMENT 13.3D

DPLH have provided in-principle support of the proposal as precedent exists; Summerstar lease several local government managed reserves with a 21 year term with a further term of 21 years.

Consultation

Executive Management Team
Development Control Group
Principal Planner

Statutory Environment

In accordance with the requirements of section 3.59 of the *Local Government Act 1995* pertaining to a major land transaction a business plan is to be prepared and advertised with any submissions to be considered by Council. The business plan shall include details of:

- a) its expected effect on the provision of facilities and services by the local government;
- b) its expected effect on other persons providing facilities and services in the district;
- c) its expected financial effect on the local government;
- d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56;
- e) the ability of the local government to manage the undertaking or the performance of the transaction;
- f) any other matter prescribed for the purposes of this subsection.

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

“9.49A. Execution of documents

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

Under the Shire of Ashburton *Town Planning Scheme No 7*, the subject site is zoned ‘Tourism’. The intent is to accommodate development which has a primary focus on providing a tourism service.

Section 18 of the *Land Administration Act 1997* requires the Minister for Lands approval to vary Power to Lease on the Management Order and to enter into a new lease.

Financial Implications

The current lease fee is \$26,462.18 per annum. In addition to the lease fee a nightly fee is charged for bays (\$0.75) and structured accommodation (\$1.10). The following income was generated from these fees:

- 18/19 - \$43,459.93
- 17/18 - \$42,812.24
- 16/17 - \$37,299.79

The lease fee proposed in the new agreement is \$45,000 (ex GST) per annum. It is estimated this, combined with CPI and Market Rental review over the term of the lease (21 year initial period with one 21 year option), will be in excess of \$2,000,000. The lease fee proposed is considered reasonable when considering the investment and improvements proposed by Summerstar.

Costs associated with preparation and advertising of the business plan, administration and legal costs are estimated to be \$2,000. External charges will be on-charged to the lessee.

Strategic Implications

The proposal from Summerstar strongly aligns with the following goals in the Shire of Ashburton 10 Year Community Strategic Plan 2017-2027 (Desktop Review 2019)

Goal 02	Economic Prosperity
Objective 1	Strong local economies
Objective 2	Enduring partnership 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

Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Moderate" due to the financial impact of the proposal. The risk will be managed by specific monitoring and response procedures.

Policy Implications

ENG09 Asset Management Policy – the Lessee is responsible for renovation, renewal and replacement of all assets under the terms of the lease.

Voting Requirement

Absolute Majority Required

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr P Foster

That Council suspend Standing Orders at 2.32 pm.

CARRIED 8/0

Councillor White, Rumble, Dias, Thomas, Foster, Diver, Gallanagh and Lynch voted for the motion

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr M Gallanagh

That Council resume Standing Orders at 2.37 pm.

CARRIED 8/0

Councillor White, Rumble, Dias, Thomas, Foster, Diver, Gallanagh and Lynch voted for the motion

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That with respect to Proposal to Lease Tom Price Tourist Park – Summerstar Pty Ltd, Council:

- 1. Receive the offer from Summerstar Pty Ltd to Lease and Operate the Tom Price Tourist Park;**
- 2. Authorise the Chief Executive Officer to prepare and advertise a Major Land Transaction, with the contents being in accordance with the proposal from Summerstar Pty Ltd and this report; pursuant to s 3.59 *Local Government Act*;**
- 3. Should no submissions be received at closure of the advertising period of the Major Land Transaction, authorise the Chief Executive Officer to negotiate and finalise the terms and conditions of a lease agreement with Summerstar Pty Ltd;**
- 4. Authorise the Chief Executive Officer to request the Minister for Lands to:**
 - a. Amend the Management Order ‘Power to Lease’ to 21 years plus 21 years; and**
 - b. Approve the finalised Lease agreement in accordance with *section 18 of the Land Administration Act 1997*;**

5. Authorise the Shire President and Chief Executive Officer, upon approval from the Minister for Lands, to execute and apply the common seal to the Lease agreement;
6. Terminate the existing lease (expiring in 2032) upon execution of the new lease agreement; and
7. Invite consecutive applications from Summerstar for development approval in accordance with the stages defined in the business case to allow for market forces, economic circumstances and experiences within the park.

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

13.4 PROPOSED DEDICATION OF LAND (1280m²) AS A PUBLIC ROAD (WARRIRDA ROAD) UNDER THE CARE, CONTROL AND MANAGEMENT OF THE COMMISSIONER FOR MAIN ROADS

MINUTE: 640/2019

FILE REFERENCE:	RD11
AUTHOR'S NAME AND POSITION:	Janelle Fell Manager Land and Asset Compliance
AUTHORISING OFFICER AND POSITION:	Chantelle Bryce Acting Director Property and Development Services
NAME OF APPLICANT/RESPONDENT:	Main Road Western Australia
DATE REPORT WRITTEN:	30 August 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 13.1 (Minute No. 439/2018) – Ordinary Meeting of Council 23 October 2018

Summary

At the October 2018 Ordinary Meeting of Council, Council resolved to dedicate Warrirda Road, depicted as Lot 804 on Deposited Plan 413049 as a public road pursuant to section 56 of the *Land Administration Act 1997*. The land is to be dedicated as a State Road under the care, control and management of the Commissioner of Main Roads.

Main Road Western Australia request an additional resolution in relation to a small portion of land (1280m²) depicted as Lot 606 on Deposited Plan 402524.

Background

Main Roads Western Australia (MRWA) has progressed dedication of the Ashburton North Strategic Industrial Area access road in Onslow to satisfy the conditions imposed under the Wheatstone Project State Development Agreement. The road depicted as Lot 804 on Deposited Plan 413049 is now officially named Warrirda Road following formal approval by Landgate's Geographic Naming Committee on 28 August 2018.

ATTACHMENT 13.4

MRWA intended for Warrirda Road to automatically be dedicated as a public road upon approval of Deposited Plan 413049 however, due to a recent policy change by the Department of Planning, Lands and Heritage (DPLH), and Native Title existing over the land comprising the proposed road, it must be dedicated pursuant to section 56 of the *Land Administration Act 1997* (LAA).

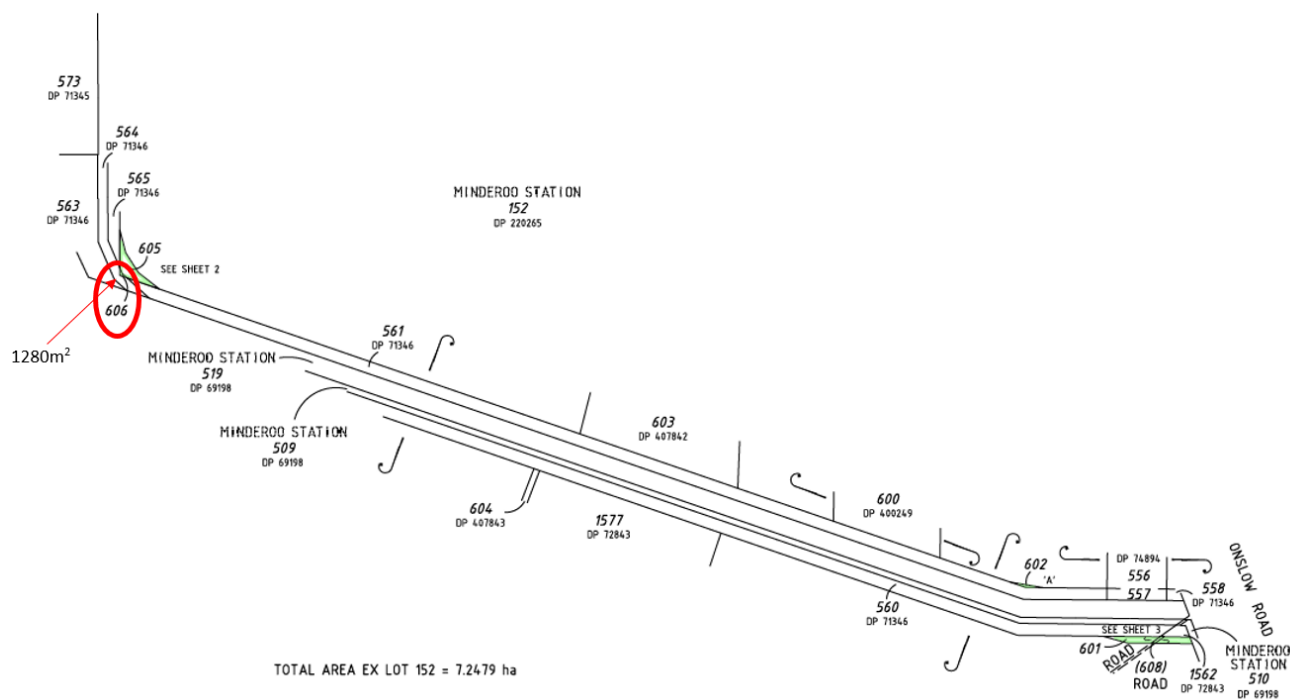
Once approved by the Minister, Warrirda Road will be proclaimed as a State Road under the Main Roads Act 1930 and be placed under the care, control and management of the Commissioner for Main Roads.

At its meeting held on 23 October 2018, Council:

1. Resolve to dedicate Warrirda Road, depicted as Lot 804 on Deposited Plan 413049, as a public road pursuant to section 56 of the *Land Administration Act 1997*;
2. Request the Minister for Planning, Heritage and Lands, to dedicate Warrirda Road as a public road pursuant to section 56 of the *Land Administration Act 1997*;
3. Indemnify the Minister for Planning, Lands and Heritage against any claim for compensation in an amount equal to the amount of all costs and expenses reasonably incurred in considering and granting the request; and
4. Advise the Minister for Planning, Lands and Heritage that Council has agreed to indemnify the Minister on the basis of written confirmation provided by Main Roads Western Australia, on behalf of the Commissioner of Main Roads, of its agreement to indemnify the Shire of Ashburton against any claim for compensation that may arise from the road dedication proposal and pay all associated costs.

Comment

MRWA request an additional resolution in relation to a small portion of land that is now to be included as part of the road reserve. The land is depicted as Lot 606 on DP 402524 and is a 1280m² portion approximately 10 kilometres from the Onslow Road intersection.



Lot 606 was not included in the original report to Council as it was uncertain at the time if Lot 606 would become available for inclusion into the road.

DPLH recently advised that they will be lodging a 'taking order' to take all interests over the land comprised in DP 402524, and that Lot 606 can be included in the road reserve following the taking.

As DPLH will be taking all interests over Lot 606 prior to dedication, there is no requirement for Council to indemnify Minister of Lands as part of this resolution in accordance with S.56(4) of the LAA.

Consultation

Executive Management Team
Main Roads Western Australia

Statutory Environment

The road dedication requires actions under *Section 56 of the Land Administration Act 1997* and *Land Administration Regulations 1998*.

Financial Implications

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

Strategic Implications

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

Goal 04 Quality Services and Infrastructure
Objective 1 Quality public infrastructure

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That with respect to Proposed Dedication of Land as a Public Road (Warrirda Road) Under the Care, Control and Management of the Commissioner for Main Roads, Council:

- 1. Resolve to dedicate Lot 606 on DP 402524 pursuant to section 56 of the Land Administration Act 1997, to facilitate the inclusion of Lot 606 into the Warrirda Road reserve under Main Road Western Australia's control (ATTACHMENT 13.4); and**
- 2. Request the Department of Planning, Lands and Heritage (on behalf of the Minister for Lands), to dedicate Lot 606 on DP 402524 as a road pursuant to section 56 of the Land Administration Act 1997.**

CARRIED 8/0

Councillor White, Rumble, Dias, Thomas, Foster, Gallanagh, Diver and Lynch voted for the motion

13.5 ROAD REGISTER UPDATE – REMOVAL OF JUNA DOWNS ROAD AND PACKSADDLE ROAD, JUNA DOWNS

MINUTE: 641/2019

FILE REFERENCE:	RD.0274 RC.0273
AUTHOR'S NAME AND POSITION:	Janelle Fell Manager Land and Asset Compliance
AUTHORISING OFFICER AND POSITION:	Chantelle Bryce Acting Director Property and Development Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	2 September 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 15.6 (Minute No. 153/17) Ordinary Meeting of Council 26 April 2017

Summary

At the 2017 April Ordinary Meeting of Council, Council endorsed ENG13 Road Management Policy to establish a policy relating to the management of roads within the Shire's boundaries. This Policy is intended to apply only to those roads and road reserves for which the Shire of Ashburton is the responsible authority.

Juna Downs Road and Packsaddle Road are on the Shire's Asset Register and Unsealed Road Hierarchy Plan however are not gazetted or maintained by the Shire.

Conditional in the Policy, any updates to the Road Register require a resolution by Council.

Background

To holistically manage its entire road network, ENG13 Road Management Policy and the broader Road Management Framework was endorsed by Council in 2017. An audit of the Road Register as undertaken to determine the validity of the roads contained on it, firstly from a legal perspective; then to assess the broader network where the functionality of a road may be compromised by external activities such as mining and should be closed or responsibility transferred.

The criteria for determining consideration for inclusion on the Road Register are as follows:

- is gazetted;
- provides primary access to at least one full-time occupied property (i.e. the property is otherwise land-locked and without any road frontage);
- has previously been constructed by, or regularly maintained by the Shire;
- provides clear benefit to several property owners (not just one);
- connects into and forms part of the wider network of Public Roads;

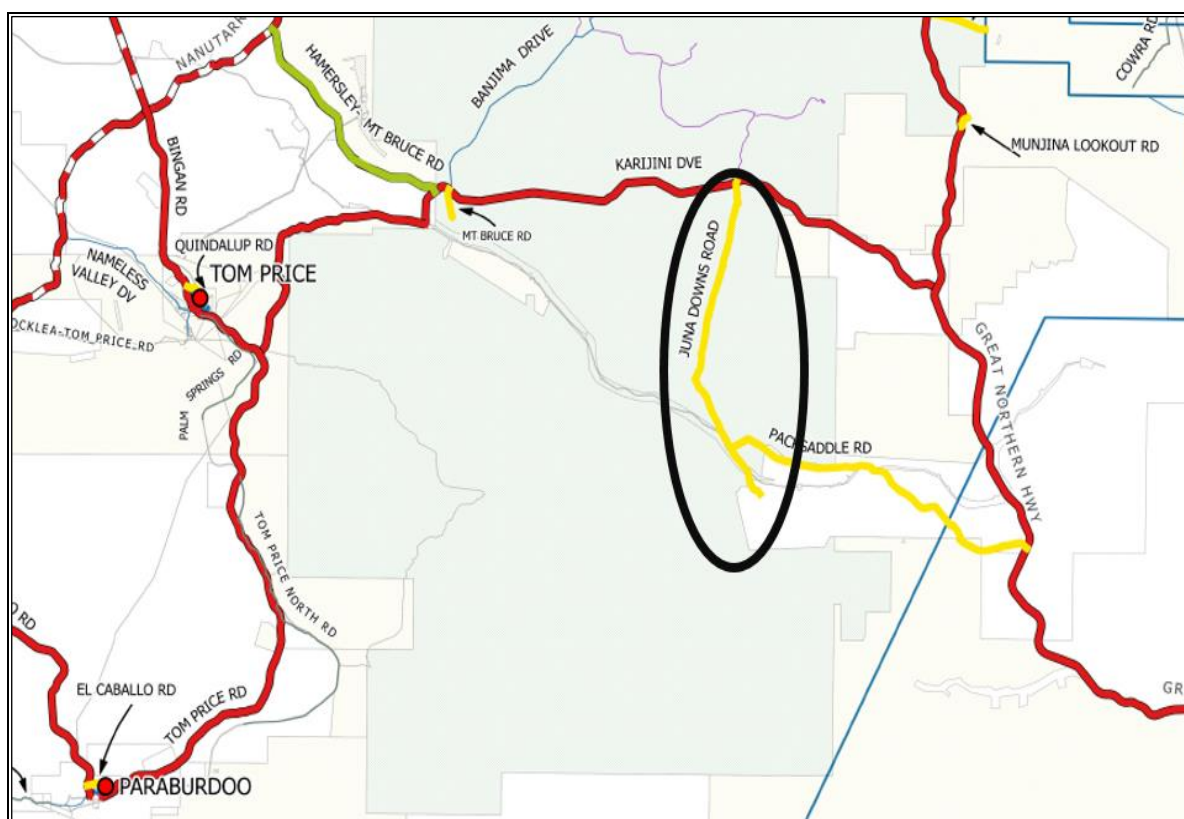
- serves a defined purpose or function for the public (i.e. there would be consequences if public access was removed and / or the needs for public use cannot be readily
- accommodated with alternatives); and
- provides for a social or economic benefit such as tourism.

Comment

Juna Downs Road and Packsaddle Road predominantly service Hamersley Iron's mining operations in the area however, are listed on the Shire's Road Register and Asset Register.

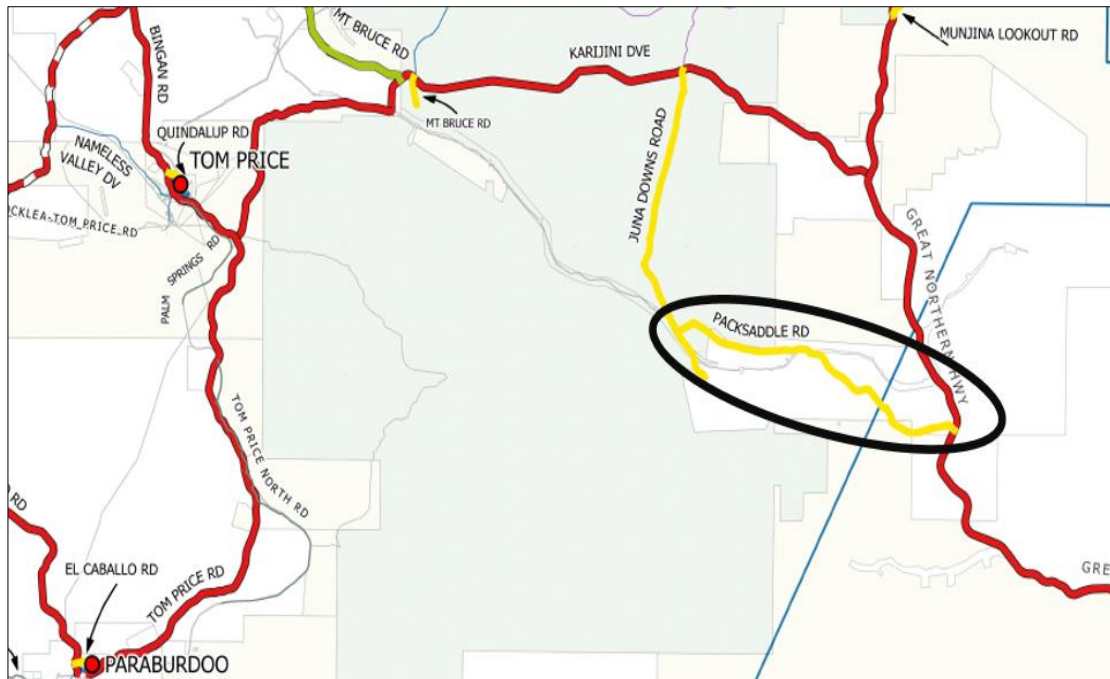
Juna Downs Road is a 40 kilometre unsealed road from Karijini Drive, running in a north-south direction through Karijini National Park, crossing Rio Tinto's West Angeles rail lease and terminating in the vicinity of Rio Tinto's West Angeles Mine.

The official survey for the land that Juna Downs Road (Lot 300 on Deposited Plan 729977) is constructed through has no defined road parcel shown on the approved cadastral survey. The constructed road is not dedicated as it has not been excised or excluded from the current pastoral lease. Landgate has confirmed Juna Downs Road is not gazetted as a public road. Juna Downs Road is on the Shire's Asset Register as Asset Number 0274 and depicted on the unsealed road hierarchy plan as a local road (hachured black below).

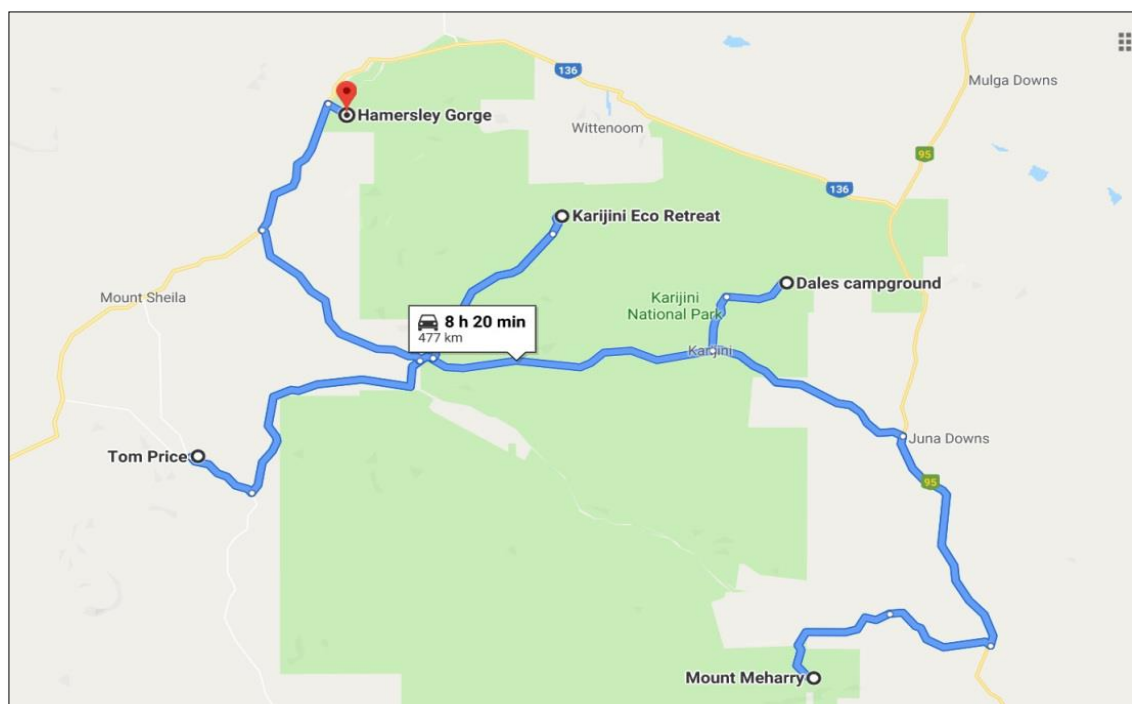


Packsaddle Road is a 43 kilometre unsealed road running in an east-west direction from Juna Downs Road – Rio Tinto West Angeles - Hope Downs rail lease to the Shire of Ashburton/East Pilbara boundary east of the Great Northern Highway. The official survey for the land that Packsaddle Road (Lot 1563 on Deposited Plan 67603) is constructed through has no defined road parcel shown on the approved cadastral survey. The constructed road is not dedicated as it has not been excised or excluded from the current pastoral lease. Landgate has confirmed Packsaddle Road is not gazetted as a public road.

Packsaddle Road is on the Shire's Asset Register as Asset Number 0273 and depicted on the unsealed road hierarchy plan as a local road (hachured black below).



Packsaddle Road provides public access to Mt Meharry located in the south-east of Karijini National Park. This access will not be impeded with the removal of the road from the Shire's Asset Register as the access road can be classified private with public access by the Western Australian Land Information Authority, Landgate. The location of Mt Meharry within Karijini National Park and the access road from the Great Northern Highway (Hwy 95) are shown below.



Consultation

Executive Management Team
Landgate (Spatial Data - Property Location)

Statutory Environment

Local Government Act 1995
Main Roads Act 1930
Land Administration Act 1997

Financial Implications

Despite no maintenance works being carried out on these roads for the past 8 years, removing these roads will have a positive impact on important financial indications including the Sustainability Index and Asset Renewal Ratio.

Strategic Implications

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

Goal 04 Quality Services and Infrastructure
Objective 1 Quality public infrastructure

Risk Management

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

Policy Implications

ENG13 Road Management Policy
ENG09 Asset Management Policy

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr L Rumble

SECONDED: Cr M Gallanagh

That with respect to the Road Register Update – Removal of Juna Downs Road and Packsaddle Road, Juna Downs, Council:

1. Endorse the removal of:

- a. Juna Downs Road on Lot 301 on DP72977, and**
- b. Packsaddle Road on Lot 1563 on DP67603**

from the Shire's Asset Register;

2. Request the Chief Executive Officer to notify Main Roads Western Australia and any other relevant authority of the removal from the Shire's Asset Register with a view to updating their systems; and

3. Request Landgate classify the road from the Great Northern Highway to Mt Meharry private with public access or as deemed an appropriate classification for unfettered public access.

CARRIED 8/0

Councillor White, Rumble, Dias, Thomas, Foster, Gallanagh, Lynch and Diver voted for the motion

13.6 PARABURDOO DOG EXERCISE AREA, FINAL LOCATION AND DESIGN

MINUTE: 642/2019

FILE REFERENCE:	PR6
AUTHOR'S NAME AND POSITION:	Chantelle Bryce Acting Director Property Development Services
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	3 September 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Council is requested to consent to the location of the new Paraburdoo Dog Exercise Area along with the final design, and for the project to progress to formal Request for Quote for construction.

Background

Paraburdoo Ward Councillors and the Community of Paraburdoo have been advocating for a Dog Exercise Area for several years to be considered as part of the annual capital works program and budget.

In 2018, underspent funds from the 2012/2017 Rio Tinto Community Infrastructure and Services Partnership were identified. The Shire and Rio Tinto identified several projects the underspend could be allocated to, one being the Paraburdoo Dog Exercise Area. Committed funds from the underspend for the project is \$100,000.00.

ATTACHMENT 13.6A

Comment

Community consultation was completed on 27 August 2019, with two sessions made available in Paraburdoo for the community. Three community members attended the first session along with Ward Councillors for the second session. Media consultation invited written responses closing on the 2 September 2019. The consultation also provided the community to review final design and location of the Dog Exercise Area and was well received overall with 1 written response which was also positive.

ATTACHMENT 13.6B

Consultation

Executive Management Team
Community consultation as outlined in the Report

Statutory Environment

There are no known statutory impediments for this matter.

Financial Implications

The following budget allocations are provided in the 2019/20 budget; 19075 Paraburdoo Dog Exercise Area from the 2012/2017 Rio Tinto Community Infrastructure and Services Partnership.

Strategic Implications

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

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

Goal 04 Quality Services and Infrastructure
Objective 1 Quality public infrastructure

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the proposed Paraburdoo Dog Exercise Area, and Final Design, Council:

1. Note the consultation undertaken in relation to the location of the Paraburdoo Dog Exercise Area; and
2. Endorse the location and final design for the Paraburdoo Dog Exercise Area (ATTACHMENT 13.6A).

Council Decision

MOVED: Cr D Dias

SECONDED: Cr L Rumble

That with respect to the proposed Paraburdoo Dog Exercise Area, and Final Design, Council:

- 1. Note the consultation undertaken in relation to the location of the Paraburdoo Dog Exercise Area; and**
- 2. Endorse the location and final design for the Paraburdoo Dog Exercise Area (ATTACHMENT 13.6A) clarifying that the fence will be in alignment with the 2nd external wall expansion joint.**

CARRIED 8/0

Councillor White, Rumble, Dias, Thomas, Foster, Gallanagh, Lynch and Diver voted for the motion

Reason for change: Council sought to clarify that the fence will be in alignment with the 2nd external wall expansion joint.

13.7 RFT 10.19 DESIGN & CONSTRUCT SOFTBALL, SOCCER AND RUGBY FACILITIES

MINUTE: 643/2019

FILE REFERENCE: CM10.19

AUTHOR'S NAME AND POSITION: Chantelle Bryce
Acting Director Property Development Services

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 9 September 2019

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

PREVIOUS MEETING REFERENCE: Agenda Item 7.1 Minute No. 543/2019 – Ordinary Meeting of Council 23 April 2019

Summary

Request for Tender (RFT) 10.19 Design and Construct Softball, Soccer and Rugby Facilities was advertised via the Shire eTendering Portal Tenderlink. The Tender was released Friday 2 August 2019 closing on Wednesday 28 August 2019. The Tender was also publically advertised in the West Australian on the Wednesday 31 July 2019.

RFT 10/19 closed with one compliant submission received. The evaluation panel have conducted their assessment and present the report to Council for consideration.

Background

At Ordinary Meeting of Council held on 23 April 2019 the 'Pre Tender Plans and associated budget' for the Paraburdoo Softball Diamond and Soccer Facilities was presented for review. The Paraburdoo Community Hub Committee recommended to Council that the plans be endorsed for progression to Request for Tender which was confirmed.

ATTACHMENT 13.7A

Comment

The compliant submission was received from Byblos Constructions and was assessed by the tender evaluation panel against the following criteria:

Relevant Experience	10%
Key Personnel	10%
Past Company Performance	10%
Resources, Plant & equipment	5%
Methodology/Quality & OHS Systems/	
Life cycle/Risk Management	15%
Tendered Price	50%

CONFIDENTIAL ATTACHMENT 13.7B

The submission was evaluated and deemed compliant, however the submitted price was over the approved budget allocation of \$450,000. The evaluation panel requests a budget variation to proceed with the proposed full scope of works. Note that negotiations will be held with the successful tender, prior to final contracts being issued.

Should Council decline the budget variation request, another option is to not award this tender and readvertised works with a reduced scope.

Consultation

Executive Management Team
Senior Procurement Officer

Statutory Environment

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

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

Financial Implications

Evaluation panel are requesting a budget variation to the 2019/20 Budget for an additional \$80,000 in borrowings for new Loan no.125 – Paraburdoo CHUB from \$726,000 to \$806,000.

Strategic Implications

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

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

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "High". The high level of risk is being driven by "the high financial value of this project" or "the risk to the Shire's reputation in the event that this project cannot be delivered on time/budget."

As a high risk matter, the Director Property & Development Services is monitoring progress.

Policy Implications

ELM10 Financial Sustainability Policy
ENG09 Asset Management Policy
FIN12 Purchasing Policy

Voting Requirement

Absolute Majority Required

Officers Recommendation and Council Decision

MOVED: Cr L Rumble

SECONDED: Cr M Lynch

That with respect to RFT 10/19 Design and Construct Paraburdoo Softball Diamond, Soccer and Rugby Facility, Council:

1. Resolve that Report CONFIDENTIAL ATTACHMENT 13.7B is confidential in accordance with s5.23 (2) of the Local Government Act 1995 because it deals with matters affecting s5.23 (2) (c):

“a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting”,
2. Note the attached Evaluation report CONFIDENTIAL ATTACHMENT 13.7B.
3. Approve budget variation of \$80,000 to Capital Income account no. 113280, Loan Borrowings from \$726,000 to \$806,000 and to Capital Expenditure Job no. ~~BN386 – CHUB External Works from \$150,000 to \$230,000~~; **CORRECTION – Capital Expenditure Job no AP2009 – Paraburdoo Softball Diamond (New Softball Field) \$450,000 to \$530,000;**
4. Authorise the Chief Executive Officer to enter into negotiations with the successful tenderer prior to contracts being awarded; and
5. Authorise the Chief Executive Officer to approve any budget variations in line with our legislative requirements.

CARRIED BY ABSOLUTE MAJORITY 7/1

Councillor White, Rumble, Dias, Foster, Gallanagh, Lynch and Diver voted for the motion
Councillor Thomas voted against the motion

13.8 ADOPTION OF THE MINUTES OF THE BUSHFIRE ADVISORY COMMITTEE HELD ON 12 AUGUST 2019 AND REQUEST BY CR DIAS TO BE APPOINTED A FIRE CONTROL OFFICER

MINUTE: 644/2019

FILE REFERENCE: ES08

AUTHOR'S NAME AND POSITION: Chantelle Bryce
Acting Director Property Development Services

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 9 September 2019

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

Council is requested to receive the Minutes of the Bush Fire Advisory Committee held on 12 August 2019 and to address Cr Dias' request to be appointed a Fire Control Officer (FCO).

Background

The Bush Fire Advisory Committee met on 12 August 2019 with the Minutes of the meeting attached.

ATTACHMENT 13.8

Part 2 of the Committee's Decisions and Recommendation resolved:

"2 *That the Bushfire Advisory Committee recommends to Council, that Council Authorises the below as Fire Control Officers for the whole of the Shire of Ashburton.*

- *Community Safety Manager Morgwn Jones to be authorised as the DCBFC*
- *Tom Price VBFB Captain Wayne Hatton to be authorised as an FCO*
- *Tom Price VBFB Lieutenant Craig Mackrell to be authorised as an FCO*
- *Tom Price VBFB Lieutenant Kirsty Coleman to be authorised as an FCO*
- *Tom Price Lieutenant Mike Turrill to be authorised as an FCO*
- *Senior Ranger Kyle Cameron to be authorised as an FCO*
- *Ranger Onslow Phillip Avery to be authorised as an FCO*
- *Ranger Paraburdoo Trent Mettam to be authorised as an FCO"*

By EMACCESS of 19 August 2019, the Acting Chief Executive Officer advised Councillors as follows:

“Afternoon Councillors,

The Fire and Emergency Services (FES) Commissioner has “appointed” an FES Officer to be the Chief Bush Fire Control Officer (CBFCO) for the Shire of Ashburton. We are required in accordance with the Bush Fire Act 1954 to advertise this appointment.

Presently Morgs (Morgwn Jones) is the authorised CBFCO so it is a necessity under delegation to revoke his appointment. Section 48 of the Bush Fires Act delegates the CEO these powers and this is covered in the Delegations register DA07-11.

48. Delegation by local governments

- (1) A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.*
- (2) Performance by the chief executive officer of a local government of a function delegated under subsection (1) —*
 - (a) is taken to be in accordance with the terms of a delegation under this section, unless the contrary is shown; and*
 - (b) is to be treated as performance by the local government.*
- (3) A delegation under this section does not include the power to subdelegate.*
- (4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.*

This way it enables the Shire to advertise all revocations and all new appointments in one go both saving on advertising costs and ensuring we are compliant with the BF Act 1954. I appreciate this is not ideal but we just haven’t been able to align our timeframes with the Department.

Attached are the BFAC minutes (Unconfirmed & in Draft) including the FCO recommendations and the Tom Price Bush Fire Brigade AGM Minutes which also inform the Bushfire Advisory Committee’s (BFAC) recommendations.

Please note Rob had initially wanted an Agenda Item to go to Council for the Appointment of Local Government Fire Control Officers and if you still wish to handle this matter in that way I fully understand. Bear in mind BFAC only met last week with their recommendations intended to be put before Council at the September Meeting.

In light of the FES Commissioners delegation and given the pending time frames I propose it is best to have all of the FCO authorisations done under delegation similar to the process of the last 3-4 years. Accordingly, should any Councillor not agree with the exercising of this Delegation, please advise me by return email before COB Thursday 22 August 2019.

Only Councillor Dias responded to the Acting CEO’s email by seeking to have Council nominate him as Fire Control Officer. Accordingly, the Bush Fire Advisory Committee’s Minutes are referred in this report along with Cr Dias’ request to be appointed an FCO.

In support of his request, Cr Dias advises as follows:

“I have been a volunteer fire & rescue member with Paraburdoo VFRS since 1992. I have held an exertive position in the brigade since 2000. I am still an active member of the Paraburdoo VFRS though have stepped down from my executive role as of this year due to my increased commitments around town.

Additionally I felt there was a unhealthy dependency on me by the brigade (so in the interest of the VFRS) this way it would allow me to foster growth by being a mentor to the new Executive group.

Since I am a stable constant representative of the Paraburdoo area with many years' experience in Fire service (have done numerous courses in wild fire safety and behaviour) and a sound knowledge of the area also there is no BFB in Paraburdoo. Council appointed me as one of the Shire FCO's in 2011, a position I have taken seriously and met all the requirements without any issues. I am redoing my FCO course tomorrow (10.09.2019) at Tom Price BFB. This is the first course in TP this year I did apply to go to Narrogin to do the course earlier this year but Morgwn told me to wait since this course was being planned but they did not have a date at the time.

I still believe with my experience and knowledge of the Pilbara geographic and with wild fire prevention and behaviour and I am most suited for a position of the shire FCO. I would like to continue my role taking on full responsibilities of an FCO as per the Bush Fire Act and Regulation 1954 as I have done since being appointed by Council in 2011".

Comment

Council should be cautious in overriding the Bush Fire Advisory Committee's recommendations as it could be seen to undermining the position and experience of the Committee and its members.

In this regard, whilst it is open to Council to appoint anyone it considers suitable as an FCO, before doing so, Council may seek to write to the Chair of Bushfire Advisory Committee requesting that an 'out of Session' meeting be held to consider Cr Dias' request to be appointed an FCO.

Consultation

Executive Management Team

Statutory Environment

Section 48 of the Bush Fires Act delegates the CEO these powers and this is covered in the Delegations register DA07-11.

Financial Implications

There are no known Financial Implications for this matter.

Strategic Implications

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

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

Goal 04 Quality Services and Infrastructure
Objective 1 Quality public infrastructure

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement
Simple Majority Required

Council Decision

MOVED: Cr K White

SECONDED: Cr L Rumble

That Council request agenda item 13.8

‘ADOPTION OF THE MINUTES OF THE BUSHFIRE ADVISORY COMMITTEE HELD ON 12 AUGUST 2019 AND REQUEST BY CR DIAS TO BE APPOINTED A FIRE CONTROL OFFICER’

Lay on the Table until the next Council Meeting to be held 22 October 2019.

CARRIED 6/2

**Councillor White, Rumble, Foster, Diver, Lynch and Gallanagh voted for the motion
Councillor Thomas and Dias voted against the motion**

14. COMMUNITY SERVICES REPORTS

14.1 PROVISION OF IN-KIND SUPPORT TO THE DEPARTMENT OF TRANSPORT TO PROVIDE LICENCING SERVICES IN PANNAWONICA AND PARABURDOO

MINUTE: 645/2019

FILE REFERENCE: CR01

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

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Department of Transport

DATE REPORT WRITTEN: 29 August 2019

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The Department of Transport (DoT) are proposing to provide licencing services to the communities of Pannawonica and Paraburdoo and are seeking support from the Shire for in-kind venue hire.

Background

The Department of Transport (DoT) are proposing to visit Pannawonica and Paraburdoo on a monthly basis to provide licensing services to the community. Depending on the utilisation of the service DoT will review the frequency at a later date to determine whether the service should be increased or decreased dependence on demand.

At present, DoT are providing licencing services in DoT Onslow from the Beadon Creek Harbour office and from the existing office in Tom Price. To extend the services to the other towns in Ashburton, DoT are seeking support from the Shire to provide services from Office 16 at the Mayu Maya Centre in Pannawonica and the Lesser Hall in Paraburdoo at no charge.

Comment

The proposed services to be offered would be the same as if a client visited a DoT office in Karratha or the metro, some of these are:

- Theory testing
- "C" Class driving tests as well as higher classes such as "HR"
- Transfer of Eastern States and overseas driver licenses
- Transfer of Eastern States vehicles

- Reissue of cancelled licenses
- Issue of Extra Ordinary licenses
- Any other service that the Department of Transport provides.

Consultation

Executive Management Team
Community Services Officers

Statutory Environment

There are no known statutory impediments for this matter.

Financial Implications

Due to the leasing arrangements in place with Rio Tinto in Pannawonica there is nil costs to the Shire for the provision of the office at the Mayu Maya Centre.

The cost of Lesser Hall in Paraburdoo is \$116 per day, there are currently no meeting rooms/office space available in Paraburdoo listed on the fees and charges. Should the service be conducted every month, for the entire day, for the balance of the current financial year, the estimated cost is \$1160.

Strategic Implications

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

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

Risk Management

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

Policy Implications

REC08 Community Donations, Grants and Funding Policy makes provision for the CEO to provide a small assistance donation up to \$500 per financial year.

Voting Requirement

Absolute Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Gallanagh

That with respect to the Provision of In-Kind Support to the Department of Transport to provide Licencing Services in Pannawonica and Paraburdoo, Council:

- 1. Approve the in-kind donation of Lesser Hall in Paraburdoo;**
- 2. Approve the in-kind donation of the office at the Mayu Maya Centre in Pannawonica at no cost; and**

3. **Request the Chief Executive Officer to review the arrangements in place after April 2020.**

CARRIED BY ABSOLUTE MAJORITY 8/0

Councillor White, Rumble, Dias, Thomas, Foster, Gallanagh, Diver and Lynch voted for the motion

14.2 EMERGENCY SERVICES GRANTS

MINUTE: 646/2019

FILE REFERENCE: CR13

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

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 2 September 2019

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The revisions to the Shire Policy REC08 Community Donations, Grants and Funding was endorsed by Council at the November OCM. The policy review incorporated a new class of support through the provision of an annual donation to emergency service brigades across Ashburton. This agenda item seeks clarification from Council as the extent support will be provided.

Background

Amendments to REC08 Community Donations, Grants and Funding were endorsed by Council at the November OCM, the review of the policy aimed at providing additional clarity to clubs and groups of what could be applied for through the grants. In recognition of the important role that local emergency management brigades play in each community they were removed from the community support grant component and a specific donation category was created.

Comment

The Shire of Ashburton is committed to supporting local emergency management organisations and the provision of the emergency services donation recognises the important role the brigades play in each of the towns and collectively when larger situations occur.

There are a number of emergency services brigades and organisations across the Shire, clarity is sought to the extent that the donation would be provided if it would include fee for service organisations such as St John Ambulance or the WA Police.

The WA Police have periodically applied for small assistance donations to cover the cost of venue hire on blue light disco events for the children in the town, this has been accommodated through the small assistance donation process and would be difficult for the Police to receive a donation of cash without a committee as such set up.

Consultation

Executive Management Team

Statutory Environment

There are no known statutory impediments for this matter.

Financial Implications

The financial implications of the grants are detailed below:

Bush Fire Brigade	Tom Price	\$1000
Volunteer Fire and Rescue Services	Onslow	\$1000
Volunteer Fire and Rescue Services	Tom Price	\$1000
Volunteer Fire and Rescue Services	Paraburdoo	\$1000
Volunteer Fire and Rescue Services	Pannawonica	\$1000
Volunteer Marine Rescue	Onslow	\$1000
State Emergency Services	Tom Price	\$1000
Volunteer Emergency Services Unit	Onslow	\$1000

The donation is proposed to be commenced in 2019/20.

Strategic Implications

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

Goal 01 Vibrant and Active Communities

Objective 1 Connected, caring and engaged communities

Risk Management

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

Policy Implications

REC08 – implications The Shire of Ashburton is committed to supporting local emergency management organisations and automatically makes an annual donation of \$1000 to each emergency services brigade in May of each year.

Voting Requirement

Absolute Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Thomas

That with respect to the Emergency Services Grants, donation to emergency services brigades, Council:

1. Endorse the following emergency services donations to be paid:

Bush Fire Brigade	Tom Price	\$1000
Volunteer Fire and Rescue Services	Onslow	\$1000
Volunteer Fire and Rescue Services	Tom Price	\$1000
Volunteer Fire and Rescue Services	Paraburdoo	\$1000
Volunteer Fire and Rescue Services	Pannawonica	\$1000
Volunteer Marine Rescue	Onslow	\$1000
State Emergency Services	Tom Price	\$1000
Volunteer Emergency Services Unit	Onslow	\$1000

2. Acknowledge the above decision to inform future emergency services donations.

CARRIED BY ABSOLUTE MAJORITY 8/0

Councillor White, Rumble, Dias, Thomas, Foster, Gallanagh, Diver and Lynch voted for the motion

15. INFRASTRUCTURE SERVICES REPORTS

There are no Infrastructure Services reports for this Agenda.

16. COUNCILLOR AGENDA ITEMS / NOTICES OF MOTIONS

16.1 CAMPING ARRANGEMENTS AT THREE MILE POOL, MINDEROO STATION

FILE REFERENCE: RC01
RV32

Cr White tabled the following Notice of Motion in regard to the Camping Arrangements at Three Mile Pool, Minderoo Station.

Notice of Motion:

That the Chief Executive Officer prepare as a matter of urgency, a report to Council that addresses the resolution of Council in relation to Item 9.6 Minutes of the SoA Tourism Development Committee Meeting of 23 April 2018 insofar as the:

- **Ownership and interests of land associated with camping along the Ashburton River;**
- **Responsibilities if any, associated with the direction of the above resolution; and**
- **Any potential legal risk implications on the Shire for its involvement in arranging.**

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

Cr White presented to Council an Item that had not been included in the Agenda and requested that it be accepted by Council.

Council Decision

MOVED: Cr M Lynch

SECONDED: Cr P Foster

That Council accept the following New Business of an Urgent Nature:

17.1 AMEND THE SIGN ERECTED AT ASHBURTON RIVER ASSOCIATED WITH CAMPING AND CARAVANNING.

CARRIED 8/0
Councillor White, Rumble, Dias, Thomas, Foster, Diver, Gallanagh and Lynch voted for the motion

Mrs M Lewis left the Chambers at 3.00 pm.

17.1 AMEND THE SIGN ERECTED AT ASHBURTON RIVER ASSOCIATED WITH CAMPING AND CARAVANNING.

MINUTE: 647/2019

FILE REFERENCE: ED01.01

AUTHOR'S NAME AND POSITION: Cr Kerry White, Onslow Ward

DATE REPORT WRITTEN: 18 September 2019

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

Cr White advised Council that the sign erected by the Shire at Ashburton River associated with camping and caravanning is causing confusion with respect to the period of stay and the payment of a 'donation' to the Onslow Visitor Centre.

Background

At the 23 April 2018 Ordinary meeting, Council resolved as follows:

"That with respect to camping arrangements at Three Mile Pool, Minderoo Station the Ashburton Tourism Development Committee recommend to Council, that Council:

- 1. Adopt in principle a \$5 camping fee for Three Mile Pool (fee calculated per vehicle, per night) inclusive of GST;*

2. *Request Council to include in the 2018/19 Fees & Charges Schedule a \$5 camping fee for Three Mile Pool (fee calculated per vehicle, per night) inclusive of GST;*
3. *Liaise with the Onslow Visitor Centre to process camping payments and permits with the intent that fees raised would be donated to the Onslow Visitor Centre;*
4. *Authorise the income received from the camping fees to be donated to the Onslow Visitor Centre for the purpose of maintaining the Good Shed Museum; and*
5. *Request the Chief Executive Officer to advise the Pastoral lease holder of Minderoo Station in relation to camping at Three Mile Pool (Ashburton River) that:*
 - a) *The Shire will not erect a fence to limit access of campers to Minderoo Station or introduce skip bins;*
 - b) *The Shire will improve signage (including defining camping areas, advising campers that toilet facilities are not available and to remove their rubbish) and establish a permit system;*
 - c) *The Shire will is to carry out Ranger inspections three times per week during peak season;*
 - d) *Council has adopted an 'in principle' \$5 camping fee for Three Mile Pool (fee calculated per vehicle, per night) inclusive of GST;*
 - e) *Council is to include the \$5 camping fee for Three Mile Pool (fee calculated per vehicle, per night) inclusive of GST in the 2018/19 Fees & Charges Schedule;*
 - f) *The Council is prepared to allow the Onslow Visitor Centre to process camping payments and permits with the intent that fees raised are a donation to the Onslow Visitor Centre;*
 - g) *In consultation with the Onslow Visitor Centre Council request the Shire to pursue a camp host at the site as a voluntary arrangement;*
 - h) *The Pastoral lease holder of Minderoo Station is requested to confirmation in writing the acceptance (or otherwise) of Council's decisions as per above.*
 - i) *Should the Pastoral lease holder of Minderoo Station not accept the arrangements as outlined that:*
 - i. *Council will consider this response as an objection to the camping arrangements at Three Mile Pool, Minderoo Station; and*
 - ii. *The lease holder is asked to advise how they intend to manage camping at Three Mile Pool (Ashburton River)."*

Comment

Cr White advised Council that the sign erected by the Shire at Ashburton River associated with camping and caravanning is causing confusion with respect to the period of stay and the payment of a 'donation' to the Onslow Visitor Centre.

Cr White advised that the Onslow Visitor Centre welcomed the information on the sign but considered the period of stay and the payment of a 'donation' to the Onslow Visitor Centre was unnecessary. Cr White advised that the Visitor Centre was unable to accept the donation.

Consultation

Elected Members

Chief Executive Officer

Statutory Environment

There are no known statutory impediments for this matter

Financial Implications

There would be a cost to Council however it would be accounted for within the Council's 2019/20 Budget.

Strategic Implications

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

Goal 05 Inspiring Governance
Objective 3 Council Leadership

Policy Implications

There are no known policy implications for this matter

Voting Requirement

Simple Majority Required

Mrs M Lewis returned to the Chambers at 3.02 pm.
--

Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That Council suspend Standing Orders at 3.04 pm.

CARRIED 8/0

Councillor White, Rumble, Dias, Thomas, Foster, Gallanagh, Lynch and Diver voted for the motion

Council Decision

MOVED: Cr M Lynch

SECONDED: Cr P Foster

That Council resume Standing Orders at 3.15 pm.

CARRIED 8/0

Councillor White, Rumble, Dias, Thomas, Foster, Gallanagh, Lynch and Diver voted for the motion

Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That with respect to amend the sign erected at Ashburton River associated with camping and caravanning, Council:

- 1. Note the advice from Cr White.**
- 2. Request the Chief Executive Officer to remove reference on the sign to the period of stay and the payment of a 'donation' to the Onslow Visitor Centre.**

CARRIED 8/0

Councillor White, Rumble, Dias, Thomas, Foster, Gallanagh, Diver and Lynch voted for the motion

18. CONFIDENTIAL MATTERS

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

- 1. If a meeting is being held by a Council or by a committee referred to in subsection (1)(b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:*
 - (a) a matter affecting an employee or employees;*
 - (b) the personal affairs of any person;*
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
 - (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.*

Council Decision

MOVED: Cr M Lynch

SECONDED: Cr P Foster

That Council close the meeting to the public at 3.18 pm pursuant to sub section 5.23 (2) (a) and (b) of the *Local Government Act 1995*.

CARRIED 8/0

Councillor White, Rumble, Dias, Thomas, Foster, Diver, Lynch and Gallanagh voted for the motion

There were no members of the public present in the Chambers.

18.1 CONFIDENTIAL ITEM – REQUEST FROM ASHBURTON INVESTMENTS PTY LTD (LESSEE) – ONSLOW SUN CHALETs

MINUTE: 648/2019

FILE REFERENCE: SEC.0588

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

AUTHORISING OFFICER AND POSITION: Chantelle Bryce
Acting Director Property and Development Services

NAME OF APPLICANT/RESPONDENT: Ashburton Investments Pty Ltd

DATE REPORT WRITTEN: 2 September 2019

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

PREVIOUS MEETING REFERENCE: Agenda Item 18.4 (Minute No. 540/2019) – Ordinary Meeting of Council 12 March 2019
Agenda Item 18.1 (Minute No. 313/2018) – Ordinary Meeting of Council 13 February 2018

REASON FOR CONFIDENTIALITY

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

- (b) *the personal affairs of any person;*
- (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.*

Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That Council suspend Standing Orders at 3.19 pm.

CARRIED 8/0

Councillor White, Rumble, Dias, Thomas, Foster, Diver, Lynch and Gallanagh voted for the motion

Council Decision

MOVED: Cr M Lynch

SECONDED: Cr L Rumble

That Council resume Standing Orders at 3.33 pm.

CARRIED 8/0

Councillor White, Rumble, Dias, Thomas, Foster, Diver, Lynch and Gallanagh voted for the motion

Officers Recommendation

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

1. Determine the appropriate arrangement for a review of the lease fee for the Onslow Sun Chalets as addressed in the report (CONFIDENTIAL ATTACHMENT 18.1).

Council Decision

MOVED: Cr M Lynch

SECONDED: Cr L Rumble

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

1. **Defer consideration of the request;**
2. **Request the Chief Executive Officer to seek the following information from the Lessee:**
 - **a complete Profit and Loss Statement for the 2018/19 financial period, including detailed breakdown of the management fee;**
 - **occupancy rate per accommodation type for the 2018/19 financial period;**
 - **further information regarding the breakdown of capital expenditure undertaken by the Lessee during the term of the lease; and**
3. **Refer the matter back to Council once the information required in 2 above is received.**

CARRIED 8/0

Councillor White, Rumble, Dias, Thomas, Foster, Gallanagh, Diver and Lynch voted for the motion

Reason for change: Council sought additional detailed financial information from the Lessee prior to making a decision on the matter.

18.2 CONFIDENTIAL ITEM – INTERFACE AGREEMENTS FOR ROEBOURNE-WITTENOOM ROAD

Declaration of Interest

Prior to consideration of this Agenda Item:

Cr Dias declared a financial interest

Cr Rumble declared a financial interest

Cr Lynch declared an indirect financial interest

Cr Lynch declared a proximity financial interest

Cr Foster declared a financial interest

Cr Diver declared a financial interest

Cr Gallanagh declared a financial interest

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

Councillor Dias, Gallanagh and Foster left the Chambers at 3.34 pm due to a declaration of interest for financial interests in Confidential Agenda Item 18.2.

Councillor Lynch, Diver and Rumble remained in the Chamber in line with the approval given by the Deputy Director General of the Department of Local Government, Sport and Cultural Industries as noted at item 6.2.
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MINUTE: 649/2019

FILE REFERENCE:	RD.0299
AUTHOR'S NAME AND POSITION:	Janelle Fell Manager Land and Asset Compliance
AUTHORISING OFFICER AND POSITION:	Chantelle Bryce Acting Director Property and Development Services
NAME OF APPLICANT/RESPONDENT:	Western Australia Local Government Association
DATE REPORT WRITTEN:	6 September 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 8.1 (Minute No. 29/2018) – Ordinary Meeting of Council 23 October 2018.

REASON FOR CONFIDENTIALITY

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

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

Officers Recommendation and Council Decision

MOVED: Cr M Lynch

SECONDED: Cr L Rumble

That with respect to Interface Agreements for Roebourne-Wittenoom Road, Council:

- 1. Endorse the Chief Executive Officer request the Minister for Roads accept the control and management of Roebourne-Wittenoom Road;**
- 2. Should the Minister for Roads not accept responsibility for the road, advise WALGA that:**
 - a. due to potential asbestos related diseases as a result of road maintenance the Shire is not in a position to access the Roebourne-Wittenoom Road; and**
 - b. should a Rail Infrastructure Manager wish to progress operations, an asbestos risk management plan is required.**
- 3. Endorse the Chief Executive Officer to request WALGA to remove crossings related to Roebourne-Wittenoom Road from the Interface Agreements; and**
- 4. Require Rail Infrastructure Managers to indemnify the Shire of Ashburton in writing against any claim associated with asbestos related material.**

CARRIED 5/0

Councillor White, Rumble, Thomas, Lynch and Diver voted for the motion

Councillor Dias, Gallanagh and Foster returned to the Chambers at 3.36 pm. The Presiding Members advised the Councillors of the outcome of the vote for this item.

18.3 CONFIDENTIAL ITEM - STATUS OF NATIVE TITLE CLAIMS WITHIN THE SHIRE OF ASHBURTON

MINUTE: 650/2019

FILE REFERENCE: LS22

AUTHOR'S NAME AND POSITION: Keith Pearson
Special Projects Advisor

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 3 September 2019

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

PREVIOUS MEETING REFERENCE: Not Applicable

REASON FOR CONFIDENTIALITY

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

- (b) *the personal affairs of any person;*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.*

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Rumble

That with respect to the current Federal Court litigation in relation to the Palyku/Njamal Native Title Claim, Council:

- 1. Request the Chief Executive Officer to instruct the Shire Solicitor to take all necessary steps for the Shire to withdraw from the claim.**

CARRIED 8/0

Councillor White, Rumble, Dias, Thomas, Foster, Diver, Gallanagh and Lynch voted for the motion

18.4 CONFIDENTIAL ITEM - RATES WRITE OFF

MINUTE: 651/2019

FILE REFERENCE: RV1/RV12

AUTHOR'S NAME AND POSITION: Saul-Reves Gordon
Rates Officer

Robyn Smith
Contract Manager Finance & Administration

AUTHORISING OFFICER AND POSITION: John Bingham
Director Corporate Services

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 3 September 2019

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial, proximity or impartiality interests in the proposal.

PREVIOUS MEETING REFERENCE: Not Applicable

REASON FOR CONFIDENTIALITY

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

- (a) *the personal affairs of any person; and*
- (b) *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.*

Officers Recommendation and Council Decision

MOVED: Cr L Rumble

SECONDED: Cr P Foster

That with respect to the Confidential Item – Rates Write Off, Council:

- 1 Write off all rates and interest of debt totaling \$5,173.13 to allow the Department of Planning, Lands & Heritage to lease the land quickly and for the Shire to rate accordingly as to not miss any revenue from interim rates of the 2019/20 financial year; and**
- 2. Request the Chief Executive Officer to write to the Department of Fire & Emergency Services to request a credit for the total of \$344.33 of Emergency Service Levy owing as only the Minister can give permission to write off ESL from previous years.**

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

All staff left the Chambers at 3.39 pm due to Confidential Agenda items 18.5, 18.6 and 18.7. CEO Rob Paull remained in the Chambers. Minutes were taken by the CEO except for Confidential Agenda item 18.7 where Cr P Foster took the Minutes.

18.5 CONFIDENTIAL ITEM - APPOINTMENT OF DIRECTOR COMMUNITY SERVICES

At the Ordinary Meeting of Council of 13 August 2019, this matter was laid on the table.

Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That Item 18.5 Confidential Item - Appointment of Director Community Services” be raised from the table.

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

MINUTE: 652/2019

FILE REFERENCE: PE.1237

AUTHOR’S NAME AND POSITION: Rob Paull
Chief Executive Officer

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 11 September 2019

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial, proximity or impartiality interests in the proposal.

PREVIOUS MEETING REFERENCE: Agenda Item 18.2 (Minute No. 432/2018) – Ordinary Meeting of Council 19 September 2018.

REASON FOR CONFIDENTIALITY

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

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

Officers Recommendation and Council Decision

MOVED: Cr M Lynch

SECONDED: Cr L Thomas

That with respect to Confidential Item - Appointment of Director Community Services, Council:

- 1. Accept the Chief Executive Officer's recommendation to appoint the preferred applicant (as outlined in the report) for the position of Director Community Services for a Contract of Employment for a period of 5 years;**
- 2. Continue the arrangements for the role of (acting) Director Community Services, pursuant to *s5.37 (2) of the Local Government Act 1995*, until the preferred applicant referred to in 1. above commences with the Shire.**
- 3. Should the recommended appointee not accept the offer of position of Director Community Services then the position be readvertised (with the same Councillor representation as previously endorsed by Council).**

CARRIED BY ABSOLUTE MAJORITY 8/0

Councillor White, Rumble, Dias, Thomas, Foster, Diver, Lynch and Gallanagh voted for the motion

18.6 CONFIDENTIAL ITEM - POSITION OF DIRECTOR INFRASTRUCTURE SERVICES

MINUTE: 653/2019

FILE REFERENCE: GV05
PE03

AUTHOR'S NAME AND POSITION: Rob Paull
Chief Executive Officer

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 3 September 2019

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

PREVIOUS MEETING REFERENCE: Not Applicable

REASON FOR CONFIDENTIALITY

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

- (d) *a matter affecting an employee or employees; and*
- (e) *the personal affairs of any person; and*
- (f) *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.*

Council Decision

MOVED: Cr M Lynch

SECONDED: Cr P Foster

That Council suspend Standing Orders at 3.47 pm.

CARRIED 7/1

Councillor White, Rumble, Thomas, Foster, Diver, Lynch and Gallanagh voted for the motion

Councillor Dias voted against the motion

Council Decision

MOVED: Cr M Lynch

SECONDED: Cr M Gallanagh

That Council resume Standing Orders at 4.20 pm.

CARRIED 8/0
Councillor White, Rumble, Thomas, Foster, Diver, Lynch and Gallanagh voted for the motion

Officers Recommendation

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

1. Note the report with respect to interim and permanent arrangements for the appointment of a Director Infrastructure Services;
2. Mr Alan McColl be appointed in the role of (acting) Director Infrastructure Services, pursuant to s5.37 (2) of the Local Government Act 1995, until a suitable permanent Director Infrastructure Services is recommend by the Chief Executive Officer.
3. Accept the Chief Executive Officer's invitation to have two (2) Councillors participate in the selection of candidate/s for the permanent appointment of a Director Infrastructure Services position; and
4. In relation to 4. above, Council nominates:

Councillor:; and

Councillor:

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

Council Decision

MOVED: Cr M Lynch

SECONDED: Cr L Thomas

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

- 1. Note the report with respect to interim and permanent arrangements for the appointment of a Director Infrastructure Services;**
- 2. Mr Alan McColl be appointed in the role of (acting) Director Infrastructure Services, pursuant to s5.37 (2) of the Local Government Act 1995, until a suitable permanent Director Infrastructure Services is recommend by the Chief Executive Officer.**
- 3. Accept the Chief Executive Officer's invitation to have two (2) Councillors participate in the selection of candidate/s for the permanent appointment of a Director Infrastructure Services position; and**
- 4. In relation to 4. above, Council nominates:**

Councillor: Cr White.; and

Councillor: Cr Rumble (Cr Foster his proxy).

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

CARRIED BY ABSOLUTE MAJORITY 8/0

Councillor White, Rumble, Dias, Thomas, Foster, Diver, Lynch and Gallanagh voted for the motion

Reason for change: Council nominated two Councillors to participate in the selection of candidate/s for the permanent appointment of a Director Infrastructure Services position.

18.7 CONFIDENTIAL ITEM - STAFF AND ORGANISATION MATTERS

Declaration of Interest

Prior to consideration of this Agenda Item:

Mr R Paull declared a financial interest

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

Council Decision

MOVED: Cr M Lynch

SECONDED: Cr P Foster

That Council suspend Standing Orders at 4.24 pm.

CARRIED 8/0

Councillor White, Rumble, Dias, Thomas, Foster, Diver, Lynch and Gallanagh voted for the motion

CEO, Mr. R Paull left the Chambers at 4.40pm before the vote for the Recommendation took place due to his Financial Declaration of Interest for Confidential Agenda item 18.7.

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr L Thomas

That Council resume Standing Orders at 4.55 pm.

CARRIED 8/0

Councillor White, Rumble, Dias, Thomas, Foster, Diver, Lynch and Gallanagh voted for the motion

MINUTE: 654/2019

FILE REFERENCE:

GV05

AUTHOR'S NAME AND POSITION:

Rob Paull
Chief Executive Officer

AUTHORISING OFFICER AND POSITION

Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT:

Not Applicable

DATE REPORT WRITTEN:

10 September 2019

DISCLOSURE OF FINANCIAL INTEREST:

The authorising officer has a financial interest in the matter as he is employed as the CEO and receives remuneration along with accommodation and vehicle

PREVIOUS MEETING REFERENCE:

Agenda Item 7.1 (Minute No. 43 486/2019) – Confidential Item - Chief Executive Officer Performance Review 15 January 2019.

REASON FOR CONFIDENTIALITY

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

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

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That Council notes the matters addressed in the CEO's report.

CARRIED 8/0

Councillor White, Rumble, Dias, Thomas, Foster, Gallanagh, Diver and Lynch voted for the motion

Cr Gallanagh left the Chambers at 4.56 pm.

Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That Council re-open the meeting to the public at 4.56 pm pursuant to sub section 5.23 (2) (a) and (b) of the *Local Government Act 1995*.

CARRIED 8/0

Councillor White, Rumble, Dias, Thomas, Foster, Gallanagh, Diver and Lynch voted for the motion

Cr Gallanagh and Mr Paull returned to the Chambers at 4.57 pm. The Presiding Member advised Mr Paull of the outcome of the vote for item 18.7. No staff returned to the Chambers. Cr Foster continued taking the Minutes until the closure of this meeting.

19. NEXT MEETING

The next Ordinary Meeting of Council will be held on 22 October 2019, Clem Thompson Sports Pavilion, Stadium Road, Tom Price commencing at 1.00 pm.

20. CLOSURE OF MEETING

There being no further business to discuss the Presiding Member closed the meeting at 4.57 pm.