

# Ordinary Meeting of Council

Paraburdoo



## Public Agenda 19 November 2019

Ashburton Hall  
Ashburton Avenue  
Paraburdoo  
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.

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# Our Vision

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



## STRATEGIC DIRECTIONS

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



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





**SHIRE OF ASHBURTON  
PUBLIC AGENDA**

**Ashburton Hall, Ashburton Avenue  
Paraburdoo  
19 November 2019  
1.00 pm**

**CONFIDENTIAL AGENDA - ORDINARY MEETING OF COUNCIL  
19 NOVEMBER 2019**

**SHIRE OF ASHBURTON**

**ORDINARY MEETING OF COUNCIL**

Notice is hereby given that an Ordinary Meeting of Council of the Shire of Ashburton will be held on 19 November 2019 at the Ashburton Hall, Ashburton Avenue, Paraborndoo commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.



Mr Steven Deckert  
**ACTING CHIEF EXECUTIVE OFFICER**

**DISCLAIMER**

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

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**1. DECLARATION OF OPENING**

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

**1.1 ACKNOWLEDGEMENT OF COUNTRY**

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

**2. ANNOUNCEMENT OF VISITORS**

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

**3. ATTENDANCE**

**3.1 PRESENT**

<b>Elected Members:</b>	Cr K White Cr D Diver Cr L Rumble Cr D Dias Cr P Foster Cr M Lynch Cr J Richardson Cr M Gallanagh Cr R de Pledge	Shire President (Presiding Member) Onslow Ward Deputy Shire President Tom Price Ward Paraburdoo Ward, Paraburdoo Ward Tom Price Ward Tom Price Ward Tablelands Ward Pannawonica Ward Ashburton Ward
<b>Staff:</b>	Mr S Deckert Mr J Bingham Mr B Cameron Mrs S Johnston Mr A McColl Mrs J Fell Mrs N Tyson Mrs M Lewis Mrs K Cameron	Acting Chief Executive Officer Director Corporate Services Director Property and Development Services Acting Director Community Services Acting Director Infrastructure Services Manager Land and Asset Compliance Manager Governance Council Liaison Officer Governance Officer
<b>Guests:</b>		
<b>Members of Public:</b>	There were ___ members of the public in attendance at the commencement of the meeting.	
<b>Members of Media:</b>	There were ___ members of the media in attendance at the commencement of the meeting.	

**3.2 APOLOGIES**

Nil at the time of preparing the agenda.

**3.3 APPROVED LEAVE OF ABSENCE**

There were no approved applications for leave of absence for this meeting.



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**4. QUESTION TIME**

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

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

**4.2 PUBLIC QUESTION TIME**

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil applications received at the time of preparing this agenda.

**6. DECLARATION BY MEMBERS**

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

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

**6.2 DECLARATIONS OF INTEREST**

**Councillors to Note**

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

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

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

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

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

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

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

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

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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
<b>13.1 APPLICATION FOR MISCELLANEOUS LICENCE 47/740 ENCROACHING TOM PRICE TOWNSITE</b>		
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 interests is Financial - my partner is employed by Rio Tinto, is a shareholder with Rio Tinto, and as a family we live in a company house in Tom Price supplied by Rio Tinto 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	Indirect Financial	The nature of my interest is I am an employee and tenant of Rio Tinto. The extent of my interest is I am paid a salary by Pilbara Iron.

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Item Number/ Name	Type of Interest	Nature/Extent of Interest
<b>13.1 APPLICATION FOR MISCELLANEOUS LICENCE 47/740 ENCROACHING TOM PRICE TOWNSITE</b>		
Cr Gallanagh	Financial	The nature of my interest is myself and my husband are employed by Rio Tinto, have company housing and shares in Rio Tinto. The extent of my interest is myself and my husband 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.
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. The extent of my interest is Direct Financial.
Cr de Pledge	Financial	The nature of my interest is I am a shareholder with Rio Tinto Pty Ltd. The extent of my interest is I have shares to a value greater than \$10,000.

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

1. The Shire of Ashburton has received a Certificate of Appreciation from the Murdoch University Chiropractic Clinical Immersion Placement Programme (Regional, Rural & Remote) for the Provision of the venue and equipment as well as the staff with whom their teams interacted with.

The support the Shire has shown over the years is central to the ongoing viability of the placement and they are very grateful.

2. Certificate of Appreciation received from the Tom Price Senior High School thanking the Shire of Ashburton for the donation which recognises and celebrates outstanding student achievement.

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**8. PETITIONS / DEPUTATIONS / PRESENTATIONS**

**8.1 PETITIONS**

Nil at the time of preparing the agenda.

**8.2 DEPUTATIONS**

Nil at the time of preparing the agenda.

**8.3 PRESENTATIONS**

Nil at the time of preparing the agenda.

**9. CONFIRMATION OF MINUTES**

**9.0 UNCONFIRMED MINUTES ORDINARY MEETING OF COUNCIL HELD ON 22 OCTOBER 2019 (ATTACHMENT 9.0)**

That the Amended Unconfirmed Minutes of the Ordinary Meeting of Council held 22 October 2019, as previously circulated on 15 November 2019 (**ATTACHMENT 9.0**) be confirmed as a true and accurate record.

**9.0.1 UNCONFIRMED MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD ON 12 NOVEMBER 2019 (ATTACHMENT 9.0.1)**

That the Unconfirmed Minutes of the Special Meeting of Council held 12 November 2019, as previously circulated on 15 November 2019 (**ATTACHMENT 9.0.1**) be confirmed as a true and accurate record.

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

Nil at the time of preparing the agenda.

**9.2 RECEIPT OF COMMITTEE AND OTHER MINUTES**

**9.2.1 MINUTES OF THE PANNAWONICA LOCAL EMERGENCY MANAGEMENT COMMITTEE HELD ON 2 OCTOBER 2019 BE RECEIVED (ATTACHMENT 9.2.1)**

That the Minutes of the Pannawonica Local Emergency Management Committee held 2 October 2019 at the Pannawonica IMT Room, (**ATTACHMENT 9.2.1**) be received.

**9.2.2 CONFIDENTIAL MINUTES OF THE PILBARA REGIONAL COUNCIL ORDINARY COUNCIL MEETING HELD ON 11 OCTOBER 2019 BE RECEIVED (ATTACHMENT 9.2.2)**

That the Confidential Minutes of the Pilbara Regional Council Ordinary Council Meeting held on 11 October 2019 (**ATTACHMENT 9.2.2**) be received.

**9.2.3 MINUTES OF THE BUSH FIRE ADVISORY COMMITTEE MEETING HELD ON 12 AUGUST 2019 BE RECEIVED (ATTACHMENT 9.2.3)**

That the Minutes of the Bush Fire Advisory Committee Meeting held on 12 August 2019 (**ATTACHMENT 9.2.3**) be received.

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**9.3 RECOMMENDATIONS OF COMMITTEE**

As there were no committee meetings prior to this meeting, there are no recommendations to consider.



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

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

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

*"Part 5 – Business of a meeting*

*Clause 5.6 Adoption by exception resolution:*

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

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**11. OFFICE OF THE CEO REPORTS**

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

<b>FILE REFERENCE:</b>	GV04
<b>AUTHOR'S NAME AND POSITION:</b>	Michelle Lewis Council Liaison Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Steven Deckert Acting Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	1 November 2019
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 11.1 (Minute No 658/2019) - Ordinary Meeting of Council 22 October 2019

**Summary**

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

**Background**

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

**Comment**

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

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

**ATTACHMENT 11.1**

**Consultation**

Executive Management Team

**Statutory Environment**

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

*"Role of council*

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

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

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

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

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

**Financial Implications**

There are no known financial implications for this matter

**Strategic Implications**

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

Goal 05      Inspiring Governance  
Objective 4    Exemplary team and work environment

**Risk Management**

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**

That Council receive the "*Council Decisions Status Reports*" for the month of October 2019 as per **ATTACHMENT 11.1**.

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

<b>FILE REFERENCE:</b>	GV21 CM02
<b>AUTHOR'S NAME AND POSITION:</b>	Michelle Lewis Council Liaison Officer  Brooke Beswick Executive Assistant
<b>AUTHORISING OFFICER AND POSITION:</b>	Steven Deckert Acting Chief Executive Officer
<b>NAME OF APPLICANT/ RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	1 November 2019
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The authors and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

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

**Background**

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

**Comment**

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

**ATTACHMENT 11.2A  
ATTACHMENT 11.2B**

**Consultation**

Relevant officers as listed in the Attachment.

**Statutory Environment**

*Local Government Act 1995*

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

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**Financial Implications**

There are no known financial implications for this matter.

**Strategic Implications**

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

Goal 05 Inspiring Governance  
Objective 4 Exemplary team and work environment

**Risk Management**

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

**Policy Implications**

ELM 13 – Affixing the Shire of Ashburton Common Seal  
FIN12 – Purchasing Policy

**Voting Requirement**

Simple Majority Required

**Officers Recommendation**

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



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**11.3 SCHEDULE OF ORDINARY MEETINGS OF COUNCIL AND AUDIT AND RISK MANAGEMENT COMMITTEE MEETING FOR 2020**

**FILE REFERENCE:** GV04

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

**AUTHORISING OFFICER AND POSITION:** Steven Deckert  
Acting Chief Executive Officer

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

**DATE REPORT WRITTEN:** 31 October 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 11.3 (Minute No 451/2018) – Ordinary Meeting of Council 20 November 2018

**Summary**

It is a requirement for Council to adopt the schedule of meeting dates, times and locations for all Ordinary Meetings of Council and Audit and Risk Management Committee meetings each year.

The following are submitted to Council for approval:

1. Schedule of Meeting, times and location;
2. Commencement times for Elected Member Information Forums (EMIF); and
3. Elected Member Information Forums "Carried Over" Compliance Items.

**Background**

In November 2018, Council adopted the meeting schedule for the entire 12 month period from January to December 2019.

This report sets out the proposed locations and commencement times of Ordinary Meetings of Council and Audit and Risk Management Committee meetings for the calendar year 2020.

**Comment**

In determining the dates, times and locations for the Ordinary Meeting of Council and Audit and Risk Committee Management meetings for the upcoming year, consideration has been given to a number of factors including travel and facilitation of (EMIF) with Councillors and Directors.

The Ordinary Council meeting dates and the Audit and Risk Committee meeting dates as in the recommendation of this report is a result of Officer and Councillor input at the October EMIF.

## **PUBLIC AGENDA - ORDINARY MEETING OF COUNCIL 19 NOVEMBER 2019**

Should the proposed Ordinary meeting dates be adopted there will be four meetings in Onslow, three meetings in Tom Price, three meetings in Paraburdoo and one meeting in Pannawonica during 2020.

The Council Meeting Day also includes Elected Member Information Forums (EMIF's). The EMIF's are intended to provide a forum at which Elected Members can become fully informed on matters that will be considered by Council; and raise and discuss a broad range of matters of strategic and operational significance.

This arrangement ensures that Councillors' time and expertise to deal with strategic issues is maximised on the Council Meeting days when all Councillors are together. In the past, the EMIF's items of business were divided into the following sections, though more recently this has not been strictly adhered to:

- En Bloc Discussion
- EMIF Compliance Items
- EMIF Workshop/Presentation
- Councillor Reports on Contemporary Issues and Relevant Meetings Attended
- EMIF "Carried Over" Compliance Items

The proposed commencement times for EMIF's will be determined on the basis of the committees required to meet on the same day as the Ordinary meeting of Council.

### **Consultation**

Councillors  
Executive Management Team  
RTIO

### **Statutory Environment**

*Local Government Act 1995*

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

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

*Local Government (Administration) Regulations 1996*

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

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

### **Financial Implications**

Council sets aside sufficient funds in its budget to meet the cost of the advertisement and the associated Council meetings.

### **Strategic Implications**

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

Goal 05      Inspiring Governance  
Objective 3      Council leadership

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**Risk Management**

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**

Council Policy ELM01 – Council and other meetings  
Council Policy ELM09 – Elected Member Information Forums

**Voting Requirement**

Simple Majority Required

**Officer Recommendation**

That with respect to the schedule of Ordinary Meetings of Council for 2020, Council:

1. Adopt the Schedule of Ordinary Council meeting dates, times and locations for the period January 2020 to December 2020 as outlined below:

DATE	LOCATION	TIME
Tuesday 11 February 2020	Ashburton Hall, Ashburton Avenue, Paraboradoo	1:00pm
Tuesday 10 March 2020	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm
Tuesday 14 April 2020 (Note this is Easter break and Karijini Experience Week)	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00pm
Tuesday 12 May 2020	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm
Tuesday 9 June 2020	Ashburton Hall, Ashburton Avenue, Paraboradoo	1:00pm
Tuesday 14 July 2020	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00pm
Tuesday 11 August 2020	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm
Tuesday 8 September 2020	Mayu Maya Centre / Barry Lang Centre, Pannawonica	1:00pm
Tuesday 13 October 2020	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00pm
Tuesday 10 November 2020	Ashburton Hall, Ashburton Avenue, Paraboradoo	1:00pm
Tuesday 15 December 2020	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm

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2. Adopt the Schedule of Audit and Risk Committee Meeting dates, times and locations for the period January 2020 to December 2020 as outlined below.

DATE	LOCATION	TIME
Tuesday 10 March 2020	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	To be determined
Tuesday 9 June 2020	Ashburton Hall, Ashburton Avenue, Paraburdoo	To be determined
Tuesday 8 September 2020	Mayu Maya Centre / Barry Lang Centre, Pannawonica	To be determined
Tuesday 15 December 2020	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	To be determined

3. Pursuant to section 5.25(g) of the *Local Government Act 1995*, give local public notice of the Schedule of Meeting dates, times and locations for the period from January 2020 to December 2020 provided for in 1 and 2 above.
4. Approve the commencement times for the Elected Member Information Forums on Council Meeting day:
- Tom Price and Paraburdoo - a time to be determined; and
  - Onslow and Pannawonica - a time to be determined.

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**11.4 ANNUAL POLICY REVIEW 2019**

<b>FILE REFERENCE:</b>	GV20
<b>AUTHOR'S NAME AND POSITION:</b>	Nicky Tyson Manager Governance
<b>AUTHORISING OFFICER AND POSITION:</b>	Steven Deckert Acting Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	4 November 2019
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 11.4 (Minute No. 452/2018) Ordinary Meeting of Council 20 November 2018

**Summary**

Section 2.7(2) (b) of the *Local Government Act 1995* states that the making of policy is a role of the Council. A review of all due policies has been conducted to ensure accuracy and currency which reflect the Council's commitment to ensuring best practice principles and good Governance.

The policies attached have been reviewed by the Chief Executive Officer, all Directors and relevant stakeholders. The review included the need to define policy level; currency of the policy content; relevant statutory environments; review timeframes; and to align with identified legislative changes.

**Background**

The role of Council in setting policy is most effective when it is linked with a professional organisation that implements these policies through the development of appropriate management practices and work processes. Council policy should set the standards for the administration to achieve and make strategic policy decisions that guide officers in their decision making processes.

The Policy review process is now in its fifth year and highlights Council's focus on strategic governance as it provides clarity, ownership, and accountability to the Ashburton community and for the staff of the Shire.

**Comment**

Council policies which have undergone changes during their review are attached to this Agenda in final draft for consideration. It is to be noted that the Department of Local Government, Sports and Cultural Industries is currently conducting a consultation process for a mandatory Code of Conduct for Council Members, Committee Members and Candidates including guidelines.



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Whilst it is still in its draft form (**ATTACHMENT 11.4A**) once finalised, will be implemented into our existing ELM04 Code of Conduct Policy, and a subsequent new Code of Conduct for Staff, Volunteers and Contractors will be created with both policies being presented to council for review and adoption.

Whilst it is difficult to advise a final time frame, WALGA is monitoring and anticipate a final mandate late 2019, or early 2020. The Acting Chief Executive Officer will ensure Council are kept up to date as to its progress. All policy amendment details are kept in an internal Policy Register. All current policies are included in our 'Policy Manual' and uploaded onto the Shire's website.

The annual review by the Manager Governance and Executive Management Team including relevant stake holders is now complete and recommendations to the policies are as summarised below:

**NO CONTENT CHANGES (ATTACHMENT 11.4B)**

NUMBER	POLICY	ACTION
ELM01	Council and Other Meetings	Adopt with no changes
ELM09	Elected Member Information Forums	Adopt with no changes
EMP17	Occupational Health and Safety	Adopt with no changes
ENG13	Road Management Policy	Adopt with no changes
REC06	Vandalism – Reward for Conviction	Adopt with no changes

**MINOR SUGGESTED CHANGES- (ATTACHMENT 11.4C)**

NUMBER	POLICY	ACTION	DETAIL
ADM09	Complaints Management	Adopt with suggested changes	Minor wording amendments
ELM02	Official Photographs	Adopt with suggested changes	Minor wording amendments
ELM14	Governance Manual	Adopt with suggested changes	Minor amendments made to align with legislation.
ELM17	Anonymous Communications	Adopt with suggested changes	Removal of legislation detail as not relevant. Updates to relevant policies quoted within the document
ELM18	Community Projects Letters of Support	Adopt with suggested changes	Minor amendments to wording and process
ELM24	Appointment of an Acting Chief Executive Officer	Adopt with suggested changes	Minor wording amendments to 'Aim' and 'Application'

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NUMBER	POLICY	ACTION	DETAIL
ELM25	EMACCESS and Discussion Board	Adopt with suggested changes	Minor amendments to titles to reflect currency of document and structure
FIN20	Related Party Disclosures	Adopt with suggested changes	Very minor wording amendments

**MAJOR SUGGESTED CHANGES- (ATTACHMENT 11.4D)**

NUMBER	POLICY	ACTION	DETAIL
CORP5	Risk Management	Adopt with suggested changes	New detail provided as standalone document. Previous version also provided for information. Main areas of change are details shifted within the document for continuity and easier understanding. Risk assessment criteria added into Policy for reference.
ENG08	Bush Fire Policy	Adopt with suggested changes	Significant amendments by Manager Community Safety to align with current requirements
FIN21	Rating	Adopt with suggested changes	New inclusion regarding exemptions of non-rateable land, interim rates and rate concessions.
REC07	Shire of Ashburton – Tourism	Adopt with suggested changes	Significant inclusions to align with current level of service to Tourism and Economic Development.

**NEW POLICIES SUGGESTED FOR ADOPTION – (ATTACHMENT 11.4E)**

NUMBER	POLICY	ACTION	DETAIL
EMP01	Equal Employment	Adopt New Policy	Previously an internal Directive, due to significant legislative requirements, propose this to become a Council Policy.
EMP41	CEO Leave Authorisations and other Approvals	Adopt New Policy	Due to the position held by the CEO, there is no individual person authorised under the <i>Local Government Act 1995</i> to approve or authorise the CEO's timesheet, leave applications, use of the corporate credit card and the reimbursement of CEO expense applications. These functions can only be approved by resolution of Council.

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**Consultation**

Executive Management Team

**Statutory Environment**

*The Local Government Act 1995* Section 2.7(2) (b) states that the making of a policy is a role of the Council.

**Financial Implications**

There are no known financial implications

**Strategic Implications**

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

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

**Risk Management**

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

**Policy Implications**

Multiple Policies amended as part of the Annual Policy Review.

**Voting Requirement**

Absolute Majority Required

**Officer Recommendation**

That with respect to the Annual Policy Review, Council:

1. Note the Department of Local Government, Sports and Cultural Industries draft Mandatory Code of Conduct including guidelines as per **ATTACHMENT 11.4A**; and
2. Adopt all suggested Policy changes as per **ATTACHMENTS 11.4B, 11.4C, 11.4D and 11.4E**.

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**11.5 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"**

<b>FILE REFERENCE:</b>	RD.0299
<b>AUTHOR'S NAME AND POSITION:</b>	Rob Paull Chief Executive Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Steven Deckert Acting Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Kevin Michel MLA
<b>DATE REPORT WRITTEN:</b>	4 November 2019
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

Kevin Michel MLA and State Member for the Pilbara sought Council's views on naming the eventual road that will link Karratha to Tom Price to "Red Dog Highway". At the Ordinary Meeting of Council on 18 September 2019 Council agreed to seek community input via a three week online survey. This was conducted from 7 Oct – 28 October 2019. 95 respondents answered the survey, with 74 for and 21 against the idea.

**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 seeking Council's support for the idea of "Red Dog Highway."

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 assume total 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.

Council agreed to seek the views of the community before Council determining its position. The following report details the outcomes of the three week online community survey.

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**Comment**

To seek community input into the idea of re-naming the Karratha to Tom Price road the "Red Dog Highway" an online survey was developed and promoted to the community across a three week period, from Monday 7 October until Monday 28 October 2019. The survey was promoted extensively via Social Media, on both the Shire's Facebook page as well as shared onto each of the town's local Discussion Pages.

The survey consisted of three questions;

1. Do you support the road connection between Tom Price and Karratha being renamed as "Red Dog Highway? This includes the existing Warlu Road, portions of the Roebourne-Wittenoom Road, and any future road connection between Tom Price and Karratha.
2. If not, what are your reasons to keep the road names as they are?
3. Do you have any further comments to add?

A total of 95 respondents answered the survey. 74 respondents answered yes to renaming the road, 21 answered no.

Of those who answered no, the following verbatim reasons were given.

- *"There is history in the region that roads are named by the towns they join, e.g. Nanutarra-Munjina Rd. The road already has two names Roebourne-Wittenoom Rd and Warlu Way.*
- *Agree to change the name. But it should be an indigenous name relevant to the area.*
- *That is how I've known these roads for 20 plus years. Nothing wrong with existing names.*
- *Why change the road name.*
- *Because Red Dog is associated with Dampier. He roamed vast sections so why would you name just one after him. Seems people try to cash in on anything. Maybe name it an indigenous name as they were there long long before.*
- *They've always been like that, there's no need to confuse people.*
- *Consistency.*
- *Red Dog is iconic to Dampier. Given it did travel up and down the Pilbara, there is enough of "Red Dog" memories around. Statue and 2 movies about it is enough.*
- *They should be named by the appropriate language group and given a meaningful and historical name.*
- *It's a silly name.*
- *To be honest, Red dog highway sounds shit. Come up with something better.*
- *Should be Tom Price Karratha road, not to confuse people.*
- *Traditional aboriginal name should stay that way.*
- *How about we get bitumen on it before we jump the gun! It's been in the works for YEARS!*
- *Don't want to keep it as they are but surely there is someone worthy of naming the road after?*
- *Why question a name change when the road is years from being finished and not fully funded / allocated to the end result.*
- *Country road names tell you where you are travelling to, no confusion. E.g. Nanutarra - Munjina Road."*

In answer to question 3, seeking any addition information, the following verbatim commentary was provided by respondents.

- *"If Red Dog travelled between Tom Price and Karratha, then it would have been on the Hamersley Iron Raiil Access Rd. The road that is proposed is not that road.*
- *Don't need another "Mt Nameless".*
- *Been told warlu way is a white man term and isn't culturally significant.*

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- Yes. Stop trying to cash in and focus more on the actual people.
- Red dog apparently roamed around many area's not just Karratha and the Pilbara.
- The road/s should have indigenous names and the Traditional Owners should be consulted with before re-naming any roads.
- Embrace the indigenous peoples and culture of our traditional landowners
- Should be just called Karratha - Tom price road.
- Maybe the Lockyer Highway after the 5 brothers who served during WW2?
- Red Dog may not have even travelled this road.
- I thought 'Better Late than Never 'Hwy 😊 but love 'Red Dog Hwy' perfect 🐕.
- Just get the bloody thing done. Never understood how is too dangerous to maintain in a pressurised, a.c. cabin, but you allow motorbikes to share with the thousands of trucks?
- What a great name.
- If not Red Dog highway then name linking it to Karijini.
- Be a great addition to the area.
- I think Kmart highway is probably more fitting.
- Yup to Red Dog.
- Great name in line with our mining history. Not all history has to represent indigenous heritage. The highway links the life and story of red dog. Perfect.
- Wittenoom Hwy/Way, considering the town has been wiped off the map it would be a good way of having something there for the victims and families of mesothelioma.
- We need the road between tom price and karratha finished.
- Red Dog Road.....not exactly a 'highway'?
- Red Dog a true Pilbara bushie.
- It'll be nice to get that road done asap..it'll be very helpful for those travelling on urgent trips.
- Red Dog Red Dog Red Dog all the way Highway.
- Love Red Dog, infact Paraburdoo Airport should be called Red Dog Airport since that is where his original owner took him to exercise and he always ran back to Para and their Caravan before the owner got back driving.
- King of the Pilbara Red Dog.
- Red Dog Champion.
- Red Dog was born in Para and possibly traveled that route to Dampier.
- Red Dog all the way Highway.
- Nope- hurrah it's finally happening.
- Extend to and include TP to Paraburdoo Rd as Paraburdoo is Red Dogs birthplace and would also counter tourism likely to be lost at the town because new sealed Highway will see Paraburdoo largely bypassed otherwise.
- #Iconic name! Fantastic for tourism in the Pilbara too. Fantastic name, one that will resonate with the locals, as well as be well known worldwide!
- Great idea.
- About time they named something after him.
- Red Dog is a Pilbara legend. Top dog.
- Red Dog the legend more Aussie than the Yankee Tom Price."

**Consultation**

Elected Members

Executive Management Team

Residents and Community

**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.

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**Financial Implications**

There are no known financial implications for this matter.

**Strategic Implications**

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

Goal 03      Unique Heritage and Environment

Objective 3    Celebration of history and heritage

**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**

That with respect to 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, Council:

1. Acknowledge the small percentage of the community who responded to the survey, and of this, the majority who are favourable to the idea,
2. Acknowledge the resistance to the naming of "Red Dog Hwy" and the feedback provided by respondents; and
3. Request the Chief Executive Officer to report the finding of the consultation back to Kevin Michel MLA.

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**11.6 CONSIDERATION TO WAIVE FEES AND CHARGES FOR THE  
PARABURDOO PRIMARY SCHOOL TO USE THE ASHBURTON HALL**

<b>FILE REFERENCE:</b>	GS01
<b>AUTHOR'S NAME AND POSITION:</b>	Steven Deckert Acting Chief Executive Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Steven Deckert Acting Chief Executive Officer
<b>NAME OF APPLICANT/ RESPONDENT:</b>	Cr Linton Rumble
<b>DATE REPORT WRITTEN:</b>	14 November 2019
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

Cr Rumble has requested that Council support the consideration to waive fees and charges of \$700.00 for the Paraburdoo Primary School to use the Ashburton Hall for the upcoming 3 days hire required for the End of the Year Awards nights.

**Background**

Cr Linton Rumble has requested that Council consider to waive the fees and charges for the Paraburdoo Primary Schools use of the Ashburton Hall for the end of the year awards due to the Sports, Fitness and Community Complex Hall being unsuitable to use due to the possible damage to the floor.

**Comment**

Whilst it is available for Council to waive fees and charges associated with Shire facilities for schools, it should be undertaken in a coordinated and consistent manner across all schools. In this regard, fees for accessing Shire halls is approximately \$200 per day.

On the basis that the Sports, Fitness and Community Complex Hall which is normally available free of use to the School is not suitable for the proposed awards night, it would not be unreasonable to allow free use of an alternative facility.

**Consultation**

Cr Linton Rumble  
Chief Executive Officer

**Statutory Environment**

There are no known statutory matters associated with this item.

**Financial Implications**

It has been estimated that the waiving of the normal fees and charges for the Ashburton Hall will result in loss of potential income of \$600 - \$700.



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**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

**Risk Management**

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. Provided the site is secured and maintained appropriately, 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.

Apart from the \$500 donation referred in this report, REC08 provides significant financial support on annual basis to all schools in the Shire;

"6.0 Council Initiated Donations to Schools

Amount: The Shire of Ashburton is committed to supporting local schools and automatically makes an annual donation to each school, within its boundaries, using the following calculation:

1. Base amount of \$1,000
2. Plus \$1.00 for each high school student (Includes Year 7 students)
3. Plus \$0.70 for each primary school student (excludes Year 7 students)
4. Plus \$0.20 for each pre-primary student.
5. Plus \$0.20 for each kindergarten student.

Student numbers are calculated using figures from the Department of Education. Funding Round: Donations are paid in May each year.

Other Requirements: Schools who receive a donation under this policy are also eligible to apply for Small Assistance Donations and Community Support Grants."

**Voting Requirement**

Absolute Majority Required

**Officers Recommendation**

That with respect to Consideration to Waive Fees and Charges for the Paraburdoo Primary School to use the Ashburton Hall, Council:

- 1 Agree to waive the fees for the 3 days required by the school for their End of Year 2019 Awards nights.

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**12. CORPORATE SERVICES REPORTS**

**12.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID**

<b>FILE REFERENCE:</b>	FM03
<b>AUTHOR'S NAME AND POSITION:</b>	Geoff Garside Manager Finance and Administration
<b>AUTHORISING OFFICER AND POSITION:</b>	Steven Deckert Acting Director Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	05 November 2019
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

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

**Background**

Regulation 34 of the *Local Government (Financial Management) Regulations* requires the Shire to prepare a monthly statement of financial activity for consideration by Council within 2 months after the end of the month of the report. Administration also presents Budget Amendment Register and Schedule of Accounts and Credit Card payments to Council each month for review.

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

**Comment**

Due to the resources currently being dedicated to the completion of the 2018/19 annual audit, the October statement of financial activity has not been completed to the satisfaction of the officers in time to be presented to the November Ordinary Meeting of Council. As a consequence, **Attachment 12.1A** is not included with this report. The October statements will be completed and presented to the December Meeting.

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The following budget variations are recommended for October 2019:

<b>GL/Job No.</b>	<b>General Ledger Description</b>	<b>Current Budget</b>	<b>Variation Amount</b>	<b>Revised Budget</b>	<b>Reason</b>
B375	Karingal Neighbourhood Centre - Maintenance	57,000	(5,615)	51,385	Funds re-allocated for the purchase of Bin Surrounds.
New	Karingal Neighborhood Bin Surrounds	0	5,615	5,615	Budget variation required for the purchase of Bin Surrounds for Karingal Neighborhood Centre.
B236	Paraburdoo Chub - Maintenance	35,000	(5,615)	29,385	Funds re-allocated for the purchase of Bin Surrounds.
New	Paraburdoo Hub Bin Surrounds	0	5,615	5,615	Budget variation required for the purchase of Bin Surrounds for Paraburdoo Hub.
113077	Paraburdoo Pool – Minor Assets	35,000	(11,289)	23,711	Funds re-allocated for the purchase of Bin Surrounds.
New	Paraburdoo Pool Bin Surrounds	0	11,289	11,289	Budget variation required for the purchase of Bin surrounds for the Paraburdoo Swimming Pool.
042103	Organisational Change	137,700	(15,000)	122,700	Re-allocated \$15,000 to towards Remote Staff Travel.
TA001	Remote Staff Travel	5,000	15,000	20,000	To cover accommodation costs for Human Resources, Health & Safety Staff while on work visits to Onslow/Pannawonica Offices; noting these positions are only Tom Price based.
C501	Tom Price Town Centre Revitalization	128,000	(8,000)	120,000	Reduced scope of works allows for re-allocation of \$8,000 to the Peter Sutherland Oval New Bollards Project.
AP2010	Peter Sutherland Oval New Bollards	10,000	8,000	18,000	3 Quotes requested from three different contractors and best for value price is \$17,633.

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**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 Strategic Community Plan 2017- 2027 (Desktop Review 2019)

Goal 5            Inspiring Governance  
Objective 4      Exemplary team and work environment

**Risk Management**

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

**Policy Implications**

There are no known policy implications for this matter.

**Voting Requirement**

Absolute Majority Required

**Officers Recommendation**

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

1. Approve budget variations for the 2019/20 Budget as outlined below;
  - a. Decrease Expenditure Account Job B375 Karingal Neighborhood Centre by \$5,615 from \$57,000 to \$51,385; and
  - b. Increase Expenditure Account (New Ledger Account) Karingal Neighborhood Bin Surrounds, by \$5,615, from \$0 to \$5,615;
  - c. Decrease Expenditure Account Job B236 Paraburdoo Hub Maintenance, by \$5,615, from \$35,000 to \$29,385; and
  - d. Increase Expenditure Account (New Ledger Account) Paraburdoo Hub Bin Surrounds, by \$5,615, from \$0 to \$5,615;
  - e. Decrease Expenditure Account GL 113077 Paraburdoo Pool – Minor Assets, by \$11,289 from \$35,000, to \$23,711; and

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- f. Increase Expenditure Account (New Ledger Account) Paraburdoo Pool Bin Surrounds, by \$11,289, from \$0 to \$11,289;
  - g. Decrease Expenditure Account GL 042103 Organisational Change, by \$15,000, from \$137,700 to \$122,700; and
  - h. Increase Expenditure Account Job TA001 Remote Staff Travel, by \$15,000, from \$5,000 to \$20,000;
  - i. Decrease Expenditure Account Job C501 Tom Price Town Centre Revitalisation, by \$8,000, from \$128,000 to \$120,000; and
  - j. Increase Expenditure Account GL AP2010 Peter Sutherland Oval New Bollards, by \$8,000, from \$10,000 to \$18,000.
  - k. Note that the Budgeted Surplus position carried forward (Net Current Assets position) forecast as at 30 June 2020 is \$1,500,000.
- 2. Receive the Capital Expenditures Progress Tracker for October 2019 **ATTACHMENT 12.1B**;
  - 3. Receive the Budget Amendment Register as at 31 October 2019 **ATTACHMENT 12.1C**; and
  - 4. Receive the Schedule of Accounts and Credit Card payments made in October 2019 (approved by the Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds) **ATTACHMENT 12.1D**.

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**12.2 CHIEF EXECUTIVE OFFICER AUTHORISATIONS AND REPORTING TO COUNCIL**

<b>FILE REFERENCE:</b>	GV35
<b>AUTHOR'S NAME AND POSITION:</b>	Geoff Garside Manager Finance and Administration
<b>AUTHORISING OFFICER AND POSITION:</b>	Steven Deckert Acting Director Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Rob Paull Chief Executive Officer
<b>DATE REPORT WRITTEN:</b>	11 November 2019
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

The purpose of this agenda item is to report to Council on Chief Executive Officer (CEO) leave applications, use of the corporate credit card and the reimbursement of CEO expense applications.

**Background**

Due to the position held by the Chief Executive Officer (CEO), there is no other individual person authorised under the *Local Government Act 1995* (the Act) to approve or authorise the CEO's leave applications, use of the corporate credit card and the reimbursement of CEO expense applications. These functions can only be approved by resolution of the Council.

**Comment**

Given the findings of the WA Crime and Corruption Commission in several local governments, it necessary for a CEO to report to Council:

- proposed leave
- detail of any leave taken (with or without pay);
- claims for additional work over and above of the reasonable additional hours under the CEO employment contract;
- details of all corporate credit card purchases issued to the CEO; and
- any reimbursements claimed.

CEO's Timesheet

The CEO's timesheet is provided for the period between 14 October 2019 and 10 November 2019.

**ATTACHMENT 12.2A**

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CEO's Leave Taken

This report covers leave taken by the CEO for the period between 14 October 2019 and 10 November 2019 for the CEO. There was one (1) day leave taken for this period (undertaken with the consent of the President).

From Date	To Date	Number of Days	Type of Leave
24 October 2019	24 October 2019	1	Annual

CEO's Leave Sought

This report covers the period the period between 11 November and 17 December 2019. Nil - the CEO is not seeking to take any leave between 11 November and 17 December 2019.

Reimbursement Applications

This report covers October 2019. No reimbursements were claimed during this period

CEO's Credit Card

This report covers October 2019 credit card statements. The CEO was issued with his credit card in February 2018. The expenditure on the corporate credit card is provided in:

**ATTACHMENT 12.2B**

**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."**

**Financial Implications**

There are no known financial implications for this matter

**Strategic Implications**

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

Goal 05      Inspiring Governance  
Objective 4    Exemplary team and work environment

**Risk Management**

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

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**Policy Implications**

There are currently no known policy implications for this matter. However, a draft Policy is provided to Council addressing CEO authorisations and reporting as part of the Annual Policy review (draft Policy EMP41).

**Voting Requirement**

Simple Majority Required

**Officers Recommendation**

That with respect to the Chief Executive Officer Authorisations and Reporting to Council:

1. Council receive the information presented to this meeting of the time worked by the Chief Executive Officer between 14 October 2019 and 10 November 2019 and acknowledges that the time worked is in accordance with the Chief Executive Officer's Contract of Employment (**ATTACHMENT 12.2A**).
2. Council receive the information presented to this meeting of 1 day's leave taken by the Chief Executive Officer period between 14 October 2019 and 10 November 2019.
3. Council receive the information presented to this meeting that the Chief Executive Officer is not seeking to take leave between 10 November and 17 December 2019.
4. Council receive the information presented to this meeting of the credit card transactions made by the Chief Executive Officer using his corporate credit card for October 2019 and acknowledges that the payments have been incurred in accordance with the Shire's procurement policy and Credit Card Agreement (**ATTACHMENT 12.2B**); and
5. Council receive the information presented to this meeting of no reimbursement applications made by the Chief Executive Officer during October 2019.



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**13. PROPERTY AND DEVELOPMENT SERVICES REPORTS**

**13.1 APPLICATION FOR MISCELLANEOUS LICENCE 47/740 ENCROACHING TOM PRICE TOWNSITE**

<b>FILE REFERENCE:</b>	ED77
<b>AUTHOR'S NAME AND POSITION:</b>	Janelle Fell Manager Land and Asset Compliance
<b>AUTHORISING OFFICER AND POSITION:</b>	Brian Cameron Director Property and Development Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Department of Planning, Lands and Heritage
<b>DATE REPORT WRITTEN:</b>	5 November 2019
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

Application for Miscellaneous Licence 47/740 by Department of Mines, Industry Regulation and Safety (DMIRS) on behalf of Hamersley Iron Pty Ltd, encroaching the Tom Price townsite, has been referred by Department of Planning, Lands and Heritage (DPLH) to Council for consideration.

DPLH seeks Council's comments on Miscellaneous Licence 47/740 which encroaches the Tom Price townsite.

**Background**

The Shire of Ashburton has received referral of Application from DPLH for Miscellaneous Licence 47/740. The Licence comprises 36.86 Hectare areas and is situated outside and within Tom Price townsite.

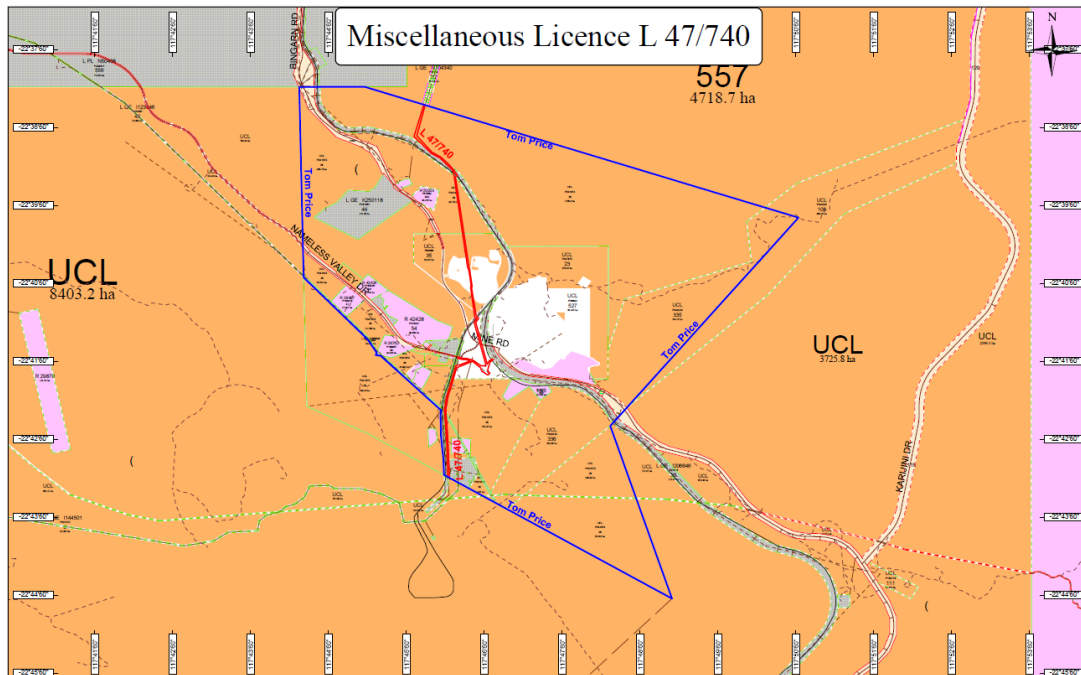
All infrastructure related to the Licence is constructed.

The Application purposes include:

- A communications facility
- A pipeline
- A power generation and transmission facility
- A power line
- A road

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The Licence Application area is shown in red on the plan below.



**Comment**

The Miscellaneous Licence Application was made to DMIRS in October 2014. Due to objections to lodged by Brockman Exploration Pty Ltd, Iron Ore Holdings Ltd and FMG Pilbara Pty Ltd the Licence was not granted. All objections have since been withdrawn.

There is no known implications on public infrastructure.

**Consultation**

Executive Management Team  
Department of Planning, Lands and Heritage

**Statutory Environment**

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

**Financial Implications**

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

**Strategic Implications**

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

Goal 04 Quality Services and Infrastructure  
Objective 1 Quality public infrastructure

**Risk Management**

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

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**Policy Implications**

Town Planning Scheme No. 7

**Voting Requirement**

Simple Majority Required

**Officers Recommendation**

That with respect to the Application for Miscellaneous Licence 47/740 Encroaching Tom Price Townsite, Council offer no objection.

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**13.2 REVISED COUNCIL POLICY FIN05 TRADING IN PUBLIC PLACES FEES AND CHARGES**

<b>FILE REFERENCE:</b>	LE02
<b>AUTHOR'S NAME AND POSITION:</b>	Brian Cameron Director Corporate Services
<b>AUTHORISING OFFICER AND POSITION:</b>	Steven Deckert Acting Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	5 November 2019
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 13.6 (Minute No. 670/2019) – Ordinary Meeting of Council 22 October 2019

**Summary**

Council is requested to amend the allocated trading places as identified in FIN05 Trading in Public Places – Fees and Charges Policy.

**Background**

At the 22 October 2019 Ordinary Meeting, Council considered the matter of “Revised Council Policy Fin05 Trading in Public Places Fees and Charges” as resolved as follows:

*“That the matter of trading places be referred back to Council at the earliest possible convenience to address the location of certain trading zones.”*

**Comment**

This report seeks to address the matters raised by Councillors at the Ordinary Meeting as follows:

The location of the allocated trading places has been amended to remove potential trading access immediately adjacent to private land and buildings.

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**Reserve 42327 / Lot 315 Central Road, Tom Price  
(Community Centre Carpark)**



**Lot 978 Stadium Road, Tom Price  
(Northern Carpark)**



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**Reserv0358 South Road, Tom Price  
(Diamond Club)**



Council is requested to adopt the changes to the allocated trading areas within FIN05 'Trading in Public Places' Fees and Charges Policy as recommended in **ATTACHMENT 13.2**.

**Consultation**

Executive Management Team  
Manager of Development Services  
Senior Ranger

**Statutory Environment**

*Local Government Act 1995 section 2.7 (2) (b)* states Council is to determine a local government's policies.

Shire of Ashburton's Activities on Thoroughfares and Public Places & Trading Local Law

**Financial Implications**

This change will have little impact on Shire's current Health revenue for fees and charges associated with Traders permits, however these charges were never meant to be charged based on the applicable exemptions and were only being charged based on the incorrect wording within the FIN05 Policy.

**Strategic Implications**

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

Goal 02      Economic Prosperity  
Objective 1    Strong local economies

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**Risk Management**

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

**Policy Implications**

Amendment to Policy FIN05 'Trading in Public Places Fees and Charges'.

**Voting Requirement**

Simple Majority Required

**Officers Recommendation**

That with respect to Revised Council Policy FIN05 – Trading in Public Places – Fees and Charges, Council:

1. Adopt the reviewed FIN05 'Trading in Public Places nominated areas for trading as per **ATTACHMENT 13.2**

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**13.3 PROPOSED LEASE OF PORTION OF THE SPORTS STORAGE SHED AT  
THE PARABURDOO COMMUNITY HUB (RESERVE 42129) TO  
PARABURDOO BASKETBALL ASSOCIATION**

<b>FILE REFERENCE:</b>	RC42129
<b>AUTHOR'S NAME AND POSITION:</b>	Leona Stevenson Acting Lease Officer  Janelle Fell Manager Land and Asset Compliance
<b>AUTHORISING OFFICER AND POSITION:</b>	Brian Cameron Director Property and Development Services
<b>NAME OF APPLICANT/ RESPONDENT:</b>	Paraburdoo Basketball Association
<b>DATE REPORT WRITTEN:</b>	1 November 2019
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 13.6 (Minute No. 460/2018) – Ordinary Meeting of Council 20 November 2018

**Summary**

The Paraburdoo Community Hub project included provision of a 7m x 6m sports storage shed offering two separate storage areas. Situated to the rear of the refurbished Karingal Neighbourhood Centre and adjacent to the tennis and netball/basketball courts, Paraburdoo Basketball Association (Association No. A1030866H) have requested lease of the remaining storage area in the shed.

Council consideration of the proposed Community Lease Agreement is requested.

**Background**

A Memorandum of Understanding was signed by Shire of Ashburton and Rio Tinto in July 2012, creating a long term partnership to work together to revitalise existing and develop new civic, sporting and community facilities and programs in the towns that Rio Tinto has a significant presence. The Paraburdoo Community Hub (CHUB) project has been a primary focus of that partnership.

A business case for the proposed CHUB was endorsed by Council at its Ordinary Meeting of Council on 26 April 2016 for the new multipurpose hall, swimming pool facility upgrades, refurbishment of Lesser Hall, oval change room conversion and external works including landscaping, car parking and footpaths.

The sports storage shed is sited between the Karingal Neighbourhood Centre building and the basketball and tennis courts and offers two separate storage areas, with the northern side leased to Paraburdoo Netball Incorporated. Council endorsed lease of a storage cage situated in the multipurpose building to Paraburdoo Netball Incorporated however, upon



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completion of construction of the sports storage shed built specifically for storage for external precinct user, Netball preferred occupancy for easier access to the netball courts.

The sports storage shed is sited on Reserve 42129, which has the purpose "Public Recreation" with the Power to Lease for any term not exceeding 21 years.



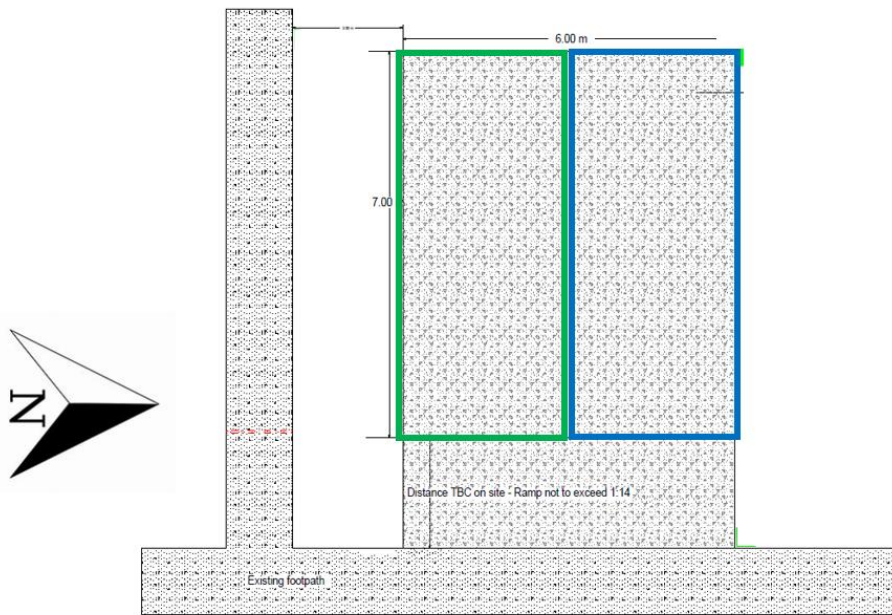
Paraburdoo Basketball Association (Association No. A1030866H) have requested lease of the remaining southern side storage area within the sports storage shed.

**Comment**

Paraburdoo Basketball Association is a newly formed (2019) community group in Paraburdoo.

The sports storage shed is shown hachured green on the plan below, with Paraburdoo Basketball Association proposed lease area shown hachured blue.

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The proposed terms of the Lease Agreement are:

Lease/Licence	Term	Further Term	Rent (per REC05)	Maintenance Costs	Lessees Outgoings
Lease – Storage	5 years	5 years	\$100 p.a. plus GST	Lessee must maintain the Lease Premises in good condition and state of repair. The Shire is responsible for fair wear and tear and damage which will be reinstated from the proceeds of insurance.	<ul style="list-style-type: none"> <li>Electricity usage</li> </ul>

**ATTACHMENT 13.3**

Paraburdoo Basketball Association will be required to maintain insurance for their property and public liability for the term of the Agreement.

In accordance with section 18 of the *Land Administration Act 1997*, approval of the Lease will be sought from the Minister for Lands.

**Consultation**

Club Development Officer – Paraburdoo

**Statutory Environment**

*Local Government Act 1995* Section 3.58 - Disposing of Property. *Local Government (Function and Regulations) 1996* (F & G) Regulation 30 - "Dispositions of property to which section 3.58 does not apply". Under Regulation 30(2)(b) F & G if land is disposed to an organisation that has objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions; then the disposition is exempt. Section 5.42 – Delegation of some powers and duties to the CEO.

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*Land Administration Act 1997* Section 18 – Minister’s power as to lease of Crown land

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

**“9.49A. Execution of documents**

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

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

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

(2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*

(3) *The common seal of the local government is to be affixed to a document in the presence of —*

*(a) the mayor or president; and*

*(b) the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.”*

**Financial Implications**

Policy REC05 states the annual lease fee for users.

**Strategic Implications**

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

Goal 01        Vibrant and Active Communities  
Objective 1    Connected, caring and engaged communities  
Objective 2    Sustainable services, clubs, associations and facilities

**Risk Management**

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

**Policy Implications**

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

**Voting Requirement**

Simple Majority Required

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**Officers Recommendation**

That with respect to the Proposed Lease of Portion of the Sports Storage Shed at the Paraburdoo Community Hub (Reserve 42129) to Paraburdoo Basketball Association, Council:

1. Authorise the Acting Chief Executive Officer to finalise the terms of a Lease Agreement (**ATTACHMENT 13.3**) between the Shire of Ashburton and Paraburdoo Basketball Association (Association No. A1030866H);
2. Authorise the Acting Chief Executive Officer to seek formal approval of the Lease Agreement from the Minister for Lands; and
3. Subject to approval from the Minister for Lands, authorise the Shire President and the Acting Chief Executive Officer to affix the Common Seal to, and execute the Lease Agreement between the Shire of Ashburton and Paraburdoo Basketball Association.

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**13.4 PROPOSED EXCISION AND FREEHOLD OF PORTION OF LOT 153 ON DEPOSITED PLAN 220110 (URLA PASTORAL STATION) FOR AN ACCESS ROAD**

<b>FILE REFERENCE:</b>	ST.URLA OR.IG.2.20
<b>AUTHOR'S NAME AND POSITION:</b>	Janelle Fell Manager Land and Asset Compliance
<b>AUTHORISING OFFICER AND POSITION:</b>	Brian Cameron Director Property and Development Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Department of Planning, Lands and Heritage
<b>DATE REPORT WRITTEN:</b>	1 November 2019
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 13.1 (Minute: 11488) - Ordinary Meeting of Council 10 April 2013

**Summary**

The Department of Planning, Lands and Heritage (DPLH) is proceeding with a compulsory acquisition of all interests to acquire portion of Lot 153 on Deposited Plan 220110 (DP) (Urala Pastoral Station) in freehold in order to provide access between the Brolga Precinct (Lot 500 on DP 69197) and the existing Multi-User Access Infrastructure Corridor (Lot 573 on DP71345) within the Ashburton North Strategic Industrial Area near Onslow. Council is recommended to offer no objection to the proposal.

**Background**

At a Special Meeting held on 5 October 2011 Council approved the Ashburton North Strategic Industrial Area (ANSIA) Structure Plan and draft Amendment No. 10 to the Shire of Ashburton's Town Planning Scheme No. 7. Western Australian Planning Commission's Ashburton North Strategic Industrial Area Scheme Report provides the following background information:

*"In 2008, the Western Australian State Government determined that a new hydrocarbon processing precinct be established in order to derive maximum benefit from substantial gas discoveries off the North West coast. The Ashburton North Strategic Industrial Area (ANSIA) was subsequently established. Located 12 kilometres south west of the town of Onslow, the ANSIA provides for the development of Liquefied Natural Gas (LNG) production and domestic natural gas, other hydrocarbon based processing industries, and associated support industries.*

*The ANSIA comprises approximately 8,000 hectares of Crown land and freehold land owned by the Western Australian Land Authority (LandCorp). Within the ANSIA a number of lease arrangements currently exist in order to facilitate the use and development of the land. These include the Macedon Domgas Plant currently in operation and the Wheatstone LNG Project under construction. The ANSIA consists of land designated for strategic industry, general industry, port purposes, workforce accommodation, and a Multi-User Access and Infrastructure Corridor (MUAIC). The Port of Ashburton (Port), managed by the Pilbara Ports Authority (PPA), is intrinsic*

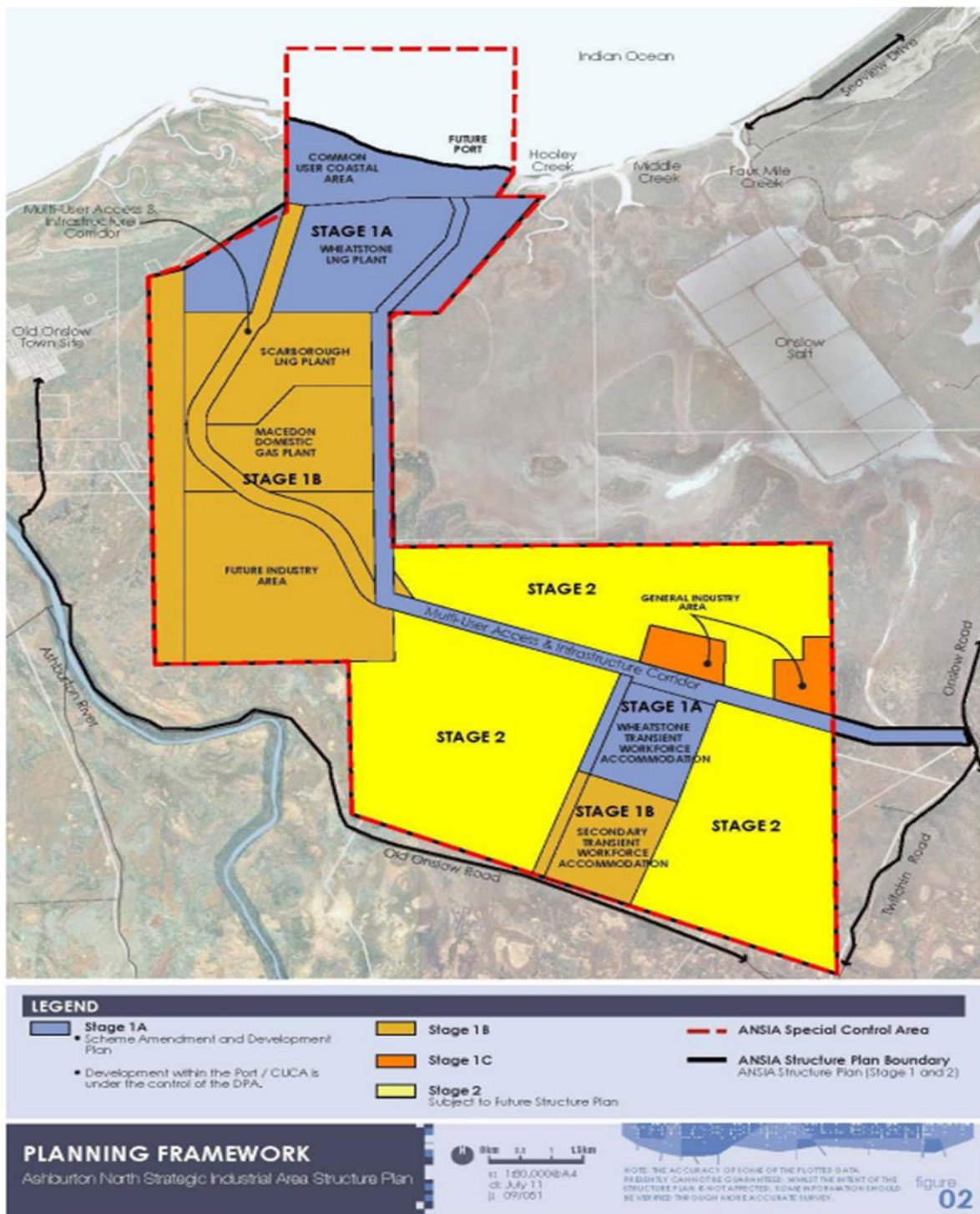


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to the development of the strategic industry area. A MUAIC provides connectivity between industry sites and the Port.

The ANSIA is of strategic economic significance to the State. Consequently, the State identified the need to provide a statutory planning framework that reflects this significance to the State's economy and as far as practicable provide improved project ready capacity. Improvement Plan No. 41 – Ashburton North Strategic Industrial Area (Improvement Plan) was prepared pursuant to the Planning and Development Act 2005 (P&D Act) and gazetted in March 2015. This provided the head of power for the preparation of the ANSIA Improvement Scheme (Improvement Scheme)."

**The ANSIA Structure Plan divides the ANSIA into several stages, as per the plan below.**

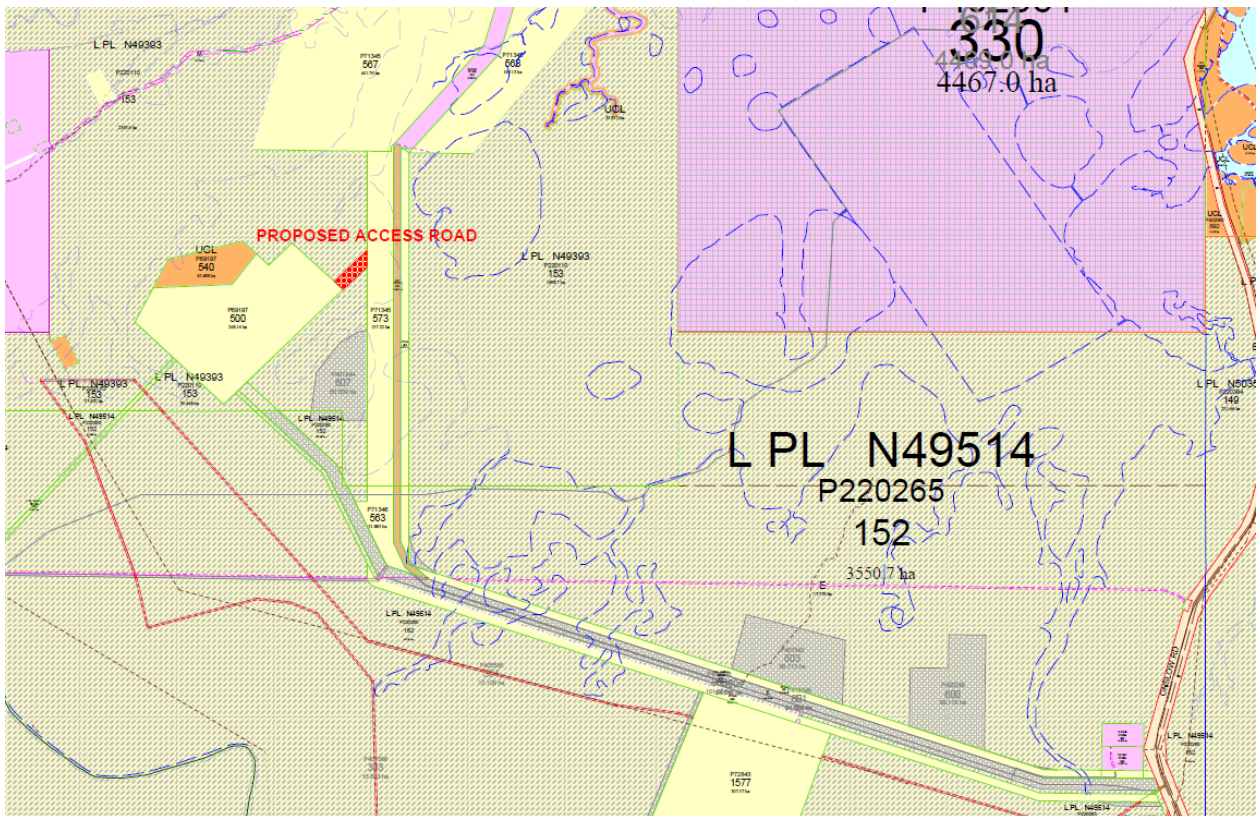


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**Comment**

DPLH is proceeding with a request from LandCorp to acquire portion of Lot 153 on DP220110 (Urala Pastoral Station) in freehold in order to provide access between the Brolga Precinct (Freehold Lot 500 on DP69197) and the existing Multi-User Access Infrastructure Corridor (Freehold Lot 573 on DP71345) within the ANSIA.

The area comprises portion of Urala Station Pastoral Lease N49393, portion of Lot 153 on DP220110, as shown in red below.



DPLH advise that upon construction of the road/infrastructure corridor, an amendment to the ANSIA Improvement Scheme No. 1 should occur however at this stage the amendment is not deemed necessary by DPLH's, Land Use Planning team.

LandCorp has requested DPLH proceed with a compulsory acquisition of all interests to facilitate the proposed freehold grant.

**Consultation**

Executive Team  
Department of Planning, Lands and Heritage  
Development Control Group

**Statutory Environment**

*Land Administration Act 1997*

**Financial Implications**

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

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**Strategic Implications**

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

Goal 04      Quality Services and Infrastructure  
Objective 3   Well planned towns

**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 relevant to this matter.

**Voting Requirement**

Simple Majority Required

**Officers Recommendation**

That with respect to Proposed Excision and Freehold of Portion of Lot 153 on Deposited Plan 220110 (Urala Pastoral Station) for an Access Road, Council offer no objection to the proposal.



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**13.5 PROPOSAL TO LEASE RESERVE 39327 (RECREATION – SPEEDWAY)  
NAMELESS VALLEY DRIVE, TOM PRICE**

<b>FILE REFERENCE:</b>	RC39327
<b>AUTHOR'S NAME AND POSITION:</b>	Janelle Fell Manager Land and Asset Compliance  Leona Stevenson Leasing Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Brian Cameron Director Property and Development Services
<b>NAME OF APPLICANT/ RESPONDENT:</b>	Tom Price Motor Sport Club Incorporated
<b>DATE REPORT WRITTEN:</b>	30 October 2019
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 13.2 (Minute No. 605/2019) – Ordinary Meeting of Council 16 July 2019

**Summary**

At the July 2019 Ordinary Meeting of Council, Council endorsed remediation works of Reserve 39327 for the purpose of Recreation (Speedway) comprising Lot 53 on Deposited Plan 186853 Nameless Valley Drive, Tom Price. The newly formed Tom Price Motor Sport Club Incorporated (Association No. A1031145U) has requested lease of the facility.

Council consideration of the proposed Community Lease Agreement is requested.

**Background**

Reserve 39327, for the purpose of Recreation (Speedway), being Lot 53 on Deposited Plan 186853 Nameless Valley Drive, Tom Price. The 133,118 sqm lot comprises a fenced speedway track, pit area, pit maintenance demountable building and club room/bar.

Council endorsed termination of the previous Lease (entered into in December 2015 and expiring in November 2020) between the Shire of Ashburton (Shire) and Tom Price Speedway Club at the January 2019 Ordinary Meeting of Council as the club was not active, had no committee, nor was it financial. Also endorsed were further investigations into each structure on Reserve 39327 to determine the suitability for occupancy.

At the July 2019 Ordinary Council Meeting, Council endorsed remediation works, classified into five scopes: Removal of structures and rubbish; Supply and install of ablutions; Repairs to structures; Engineer Assessment; and Electrical Compliance, with a proposed total of \$200,000.00 funding, from an available budget of \$350,000.

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Following a tender process, MKB Industries were awarded the contract for 'Removal of structures and rubbish' from the site. These works were completed mid-October 2019. The supply and installation of ablutions and electrical compliance is progressing with a view to completion by the end of 2019.

### Comment

Tom Price Motor Sport Club Incorporated is a newly formed committee with an interest in holding speedway meets and car shows in Tom Price. The Club has strong interest and participation from local residents with financial support pledged from several local businesses. While in its infancy, the Shire's Club Development Officer will continue to support the committee's aspirations to reinvigorate motor sport competitions in Tom Price.

The lease area is hatchured yellow on the plan below.



The proposed terms of the Lease Agreement are:

Lease	Tom Price Speedway Grounds located on Reserve 39327
Term	5 years
Further Term	5 years
Rent (REC05)	\$500 per annum (excl. GST)

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Maintenance Costs: The Club must maintain the Lease Premises in good condition and state of repair. The Shire is responsible for fair wear and tear and damage which will be reinstated from the proceeds of insurance.

The Clubs Outgoings: Local government rates  
Water rates  
Land tax  
DFES levy  
Water  
Gas  
Electricity  
Telephones, including line charges  
Cost of installation of a meter, wiring or other device necessitated by the use of a utility and service  
Cost of rubbish collection including emptying wheelie bins and 1100 bins  
Cost of annual food surveillance fee (if applicable)

**ATTACHMENT 13.5**

Tom Price Motor Sport Club Incorporated will be required to maintain insurance for any developments on the land (subject to Shire approval), motorsport insurance and public liability insurance for the term of the Agreement.

In accordance with section 18 of the *Land Administration Act 1997*, approval of the Lease will be sought from the Minister for Lands.

**Consultation**

Executive Officers  
Club Development Officer's - Tom Price and Paraburdoo  
Tom Price Motor Sport Club Incorporated

**Statutory Environment**

*Local Government Act 1995* Section 3.58 - Disposing of Property. *Local Government (Function and Regulations) 1996* (F & G) Regulation 30 - "Dispositions of property to which section 3.58 does not apply". Under Regulation 30(2)(b) F & G if land is disposed to an organisation that has objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions; then the disposition is exempt. Section 5.42 – Delegation of some powers and duties to the CEO.

*Land Administration Act 1997* Section 18 – Minister's power as to lease of Crown land

*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.

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*(3) The common seal of the local government is to be affixed to a document in the presence of—*

*(a) the mayor or president; and*

*(b) the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.”*

**Financial Implications**

The annual rent is in accordance with Policy REC05. All costs associated with the remediation works to the site to permit safe occupancy by the public were approved at the July 2019 Ordinary Meeting of Council.

**Strategic Implications**

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

- Goal 01        Vibrant and Active Communities  
Objective 1    Connected, caring and engaged communities  
Objective 2    Sustainable services, clubs, associations and facilities

**Risk Management**

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

**Policy Implications**

- REC05        Community Lease and Licence Agreements of Shire Assets (Facilities, Buildings and Land).  
ELM13        Affixing of the Shire of Ashburton Common Seal

**Voting Requirement**

Absolute Majority Required

**Officers Recommendation**

That with respect to the Proposal to Lease Reserve 39327 (Recreation – Speedway), Nameless Valley Drive, Tom Price, Council:

1. Authorise the Acting Chief Executive Officer to finalise the terms of a Lease Agreement (**ATTACHMENT 13.5B**) between the Shire of Ashburton and Tom Price Motor Sport Club Incorporated (Association No. A1031145U);
2. Authorise the Acting Chief Executive Officer to seek formal approval of the Lease Agreement from the Minister for Lands; and
3. Subject to approval from the Minister for Lands, authorise the Shire President and the Acting Chief Executive Officer to affix the Common Seal to, and execute the Lease Agreement between the Shire of Ashburton and Tom Price Motor Sport Club Incorporated.

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**13.6 PROPOSED FREEHOLD OR LEASEHOLD OF LOT 68 ON DEPOSITED  
PLAN 216899, NAMELESS VALLEY DRIVE, TOM PRICE**

<b>FILE REFERENCE:</b>	TP.ND.68
<b>AUTHOR'S NAME AND POSITION:</b>	Janelle Fell Manager Land and Asset Compliance
<b>AUTHORISING OFFICER AND POSITION:</b>	Brian Cameron Director Property and Development Services
<b>NAME OF APPLICANT/ RESPONDENT:</b>	Department of Planning, Lands and Heritage
<b>DATE REPORT WRITTEN:</b>	31 October 2019
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 13.4 (Minute No. 11555) – Ordinary Meeting of Council 5 June 2013

**Summary**

The Department of Planning, Lands and Heritage seeks Council's comment on a proposal received from CompassWest Helicopters Pty Ltd, requesting either freehold or leasehold acquisition of Lot 68 on Deposited Plan 216899, Nameless Valley Drive, Tom Price.

**Background**

Council opposed the proposed sale of unallocated Crown land within the Tom Price Townsite for Helicopter Operations at the June 2013 Ordinary Meeting of Council. The proposed site was unallocated Crown land adjacent to Nameless Valley Drive in the vicinity of the road access to Mt Nameless walking track, BMX and Speedway. An (at the time) unknown proponent proposed helicopter operations from the site however, due to the 'Rural' zoning and proximity to the waste water treatment plant, it was determined the proposal would negatively impact on residential and tourist amenity at the proposed location.

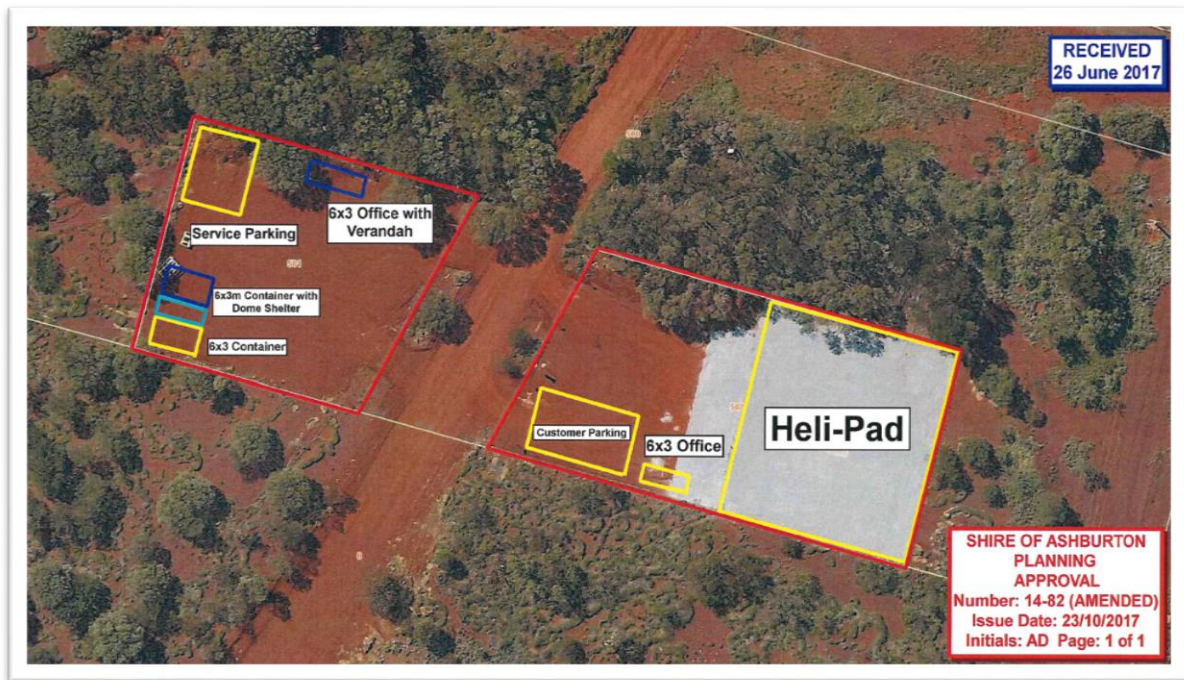
In October 2016, Department of Planning, Lands and Heritage (DPLH) created Lots 501 and 502 Nameless Valley Drive, registered a (road access) Easement on the Title and executed a Lease with CompassWest Helicopters Pty Ltd.

Lot 501 is 1,465m<sup>2</sup> and Lot 502 is 2,069m<sup>2</sup> with a combined total of 3,534m<sup>2</sup>. The lots are divided by the access road to Mt Nameless walking track, BMX and Speedway. Upon referral of the Development Application, numerous concerns were received from stakeholders regarding the proposed use. As a result, a condition was placed on the Development Approval requiring a specific take-off and landing route to ensure Tom Price Pony & Horse Club riders were not adversely affected. Development Approval for helicopter operations was issued for Lots 501 and 502 in October 2017.

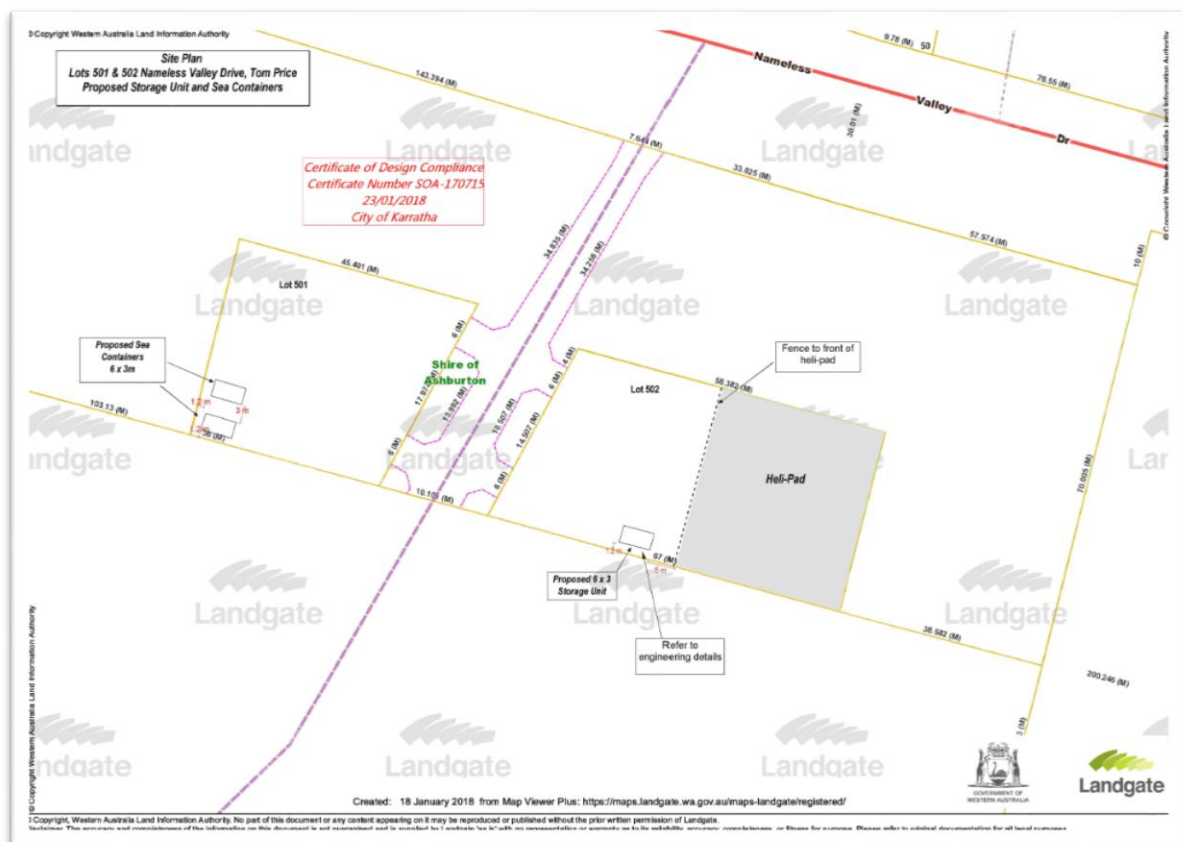
The approved Development Plan below shows the boundary of the two lots in red and structure locations yellow, light blue and dark blue.



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A Building Permit for two sea containers and one transportable storage unit was issued for the site in January 2018, as shown on the plan below.



DPLH referred a request by CompassWest Director, Mr Neal Kent for freehold acquisition of Lots 501 and 502 to the Shire in March 2019. Shire Officer's reiterated Council's 2013

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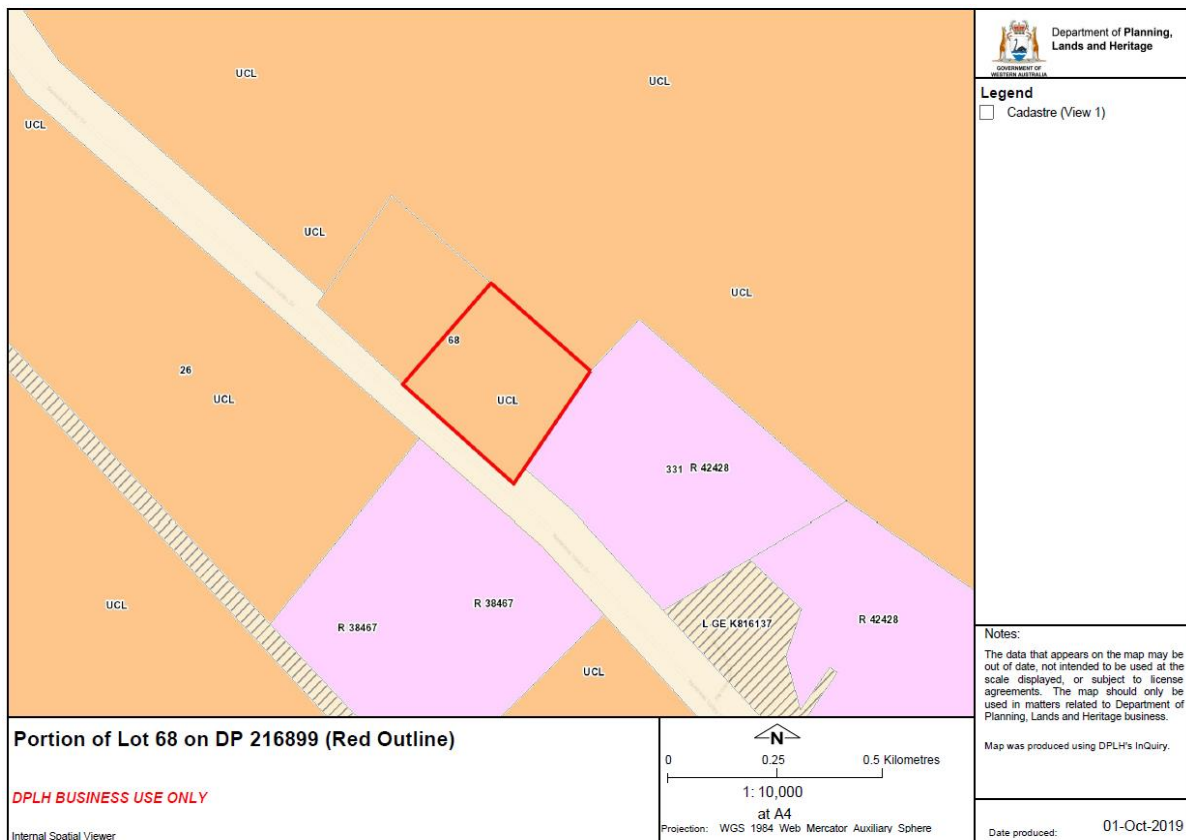
objection to freehold of the lots to DPLH for the reasons previously stated and requested alternate sites be investigated.

**Comment**

Alternative site Lot 68 on Plan 216899, Nameless Valley Drive has been referred to Council for consideration of freehold or leasehold acquisition by CompassWest Helicopters Pty Ltd.

DPLH propose to freehold or leasehold Lot 68 in its entirety (16.5817 hectares) or portion of Lot 68 (approximately 9 hectares) to CompassWest Helicopters Pty Ltd. Due to the proposed lease term of 20 years with an optional further term of 20 years, Shire Officers do not have a preference between freehold or leasehold. It is however, preferred tenure be for portion of the site only to allow use of the remainder by other potential tourism operators.

Should DPLH proceed with a lease, it is proposed the lease purpose be “Helicopter Landing Facility, Tourism and Camping Area” or similar.



The applicant proposing to either freehold or leasehold Lot 68, Mr Neal Kent has sought comment from Shire Officers regarding obtaining Development Approval prior to acquisition of Lot 68. Mr Kent proposes to establish a caretakers dwelling on the lot to protect his assets. Mr Kent was advised that this could be considered upon signing of a development application by DPLH as the land owner with formal assessment after. Normal planning consultation with the community will be undertaken upon receipt formal receipt of an application.

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Lot 68 is adjacent to Lot 331 on Deposited Plan 192625, being Reserve 42428 for “Equestrian Purposes”. This is leased to the Tom Price Pony & Horse Club. Mr Dave Spooner has been the sole occupant of Lot 331 for several years and has been liaising with DPLH regarding leasing the lot directly from the State due to his sole occupancy. This is not opposed by the Pony & Horse Club committee.

Lot 68 is zoned ‘Rural’ under the Shire of Ashburton Town Planning Scheme No. 7. A helicopter service is either an ‘A’ use (which provides local government discretion for such use, subject to community consultation) or a use that is not listed. If it is the latter, Council would need to determine whether the use and development is consistent with the purpose and objectives of the rural zone. Upon formal application from CompassWest, the proposal will be referred to Council and the community for comment.

**Consultation**

Executive Management Team  
Principal Planner  
Department of Planning, Lands and Heritage  
CompassWest

**Statutory Environment**

*Land Administration Act 1997* - section 74 (freehold) and 79 (leasehold)  
*Town Planning Scheme No. 7*

**Financial Implications**

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

**Strategic Implications**

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

Goal 02      Economic Prosperity  
Objective 1    Strong local economies

Objective 2    Enduring partnerships with industry and government  
Objective 3    Well managed tourism

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

**Risk Management**

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

**Policy Implications**

Tourism and Economic Development Strategy



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**Voting Requirement**

Simple Majority Required

**Officers Recommendation**

That with respect to the Proposed Freehold or Leasehold of Lot 68 on Deposited Plan 216899, Nameless Valley Drive, Tom Price, Council:

1. Authorise the Acting Chief Executive Officer to advise Department of Planning, Lands and Heritage that:
  - a. Council have no objection to the proposed freehold, with conditions as warranted by the Council and Shire officers; or Leasehold of Lot 68 in its entirety or portion;
  - b. Freehold or Leasehold be at Department of Planning, Lands and Heritage's discretion;
  - c. Council support tenure over portion of Lot 68 to allow use of the remaining portion by other tourism operators.

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**13.7 AUTHORISATION TO AFFIX COMMON SEAL – DEED OF EASEMENT**

<b>FILE REFERENCE:</b>	RC39572 ASH.0804
<b>AUTHOR'S NAME AND POSITION:</b>	Janelle Fell Manager Land and Asset Compliance
<b>AUTHORISING OFFICER AND POSITION:</b>	Brian Cameron Director Property and Development Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	31 October 2019
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 13.6 (Minute No. 642/2019) – Ordinary Meeting of Council 18 September 2019

**Summary**

At the September 2019 Ordinary Meeting of Council, Councillors endorsed portion of Lot 37 on Plan 15365, Paraburdoo, being Shire managed Reserve 39572, as the location for the new Paraburdoo Dog Exercise Area.

To allow unrestricted access to reticulation and gardens located on adjoining Lot 804 on Plan 15743, known as IGA, a Public Access Easement pursuant to section 195 of the *Land Administration Act 1997* is proposed. Council endorsement is sought to affix the common seal to the Deed of Easement is requested.

**Background**

An underspend of Rio Tinto Community Infrastructure and Services Partnership funds was allocated to the design and construction of a Paraburdoo Dog Exercise Area.

Community consultation was undertaken in August 2019, with the preferred site (being portion of Lot 37 on Plan 15365) endorsed by Council at the September 2019 Ordinary Meeting of Council.

The Council endorsed final design included a fence encroachment to adjoin the neighbouring brick IGA wall on Lot 804 on Plan 15743. The fence placement as per the Plan is to allow access to gardens installed and maintained by the Shire and the reticulation box location, which will be included in the Dog Exercise Area fence line to allow continued and unrestricted access.

**ATTACHMENT 13.7A**

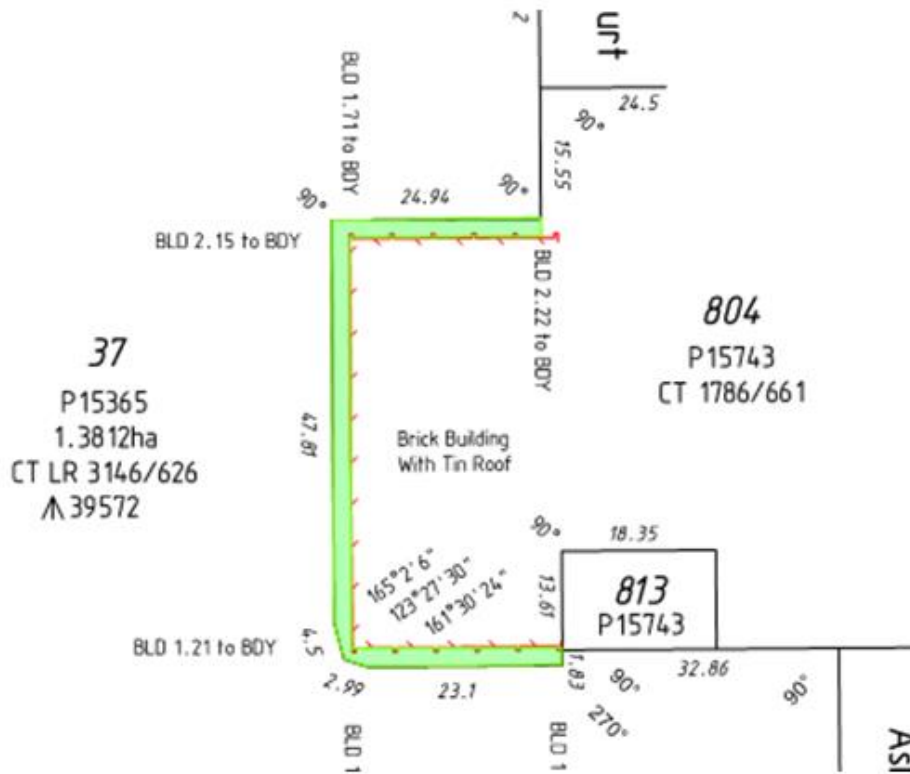
**Comment**

A Public Access Easement pursuant to section 195 of the *Land Administration Act 1997* is proposed to allow continued unrestricted access to portion of Lot 804 on Plan 15743. The draft Deed allows the Shire to install and maintain the fencing, reticulation and gardens in good order and condition at its expense, and use of the easement area at all times.

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ATTACHMENT 13.7B

An 'interest only' deposited plan will be prepared to accompany the lodgement to Landgate. The draft plan depicts the easement area in green.



At the time of writing this report the Proprietor, LMS Super (WA) Pty Ltd is yet to formally comment on the contents of the draft Deed. Negotiations will continue to ensure the Deed is lodged in a timely manner to allow the project to progress.

Application of the Common Seal is required to lodge the document at Landgate.

**Consultation**

Executive Team  
Lot 804 Proprietor – LMS Super (WA) Pty Ltd  
Manager Western Facilities & Aquatics  
Manager Eastern Facilities

**Statutory Environment**

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

“9.49A. Execution of documents

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

- (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
- (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.

(2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.

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- (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."*

*Transfer of Land Act 1893 – Form B2*

*Land Administration Act 1997 – Section 195 – Easement in favour of State etc., creation of etc.*

**Financial Implications**

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

**Strategic Implications**

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

Goal 01      Vibrant and Active Communities  
Objective 1    Connected, caring and engaged communities  
Objective 2    Sustainable services, clubs, associations and facilities

Goal 04      Quality Services and Infrastructure  
Objective 1    Quality public infrastructure

**Risk Management**

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

**Policy Implications**

There are no known policy implications for this matter.

**Voting Requirement**

Absolute Majority Required

**Officers Recommendation**

That with respect to Authorisation to Affix Common Seal – Deed of Easement, Council:

2. Authorises the Acting Chief Executive Officer to negotiate and finalise the Deed of Easement for unrestricted access with Proprietor LMS Super (WA) Pty Ltd;
3. Upon agreement of the contents, approves affixing the Common Seal in the presence of the Shire President and the Acting Chief Executive Officer to the Deed of Easement for unrestricted access to the easement area on Lot 804 on Plan 15743, Paraburdoo, as depicted on the Interest Only Plan **ATTACHMENT 13.7B**; and
4. Authorise the Acting Chief Executive Officer to lodge the Deed to Landgate to register the Public Access Easement on Title of Lot 804 on Plan 15743, Paraburdoo.

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**13.8 PROPOSAL TO LEASE PORTION OF LOT 9001, ONSLOW AIRPORT –  
ONSLOW MARINE SUPPORT BASE PTY LTD**

<b>FILE REFERENCE:</b>	ONS.0016
<b>AUTHOR'S NAME AND POSITION:</b>	Janelle Fell Manager Land and Asset Compliance
<b>AUTHORISING OFFICER AND POSITION:</b>	Brian Cameron Director Property and Development Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Onslow Marine Support Base
<b>DATE REPORT WRITTEN:</b>	4 November 2019
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 17.1 (Minute No. 329/2018) – Ordinary Meeting of Council 13 March 2018

**Summary**

Onslow Marine Support Base Pty Ltd (OMSB) have requested lease of portion of Lot 9001 to support the Onslow Marine Support Base operations through the provision of laydown.

**Background**

In January 2018, Council authorised the Chief Executive Officer to issue a Development Approval to OMSB for the deposit of dredge spoil from Beadon Creek on Shire owned freehold Lots 9001 and 9500 McAullay Road, Onslow.

To enable the dredge spoil to be deposited on the lots, Council resolved, in March 2018, that as the spoil would result in overall community benefit, no Licence fee would be charged.

Conditions associated with the Licence included:

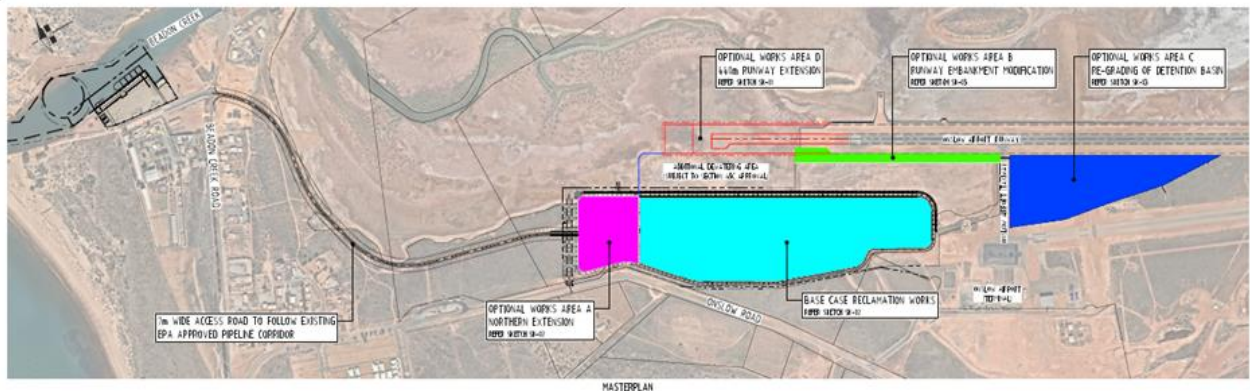
- Engineered designs
- Dust management
- Access arrangements from Beadon Creek to Lot 9001 over unallocated Crown land
- Spoil height to an agreed AHD
- Removal of spoil where the quality is not acceptable to the Shire
- OMSB having no future claim to the fill or the fill site
- Indemnify the Shire
- Maintain appropriate insurance policies

**Comment**

The capital dredge program of Beadon Creek reached completion on 6 October with demobilization ongoing at the time of writing this report. Approximately 44 Hectares of ~6m AHD spoil has been deposited on Lot 9001. As there is limited suitable land available in close proximity to the Onslow Marine Supply Base, OMSB propose to lease 22.42 Hectares of Lot 9001 to support the growth of maritime freight to realise OMSB's vision of a Pilbara freight and logistics hub. **ATTACHMENT 13.8A**

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Access between Beadon Creek and Lot 9001 has been facilitated by a section 91 Licence for the pipeline corridor. OMSB have secured a six month extension of this Licence expiring 22 April 2020. Concurrently, OMSB is working to secure long-term tenure of the road as a private road. This exclusive access arrangement provides the only legal access to the area and as such the land is not available to the open market to lease. Lease of Lot 9001 will be conditional on ongoing approval of the access road. The lease area (within blue highlighted area) and road corridor to Beadon Creek Road hatched black on the plan below.



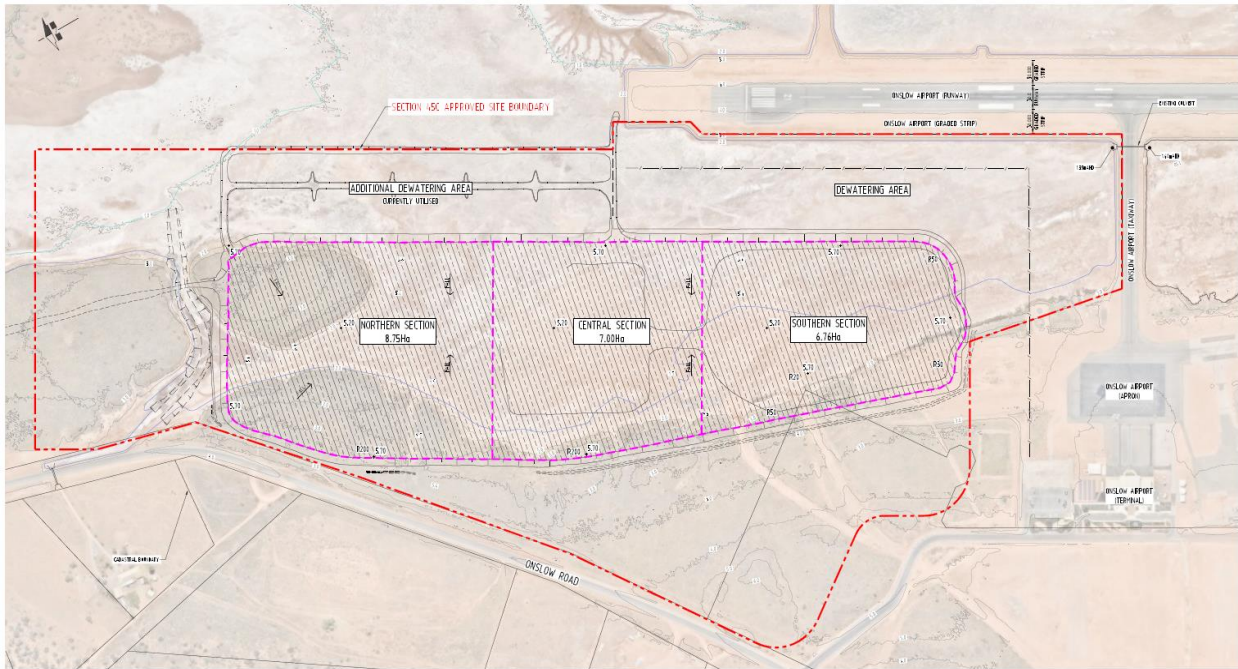
To facilitate use of Lot 9001, OMSB will undertake civil and servicing works commencing early 2020. OMSB propose indicative capital costs as below.

<b>Road</b>	
Approximate cost	\$10,000,000
Schedule	12 months
<b>Land Development</b>	
Approximate cost	\$50 per square meter
Schedule	18 months

OMSB propose the following lease terms:

Approximate size of lease	22.42Ha (224,200m <sup>2</sup> )
Term of Lease	10 years
Basis of lease	Unimproved, no legal access land value
Commencement Date	Upon signing
Conditions precedent	<ul style="list-style-type: none"> <li>- Development approval</li> <li>- Rezoning</li> <li>- Finalisation of access road approvals and funding</li> </ul>
Renewal option	10 years
Proposed base lease fee	\$0.10 per square meter
Utilisation fee (to be triggered once an area is commercially used)	\$0.70 per square meter
Projected annual base income to Shire	\$22,420

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OMSB propose a lease fee commensurate with capital costs to facilitate use of the land for laydown; indicative land development estimates of \$50 per sqm equate to ~\$11,000,000. A base lease fee of \$0.10 per sqm while the land is being developed and prior to commercial use is proposed. Upon the area being utilised commercially, a utilisation fee of \$0.70 per sqm will be generated. The annual base lease fee for the 22.42 Hectares is \$22,420 (ex GST) per annum. It is projected the land will commence commercial utilisation in Q3 2020. Upon utilisation of each section identified on the Plan above for commercial use, the lease fee will then increase to the utilisation fee in addition to the base lease fee of any unutilised section/s of i.e.:

**Base Fee**

- Northern Section – 8.75 Hectares (87,500 sqm) x \$0.10 = \$8,750
- Central Section – 7.00 Hectares (70,000 sqm) x \$0.10 = \$7,000
- Southern Section – 6.76 Hectares (67,600 sqm) x \$0.10 = \$6,760

**Utilisation Fee**

- Northern Section – 8.75 Hectares (87,500 sqm) x \$0.70 = \$61,250
- Central Section – 7.00 Hectares (70,000 sqm) x \$0.70 = \$49,000
- Southern Section – 6.76 Hectares (67,600 sqm) x \$0.70 = \$47,320

When all sections are commercially utilised, the income generated per annum will be \$157,570 (ex GST), subject to annual CPI review. A market rental valuation will be scheduled for three yearly intervals to ensure the rate is indicative of the fluctuating Pilbara market.

Shire Officers proposed an economic valuation i.e. a percentage of the return generated by the land be paid with each contract secured by OMSB in addition to the market rental valuation. OMSB propose the utilisation fee offered was considered the opportunity for the Shire to benefit from the contracts.



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To comply with section 3.58 of the Local Government Act 1995, a market rental valuation was obtained in November 2019. The Annual Rental Amount of 22.42 Hectares is assessed at \$0.60-\$0.70 ex GST per sqm.

To avoid future issues with the lease terms and conditions, it is preferred the 10 year renewal option requested be declined. A new lease can be negotiated prior to the 10 year expiration which is a normal arrangement for commercial leases of this nature.

The Shire of Ashburton Town Planning Scheme No. 7 reserves this land for 'Public Purposes: Airport', and the Scheme text requires that any development 'have regard to the ultimate purpose for the reserve'. Accordingly, it is recommended that, on request from and at OMSB's cost, Council initiate an amendment to the Scheme, zoning the land more appropriately for its intended use.

Drainage concerns highlighted by mosquito numbers, clay deposits, and water ponding prompted Shire Officers to engage engineering consultants GHD to assess and report on the dredge spoil works. Additionally, GHD reviewed WGA's (OMSB's engineering consultant) demobilisation plan. GHD identified key issues being drainage and stagnant water.

1. Drainage issues

Prior to the reclamation works, stormwater did not pond for prolonged periods after significant rainfall events. Evidence of clay deposits within the basins does not allow water to infiltrate into the ground. These clay deposits have raised the floor level of the basins, blocking drainage paths and reducing the effectiveness of the existing drainage system. GHD recommend the clay deposits be removed from the basins and the basin floors to restore the original levels and conditions, including scarifying, moisture conditioning and compaction to an agreed density if required. Further, removal of the dewatering bunds and sand bags on the north western side of the main runway is recommended to allow the stormwater to drain into the creek, restore storage capacity, allow water levels to decrease and provide an opportunity for the basin floors to dry out.

GHD advise the reclamation works demobilisation plan does not adequately address any future development of Lot 9500 which could be constrained and/or compromised due to inadequate stormwater management.

2. Stagnant water

The eastern side of the main runway is currently subject to significant volumes of stagnant water. GHD recommend halting future reclamation activities should ongoing monitoring highlight concerns.

**ATTACHMENT 13.8B**

The spoil land partially occupies catchment areas and discharge points identified in the *2013 Stormwater Management Plan, Onslow Industrial Subdivision*. Due to the issues raised above, it is proposed a review of the 2013 Stormwater Management Plan be undertaken as soon as possible to identify risks and recommendations to ensure future airport infrastructure and development of Lot 9500 is not compromised.

While there is provision in the Licence to hold OMSB to complete the identified issues and OMSB is committed to corrective actions, it is recommended that a lease not be executed (held in abeyance) until completion of the above recommendations to the Shire's satisfaction.



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**Consultation**

Executive Management Team  
Airport Manager  
OMSB  
Interface – OMSB’s Consultant

**Statutory Environment**

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

- a) Describing the property concerned; and
- b) Giving details of the proposed disposition; and
- c) Inviting submission to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and
- d) It consider any submission made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

If the 10 year renewal option is supported by Council, 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 ‘Community: Airport’. A scheme amendment to allow Mixed Business Use is required.

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**Financial Implications**

The income generated will further contribute to the Airport Reserve. Over the ten year term of the Agreement, at the Base Fee, \$225,100 in income will be generated. The lease fee is subject to annual CPI increases and three yearly market rental reviews.

A scheme amendment will be undertaken by Shire staff with OMSB responsible for administration, drafting and advertising costs.

The 2013 Stormwater Management Plan requires updating. This estimated to cost ~\$25,000 and can be accommodated in the current budget.

**Strategic Implications**

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

Goal 02        Economic Prosperity  
Objective 1    Strong local economies

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

**Risk Management**

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

**Policy Implications**

ELM13        Affixing of the Shire of Ashburton Common Seal

**Voting Requirement**

Absolute Majority Required

**Officers Recommendation**

That with respect to Proposal to Lease Portion of Lot 9001, Onslow Airport – Onslow Marine Support Base Pty Ltd, Council:

1. Endorse lease of a 22.42 Hectare portion of Lot 9001 to Onslow Marine Support Base Pty Ltd for the purpose of laydown subject to remediation of Lot 9001 as outlined in the GHD report (**ATTACHMENT 13.8B**) and to the Shire's satisfaction;
2. Delegates authority to the Acting Chief Executive Officer to negotiate the terms of the Lease Agreement with OMSB, generally in accordance with the terms outlined in this report;
3. Authorise the Acting Chief Executive Officer to advertise the lease for two weeks, with any submissions referred back to Council; and
4. Subject to Recommendation No. 1 being satisfied and no submissions being received from advertising of the lease, authorise the Shire President and the Acting Chief Executive Officer to affix the Common Seal to, and execute the Lease Agreement between the Shire of Ashburton and Onslow Marine Support Base Pty Ltd.

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**13.9 ENDORSEMENT OF DRAWINGS FOR PROCLAMATION OF WARRIRDA ROAD, ONSLOW**

<b>FILE REFERENCE:</b>	RD.11
<b>AUTHOR'S NAME AND POSITION:</b>	Janelle Fell Manager Land and Asset Compliance
<b>AUTHORISING OFFICER AND POSITION:</b>	Brian Cameron Director Property and Development Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Main Road Western Australia
<b>DATE REPORT WRITTEN:</b>	7 November 2019
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 13.4 (Minute No. 640/2019) – Ordinary Meeting of Council 18 September 2019

**Summary**

The Commissioner for Main Roads requires endorsement by Council of proclamation drawings to allow a recommendation to the Honorable Minister for Transport to proclaim Warrirda Road.

**Background**

Council endorsed the dedication of Warrirda Road, formerly known as the ANSIA Road, at the October 2018 Ordinary Meeting of Council. Warrirda Road has received Minister for Lands approval to be dedicated pursuant to section 56 of the *Land Administration Act 1997*. Accordingly, the Commissioner of Main Road intends making a recommendation to the Honorable Minister for Transport to proclaim the new road. Prior to any recommendation to the Minister, the Commissioner requires endorsement by Council of the proclamation drawings.

**Comment**

The attached proclamation drawing 201321-0019-04 depicts all roads within the Shire of Ashburton while drawing 201721-0758-00 depicts Warrirda Road in more detail.

**ATTACHMENT 13.9A**

Upon endorsement of the drawings by Council and following proclamation a copy of the final drawings showing gazettal details will be sent to Council for our records.

**Consultation**

Main Roads Western Australia

**Statutory Environment**

*Land Administration Act 1997*  
*Main Roads Act 1930*

**Financial Implications**

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

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**Strategic Implications**

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

Goal 04      Quality Services and Infrastructure  
Objective 1    Quality Public Infrastructure

**Risk Management**

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

**Policy Implications**

There are no known policy implications for this matter.

**Voting Requirement**

Simple Majority Required

**Officers Recommendation**

That with respect to Endorsement of Drawings for Proclamation of Warrirda Road, Onslow, Council:

1. Endorse proclamation drawing number 201321-0019-04 and 201721-0758-00 (**ATTACHMENT 13.9**); and
2. Authorise the Acting Chief Executive Officer to endorse the proclamation drawings for return to the Commissioner of Main Roads Western Australia.

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**13.10 OUTCOMES OF THE COASTLINE DYNAMICS, COASTAL INFRASTRUCTURE IMPACTS, AND EROSION HOTSPOTS ALONG THE ASHBURTON COAST STUDY**

<b>FILE REFERENCE:</b>	LP23 EM04
<b>AUTHOR'S NAME AND POSITION:</b>	Andrew Davis Principal Town Planner
<b>AUTHORISING OFFICER AND POSITION:</b>	Brian Cameron Director Property and Development Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	8 November 2019
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 14.1 (Minute No. 253/2017) – Ordinary Meeting of Council 24 October 2017

**Summary**

At its Ordinary Meeting on 24 October 2017, Council endorsed the *Coastal Hazard Risk Management and Adaptation Plan* (CHRMAP) for the Onslow Coast. This plan was prepared with funding from the (then) Department of Planning and as a requirement of *State Planning Policy 2.6 State Coastal Planning Policy*.

One of the recommendations from the CHRMAP was to undertake further investigations to better understand how sand is transported in and around the beaches near Onslow. This investigation and the resultant information is critical to understanding how the beaches in and around Onslow will react to ongoing coastal development, and in particular the ANSIA harbor and channel, and the Beadon Creek dredging works.

With funding from the Department of Transport (DoT), the Shire engaged a team from the University of Western Australia (UWA), supported by BMT (a coastal engineering consultant) to undertake an investigation as to the source and movement of sand along the Onslow coastline. This report provides a summary of the final report findings and recommendations.

**Background**

The 2017 CHRMAP considered and identified threats to infrastructure and other development along the Onslow coastline between Four Mile and Beadon Creeks, specifically relating to rising sea levels, storm surge, rising water table, and inundation events generated by inland rainfall. Based on computer modelling of predicted sea level change, weather event frequency and intensity, the report provides a series of recommendations including, but not limited to further investigation into coastal processes to a much greater degree. The study area for the CHRMAP focused on areas containing development, which may be subject to coastal threats.

One significant issue beyond the CHRMAP scope is the sediment source (sand, mud, carbonate from shell beds etc.), and transport mechanisms (how these are accreted and eroded from the local beaches). This information is required to accurately model how the Shire's beaches will

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react both to climate change (rising sea levels, changes to cyclone activity etc.), and to the significant modifications to the beaches and nearshore region, specifically the ANSIA MoF and channel, and the Beadon Creek dredging, that is increasing the depth and length of the shipping channel.

Working initially with Curtin University, and then UWA (due to key staff shifting universities), the Shire prepared and submitted an application to the DoT for a Coastal Adaptation and Protection (CAP) grant to undertake the investigation and description of coastal erosion/accretion and the natural sediment pathways by which this occurs. The investigation would allow for better understanding and planning for the management of beach erosion and accretion.

Various agencies have undertaken other studies and investigations along this coastal sediment cell (formally described as secondary sediment cell R11B3), primarily Chevron's coastal monitoring program that is a condition of its environmental approval for the Wheatstone Project. This information was made available to the Coastal Process Study.

### Study Details

The Study area is wider than the CHRMAP investigation area and generally corresponds to Sediment Cell R11B3. Sediment cells are mapped by the Department of Transport and comprise collections or marine and terrestrial landforms that are inter-related by sediment transport systems, is bounded by Urala Creek and Coolgra Point, with this project's study area limited to between Rocky Point and Beadon Creek.

The purpose of this Study is to:

- Identify the historical shoreline evolution trends;
- Identify the impact infrastructure and dredging is having on coastal processes;
- Identify coastal sediment sources, sinks, and transport pathways;
- Describe the coastal geomorphological features (reefs etc.) and their impact on coastal sediment behaviour; and
- Collate all available monitoring data.

### Methodology

As outlined in the funding application to the Department of Transport, the Study commenced utilising the following methodology:

1. Collect and collate all relevant available information, primarily from Chevron and DoT, including biannual LiDAR collected since 2014;
2. Undertake detailed airborne Bathymetric LiDAR survey from Rock Point (7 km south west of Ashburton River mouth) to approximately 2 km east of Beadon Creek comprising:
  - a. Detailed airborne bathymetric LiDAR survey (Light Direction and Ranging)
  - b. Aerial photography;
3. Undertake field surveys to collect sediment samples along a sampling grid with cross-shore transects spaced 1 km apart and samples collected at 0, 250, 500, 1000 and 2000 meters from the shoreline;
4. Analyse historical shoreline movement utilising available aerial photographs; and
5. Compile all results into a report submitted to the DoT and Shire of Ashburton.

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### Results and Conclusions

The Report supports the following findings and associated recommendations:

#### *Shoreline evolution:*

- The shoreline between the Ashburton River and Beadon Creek are generally stable over time with periods of significant erosion and accretion, often stimulated by tropical cyclone events.

#### *Nearshore geomorphology*

- The Ashburton River is a key feature supplying sediment to the cell with sand bars being deposited at the river mouth and gradually distributed eastward along the coast.
- East of the MoF has experienced some erosion since 2014, that is likely caused by the sediment transport interruption MoF construction.
- Transverse sandbars extending 100m offshore are most likely supplied from offshore sources, indicating the beach is not primarily supplied from the Ashburton River – this assumption is supported by the observation that the accretion west of the MoF is significantly less than the erosion to the east.
- Hooley and Four Mile Creeks are characterized by complex sandbar systems deposited over time and nourishing beaches to the east.
- The last four years show accreting and storing of sediment at these two creeks, with this sand likely to be eroded during the next cyclone event.
- Between Beadon Point and Beadon Creek, sand bars lying over limestone platforms are the predominant features impacting sediment transport, acting as sediment storage locations.

#### *Sediments*

- Most sediment in the study area is sand and mud with some gravel-sized particles comprising a mixture of broken shell and pebbles.
- The composition and size of sediment particles is used to identify sources and transport pathways.
- Measuring the carbonate content of the sediment samples provides a means to determine their source – this investigation indicates the following primary sediment sources for:
  - Ashburton River mouth to Sunset Beach to depth of 5 metres – predominantly (85%) creek and river derived;
  - Sunset Beach – slightly higher carbonate content (20 – 30%) so probably more offshore supply;
  - Town Beach 15 – 20% carbonate, so predominantly river/creek supply; and
  - Highest concentration of carbonate located at 5-6 metre depth off Sunset Beach, indicating this is where most offshore sediment supply is occurring.

#### *Sources, sinks, and sediment transport pathways*

- The Ashburton River is the predominant sediment supply to the Cell.
- The MoF interrupts the transport pathway, but sediment appears to bypass this development, depositing on the beach east of the MoF.
- Sediment collects at the mouth of Hooley and Four Mile Creeks, probably from the creeks and from the Ashburton River before being transported east.
- Sunset Beach has some offshore (carbonate) supply in addition to the longshore transport, particularly at the norther end.
- Town Beach sediments are finer than other beaches in the study area, most likely related to sheltering rock platform at Beadon Point and historic dumping of dredge spoil.

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### Impact of cyclones and historic trends

- Photographic evidence since 1963 indicates that tropical cyclones impact the coastal region through widespread accretion caused by inundation events, and general erosion following strong wind and storm surge events.

### Impact of infrastructure:

- The ANSIA MoF is causing sediment deposited by the Ashburton River to accrete on its western edge. The trigger to act on this accretion has been reached and Chevron have recently commenced transporting sediments via truck to a deposit site east of the MoF in accordance with its environmental conditions.
- The Onslow sea wall provides shoreline stability but this does not extend beyond to adjacent beaches.
- The Beadon Creek training wall enhances sediment accretion west of the wall, with the Creek acting as a nourishment source for Town Beach. The recent dredging may reduce the amount of sediment supplying this beach.

### Recommendations:

1. Continue monitoring Chevron's sand bypass activities;
2. Monitor impact of training wall/channel on Town Beach sediment supply; and
3. Source and collate other bathymetric and LiDAR datasets that will contribute to better understanding of coastal dynamics and management decisions.

### **Comment**

Coastal planning will become an increasingly important consideration for the Shire as climate change leads to rising sea levels and increasing inundation threats to the Onslow townsite and nearby infrastructure.

From a land use and development perspective, the Shire has a set of Scheme provisions providing statutory guidance for development within the Onslow Coastal Hazard Area - Special Control

Area. These provisions, contained within Appendix 12 of the Scheme are based on a 2012 technical report prepared by MP Rogers and, while appropriate for the time at which they were prepared, are now insufficient as the basis for determining minimum development levels or identifying a hazard area.

In order to competently respond to these climate change implications, the Shire will require a comprehensive understanding of how the Onslow coastline is changing in response to both climate change and the major infrastructure projects impacting these processes.

Planning considerations are one area, where the Shire requires a better understanding of coastal dynamic process and their response to climate change. Planning staff represent the Shire in a number of organisations and forums including the Local Government Coastal Hazard Management and Adaptation Forum (hosted by WALGA), the Pilbara Ports Technical and Advisory Consultative Committee (hosted by the Pilbara Ports Authority), and the UWA Oceans Institute Coastal Forum. These organisations provide a valuable forum to collaborate between the public and private sector, facilitating the sharing of data and avoiding duplication of studies and monitoring.

As we do not have a comprehensive understanding of the threats to development and other undeveloped coastal assets, the Shire is unable to develop the necessary tools to address this overall issue including:



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- Framing instruments: such as strategies and policies;
- Information instruments: such notifications on Certificates of Title, development approval advice notes; and
- Regulatory instruments: such new Scheme provisions and maps, standard conditions of development approval

Development of these instruments is critically important in a planning context, as it will provide the framework to consider and then address legal issues that will eventually require consideration such as:

- If the Shire approves a development on land currently protected by the Onslow Sea Wall, is the Shire then obligated to maintain and possibly enhance the wall for the lifetime of that development, or can it be conditionally approved, so that if it is eventually determined to abandon the Sea Wall, that the approval is withdrawn;
- If the Shire should install or undertake future coastal stabilization measures (e.g. sand nourishment, groynes, rock or sandbag stabilization) without applying limited planning consents to require the removal of development when hazards occur, would the Shire be responsible for maintaining the measures to the original specification, or retrofitting the stabilisation measures, or adding new measures to address changing coastal processes; and
- What actions would the Shire need to take to minimise its legal exposure, if it eventually sought to abandon a strategy of shoreline stabilization or protection

Situations such as those listed above are currently being addressed in local governments around the country in regions, where coastal processes are threatening property and development (e.g. Port Beach, Cottesloe, and Seabird) and will eventually confront the Onslow coast.

The best way to mitigate these threats is to ensure informed decisions are made based on the best available scientific information. . Obtaining this information will require ongoing research from appropriately qualified professionals reviewing and recording local coastal changes in the context of State and Federal policies, and an overall appreciation of climate change.

The Shire's CHRMAP outlines a structured program to obtain relevant information, with this Coastal Process Study being the first major deliverable based on this program. It is recommended that the Shire build on these two completed studies and prepare a study into flooding models (both from rainfall and storm surge events), that will then provide a basis for a thorough review of the Scheme's Appendix 12 provisions relating to finished floor levels within the Coastal Hazard Area. This study would contribute to meeting a number of recommendations from the CHRMAP and fit within the following CHRMAP Five Year program:

Task ID	Task Name
25	Develop integrated Model - Coastal Inundation, Groundwater levels and Pluvial Flooding Scenarios
26	Investigate Pluvial Drainage and Coastal Processes Interactions to define triggers, set FFL, CHRMAP, Water Management Plans and Emergency Management Plan overlaps. Recommendations: R27, R28, R29, R30, R31, R32
27	Investigate wave runup height component for the future inundated areas. Add to the current 100 yr ARI still water level (4.5m AHD) to define the Peak Water Level and SCA extent. Recommendation: R8

While it is highly desirable for the Shire to undertake the preparation of a comprehensive coastal management plan, additional background scientific investigation will be required on which to base

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such a plan. As noted in the table above, these studies are anticipated in the CHRMAP Five-year implementation plan.

The *Coastline Dynamics, Coastal Infrastructure Impacts, and Erosion Hotspots along the Ashburton Coast* report that is presented in this agenda item, provides invaluable understanding into the behaviour of the Onslow coast, provides insight into how coastal infrastructure and climate change will impact the Shire's beaches and how they are developed and used for social, industrial, and commercial uses.

Future studies undertaken by the Shire and other significant stakeholders will add to this understanding, and provide an evidence-based position from which to make informed planning and development decisions affecting the town and surrounding land, that accounts for future significant changes to this coastal region.

**Consultation**

Chief Executive Officer  
Director Property and Development Services  
Acting Director Infrastructure Services

**Statutory Environment**

Complies with all statutory requirements.

**Financial Implications**

A budget provision of \$40,000 would be required for the 2020/21 financial year.

**Strategic Implications**

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

Goal 03      Unique Heritage and Environment  
Objective 1    Flourishing natural environments  
Objective 2    Leading regional sustainability

Goal 04      Quality Services and 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 "Low", can be managed by routine procedures and is unlikely to need specific application of resources.

While our current appreciation of climate change and physical modification to the Onslow coast create a perceived risk level of 'Low', as both our understanding of the impact of the built environment, and climate change processes on the coast increase, this risk assessment may change.

**Policy Implications**

There are no known policy implications for this matter.

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**Voting Requirement**

Simple Majority Required

**Officers Recommendation**

That with respect to the Coastline Dynamics, Coastal Infrastructure Impacts, and Erosion Hotspots along the Ashburton Coast report dated 15 May 2019, Council:

- 1 Note the report; and
2. Commit funding in 2020/21 of up to \$40,000 to undertake further investigation into flood modeling affecting the Onslow coast.

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**14. COMMUNITY SERVICES REPORTS**

**14.1 WAIVING OF POOL ENTRY FEES FOR COMMUNITY EVENTS AT TOM PRICE AND ONSLOW**

<b>FILE REFERENCE:</b>	FM29
<b>AUTHOR'S NAME AND POSITION:</b>	Sarah Johnston Acting Director Community Services
<b>AUTHORISING OFFICER AND POSITION:</b>	Steven Deckert Acting Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	5 November 2019
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

Shire officers have events proposed to be held at the Vic Hayton Memorial Swimming Pool (30 November 2019) and the Onslow Aquatic Centre (7 December 2019) and request Council to endorse the waiving of entry fees for the duration of the two events.

**Background**

The Shire run a full calendar of events across all of the towns that are aimed to be delivered at low or no cost to the participant to assist in making the communities vibrant and active.

**Comment**

The Christmas event in Onslow has incorporated the Onslow Aquatic Centre since the opening of the facility and is well attended. It is proposed to continue with the tradition established and again incorporate activities at the facility this year.

The Community Showcase event for Tom Price is proposed to be held at the Vic Hayton Memorial Swimming Pool and incorporate the promotion of the pool facility.

To entice participation and attendance at the events it is proposed that the entry fees for the facilities be waived for the duration of each event.

**Consultation**

Executive Management Team  
Councillors via EMACCESS

**Statutory Environment**

There are no known statutory implications for this item.

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**Financial Implications**

The 2019/20 Fees and Charges as endorsed by Council make provision for the free entry to the swimming pool facilities on Australia Day.

With number of people expected to attend the event/s being unknown and the large amount of families that have existing annual pool passes in the towns, the potential lost income is estimated at \$500.

**Strategic Implications**

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

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

**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 item.

**Voting Requirement**

Absolute Majority Required

**Officers Recommendation**

That with respect to the waiving of pool entry fees for community events at Tom Price and Onslow, Council:

1. Authorise the Chief Executive Officer to waive the fees associated to entry to the swimming pool facilities for the duration of the events.

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**14.2 ADDITIONAL SPONSORSHIP REQUEST FOR THE 25TH ANNIVERSARY  
FOR THE PANAWONICA ROBE RIVER RODEO**

<b>FILE REFERENCE:</b>	CS16.1
<b>AUTHOR'S NAME AND POSITION:</b>	Sarah Johnston Acting Director Community Services
<b>AUTHORISING OFFICER AND POSITION:</b>	Steven Deckert Acting Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	5 November 2019
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

The Robe River Pannawonica Rodeo committee is seeking an additional \$25,000 support from the Shire for the 25<sup>th</sup> Rodeo in 2020.

**Background**

2020 is the silver anniversary of Robe River Pannawonica Rodeo. The Rodeo has been a community driven event, run solely by volunteers for the community of Pannawonica for 25 consecutive years.

Formal financial through the signature event funding process has been provided to the committee since the inception of signature event funding by the Shire.

**Comment**

The event provides the community and surrounding areas within the Pilbara region with a three day weekend for both adults and children to enjoy which incorporates both the rodeo a camp draft activities.

In addition to the sporting activities, the committee are planning multiple bands on the Friday and Saturday evenings as well as a range of family friendly activities.

In addition to the event the arena fencing and the ablutions require upgrading, the committee have applied for third party funding to assist with the upgrade works and are currently awaiting a response.

The committee wrote to the Shire seeking additional funding support for the 2020 Rodeo.

**ATTACHMENT 14.2**

**Consultation**

Executive Management Team  
Community Services Officers

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**Statutory Environment**

There are no known statutory impediments for this matter.

**Financial Implications**

A budget provision of \$25,000 would be required for the 2020/21 financial year.

**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 Council imitated donations.

**Voting Requirement**

Absolute Majority Required

**Officers Recommendation**

That with respect to additional sponsorship request for the 25<sup>th</sup> anniversary for the Robe River Pannawonica Rodeo, Council:

1. Consider a submission to the 2020/21 Annual Budget that provides for \$25,000 towards the additional funding support (**ATTACHMENT 14.2**).

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**15. INFRASTRUCTURE SERVICES REPORTS**

**15.1 RFT 18.19 CULVERT INSTALLATION, PANNAWONICA – MILLSTREAM ROAD**

<b>FILE REFERENCE:</b>	CM18.19
<b>AUTHOR'S NAME AND POSITION:</b>	Les Morgan Asset Management Specialist
<b>AUTHORISING OFFICER AND POSITION:</b>	Alan McColl Acting Director Infrastructure Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	30 October 2019
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in this report.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

A request for Tender (RFT) 18.19 Culvert Installation, Pannawonica – Millstream Road was issued and advertised via WALGA eQuotes from 18 October 2019 to 5 November 2019.

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

**Background**

The Shire of Ashburton received funding from the Regional Roads Group for the widening, realignment and sealing of 15km of Pannawonica – Millstream Road, from Roebourne – Wittenoom Road to the National Park entrance.

This project necessitated the installation of 13 new culverts to minimise the impact of flood waters on the new works and to give the works the best possible chance of reaching its optimum useful life.

**CONFIDENTIAL ATTACHMENT 15.1**

**Scope of Works**

The first stage of this project involved the widening of the existing road formation, including minor adjustments to the road alignment. These works were completed and supervised by internal staff.

The next stage of works is to install 13 culverts, as contained in the subject RFT to enable flood waters to pass under Pannawonica – Millstream Road, prior to the construction of the pavement and sealing of the 15km of road. The works that are contained in RFT 18.19 include:



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- Excavation of existing material to enable the culverts to be laid.
- The installation of culverts of various sizes at 13 separate locations.
- Placement and compaction of previously excavated material around the newly laid culverts until reaching current road levels.
- Supply and Installation of precast headwalls on the newly laid culverts.

It should be noted that all pipes for the culverts were supplied by and delivered to site by the Shire of Ashburton using pipes that were left-over from previous works. Thereby, reducing the over cost to the Shire of Ashburton.

**Selection Criteria**

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

<b>Criteria</b>	<b>Weighting</b>
Relevant Experience	15%
Key Personnel	10%
Past Company Performance	10%
Resources, Plant and Equipment	10%
Methodology/Quality and OHS Systems/Life Cycle/Risk Management	15%
Price	40%

Only submissions that meet the initial compliance criteria are deemed compliant for further assessment against the selection criteria and value for money.

The evaluation and recommendation report, including the overall evaluation scores and rankings, will be provided under separate cover.

**Consultation**

Executive Management Team  
Manager Rural Roads  
Senior Procurement Officer  
Financial Support 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.*

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

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

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*Local Government (Functions and General) Regulations 1996*

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150,000 unless sub-regulation (2) states otherwise.*

**Financial Implications**

The budgeted provision for all the works to reconstruct and seal the 15km of Pannawonica – Millstream Road is \$1.995M for the 2019/2020 financial year. This budget provision includes the works that are the subject of this report.

**Strategic Implications**

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

Goal 04      Quality Services and Infrastructure  
Objective 1    Quality public infrastructure

**Risk Management**

This item has been evaluated against the Shire of Ashburton’s Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be ‘Moderate’ (consequences ‘moderate’, likelihood ‘possible’). This level of risk is being driven by the possibility of significant flood events occurring that may be too large for the subject culverts to accommodate and thus resulting in flood waters overtopping the road and the remedial works that this may incur.

This issue will be negated during the next stage of this project by providing a stabilised pavement and all weather seal that will allow flood waters to overtop the road without infiltrating into the pavement layers.

**Policy Implications**

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

**Voting Requirement**

Absolute Majority Required

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**Officers Recommendation**

That with respect to RFT 18.19 Culvert Installation Pannawonica Millstream Road, Council:

1. Resolve that Report **CONFIDENTIAL ATTACHMENT 15.1** 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. Notes **CONFIDENTIAL ATTACHMENT 15.1** Evaluation and Recommendation Report for RFT 18.19;
3. Award RFT 18.19 Culvert Installation, Pannawonica Millstream Road, to Red Dust Enterprises Pty Ltd and authorise the Acting Chief Executive Officer to enter into a contract with the preferred contractor; and
4. Authorise the Acting Chief Executive Officer to manage the contract, including the provision of possible variations, providing the variation is necessary in order for the goods or services to be supplied, does not change the scope of the contract, is managed within the overall budget for the project and meets legislative requirements.

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**15.2 RFT 13.19 PANNAWONICA – MILLSTREAM ROAD, SEALING OF UNSEALED ROAD**

<b>FILE REFERENCE:</b>	CM13.19
<b>AUTHOR'S NAME AND POSITION:</b>	Les Morgan Asset Management Specialist
<b>AUTHORISING OFFICER AND POSITION:</b>	Alan McColl Acting Director Infrastructure Services
<b>NAME OF APPLICANT/ RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	30 October 2019
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in this report.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

A request for Tender RFT 13.19 Pannawonica – Millstream Road, Sealing of Unsealed Road was issued via the Shire's e-tendering portal known as TenderLink and advertised via state wide public notice in The West Australian Newspaper from 26 September 2019 to 15 October 2019.

Five (5) conforming and one (1) non-conforming tenders were received in response to RFT 13.19. The evaluation panel has completed its assessment of the submissions and makes its recommendation.

Infrastructure Services requests to engage a contractor to undertake the works required for sealing the first 15km of Pannawonica – Millstream Road

**Background**

The Shire of Ashburton received funding from the Regional Roads Group for the widening, realignment and sealing of 15km of Pannawonica – Millstream Road, from Roebourne – Wittenoom Road to the National Park entrance.

The first stage of this project involved the widening of the existing road formation, including minor adjustments to the road alignment. These works were completed and supervised by internal staff. The second stage of this project is to install 13 culverts, as contained in item 15.1 of this agenda.

This final stage of the project involves final pavement preparation and the application of a two (2) coat bituminous seal.

**CONFIDENTIAL ATTACHMENT 15.2**

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**Scope of Works**

The works contained in RFT 13.19, constitute the final stage of this project and include:

- The reconditioning, compaction and final trim of 15km of the existing pavement material with Bomag and watercart.
- The Cement Stabilisation of 550m of existing gravel material.
- The application of a 2 coat bituminous seal to 15km of Pannawonica – Millstream Road.

It should be noted that the Shire of Ashburton will be supplying all sealing aggregates required to complete the works. Thereby, reducing the cost of the works.

**Selection Criteria**

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

<b>Criteria</b>	<b>Weighting</b>
Relevant Experience	15%
Key Personnel	10%
Past Company Performance	10%
Resources, Plant and Equipment	10%
Methodology/Quality and OHS Systems/Life Cycle/Risk Management	15%
Price	40%

Only submissions that meet the initial compliance criteria are deemed compliant for further assessment against the selection criteria and value for money.

The evaluation and recommendation report, including the overall evaluation scores and rankings, will be provided under separate cover.

**Consultation**

Executive Management Team  
Manager Rural Roads  
Senior Procurement Officer  
Financial Support 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.*

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

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

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*Local Government (Functions and General) Regulations 1996*

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150,000 unless sub-regulation (2) states otherwise.*

**Financial Implications**

The budgeted provision for all the works to reconstruct and seal the 15km of Pannawonica – Millstream Road is \$1.995M for the 2019/2020 financial year. This budget provision includes the works that are the subject of this report.

**Strategic Implications**

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

Goal 04      Quality Services and Infrastructure  
Objective 1    Quality public infrastructure

**Risk Management**

This item has been evaluated against the Shire of Ashburton’s Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be ‘Moderate’ (consequences ‘moderate’, likelihood ‘possible’). This level of risk is being driven by the possibility of significant flood events occurring that may be too large for the culverts installed under item 15.1, to accommodate and thus resulting in flood waters overtopping the road and the remedial works that this may incur.

This issue will be negated by providing a stabilised pavement and all weather seal that will allow flood waters to overtop the road without infiltrating into the pavement layers.

**Policy Implications**

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

**Voting Requirement**

Absolute Majority Required

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**Officers Recommendation**

That with respect to RFT 13.19 Pannawonica – Millstream Road, Sealing of Unsealed Road, Council:

1. Resolve that Report **CONFIDENTIAL ATTACHMENT 15.1** 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. Notes **CONFIDENTIAL ATTACHMENT 15.2** Evaluation and Recommendation Report for RFT 13.19.
3. Award RFT 13.19 Pannawonica – Millstream Road, Sealing of Unsealed Road, to Stabilised Pavements of Australia Pty Ltd and authorise the Acting Chief Executive Officer to enter into a contract with the preferred contractor; and
4. Authorise the Acting Chief Executive Officer to manage the contract, including the provision of possible variations, providing the variation is necessary in order for the goods or services to be supplied, does not change the scope of the contract, is managed within the overall budget for the project and meets legislative requirements.

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

**16.1 NOTICE OF MOTION CONSIDERATION OF 'NO SCHOOL, NO POOL' INITIATIVE IN TOM PRICE AND PARABURDOO**

<b>FILE REFERENCE:</b>	CR01
<b>AUTHOR'S NAME AND POSITION:</b>	Sarah Johnston Acting Director Community Services
<b>AUTHORISING OFFICER AND POSITION:</b>	Steven Deckert Acting Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Cr P Foster
<b>DATE REPORT WRITTEN:</b>	7 November 2019
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

Cr Foster has requested that Council support the initiative of 'No School, No Pool' for school children in Tom Price and Paraburadoo.

**Background**

Council supported this being introduced in Onslow I believe in 2018. I'm unsure if there was any review of on the success of the program, but all the schools in Tom Price (I'm involved in some at Board level) have issues with attendance, and I've already broached with Paraburadoo and Tom Price Councillors whether they would be supportive of this scheme being introduced which I believe they are.

Councillor Foster has requested as follows:

"That Council:

1. Support community initiatives with the aim of increasing school attendance across all our Ashburton Schools;
2. Request the Chief Executive Officer undertake consultation/engagement with our Schools in Tom Price and Paraburadoo to ascertain whether there is a desire to establish a 'No School, No Pool initiative'; and
3. Request the Chief Executive Officer report the findings back to Council."

**Comment**

A similar program of 'No School, No Pool' is currently in place in Onslow. This requires significant commitment from the Onslow Primary School to maintain with the issuing of wrist bands daily to the children prior to leaving school.



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The arrangement as outlined in the Notice of Motion is supported by staff and has the potential to be a positive initiative.

**Consultation**

President, Cr White  
Executive Management Team

**Statutory Environment**

There are no known statutory matters associated with this item.

**Financial Implications**

Apart from staff time in contacting the schools, there are no known financial implications associated with this item.

**Strategic Implications**

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

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

Goal 4            Quality services and infrastructure  
Objective 02     Accessible and safe towns

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. Provided the site is secured and maintained appropriately, 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 matters associated with this item.

**Voting Requirement**

Simple Majority Required

**Officer Recommendation**

That with respect to Notice of Motion Consideration of 'No School, No Pool' Initiative in Tom Price and Paraburdoo, Council:

- 1    Support the community initiatives with the aim of increasing school attendance across all our Ashburton Schools;
2.   Request the Acting Chief Executive Officer undertake consultation/engagement with our Schools in Tom Price and Paraburdoo to ascertain whether there is a desire to establish a 'No School, No Pool initiative'; and
3.   Request the Acting Chief Executive Officer report the findings back to Council.

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

No new Business of an Urgent Nature Introduced.

**18. CONFIDENTIAL MATTERS**

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

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

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

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

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

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**18.1 CONFIDENTIAL ITEM - RECONSIDERATION OF COUNCIL DECISION TO EXTEND DEVELOPMENT APPROVAL FOR USE OF TOURIST ACCOMMODATION FOR WORKFORCE ACCOMMODATION AT LOT 149 ON DEPOSITED PLAN 217262 (THEVENARD ISLAND)**

**FILE REFERENCE:** LP20

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

**AUTHORISING OFFICER AND POSITION:** Steven Deckert  
Acting Chief Executive Officer

**NAME OF APPLICANT/RESPONDENT:** Mackerel Island Pty Ltd

**DATE REPORT WRITTEN:** 11 November 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 13.5 (Minute No. 624/2019) Ordinary Meeting of 13 August 2019

**REASON FOR CONFIDENTIALITY**

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

**Officers Recommendation**

That with respect to Confidential Item - Reconsideration of council decision to extend development approval for use of tourist accommodation for workforce accommodation at Lot 149 on Deposited Plan 217262 (Thevenard Island), Council:

1. Consider the matter and determine action as appropriate.

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**18.2 CONFIDENTIAL – LEGAL MATTERS ASSOCIATED WITH THE SHIRE’S  
OBJECTION 542702 LODGED WITH THE WARDENS COURT TO MLA  
08/521 AND APPEAL BY NORTH ROSSA PTY LTD TO THE WORKS  
APPROVAL**

**FILE REFERENCE:** WM09

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

**AUTHORISING OFFICER AND POSITION:** Steven Deckert  
Acting Chief Executive Officer

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

**DATE REPORT WRITTEN:** 11 November 2019

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 9.3.1 - Ordinary Meeting of Council 13 August 2019

**REASON FOR CONFIDENTIALITY**

The Acting 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**

That with respect to the legal matters associated with the Shire’s Objection 542702 lodged with the Wardens Court to MLA 08/521 and appeal by North Rossa Pty Ltd to the Works Approval, Council:

1. Consider the matter and determine action as appropriate.

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**19. NEXT MEETING**

The next Ordinary Meeting of Council will be held on 17 December 2019, Council Chambers, Onslow Shire Complex, Onslow commencing at 1.00 pm.

**20. CLOSURE OF MEETING**

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