

# Ordinary Meeting of Council

Paraburdoo



## CONFIRMED PUBLIC MINUTES

9 June 2020

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 MINUTES**

**Ashburton Hall, Ashburton Avenue  
Paraburdoo  
9 June 2020  
1.00 pm**

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
9 JUNE 2020**

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



**Mr Kenn Donohoe  
Chief Executive Officer**

Date: 15 06 2020

These minutes were confirmed by Council as a true and correct record of proceedings of the Ordinary Meeting of Council on the 9 June 2020.

Presiding Member:



Date: 14.07.2020

**DISCLAIMER**

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

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**1. DECLARATION OF OPENING**

The Presiding Member declared the meeting open at 1.00 pm.

**1.0 APPROVAL FOR COUNCILLOR PARTICIPATION FROM THE FOLLOWING LOCATIONS AS A 'SUITABLE PLACE' ADMINISTRATION REGULATION 14A:**

**Council Decision**

**MOVED: Cr L Rumble**

**SECONDED: Cr K White**

- 1. Approve Councillor Dias' attendance at the June 2020 Ordinary Meeting of Council via telephone in accordance with Regulation 14A of the *Local Government (Administration) Regulations 1996*; and**
- 2. Approve CONFIDENTIAL ATTACHMENT 1.0 as contained as a suitable place for Councillor Dias for attendance in accordance with Regulation 14A (4) of the *Local Government (Administration) Regulations 1996*.**

**CARRIED BY ABSOLUTE MAJORITY 5/2  
Councillor Foster and Lynch voted against the motion**

Cr Dias joined the meeting via telephone conference at 1.03 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 Mr Grant Bussell, CEO of Yinhawanga to the public gallery.

**3. ATTENDANCE**

**3.1 PRESENT**

<b>Elected Members:</b>	Cr K White	Shire President (Presiding Member) Onslow Ward
	Cr D Diver	Deputy Shire President, Tom Price Ward
	Cr L Rumble	Paraburdoo Ward
	Cr D Dias	Paraburdoo Ward (via telephone from Perth residence)
	Cr P Foster	Tom Price Ward
	Cr M Lynch	Tom Price Ward
	Cr J Richardson	Tablelands Ward
	Cr R de Pledge	Ashburton Ward

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<b>Staff:</b>	Mr K Donohoe Mr J Bingham Ms C Bryce Mrs K Bartley Mr M Hudson Mrs M Lewis	Chief Executive Officer Director Corporate Services Acting Director Property and Development Services Director Community Services Director Infrastructure Council Liaison Officer
<b>Guests:</b>	Nil	
<b>Members of Public:</b>	There was one member of the public in attendance at the commencement of the meeting.	
<b>Members of Media:</b>	There were no members of the media in attendance at the commencement of the meeting.	

**3.2 APOLOGIES**

There were no apologies for the meeting.

**3.3 APPROVED LEAVE OF ABSENCE**

Cr M Gallanagh Pannawonica Ward

**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**

**Names:** Natalie Williams

**Address:** Tom Price

**Question:** What is currently being done about the roaming cat issue (domestic and feral) in Tom Price?

**Answer:**

Feral Cats are a declared pest under the *Biosecurity and Agriculture Management Act 2007*.

As such under section 30 of the 'Act' any landowner or occupier may trap feral cats as long as they do so within the provisions provided in the *Animal Welfare Act 2004*, which states how animals/cats must be treated once trapped, the methods that can be used for trapping and the methods in which an animal can be euthanized.

The Shire of Ashburton (Shire) does provide cage traps to any resident who is having issues with cats entering their property. There is a bond of \$122.50 required to be paid before any trap being is delivered – this bond is refundable and only covers the costs associated with replacing a trap should it be lost or damaged. Ranger Services will attend and collect any trapped cats and determine if they are feral or domestic.

Any resident is legally allowed to purchase cage traps and set them up on their property, however, they are still legally required to adhere to all the provision of the



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*Animal Welfare Act 2004*. It is also an offence for anyone to destroy a domestic cat as cats are legally classed as “possessions”.

Anyone setting a trap on their property is legally required to scan the cat for a microchip as part of the process of establishing whether the cat is domestic or feral. It is for this reason that the Shire does not recommend that non-qualified persons attempt to trap and dispose of cats.

The Shire cannot prevent residents from feeding feral cats although we do not support this practice - understanding that people often believe they are doing the right thing.

In 2011 the *Cat Act* came into effect – The “Act” does set out several measures aimed at reducing the impact that domestic cats can have. Within the “Act” domestic cats are required to be desexed and microchipped and must be contained within the property. The majority of cat owners within Tom Price are responsible and have had their cats desexed and microchipped with ninety five (95) cats being registered within Tom Price.

Due to our location, being surrounded by bushland, we will always have a large number of feral cats in and around the townsite. Cats are generally territorial in nature and as soon as one cat is removed another one will often move into that territory and with feral cats numbers estimated to be as high as twenty-five million within Australia the problems that feral cats cause is not an easy fix. The Shire can only manage feral cats on lands owned or occupied by the Shire and as we are surrounded by UCL and Crown lands DPaW is the responsible agency for those lands.

Ranger services are removing feral cats daily within our three (3) main town sites with the assistance of members of residents who are hiring cage traps from the SoA. Over the past four (4) years ranger services have trapped three domestic cats in Tom Price with one cat being returned to their owner and the other two cats being re-homed, likely having been dumped by their previous owners as they left town. In conclusion, most owners of domestic cats are being responsible pet owners.

**Names:** Jenni Alliss

**Address:** Tom Price

**Question:** When will Shire declare *Leucaena* tree a noxious weed as other Shires have done, as it is overrunning the town and the bush and heading for the gorges?

As Ms Alliss was not present to ask the question, the Presiding Member advised that the Director of Infrastructure Services would respond administratively to Ms J Alliss.

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**5. APPLICATIONS FOR LEAVE OF ABSENCE**

**Council Decision**

**MOVED: Cr D Diver**

**SECONDED: Cr R de Pledge**

**That Council approve the application for Approved Leave of Absence for Cr Dias for the Ordinary Meeting of Council to be held 14 July 2020; and**

**That Council approve the application for Approved Leave of Absence for Cr Richardson for the Ordinary Meeting of Council to be held 14 July 2020 and 11 August 2020.**

**CARRIED 8/0**

ATTACHMENT 5.0  
(Provided under separate cover)

**6. DECLARATION BY MEMBERS**

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

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

**6.2 DECLARATIONS OF INTEREST**

**Councillors to Note**

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

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

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

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

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

**Declarations of Interest provided:**

Item Number/ Name	Type of Interest	Nature/Extent of Interest
<b>13.5 ROBE RIVER SUSTAINING WORKS – STAGE 3</b>		
Cr Diver	Indirect Financial	The nature of my interest is I am employed by Rio Tinto. The extent of my interest is I receive a salary, I also receive subsidised utilities (water/power) and rent as part of my salary package.
Cr Foster	Financial	The nature of my interest is Financial. The extent of my interest is my partner works for Rio Tinto, owns over \$10k in shares and as a family we live in a Rio Tinto property paying rent.
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 a tenant of Rio Tinto. The extent of my interest is I am paid a salary by Pilbara Iron.

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Type of Interest	Nature/Extent of Interest	Type of Interest
<b>13.5 ROBE RIVER SUSTAINING WORKS – STAGE 3</b>		
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 of more than \$10,000.
Cr Dias	Financial	The nature of my interest is my wife is a Pilbara Iron employee and we both own shares in Rio Tinto Ltd individually and collectively. Our primary residence is a house provided by Rio Tinto. We are potential recipients of all the lucrative company benefits/ gifts offered to employees and / or shareholders. The extent of my interest is Direct Financial.
<b>14.2 TOM PRICE COMMUNITY HALL – REQUEST FOR SUPPORT – MURAL</b>		
Cr Foster	Impartiality	The nature of my interest is Impartiality. The extent of my interest is my son attends Tom Price Primary, I am President of Tom Price Primary P&C.
<b>14.3 APPLICATION ACCEPTANCE OF COMMUNITY SUPPORT GRANT ALLOCATIONS ROUND 2, 2019/20 ANNUAL FINANCIAL YEAR</b>		
Cr Foster	Impartiality	The nature of my interest is Impartiality. The extent of the interest is I am President of the Tom Price Primary P & C.
Cr Diver	Indirect Financial	The nature of my interest is I am a life member of the Tom Price SSAA. The extent of my interest is the Tom Price SSAA has applied for a grant.
Cr Diver	Proximity	The nature of my interest is I am a member of the Paraburdoo Saints Football Club. The extent of my interest is the Paraburdoo Saints Football Club has applied for a grant.
Cr Diver	Proximity	The nature of my interest is I am a member of the Onslow Sports Club inc The extent of my interest is the Onslow Sports Club inc has applied for a grant.
Cr White	Indirect Financial	The nature of my interest is I am a member of the Onslow Sports Club. The extent of my interest is I am a financial member.

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Item Number/ Name	Type of Interest	Nature/Extent of Interest
<b>18.1 CONFIDENTIAL ITEM – TOM PRICE CHILDCARE – EXECUTION OF FUNDING AGREEMENT</b>		
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 of more than \$10,000.
Cr Dias	Financial	The nature of my interest is my wife is a Pilbara Iron employee and we both own shares in Rio Tinto Ltd individually and collectively. Our primary residence is a house provided by Rio Tinto. We are potential recipients of all the lucrative company benefits/ gifts offered to employees and / or shareholders. The extent of my interest is Direct Financial.
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 a tenant of Rio Tinto. The extent of my interest is I am paid a salary by Pilbara Iron.
Cr Diver	Indirect Financial	The nature of my interest is I am an employee of Rio Tinto. The extent of my interest is I receive a salary, I also receive subsidised utilities (water / power) and rent as part of my salary package.
Cr Foster	Financial	The nature of my interest is Financial. The extent of my interest is my partner works for Rio Tinto, owns over \$10k in shares and as a family we live in a Rio Tinto property paying subsidised rent and utilities.

ATTACHMENT 6.2A  
(Provided under separate cover)



**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
9 JUNE 2020**

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

*“Dear Mr Donohoe*

*I refer to your correspondence dated 3 June 2020 and advise that, in accordance with authority delegated by the Minister for Local Government, I have approved your application, under section 5.69(3) of the Local Government Act 1995 (the Act).*

*This approval allows all disclosing members Cr Dias, Cr Diver, Cr Foster, Cr Rumble Cr Lynch and Cr de Pledge to fully participate in the discussion and decision making relating to the following items at the Shire's Ordinary Council Meeting of 9 June 2020:*

**13.5 ROBE VALLEY SUSTAINING WORKS**

**18.1 CONFIDENTIAL ITEM - TOM PRICE CHILDCARE - EXECUTION OF FUNDING AGREEMENT**

*Subject to the following conditions:*

- 1. The approval is only valid for the 9 June 2020 Ordinary Council Meeting when agenda items 13.5 and 18.1 are considered;*
- 2. The abovementioned Councillors must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided;*
- 3. The CEO is to provide a copy of the Department's letter of approval to the abovementioned Councillors;*
- 4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;*
- 5. The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to the Department, to allow the Department to verify compliance with the conditions of this approval; and*
- 6. The approval granted is based solely on the interests disclosed by the abovementioned Councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.*

*Should you require further information in relation to this matter, please contact Ms Carmen Chia, Legislation Officer via the details provided above.*

*Yours sincerely*

*Peter Minchin  
Director – Liquor Control and Arbitration  
9 June 2020*

ATTACHMENT 6.2B  
(Provided under separate cover)

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

**Cr Diver**

The SOA Management Meeting and I attended a mine tour as well as a visit of Kings Lake works.

Tom Price Well-being meeting 2 June 2020.

**Cr Foster**

Phone conversation with Leanne Dallosto, Rio Tinto, discussed COVID-19 relief packages and Tom Price Child Care, Thursday 28<sup>th</sup> May 2020.

Mountain View Sporting Club Inc, As Treasurer, discussed COVID-19 relief package and outstanding debts, Tuesday 2<sup>nd</sup> June 2020.

Tom Price Community Well-being Meeting, Councillor representing Shire of Ashburton, COVID-19 relief packages discussed, Thursday 4<sup>th</sup> June 2020.

Conversation with Trish Chapman, resident Tom Price, concerning feral & domestic cats issue in Tom Price, Tuesday 9<sup>th</sup> June 2020.

**8. PETITIONS / DEPUTATIONS / PRESENTATIONS**

**8.1 PETITIONS**

There were no petitions for this meeting.

**8.2 DEPUTATIONS**

There were no deputations for this meeting.

**8.3 PRESENTATIONS**

There were no presentations for this meeting.

**9. CONFIRMATION OF MINUTES**

**9.0.1 UNCONFIRMED MINUTES ORDINARY MEETING OF COUNCIL HELD ON 12 MAY 2020 (ATTACHMENT 9.0.1)**

**Council Decision**

**MOVED: Cr D Diver**

**SECONDED: Cr P Foster**

**That the Unconfirmed Minutes of the Ordinary Meeting of Council held 12 May 2020, as previously circulated on 21 May 2020 (ATTACHMENT 9.0.1) be confirmed as a true and accurate record.**

**CARRIED 8/0**

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

**9.1.1 MINUTES OF THE SHIRE OF ASHBURTON AUDIT AND RISK MANAGEMENT COMMITTEE MEETING HELD ON 9 JUNE 2020**

**Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr D Diver**

**That the Unconfirmed Minutes of the Shire of Ashburton Audit and Risk Management Committee held 9 June 2020 be received.**

**CARRIED 8/0**

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

**9.3 RECOMMENDATIONS OF COMMITTEE**

**9.3.1 NATIONAL REDRESS SCHEME (PARTICIPATIONS OF WA LOCAL GOVERNMENTS)**

**Committee and Council Decision**

**MOVED: Cr M Lynch**

**SECONDED: Cr D Diver**

**That with respect to the National Redress Scheme (Participations of WA Local Governments), the Audit and Risk Management Committee recommend, Council:**

- 1. Note the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments;**
- 2. Agree to participate in the National Redress Scheme as a State Government institution and is included as part of the State Government’s declaration;**
- 3. Authorise the Chief Executive Officer to execute a service agreement with the State, if a Redress application is received;**
- 4. Note that a confidential report will be provided if a Redress application is received by the Shire of Ashburton; and**
- 5. Request the Chief Executive Officer prepare a Shire of Ashburton Child Safe Policy in consultation with Council and the community for the consideration of Council as soon as practicable.**

**CARRIED 8/0**

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

**Committee and Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr D Diver**

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

- 1. Receive the Confidential Item – Update on Wittenoom Litigation, Use of Delegation, Wittenoom Steering Committee, Senior Counsel Legal Advice and Roebourne - Wittenoom Road (CONFIDENTIAL ATTACHMENT 8.1A) and remain confidential in accordance s5.23 (2)(b) & (d) of the *Local Government Act 1995*; and**
- 2. Ensure that the Shire management continue to provide Wittenoom related reports to the Audit and Risk Management Committee; and**
- 3. Request the Chief Executive Officer to develop a Senior Counsel legal brief in relation to developing Wittenoom claims.**

**CARRIED 8/0**

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
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**10. AGENDA ITEMS ADOPTED "EN BLOC"**

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

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

*"Part 5 – Business of a meeting*

*Clause 5.6 Adoption by exception resolution:*

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

There were no Agenda Items carried 'En Bloc' for this meeting.



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**11. OFFICE OF THE CEO REPORTS**

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

**MINUTE:** 82/2020

**FILE REFERENCE:** GV04

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

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

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

**DATE REPORT WRITTEN:** 27 May 2020

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

**PREVIOUS MEETING  
REFERENCE:** Agenda Item 11.1 (Minute No 69/2020) Ordinary Meeting  
of Council 12 May 2020

**Summary**

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

**Background**

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

**Comment**

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

This report presents a summary of the "Decision Status Reports" for Office of the CEO, Corporate Services, Infrastructure Services, Community Services 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 —*

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

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

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

**Financial Implications**

There are no known financial implications for this matter.

**Strategic Implications**

Shire of Ashburton 10 Year 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 and Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr M Lynch**

**That Council receive the "Council Decisions Status Reports" for the month of May 2020 as per ATTACHMENT 11.1.**

**CARRIED 8/0**

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

**MINUTE:** 83/2020

**FILE REFERENCE:** GV21  
CM02

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

Brooke Beswick  
Executive Assistant

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

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

**DATE REPORT WRITTEN:** 27 May 2020

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

**PREVIOUS MEETING  
REFERENCE:** Not Applicable

**Summary**

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

**Background**

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

**Comment**

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

**ATTACHMENT 11.2A  
ATTACHMENT 11.2B**

**Consultation**

Relevant officers as listed in the Attachment.

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**Statutory Environment**

*Local Government Act 1995*

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

Delegated Authority Register

**Financial Implications**

There are no known financial implications for this matter.

**Strategic Implications**

Shire of Ashburton 10 Year 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 and Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr D Diver**

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

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

**CARRIED 8/0**

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**11.3 AWARD OF RFT 03.20 SUPPLY, INSTALLATION & SERVICE OF AIRPORT PASSENGER SCREENING EQUIPMENT**

**MINUTE:** 84/2020

**FILE REFERENCE:** LE01

**AUTHOR'S NAME AND POSITION:** Megan Walsh  
Onslow Airport Manager

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

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

**DATE REPORT WRITTEN:** 26 May 2020

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 18.1 (Minute No. 753/2020) – Ordinary Meeting of Council 11 February 2020

**Summary**

In April 2020 the Shire of Ashburton received funding in the amount of \$405,000 from the Regional Airport Security Screening Fund (RAASF). The funding was for the purchase of additional screening equipment in line with the new security screening directives set by the Department of Home Affairs.

Request for Tender (RFT) 03.20 Supply, Installation and Service of Airport Passenger Screening Equipment was released via the Shire's eTendering Portal Tenderlink on the 18 March 2020 closing on the 13 May 2020.

Three (3) tenders (all conforming) were received in response to RFT 03.20. The evaluation panel has completed its assessment of the submission and makes it recommendation.

Council's consideration of the tender assessment outcome is now requested to accept the tender from L3 Harris Technologies Australia Group Pty Ltd.

**Background**

On May 8 2018, the Australian Government announced measures to further strengthen Australia's domestic and international security. As such, the Governments immediate focus is on updating technology requirements at airports.

To meet the new security screening requirements Onslow Airport requires an upgrade to the current EDS X-Ray (for cabin baggage & goods) and the introduction of a body scanner.

The Shire was invited to apply for a grant up to \$405,000 through the RAASF program for the procurement of the equipment. The funding application was approved and the Shire has received a sum of \$405,000.



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**Comment**

The request for tender was advertised in accordance with FIN12, closing on the 13 May 2020. Three Tenders were received by the closing date from:

- L3 Harris technologies Australia Group Pty Ltd
- Rapiscan Systems Pty Ltd
- Smiths Detection (Australia) Pty Ltd

The Tenders were evaluated by a three person panel comprising of:

- Onslow Airport Manager
- Manager Land & Asset Compliance
- Technical Officer – Onslow

The tenders were first assessed for compliance with the tender documents. The tenders were then assessed against the weighted qualitative criteria.

The Criteria and associated weighting were:

<b>Qualitative Selection Criteria</b>	<b>Weighting</b>
Demonstrated Understanding	20%
Key Personnel Skills and Experience	10%
Quality	15%
Timeliness of Delivery	15%
Price	40%

In accordance with FIN12, as there were no local tenderers, this policy was not applied.

The evaluation and recommendation report, including the overall evaluation scores and rankings is attached as a confidential item.

**CONFIDENTIAL ATTACHMENT 11.3**

**Consultation**

Executive Management Team  
Aerodrome Management Services  
Department of Home Affairs

**Statutory Environment**

*Local Government Act 1995 s 3.57*  
*Local Government Act 1995 s 5.42 and 5.43*  
*Local Government (Functions and General) Regulation 1996 Pt.2 Div.2*  
*Aviation Transport Act 2004*

Regulation 11(1) of the Local Government (Functions and General) Regulations 1996 specifies that tenders are required for contract expenditure above \$150,000, except in particular circumstances. An exemption exists under Regulation 11(2):

*"The local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier."*

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*Aviation Act and Regulations*

Under section 16 of the *Aviation Transport Security Act 2004* the Shire of Ashburton, as owner/operator of Onslow Airport, is required to ensure the security integrity of the domestic and international aviation networks. This includes the checked baggage screening.

**Financial Implications**

The Commonwealth Government is funding the equipment purchase and has provided the Shire with funds of \$405,000. The cost of the equipment purchase from the recommended tenderer is within the provided funding allocation. The tendered price from L3 Harris at the time of submission was \$386,470.00.

The equipment offered is manufactured in the USA. Quoting in AUD exposes the supplier to foreign exchange or the duration of this project. Rather than add a signification hedge L3 has stipulated a 1.5% collar based on an exchange rate of AUD\$1 = USD 0.62. In the event the rate varies by more than 1.5% in either direction, the invoice will be adjusted at the time of invoicing.

“The exchange rate collar is a mechanism that we use to limit our exposure to exchange rate variations for submitting tenders at our best offer pricing. As at time of writing the AUD\$ to USD\$ exchange is a 0.66 – by applying the collar clause at today’s exchange there would be a saving for equipment portion of approximately \$9,700 to the Shire.

An unfunded budget variation of \$50,000 was approved by Council at the Ordinary Meeting of Council 11 February 2020. This budget allocation is to cover any unexpected expenses not covered under the funding agreement.

**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  
Objective 2    Accessible and safe towns.

**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 “Medium” risk and will be managed by specific monitoring and response procedures. The level of risk is been driven by the regulatory requirement to have the equipment operational by the Governments deadline of 31 December 2020.

**Policy Implications**

AMP 01 Asset Management Policy  
FIN12 Purchasing and tender Policy.

**Voting Requirement**

Simple Majority Required

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**Officers Recommendation and Council Decision**

**MOVED: Cr M Lynch**

**SECONDED: Cr P Foster**

**That with respect to RFT 03.20 Supply, Installation and Service of Airport Passenger Screening Equipment, Council:**

- 1. Resolve that Report CONFIDENTIAL ATTACHMENT 11.3 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. Award RFT 03.20 Supply, Installation and Service of Airport Passenger Screening Equipment to L3 Harris for the tendered rate of \$386,470 excl of GST.**
- 3. Authorise the Chief Executive Officer to enter into negotiations with the successful tenderer prior to contracts being awarded; and**
- 4. Authorise the Chief Executive Officer to approve any budget variations in line with our legislative requirements of the International Monetary Exchange.**

**CARRIED 8/0**

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**12. CORPORATE SERVICES REPORTS**

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

**MINUTE:** 85/2020

**FILE REFERENCE:** FM03

**AUTHOR'S NAME AND POSITION:** Geoff Garside  
Finance and Administration Manager

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

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

**DATE REPORT WRITTEN:** 28 May 2020

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

**Summary**

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

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

**Comment**

There are no budget variations recommended for June 2020.

**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*.

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

(b) Is authorised in advance by resolution\*

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

\*requires an absolute majority of Council.

**Financial Implications**

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

**Strategic Implications**

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

Goal 05       Inspiring Governance  
Objective 4    Exemplary team and work environment

**Risk Management**

This item will be 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**

FIN06 – Significant Accounting Policy.

**Voting Requirement**

Simple Majority Required

**Officers Recommendation and Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr D Diver**

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

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

**CARRIED 8/0**



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**12.2 COVID-19 RATES STRATEGY 2020/21**

**MINUTE:** 86/2020

**FILE REFERENCE:** GV04

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

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

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

**DATE REPORT WRITTEN:** 18 May 2020

**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. 54/2020) – Ordinary Meeting of Council 14 April 2020

Agenda Item 12.3 (Minute No. 57/2020) – Ordinary Meeting of Council 14 April 2020

**Summary**

At the 14 April 2020 Ordinary Council Meeting (OCM), Council endorsed no increase to 2020/21 rates due to the COVID-19 (CV-19) pandemic. Council also acknowledged State Government legislation and policy for setting 2020/21 differential general rates might be subject to change.

Following on from this the Hon David Templeman MLA, Minister for Local Government; Heritage; Culture and the Arts (*the Department*) issued Local Government (COVID-19 Response) Order 2020 (*the Order*) to deal with, amongst other things, matters relating to differential general rates.

This report informs Council of the provisions in the Order related to setting rates for 2020/21 and the impact these provisions have on resolutions adopted at the April 2020 OCM as well as new requirements for setting the 2020/21 differential general rates.

**Background**

At the 14 April OCM Council acknowledged Ministerial Briefings from Premier McGowan and Minister Templeman in relation to how Local Governments (LGs) should respond to the CV-19 crisis. LGs were encouraged during the briefings to *'support communities and find ways to stimulate local economies'* as well as *'reduce the burden on household budgets'*.

In addition Council also gave consideration to a WALGA State Council Resolution noting *'the significant contribution of LG's in supporting their communities through the CV-19 pandemic'* and recommending *'LGs provide a co-ordinated and consistent response to CV-19 by not increasing rates for the 2020/21 financial year'*.

With this in mind Council responded to the call and implemented a CV-19 Support Package for Small Business, Community Groups and Clubs, including a resolution to freeze rates for 2020/21.

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At time of adoption Council recognised that the usual Departmental processes for setting differential general rates was likely to be subjected to change. However despite this it went ahead and resolved to advertise its intention to adopt the same rates in the dollar and minimum rates for 2020/21 as it did in 2019/20.

On 8 May 2020 Minister Templeman made an Order under the *Local Government Amendment (COVID-19 Response) Act 2020* to deal with issues relating to: (i) requirements to hold public meetings; (ii) access to information when council offices are closed due to CV-19; and (iii) budgetary matters.

The Order came into effect on 8 May 2020 and is intended to assist ratepayers that have been adversely impacted by CV-19. Moreover it will assist LGs remove red tape and compliance requirements that are considered unnecessary in the current environment.

**ATTACHMENT 12.2A**

**Comment**

The Order is clear and unambiguous in its direction to Council when deciding to set differential general rates for 2020/21. If it chooses to freeze rates in the dollar at or below those imposed in 2019/20 it is released from the requirement to obtain Ministerial approval in 2020/21 (Clause 9) - the release being conditional upon it having received approval in 2019/20 for the same rates in the dollar.

**ATTACHMENT 12.2B**

Following on from this it is evident Council is not required to give local public notice and seek submissions for a minimum of 21 days and then consider these submissions before imposing these rates (Clause 12). Given this direction from the Minister, if Council does decide to freeze rates in the dollar, it must consider revoking the resolution to follow the statutory process it endorsed at the OCM on 14 April 2020. Sections 8 and 9 of minute no.57/2020 require revocation:

*8. Receive submissions for at least 21 days from Friday 1 May 2020 until midday of Friday 22 May 2020; and*

*9. Consider a report on any submissions received at its 9 June 2020 Ordinary Meeting of Council prior to adopting the schedule of proposed Differential Rates 2020/21.*

Council are advised public notice was given on 1 May 2020 and comment was received on or before 22 May 2020 from the following:

- Kate Callaghan, General Manager – Corporate Affairs, Chevron; and
- Robert Carruthers, Director Policy & Advocacy, the Chamber of Minerals & Energy of Western Australia.

**ATTACHMENT 12.2C**

Although Council is not required to consider the submission (see Clause 12 of Minister Templemans Order), it would be appropriate to respond with a written acknowledgement and explanation as to why.

**Revaluations**

The Minister's Order does not address revaluations. This issue has been keenly debated amongst LGs. For example, WALGA has advocated that given 95% of LGs have agreed to the rate freeze, it makes sense revaluations should be on hold. In principle the Minister agreed with this approach

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however as it stands today State Cabinet has not reached a consensus and therefore the revaluations are in effect.

The impact of revaluations on rating is critical and worth commenting on to highlight Council's position. Each year their impact on rating is significant – whether it applies to Gross Rental Value (GRV) or Unimproved Value (UV) properties revaluations bring uncertainty and disruption to Long Term Financial Planning which seeks a smooth and predictable rate revenue stream.

Revaluations also bring pressure and influence from outside parties to undo adopted rating strategies. In an environment where Integrated Planning Frameworks are legislated it becomes difficult and costly to change direction whilst at the same time meet expectations of all relevant stakeholders.

Council's main risk however is potential action by ratepayers against Landgate. Past experience demonstrates when Council discounts a rate in the dollar and / or provides concessions to ratepayers the combined net reduction of revenue is up to \$8m. The risk of a challenge to current revaluations, across multiple rating categories, is likely based on assessment by Shire staff.

At the time of writing this report, officers were cognisant of the advice provided by media that the Treasurer of WA indicated a high likelihood that the State of WA would proceed into a recession cycle from 2021 and the significant impact this may have on the Local Government.

**Consultation**

Councillors  
Executive Management Team  
Manager Finance and Administration  
Finance Officer - Rates  
Kyle and Company

**Statutory Environment**

The Local Government (COVID-19 Response) Order 2020

Clause 9: Section 6.33 modified – Differential general rates

- S 6.33 states that where a local government is imposing differential rates and the rate to be imposed on one category is more than twice the lowest differential rate to be imposed in another category, Ministerial approval must be obtained under section 6.33(3).

Local Governments that resolve to freeze their rates in the dollar at or below those imposed in 2019/20 recognising the economic impacts of the pandemic, are being released from the requirement to obtain Ministerial approval if they obtained Ministerial approval under this section in that year. This reduces the regulatory burden on those local governments that are assisting ratepayers by not increasing the rate in the dollar.

Clause 12: Section 6.36 modified – Local government to give notice of certain rates

- S 6.36 sets out the process that a local government must go through to advertise and set their rates. This requires local governments that are seeking to impose differential general rates or minimum payments to give local public notice and seek submissions for a minimum of 21 days and then consider these submissions before imposing the rates. A document describing the objects of, and reasons for, each proposed rate must be prepared and published on the local government's website.

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To address the economic consequences of CV-19, it is understood that many local governments are in the process of agreeing to freeze their rates in the dollar at the levels imposed in 2019/20. For those local governments, the process set out in 6.36 is unnecessary, meaningless and costly in a time when budgets are being negatively impacted.

Local governments that resolve to set differential general rates and minimum payments at a level no higher than that imposed in 2019/20 will not have to comply with the provisions in section 6.36.

Local governments will be required to publish differential general rates and minimum payments on their website within ten days of the resolution or of this notice coming into effect whichever is later.

The *Local Government Act 1995* following sections apply:

- S 6.32 provides Council with the power to apply rates to property;
- S 6.35 provides Council with the power to apply a minimum payment which is greater than the general rate which would otherwise be payable on that land and a lesser minimum in respect of any portion of the district;
- S 6.47 indicates that a local government may resolve to waive or grant a concession for a rate or service charge (absolute majority required). In addition, Regulation 69A of the *Local Government (Financial Management) Regulations 1996* also specifies that a local government cannot use its powers under section 6.47 LGA based on whether or not the land is occupied by a person who owns the land (so called absentee owner clause);
- S 5.63 (1) (b) specifically excludes the need for Elected Members to 'Declare a Financial Interest' in imposing a rate, fee or charge.

*Local Government (Financial Management) Regulations 1996* Part 5.

Regulation 10 of the *Local Government (Administration) Regulations 1996* makes provision for revoking or changing decisions.

**Financial Implications**

The proposed differential rates have been modelled to raise revenue of \$42.5m.

**Strategic Implications**

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

Goal 05	Inspiring Governance
Objective 1	Effective Planning for the Future

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**Risk Management**

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

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council not endorsing Ministers order to freeze rates in the dollar.	Possible (3)	Moderate (3)	Major (4)	Financial Impact – 3 Moderate – Between \$1m-5m.	Accept Officer Recommendation

The following Risk Matrix has been applied.

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

A risk rating of 12 has been determined for this item.

**Policy Implications**

There are no known policy implications for this matter.

**Voting Requirement**

Officers Recommendation Number 1 – Absolute Majority Required

Officers Recommendation Number 2 - Simple Majority Required

**Officers Recommendation Number 1 and Council Decision**

**MOVED: Cr D Diver**

**SECONDED: Cr R de Pledge**

**That with respect to the proposed 2020/21 Differential Rates, Council:**

1. In accordance with Regulation 10 of the *Local Government (Administration) Regulations 1996*, the following three Councillors agree to consider revoking parts 8 and 9 of Resolution 57/2020 adopted at the Council Meeting held on 14 April 2020;
  - a Cr P Foster;
  - b Cr M Lynch; and
  - c Cr D Diver.
2. That Council by Absolute Majority pursuant to Regulation 10 of the *Local Government (Administration) Regulations 1996*, resolves to revoke parts 8 and 9 of Resolution 57/2020 relating to receiving submissions when considering setting differential general rates for 2020/21.

**CARRIED BY ABSOLUTE MAJORITY 8/0**

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Officers Recommendation Number 2

That with respect to the proposed 2020/21 Differential Rates, Council:

1. Acknowledge correspondence received from Chevron and the Chamber of Minerals and Energy of Western Australia, and authorise the Chief Executive Officer to respond explaining that due to Clause 12 of Minister Templeman's Orders it does not require Council to seek and consider submissions;
2. Choose to freeze its rates for 2020/21 and adopt the following rates in the dollar and minimum rates;

Rate Code Description	Rate in the \$	General Minimum	Lesser Minimum
GRV-Residential / Community	0.102364	1010.00	727.50
GRV-Commercial / Industrial / Tourism	0.065926	1262.50	NA
GRV-Transient Workforce Accommodation	0.131845	1262.50	NA
UV Mining / Industrial	0.369571	1262.50	NA
UV-Pastoral	0.062196	1262.50	NA

**Alternate Motion**

**MOVED: Cr P Foster**

**SECONDED: Cr M Lynch**

**That with respect to the proposed 2020/21 Differential Rates, Council:**

1. **Acknowledge correspondence received from Chevron and the Chamber of Minerals and Energy of Western Australia, and authorise the Chief Executive Officer to respond explaining that due to Clause 12 of Minister Templeman's Orders it does not require Council to seek and consider submissions;**
2. **Choose to freeze its rates for 2020/21 and adopt the following rates in the dollar and minimum rates; as the Minister approved last year;**

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<b>Rate Code Description</b>	<b>Rate in the \$</b>	<b>General Minimum</b>	<b>Lesser Minimum</b>
<b>GRV-Residential / Community</b>	<b>0.102364</b>	<b>1010.00</b>	<b>727.50</b>
<b>GRV-Commercial / Industrial / Tourism</b>	<b>0.065926</b>	<b>1262.50</b>	<b>NA</b>
<b>GRV-Transient Workforce Accommodation</b>	<b>0.131845</b>	<b>1262.50</b>	<b>NA</b>
<b>UV Mining / Industrial</b>	<b>0.369571</b>	<b>1262.50</b>	<b>NA</b>
<b>UV-Pastoral</b>	<b>0.062196</b>	<b>1262.50</b>	<b>NA</b>

3. **Note that Chevron's Transient Workers Accommodation Camps (TWA) be removed from UV Mining / Industrial and put into rating category GRV -Transient Workers Accommodation.**

**CARRIED 8/0**

Reason for change – To align with the 2021 Rating Strategy.

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**12.3 COVID-19 POLICY AMENDMENTS – FIN12 PURCHASING POLICY**

**MINUTE:** 87/2020

**FILE REFERENCE:** GV20

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

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

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

**DATE REPORT WRITTEN:** 25 May 2020

**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. 722/2019) Ordinary Meeting of Council 17 December 2019

**Summary**

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

The Department of Local Government, Sport and Cultural Industries (DLGSCI) has advised Local Governments update provisions of their purchasing policies during the COVID-19 outbreak.

**Background**

DLGSCI issued an alert on 7 May 2020 advising Local Governments (LG) the *Local Government (Functions and General) Regulations 1996* had been amended to increase the flexibility of the LG sector to contract with local suppliers during, and in the aftermath of the State of Emergency Declaration under the *Emergency Management Act 2005*.

An amendment has been made to regulation 11(1) to increase the threshold to \$250,000 to align with State Government tendering thresholds. This will permit local governments to extend the use of their own purchasing policy and apply local content provisions more readily to goods and services acquired via written quotations.

**ATTACHMENT 12.3A**

**Comment**

Council is advised to update its purchasing policy to cover the direct purchase of goods and services under \$250,000. For purchases over \$150,000, local governments should ensure that quotations are requested in writing and offers are received in writing.



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**ATTACHMENT 12.3B**

**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.

*Local Government (Functions and General) Regulations 1996* Section 11A (1) Purchasing Policies for local governments.

**Financial Implications**

There are no financial implications of increasing the tender threshold.

**Strategic Implications**

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

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

**Risk Management**

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

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

The following Risk Matrix has been applied.

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

A risk rating of 4 has been determined for this item.

**Policy Implications**

Update to FIN12 Purchasing Policy.

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**Voting Requirement**

Simple Majority Required

**Officers Recommendation and Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr D Diver**

**That with respect to FIN12 Purchasing Policy, Council:**

- 1. Note the Department of Local Government, Sports and Cultural Industries amendments issued on 7 May 2020 per ATTACHMENT 12.3A; and**
- 2. Adopt all suggested Policy amendments as per ATTACHMENT 12.3B.**

**CARRIED 8/0**

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**13. PROPERTY AND DEVELOPMENT SERVICES REPORTS**

**13.1 MINING ACT 1968 TENEMENT REFERRALS – 1 MAY TO 24 MAY 2020**

MINUTE: 88/2020

<b>FILE REFERENCE:</b>	ED01
<b>AUTHOR'S NAME AND POSITION:</b>	Janelle Fell Manager Land and Asset Compliance
<b>AUTHORISING OFFICER AND POSITION:</b>	Chantelle Bryce Acting Director Property and Development Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	24 May 2020
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

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

**Background**

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

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

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

**Comment**

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

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

- Affected Shire assets:
  - Will the licence generate traffic volumes that significantly affect Shire roads
  - Borrow pits

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

Correspondence is then forwarded to each Applicant, advising the following should be considered:

- [Applicant name] shall be responsible for any maintenance to local roads as a result of the generation of increased traffic volumes;
- Referral to the Shire and or Main Roads WA is required for extraction from borrow pits;
- The Aboriginal Heritage Inquiry System should be consulted to ensure sites of Aboriginal Heritage significance are not impacted without consent;
- Use of Roebourne-Wittenoom Road is not endorsed by the Shire of Ashburton and [business name] and contractors/suppliers should not utilise this road due to known asbestos deposits;
- The former townsite of Wittenoom and surrounding area is registered as a contaminated site (Wittenoom Asbestos Management Area - WAMA) and should not be visited by [business name] and contractors/suppliers. The Shire does not support any works/travel within the WAMA given the serious human health impacts associated with exposure to asbestos fibres;
- If your activities are in close proximity to public roads, traffic management is required;
- Consent from landowners/pastoral companies should be obtained prior to accessing pastoral lands.

Twelve Form 21 - Application for Mining Tenement notifications were received between 1 May 2020 and 24 May 2020 being four exploration licence applications, six mining lease applications and two miscellaneous licence applications.

Exploration Licences

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

Exploration Licence notifications received include:

<b>Company</b>	<b>Application No.</b>	<b>Blocks (~80km<sup>2</sup>)</b>	<b>Locality</b>
Baracus Pty Ltd	E 47/4356	16	West Pilbara
Hamersley Iron Pty. Limited	E 47/4359	34	Rocklea
Hamersley Iron Pty. Limited	E 47/4360	8	Western Turner

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FMG Pilbara Pty Ltd	E 47/4364	4	Paraburdoo
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**Mining Leases**

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

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

Mining Lease notifications received are:

<b>Company</b>	<b>Application No.</b>	<b>Hectares</b>	<b>Locality</b>	<b>Mineral</b>
FMG Pilbara Pty Ltd	M 47/1586	96 HA	Birdman Prospect – Mt Stuart Pastoral Lease	Iron Ore
FMG Pilbara Pty Ltd	M 47/1587	85 HA	Lala Prospect – Mt Stuart Pastoral Lease	Iron Ore
FMG Pilbara Pty Ltd	M 47/1588	72 HA	Hendrix Prospect – Mt Stuart Pastoral Lease	Iron Ore
FMG Pilbara Pty Ltd	M47 /1589	229 HA	Watchtower Prospect – Mt Stuart Pastoral Lease	Iron Ore
FMG Pilbara Pty Ltd	M 47/1590	1,390 HA	Wyloo North Prospect	Iron Ore
FMG Pilbara Pty Ltd	M 08/529	2,016 HA	Wyloo South Prospect	Iron Ore

**Miscellaneous Licences**

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

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

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

Miscellaneous Licence notifications received are:

<b>Company</b>	<b>Application No.</b>	<b>Hectares</b>	<b>Locality</b>	<b>Purposes</b>
Orion Equities Limited	L 08/190	199.59 HA	Paulsens	A pipeline and a road
Orion Equities Limited	L 47/934	357.09 HA	Paulsens	A road

**ATTACHMENT 13.1**

The combined estimated 2020/21 rates income for the above tenements is:

Exploration Licences - \$8,500

Mining Leases (dependent on State Agreements) - \$19,000

Miscellaneous Licences - \$130,000

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

**Consultation**

Executive Management Team  
Finance Officer - Rates

**Statutory Environment**

*Mining Act 1968*

*Mining Regulations 1981*

**Financial Implications**

There are no known significant financial implications for this matter.

**Strategic Implications**

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

Goal 02      Economic Prosperity  
Objective 1    Strong local economies

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**Risk Management**

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

**Policy Implications**

Town Planning Scheme No. 7  
LPP – Transient Workforce Accommodation

**Voting Requirement**

Simple Majority Required

**Officers Recommendation and Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr D Diver**

**That with respect to *Mining Act 1968* Tenement Referrals – 1 May To 24 May 2020, Council acknowledge the contents of this report.**

**CARRIED 7/1**

**Councillor Richardson voted against the motion**

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**13.2 APPLICATION OF THE COMMON SEAL TO RIGHT OF ENTRY DEED AND  
LAND TITLING INSTRUMENTS RELATED TO TOM PRICE TOURIST  
PARK LEASE**

**MINUTE:** 89/2020

<b>FILE REFERENCE:</b>	RC38762
<b>AUTHOR'S NAME AND POSITION:</b>	Janelle Fell Manager Land and Asset Compliance
<b>AUTHORISING OFFICER AND POSITION:</b>	Chantelle Bryce Acting Director Property and Development Services
<b>NAME OF APPLICANT/ RESPONDENT:</b>	Dentons acting for Bankwest
<b>DATE REPORT WRITTEN:</b>	23 May 2020
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 19.2 (Minute No. 185/2017) Ordinary Meeting of Council 20 June 2017

**Summary**

The Tom Price Tourist Park is located on Reserve 38762 being Lot 66 Nameless Valley Drive, Tom Price and is under the care, control and management of the Shire of Ashburton. The Tom Price Tourist Park is leased by Summerstar Pty Ltd (Summerstar).

In September 2019, Council endorsed a new lease be entered into with Summerstar to for a term of 42 years (includes a further term of 21) to allow Summerstar Pty Ltd to secure capital for proposed redevelopment of the site.

Bankwest held a Right of Entry over the previous lease and now require a Right of Entry over the new lease. Additionally, surrender of the previous lease with Landgate is required to allow registration of the new lease on the Title.

Council endorsement to apply the Common Seal to the Right of Entry, Remove Interest – (Surrender) Lease and Record Interest – Lease, is requested.

**Background**

Lot 66 on Deposited Plan 186857 (Tom Price Tourist Park), Nameless Valley Road, Tom Price is a reserve under the Land Administration Act for the purpose of "Caravan Park and Chalets".

Summerstar Pty Ltd purchased the Tom Price Tourist Park business (including lease) in April 2017 from Kaussie Holdings Pty Ltd.

To register the required Land Titling instruments (assignment, variation and extension) at Landgate and the Right of Entry as required by the Mortgagee, Council endorsed application of the Common Seal to these instruments in June 2017.



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At the September 2019 Ordinary Meeting of Council, Councillor's endorsed execution of a new 21 + 21 year Lease to allow Summerstar to secure capital for a proposed (~\$16m over 10 years) redevelopment.

**Comment**

Bankwest funds Summerstar, holds a mortgage over the superseded Lease and, has a Right of Entry with the Shire. Bankwest has agreed to release its mortgage over the superseded Lease and will take a new mortgage over the new Lease, requiring a new Right of Entry from the Shire. Denton's, acting for Bankwest, have prepared Landgate's Surrender for Lease to allow the new Mortgage to be registered on the Title.

The following documents require endorsement by the Shire of Ashburton:

1. Remove Interest – (Surrender) Lease **CONFIDENTIAL ATTACHMENT 13.2A.**
2. Record Interest – Lease
3. Right of Entry Deed - **CONFIDENTIAL ATTACHMENT 13.2B.**

Council endorsement is sought for the execution and affixation of the common seal to the Right of Entry Deed and Land Titling Forms.

**Consultation**

Executive Management Team

**Statutory Environment**

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

*“9.49A. Execution of documents*

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

*Transfer of Land Act 1893*

*Transfer of Land Regulations 2004*

*Land Administration Act 1997*

**Financial Implications**

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

**Strategic Implications**

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

Goal 02      Economic Prosperity  
Objective 1    Strong Local Economies

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Objective 3 Well-managed Tourism  
Goal 05 Inspiring Governance  
Objective 3 Council Leadership

**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**

ELM13 Use of Shire of Ashburton Common Seal Policy.

**Voting Requirement**

Simple Majority Required

**Officers Recommendation and Council Decision**

**MOVED: Cr D Diver**

**SECONDED: Cr P Foster**

**That with respect to the Application of the Common Seal to Right of Entry Deed and Land Titling Instruments Related to Tom Price Tourist Park Lease, Council:**

- 1. Authorise the Shire President and Chief Executive Officer to execute and apply the common seal to:**
  - a. Right of Entry Deed; CONFIDENTIAL ATTACHMENT 13.2B;**
  - b. Landgate's Land Titling Forms**
    - i. Surrender Lease; CONFIDENTIAL ATTACHMENT 13.2A; and**
    - ii. Lease.**

**CARRIED 8/0**

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**13.3 REQUEST FOR COMMENT FROM DEPARTMENT OF PLANNING LANDS AND HERITAGE - PROPOSED 12 MONTH SECTION 91 LICENCE FOR ONSLOW MARINE SUPPORT BASE PTY LTD**

**MINUTE:** 90/2020

**FILE REFERENCE:** ONS.0016

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

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

**NAME OF APPLICANT/RESPONDENT:** Department of Planning, Lands and Heritage

**DATE REPORT WRITTEN:** 24 May 2020

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 13.8 (Minute No. 677/2019/707) Ordinary Meeting of Council 19 November 2019

**Summary**

The Department for Planning, Lands and Heritage (DPLH) is considering a request from Onslow Marine Support Base Pty Ltd (OMSB) for a new 12 month section 91 (s 91) Licence to facilitate access between Onslow Supply Base, located on Beadon Creek, and Lot 9001 with the purpose being 'Construction and Operation of Temporary Dredge Spoil Pipeline'.

DPLH seeks Councils view of the proposal.

**Background**

In June 2018, the Shire of Ashburton advised DPLH that it had no objection to the grant of a *Land Administration Act 1997* s 91 Licence to OMSB. A s 91 Licence may granted by the Minister for Lands and is a contractual, non-exclusive right authorising a use of land to do an act which would otherwise be a trespass or illegal.

The Licence, for the dredge pipeline, which traverses Shire managed Reserves 19291 "Common", 24685 "Refuse and Sanitary Depot" and 52639 "Drainage", provided access to Lot 9001 for deposit of the dredge spoil from Beadon Creek. The subject s 91 licence was granted over portions of the Shire managed Reserves, in addition to UCL Lot 973 on DP 220439.

A six month extension was granted to OMSB in October 2019 and expired on 22 April 2020. The dredge program ceased on 6 October 2019 however, continued access was required for finalisation, including demobilisation of the project.

Council endorsed a lease of portion of Lot 9001, Onslow Airport at the November 2019 Ordinary Meeting of Council. Conditions precedent of the yet to be executed Lease include finalisation and access road approvals.

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Buurablayji Thalanyji Aboriginal Corporation, as representative for the Thalanyji People, have provided ongoing support to OMSB to allow access to the areas where Native Title exists.

**Comment**

DPLH is considering a request from OMSB for a new 12 month s 91 Licence over the same area as the expired Licence and for the same purpose being 'Construction and Operation of a Temporary Dredge Spoil Pipeline'.

**ATTACHMENT 13.3**

DPLH advise OMSB intend to submit a proposal to formalise lease tenure over the required subject areas during the proposed 12 month Licence.

It is recommended that DPLH be advised that the Shire has no objection to the s 91 Licence to allow OMSB continued access to the area to be leased, with the following conditions:

- A Development Application be submitted for the access road; and
- The Development Application is to include a Stormwater Management Plan to ensure appropriate drainage infrastructure is installed at OMSB's cost, to ensure the flow of water is not impeded within drainage Reserve 52639.

However, comment should be provided to DPLH on the purpose of the Licence ('Construction and Operation of a Temporary Dredge Spoil Pipeline') as these works are no longer approved for Lot 9001; the purpose of the Lease being 'Laydown and storage associated with the operation of the Onslow Marine Supply Base'.

The Lease was advertised in accordance with s 3.58 of the *Local Government Act* from 1 February 2020 and closed on 19 February 2020. No submissions were received. Lease negotiations are now finalised with execution imminent.

**Consultation**

Executive Management Team

**Statutory Environment**

*Land Administration Act 1997* – s91

**Financial Implications**

There are no known significant financial implications for this matter.

**Strategic Implications**

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

Goal 02	Economic Prosperity
Objective 1	Strong local economies
Goal 03	Unique Heritage and Environment
Objective 1	Flourishing natural environments
Goal 04	Quality services and infrastructure
Objective 3	Well-planned towns

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**Risk Management**

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

The proposal was assessed against the Risk Management Framework and considered a potential Interruption to Service, Reputation, Compliance or Financial Impact, however these are borne by OMSB and are either Rare or Unlikely to occur due to the same previous tenure held by the company. Due to the benefits the Supply Base proposes to bring to Onslow, it is considered appropriate that Council assist in reducing the risk to OMSB by advising DPLH that the Shire has no objection to the proposed section 91 Licence.

**Policy Implications**

In accordance with the Town Planning Scheme No. 7 any further development of the site may require planning approval.

**Voting Requirement**

Simple Majority Required

**Officers Recommendation and Council Decision**

**MOVED: Cr D Diver**

**SECONDED: Cr P Foster**

**That with respect to the Request for Comment from Department of Planning Lands and Heritage – Proposed 12 Month Section 91 Licence for Onslow Marine Support Base Pty Ltd, Council:**

- 1. Authorise the Chief Executive Officer to advise Department of Planning, Lands and Heritage that:**
  - a. The Shire of Ashburton has no objection to the proposed section 91 Licence extension to facilitate access between Onslow Marine Supply Base and Lot 9001, with the following conditions:**
    - A Development Application be submitted for the access road; and**
    - The Development Application is to include a Stormwater Management Plan to ensure appropriate drainage infrastructure is designed and constructed at OMSB's cost, to the satisfaction of the Shire guaranteeing the flow of water is not impeded within the drainage Reserve 52639. The Stormwater management plan shall incorporate the recommended practices outlined in the Department of Water and Environmental Regulation' Stormwater Management Manual.'**
  - b. The proposed purpose being 'Construction and Operation of Temporary Dredge Spoil Pipeline' is no longer valid due to the dredge program being finalised in 2019; and**
  - c. A suitable purpose be documented for the proposed s 91 Licence.**

**CARRIED 8/0**

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**13.4 PROPOSED PETROLEUM ACREAGE RELEASE AFFECTING ONSLOW TOWNSITE AND SURROUNDS**

**MINUTE:** 91/2020

**FILE REFERENCE:** ED01

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

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

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

**DATE REPORT WRITTEN:** 23 May 2020

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

**Summary**

This report provides details of a recommended response to the Department of Mines, Industry Regulation and Safety (DMIRS) request for comment regarding its intention to invite companies to bid for Petroleum Exploration Permits to undertake petroleum exploration activities over a 4,080km<sup>2</sup> portion of the Shire's municipal district pursuant to the *Petroleum and Geothermal Energy Resources Act 1967*.

**Background**

DMIRS has written to the Shire of Ashburton seeking feedback and comment regarding its intention to invite companies to bid for Petroleum Exploration Permits to undertake petroleum exploration activities over a 4,080km<sup>2</sup> portion of the Shire's municipal district from the common boundary with the City of Karratha to south to the Ashburton River to the north, including the Onslow townsite and its surrounds.

**ATTACHMENT 13.4A**

DMIRS has published the following information regarding Petroleum Acreage Releases on their website:

*"For the purposes of petroleum exploration and production, Western Australia (WA) releases vacant petroleum exploration areas for the grant of Petroleum Exploration Permits through a competitive bidding system (also known as acreage release).*

*Releases are generally made twice a year for the areas within the State's jurisdiction.*

*Legislation stipulates that petroleum acreage is released in 'blocks', also known as graticular sections, which are approximately 80km<sup>2</sup>. It is not uncommon for these 'blocks' to overlap*

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*sensitive areas such as national parks, coastal or heritage listed areas, town sites and drinking water areas.*

*The initial grant of a Petroleum Exploration Permit is for a period of six years. This provides title holders with the right to apply to the Department of Mines, Industry Regulation and Safety (DMIRS) to conduct exploration activities within the boundaries of a particular petroleum title. This in no way guarantees an automatic 'right to enter'.*

*Once the preferred applicant has been advised that their bid is successful and agrees to uphold the principals of 'good faith negotiation', the Native Title Act 1993 'future act' process commences.*

*Generally, a [permit] cannot be granted until a Native Title agreement is reached or a determination is made by the National Native Title Tribunal.*

*[Permit] holders are aware that government permission to enter and drill in sensitive or significant areas is highly unlikely. Some acreage releases also carry special notices in regard to sensitive areas within the [permit] area.*

*Petroleum [permit] holder's exploration and production activities are temporary and generally take up less than 0.5 per cent of the total petroleum [permit].*

*DMIRS assesses applications for exploration and production activities on a case-by-case basis, with consideration given to the extent and appropriateness of each activity, to ensure the proposed activities comply with State legislation relating to land access, public health, the environment and water resources.*

*All proposed activities are subject to strict, multi-agency approvals regarding environmental, health and safety matters. Potential impacts on communities or sensitive areas trigger additional assessment processes.*

*As part of DMIRS's approvals process, permit holders are required to submit an environment plan which is a legally binding management document containing the company's environmental risk assessment and details of any potential impact to flora, fauna and water resources.*

*The Department of Water provides specialist and technical advice to DMIRS in regard to potential impacts on water resources and catchment areas.*

*The Environmental Protection Authority may also be required to provide independent advice during the assessment process."*

**Comment**

As a result of recommendations from the Independent Scientific Panel Inquiry into Hydraulic Fracture Stimulation in Western Australia, DMIRS advise that petroleum companies will be unable to undertake hydraulic fracturing within the acreage release as such activity does not meet the requirements of the *Petroleum and Geothermal Energy Resources (Hydraulic Fracturing) Regulations 2017*.

DMIRS states exploration may require engagement with other Government Departments or Agencies and, access to land that is reserved, declared or otherwise dedicated, requires the Minister for Mines and Petroleum approval before the activity can commence.

**ATTACHMENT 13.4B**

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Mineral exploration is fundamental to the future success of the Australian economy through the collection, analysis and identification of mineral deposits, as well as determining the economic and feasibility of their extraction.

The granting of a Petroleum Exploration Permit provides the right for companies to apply to conduct exploration activities, however does not guarantee an automatic 'right to enter'.

Permit holders are responsible for ensuring any proposed petroleum activities interference with the rights and activities of other land users is minimised.

Having regard for the information provided by the DMIRS regarding proposed Petroleum Acreage Release Area L20-1, it is recommended Council acknowledge DMIRS' recent notice in this matter and advise it will not support any future applications for field-based petroleum exploration operations on any land within or surrounding the Onslow townsite due to the potential negative impacts such activities may have on the existing and future planned development and use of land within these highly sensitive areas in accordance with the direction established by the Shire's approved / endorsed local planning framework.

**Consultation**

Executive Management Team

Exurban Rural & Regional Planning Principal Town Planner, Joe Douglas

**Statutory Environment**

*Mining Act 1978*

*Land Administration Act 1997 – s91 and s186*

*Planning and Development Act 2005*

*Shire of Ashburton Local Planning Scheme No.7*

*Onslow Townsite Expansion Structure Plan 2016*

**Financial Implications**

There are no known significant financial implications for 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.

**Policy Implications**

Local Planning Policy LPP12 – *Mineral Exploration*

Shire of Ashburton Local Planning Strategy (2018 Draft)



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**Voting Requirement**  
Simple Majority Required

**Officers Recommendation and Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr L Rumble**

**That with respect to the Proposed Petroleum Acreage Release Affecting Onslow Townsite and Surrounds, Council:**

- 1. Acknowledge the Department of Mines, Industry Regulation and Safety request for comment regarding its intention to invite companies to bid for Petroleum Exploration Permits to undertake petroleum exploration activities in Discrete Area L20-1 within the Shire's municipal district pursuant to the *Petroleum and Geothermal Energy Resources Act 1967*; and**
- 2. Advise the Department of Mines, Industry Regulation and Safety it will not support any future applications for field-based petroleum exploration operations on any land within or surrounding the Onslow townsite due to the potential negative impacts such activities may have on the existing and future planned development and use of land within these highly sensitive areas in accordance with the direction established by the Shire's approved / endorsed local planning framework.**

**CARRIED 8/0**

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**Council Decision**

**MOVED: Cr L Rumble**

**SECONDED: Cr D Diver**

That Council in accordance with CI 17.3 of the *Shire of Ashburton Standing Orders Local Law 2012* suspend Standing Orders at 1.28 pm.

**CARRIED 8/0**

**CHANGE IN ORDER OF BUSINESS – AGENDA ITEM 13.5 MOVED TO AFTER ITEM 15.1**

**Council Decision**

**MOVED: Cr M Lynch**

**SECONDED: Cr D Diver**

That Council in accordance with CI 5.2 (b) of the *Shire of Ashburton Standing Orders Local Law 2012* change the Order of Business so that agenda item

**13.5 ROBE VALLEY SUSTAINING WORKS - STAGE THREE**

Be considered after the item 15.1.

**CARRIED 8/0**

**Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr D Diver**

That Council in accordance with CI 17.3 of the *Shire of Ashburton Standing Orders Local Law 2012* resume Standing Orders at 1.30 pm.

**CARRIED 8/0**

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**14. COMMUNITY SERVICES REPORTS**

**14.1 PILBARA TRAILS STRATEGY**

**MINUTE:** 92/2020

**FILE REFERENCE:** GR02.01

**AUTHOR'S NAME AND POSITION:** Kellie Bartley  
Director Community Services

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

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

**DATE REPORT WRITTEN:** 22 May 2020

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

**Summary**

This report is for Council to acknowledge the support for the draft Pilbara Trails Strategy – Stage 1 that is to be undertaken by the Department of Local Government, Sport and Cultural Industries with support of the local governments within the Pilbara Region.

For Council to consider financial support for Stage 2 – Draft Pilbara Trails Strategy in the 2020/21 draft annual budget.

**Background**

The Department of Local Government, Sport and Cultural Industries (the Department) previously hosted two Pilbara Trails Forum in 2019. The forums designed to provide information and technical trails advice to local government officers, community members and trail user groups.

Attendees were offered to participate in the workshop with an expert panel which helped to shape the themes and challenges with regards to a trails strategy specific to the Pilbara Region. The forum provided a building capacity session followed by a planning for the future development and what each stakeholder may be able to provide opportunities for support.

**Comment**

The Department along with experts and stakeholders in attendance, identified the following themes and challenges:

- Legitimising trails collaboratively and respectfully;
- Linking the Pilbara as a north west trail's destination;
- Economic diversification opportunities through sustainable trails tourism products and experiences; and

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- Increasing physical activity of communities through trails development.

During the 3 workshops for planning for the “Future of Trails”, Steve Bennett (the Department) workshopped the guiding principles, who are the stakeholders, trail types, experiences and the funding opportunities. It also included the scope and recommendations should the future of trails be supported from local governments, agencies and the community.

Workshops 2 and 3 were targeted at the built environment and the marketing and advocacy around trails and tourism which incorporated the 5A’s, based on the tourism modelling. These include Access, Accommodation, Amenities, Attractions and Activities. Below is the 5A’s identified for the Pilbara Tourism and Northwest Region.



**Figure 1 – 5A's of Tourism Development (Pilbara Tourism Concept)**

A meeting was held 20 May 2019 for the Pilbara Trails Advisory Group, which consisted of a working group involving the officers from the Pilbara local governments, the Department and Pilbara Development Commission.

The outcomes of this meeting was to overview the workshops that were held in 2019, understand the strategic direction the Department has been supported by the State, the current trials planning and the draft Stage 1 – Request for Quote – Contract of Service.

**ATTACHMENT 14.1**

The Department will be undertaking the draft Pilbara Trails Master Plan – Stage 1, which the Department has the funds to complete Stage 1 and have completed by end of the financial year. Stage 2 will require the support of the local governments of the aspects of in-kind costs for facilitators that may be visiting the Shire of Ashburton and support of additional funding to finalise the Draft Pilbara Trails Master Plan.

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### **Western Australian Strategic Trails Blueprint 2017/2021**

The Western Australian Strategic Trails Blueprint 2017/2021 (the Blueprint) is an overarching guide for consistent and coordinated planning, development and management of quality trails and trail experiences across Western Australia.

The Guiding Principles of the Blueprint are:

- **Access** – consideration is given to ease of access for all members of the community, including local residents and visitors;
- **Consumer Focus** – trails are planned and developed to match current community and market needs and respond to future change;
- **Consistency** – lead agencies and relevant stakeholders enact change consistent with the Blueprint;
- **Sustainability** – trail planning and development takes into account short and long term community, health, social, economic and environmental considerations;
- **Evidence Base** – effective monitoring and evaluation are undertaken to contribute to planning;
- **Innovation** – global advances in trail development and emerging relevant technologies (such as media, measurement, research) are reflected in trail improvements;
- **Community Benefit** – trails offer economic, health, wellbeing and community connection outcomes for WA residents;
- **Visitor Economy Contribution** – opportunities are realized for trails to support growth in tourism resulting in increased visitors, spend, new business enterprises and job creation;
- **Engagement** – the community and user groups have the opportunity to become ambassadors for the trail sector through consultation, feedback and active participation in trail use and events;
- **Quality Trails** – good planning, maintenance and support networks result in a diverse network of fit-for-purpose, sustainable and high quality trails;
- **Aboriginal Participation** – opportunities are realized that contribute to awareness of Aboriginal culture and values through trail initiatives;
- **Environment and Cultural** – trails help protect, interpret and conserve environmental, cultural and heritage values.

### **Pilbara Regional Trails Blueprint**

The Shire of Ashburton has significant trails that are identified in the Warlu Way. These include Onslow's boardwalk, Karijini National Park, Millstream Chichester National Park along with the other local governments involved in this blueprint.

### **Economic and Tourism Development Strategy 2019**

The Economic and Tourism Development Strategy 2019 (the Strategy) was endorsed by Council in August 2019. The Strategy has been developed to complement and assist with the delivering outcomes aligned with the Shire's Strategic Community Plan.

The strategic goals of the Strategy are:

- **Goal 1 – Promote the Shire**
- **Goal 2 – Encourage Infrastructure Development & Investment**
- **Goal 3 – Promote Business Development**

Each of these goals are supported by a program of works, with activities and task to be actioned. The Strategy identifies areas of geo-trails, mural trail, encouraging investment in local businesses, facilitating networks for growth and support.

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**Officers Comment**

The Shire of Ashburton is blessed with stunning natural landscapes which gives the opportunities to support the economic, tourism, health and wellbeing within the region. With opportunities to work with the Department on the Pilbara Trails Strategy, it will encourage and build community capacity and will help to create business opportunities, tourism and leverage the Shire on the international, intrastate and regional trails network that is supported by the Western Australian Strategic Trails Blueprint.

The opportunity to further enhance the shire across the region to support a trails strategy will include collaboration with the having local governments, aboriginal representation, tourism and business stakeholders and the community to help identify the following trails.

- walking trails
- cycling trails
- trail biking
- driving trails
- 4WD trails
- horse trails

It is recommended that Council to note the draft Stage 1 – Contract of Service, that will be undertaken by the Department and to make provisions for the future support required for in-kind support for facilitators for the process.

Support will be sort from each individual local government in the Pilbara region from the Department to consider the draft Pilbara Trails Strategy for Stage 2. It will help the Pilbara Trails Advisory Group to develop a regional trails network targeting businesses, tourism, economic, culture and health and well-being for the Pilbara Region.

**Consultation**

Executive Management Team  
Manager Community Services – East  
Pilbara Trails Advisory Group  
Department of Local Government Sport and Cultural Industries

**Statutory Environment**

There are no known statutory impediments for this matter.

**Financial Implications**

There are no known meaningful financial implications relative to this matter in excess of officer time and minor administrative costs. However provisions are being requested to be added to the draft 2020/21 Annual Budget for considerations associated for Stage 2 of the Draft Pilbara Trails Strategy.

**Strategic Implications**

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

Goal 03      Economic Prosperity  
Objective 3   Well-managed tourism

Corporate Business Plan 2018-2022

Strategy 2.3.2

Continue to plan for, invest in, and advocate for the development of key tourist infrastructure including increased accommodation options, tourism attractions and signage.

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Strategy 2.3.5

Engage with industry to manage the interface with tourism to optimize opportunities and minimize competing interests.

**Risk Management**

This item has been evaluated against the Shire of Ashburton's Risk Framework. The perceived level of risk is considered to be "low" and can be managed.

**Policy Implications**

There are no known policy implications for this matter.

**Voting Requirement**

Simple Majority Required

**Officers Recommendation and Council Decision**

**MOVED: Cr M Lynch**

**SECONDED: Cr D Diver**

**That with respect to the request from the Pilbara Trails Advisory Group, Council:**

- 1. Note the draft request for quote for Pilbara Trails Strategy – Stage 1 as contained in ATTACHMENT 14.1 ; and**
- 2. Endorse support for the Draft Pilbara Trails Strategy – Stage 2 for a provision of \$10,000 in the draft 2020/21 Annual Budget.**

**CARRIED 8/0**

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**14.2 TOM PRICE COMMUNITY HALL – REQUEST FOR SUPPORT – MURAL**

**MINUTE:** 93/2020

**FILE REFERENCE:** FM25

**AUTHOR'S NAME AND POSITION:** Fiona Pengel  
Manager Community Services - East

**AUTHORISING OFFICER AND POSITION:** Kellie Bartley  
Director Community Services

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

**DATE REPORT WRITTEN:** 21 May 2020

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

**Summary**

In response to a request for Tom Price Primary School, this report recommends to the Council approve permission for the Tom Price Primary School to design and paint a mural on the Western wall of the Tom Price Community Hall that forms part of the boundary to Tom Price Primary School.

To assist with cost for the mural, a donation has been requested by the Tom Price Primary School equivalent to the cost of repainting the wall which would be required to be undertaken by the Shire if the mural was not approved.

**Background**

The western wall of the Community Hall forms part of the boundary with the Tom Price Primary School and overlooks the school playgrounds. Recently, this wall has been the target of graffiti and tagging including obscene images and wording.

Shire Officers had attempted to clean the graffiti off the wall using high pressure hoses and commercial grade graffiti remover, however, the graffiti can still clearly be seen despite best efforts. Therefore, the wall will require painting and a budget allocation of \$1,500.00 has been set aside for that purpose in the 2019/20 budget.

**Comment**

On 12 May 2020, the Tom Price Primary School Arts Specialist Teacher contacted the Shire with a proposal for the school students to design and paint the western wall. The proposal details, the process for design and the consultation with the Aboriginal community through Gumala and IBN.

**ATTACHMENT 14.2A**

Painting murals on previously graffitied walls to deter future graffiti is a common practice in Australia and across the globe. There has been research projects that have suggested that mural



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painting can be effective in reducing graffiti when paired with other deterrence such as lighting of the area or planting bushes at the foot of the wall.

Regardless of the efficacy of mural art in the prevention of graffiti, the wall in question does require painting as it is unsightly and inappropriate words are clearly visible for the primary school children to see.

**ATTACHMENT 14.2B**

The Arts Specialist Teacher at Tom Price Primary School has produced murals at the school previously with the students. The artwork produced has been of a high standard and has got prior approval by local Aboriginal elders.

The Tom Price Primary School has requested that the wall ideally be primed prior to the mural painting which will cost \$1,415.00. A donation of \$1,000.00 towards the cost of the paints for the mural has also been requested. This will bring the total project cost to \$2,415.00 as opposed to \$2,090.00 just to get the wall painting in one colour. It should also be noted that plain painted walls tend to provide a 'blank canvas' as a target for graffiti.

The request for costs of the paint could be sought in the next round of the Community Action Grants, however, as the graffiti contains profanity that needs to be covered up as soon as possible, the July 2020 round may delay the project. Consideration may be made to acknowledge that the mural will be improving a Council asset.

**Consultation**

Chief Executive Officer  
Executive Management Team  
Manager Community Services – East  
Tom Price Primary School Arts Specialist Teacher  
Aboriginal Community Members

**Statutory Environment**

**Local Government Act 1995**

**3.18. Performing executive functions**

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

**Financial Implications**

The proposal estimates that the cost of the paint for the wall would be in the region of \$1,000.00, plus the cost to the shire of \$1,415.00 for the priming of the wall, bringing it to a total of \$2,415.00. The amount of \$1,415.00 will be used from general ledger B329 – Community Centre (rear of library) Tom Price and the donation amount of \$1,000.00 to be used from general ledger 10817870 – Donations – Education.

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**Strategic Implications**

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

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

Goal 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**

REC08 – Community Donations, Grants and Funding outlines the criteria for financial assistance to deliver programs, community events, facilities and/or services that directly benefit the residents of the Shire of Ashburton. However, this request does not fit into the usual policy settings as the request has come about between the regular Community Support Grant rounds in July and October.

**Voting Requirement**

Simple Majority Required

**Officers Recommendation and Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr D Diver**

**That with respect to the Tom Price Community Hall – Request for Support –Mural, Council:**

- 1. Approve Tom Price Primary School to undertake a mural project on the western wall of the Tom Price Community Hall that overlooks the Tom Price Primary School playground;**
- 2. Authorise the Chief Executive Officer to make the necessary arrangements for the wall located on the Tom Price Community Hall to be primed during the design phase of the mural project at a cost to the shire of \$1,415.00, utilising general ledger B329 – Community Centre (rear or Library) Tom Price; and**
- 3. Authorise the Chief Executive Officer to approved expenditure for \$1,000.00 as a donation for the material costs for the mural from the General Ledger Account number 10817870 – Donations – Education.**

**CARRIED 8/0**

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**14.3 APPLICATION ACCEPTANCE OF COMMUNITY SUPPORT GRANT ALLOCATIONS ROUND 2, 2019/20 ANNUAL FINANCIAL YEAR**

**MINUTE:** 94/2020

**FILE REFERENCE:** GS01

**AUTHOR'S NAME AND POSITION:** Dee Walkington  
Administration Officer Community Services

**AUTHORISING OFFICER AND POSITION:** Kellie Bartley  
Director Community Services

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

**DATE REPORT WRITTEN:** 14 May 2020

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 14.1 (Minute No 680/2019) – Ordinary Meeting of Council 22 October 2019

**Summary**

The Shire recently promoted and invited applications for Community Support Grants. The submissions were specifically for Community Support Grants as per REC08 Community Donations, Sponsorship and Funding Policy (REC08), with applications closing 31 March 2020.

Twenty five (25) applications were received for Community Support Grants. One application was received after the round had closed

These grants are provided as in-kind and/or financial assistance to enable community groups and clubs to deliver quality programs, community events and services.

**Background**

There are two funding rounds each year, one opening in July and closing in August and one opening in February and closing in March. At the close of March round twenty three (23) Community Support Grant applications were received, eleven (11) from Tom Price, five (5) from Paraburdoo, three (3) from Pannawonica and six (6) from Onslow. One (1) web submission was received after close of round but has been included in **ATTACHMENT 14.3A**.

Two community groups, the Scorchers Cricket Club and Flying Club Onslow Inc. received a Community Support Grant 2018/2019 Round 2 and have returned the funding of \$2,500 as the events had been cancelled or project not completed.

**Comment**

The Community Support Grant funding was promoted directly to clubs and organisations via email, public notice boards, Inside Ashburton, Onslow Pipeline and the Shire of Ashburton website and Facebook page.

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Applications received in Round 2 of the Community Support Grants 2019/20 annual financial year. All applicants have been assessed on the criteria outlined in REC08 Community Donations, Grants and Funding Policy, general conditions and criteria and compliance information provided and are summarised in **ATTACHMENT 14.3B**.

Application from Pannawonica Sports Club was received outside the REC 08 policy guidelines. However due to the current health pandemic COVID-19, the application has been included in the current round.

**Consultation**

Executive Management Team  
Elected Members  
Administration Officer – Community Services  
Club Development Officers – Community Services

The allocations of support were workshopped with Elected Members on 12 May 2020, the recommendations for general community support grant applications being allocated from account EV202 (Community Support Grants).

The applications that were workshopped are contained in the following **ATTACHMENT 14.3A** and will be workshopped on 9 June 2020. An additional attachment will be revised and updated to reflect the decisions of the workshop.

**Statutory Environment**

*Local Government Act 1995*

*Section 6.7 Municipal fund*

*(2) Money held in the municipal fund may be applied towards the performance of the functions and the exercise of the powers conferred on the local government by this Act or any other written law.*

**Financial Implications**

The following budget allocations are provided in the 19/20 budget: 11112240 Community Support Grants \$80,000.00 with an expenditure year to date of \$32,100.00.

**Strategic Implications**

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

Goal 01      Vibrant and Active Communities  
Objective 2    Sustainable Services, Clubs, Associations and Facilities

Goal 05      Inspiring Governance  
Objective 2    Community Ownership

**Risk Management**

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

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**Voting Requirement**

Simple Majority Required

Cr Diver left the meeting at 1.31 pm due to his declaration of interest for this item.

**Officers Recommendation and Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr M Lynch**

**That with respect to the acceptance of Community Support Grant Allocations, Round 2, 2019/20 financial year, that Council:**

- 1. Approves the recommendations for General Community Support Grant applications being allocated from account GL 11112240 (Sponsorships and Grants) for a total of \$40,013.70 as contained in amended ATTACHMENT 14.3B.**

**CARRIED 7/0**

Cr Diver returned to the meeting at 1.33 pm. The Presiding Member advised Cr Diver of the outcome of the vote for this item.

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**15. INFRASTRUCTURE SERVICES REPORTS**

**15.1 DISPOSAL OF SURPLUS PLANT**

**MINUTE:** 95/2020

**FILE REFERENCE:** PS01

**AUTHOR'S NAME AND POSITION:** Mark Reid  
Fleet Manager

**AUTHORISING OFFICER AND POSITION:** Mike Hudson  
Director Infrastructure Services

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

**DATE REPORT WRITTEN:** 25 May 2020

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

**PREVIOUS MEETING REFERENCE** Not Applicable

**Summary**

The plant identified for disposal are the result of the Shire of Ashburton Fleet Replacement Program.

Disposal of surplus vehicles is via trade- if the acquisitions of the replacement plant value is less than \$75,000.00 or either, public auction/public tender if the value is greater than \$75,000.00.

For the listed plant, disposal will be via public auction.

The Chief Executive Officer has the delegated authority to dispose of assets via public auction or public tender to the value of \$20,000.00.

**Background**

Where disposal is accompanied by acquisition – section 30 (3) (b) of the *Regulations*, states that, section 3.58 (2) (a) & (b) of the *Local Government Act 1995* applies, where the total consideration for the other property (acquisition) is greater than \$75,000.00 the used asset must be disposed of via Public Auction or Public Tender.

In accordance to Shire Policy FIN23 the Chief Executive Officer has Delegation of Authority to dispose of an asset to a value of \$20,000.00 via Public Auction or Public Tender.

The proposed disposal of plant and one vehicle via Auction for 19/20 follows. Values listed are Auction Estimate only, Shire will set the reserves.

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19/20 Proposed Auction Disposals		
Kubota Generator GL6000 5.5Kw	6546 hrs.	\$500.00
Kubota Generator GL 9000 8Kw	7913 hrs	\$500.00
Kubota Generator GL 9000 8Kw	9790 hrs	\$500.00
2000 Aussie mower trailer single axle		\$1,500.00
2005 Dean mower trailer single axle		\$1,500.00
2011 Dean mower trailer single axle		\$2,000.00
2009 Evertrans Tandem Axle Pig Trailer (tipper)		\$15,000.00
2002 Hino FS Prime Mover 6x4		\$15,000.00
2007 JD 315SJ 4x4 Backhoe		\$35,000.00
Kubota ZD331 Zero Turn Ride on Mower		\$7,000.00
Samsung SF 15L Forklift (1.5Tonne )		\$3,000.00
Squirrel 655 EWP		\$5,000.00
2012 Komatsu 655-5 Grader	10,000 hrs	\$75,000.00
2017 Prado Kakadu		\$55,000.00

**Consultation**

Director Infrastructure Services  
Manager Finance and Administration

**Statutory Environment**

*Local Government Act 1995, Local Government (Functions & General) Regulations 1996.*

**Financial Implications**

Estimated auction income from the sale of the listed plant is \$216,500.00.

**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**

No assessment.

**Policy Implications**

Shire Policy FIN23

**Voting Requirement**

Simple Majority Required

**Officers Recommendation and Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr R de Pledge**

**That with respect to the Disposal of Surplus Plant, Council authorise the Chief Executive Officer to dispose of the listed assets via Public Auction.**

**CARRIED 8/0**

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**Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr M Lynch**

**That Council in accordance with 15.1 (a) of the *Shire of Ashburton Standing Orders Local Law 2012* that the meeting be adjourned until 2.30 pm.**

**Meeting adjourned at 1.38 pm.**

**CARRIED 8/0**

Mr Grant Burrell left the meeting at 1.38 pm.

**Council Decision**

**MOVED: Cr D Diver**

**SECONDED: Cr R de Pledge**

**That Council in accordance with 15.1 (a) of the *Shire of Ashburton Standing Orders Local Law 2012* resume the meeting at 2.30 pm with all members present.**

**CARRIED 8/0**



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**13.5 ROBE VALLEY SUSTAINING WORKS - STAGE THREE**

**Declaration of Interest**

***Prior to consideration of this Agenda Item:***

***Cr Rumble declared a financial interest  
Cr Lynch declared an indirect financial interest  
Cr Foster declared a financial interest  
Cr Diver declared an indirect financial interest  
Cr de Pledge declared a financial interest  
Cr D Dias declared a financial interest***

***See item 6.2 for details of the interest declared.***

**RECORDED ON REGISTER GV07**

**MINUTE:** 96/2020

**FILE REFERENCE:** ED58

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

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

**NAME OF APPLICANT/RESPONDENT:** Department of Jobs, Tourism, Science and Innovation

**DATE REPORT WRITTEN:** 23 May 2020

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

**Summary**

Department of Jobs, Tourism, Science and Innovation (JTSI) seeks Council's comment on Robe River Mining Co. Pty Ltd proposed Stage Three Robe Valley Sustaining Works.

**Background**

Robe River Mining Co. Pty Ltd, a member of the Rio Tinto Group (Rio Tinto), operates mining operations at Robe Valley southwest of Pannawonica, under Mineral Lease 248SA (ML428SA). Robe Valley operations consist of mines at Mesa A/Waramboo, Mesa B/C (A Hub) and Mesa J/K (J Hub) with a combined approved production rate of 41 million tonnes per annum. These operations are pursuant to the *Iron Ore (Robe River) Agreement Act 1964*.

The Robe Valley operations comprise multiple mines located 16-43km southwest of Pannawonica, and are within the boundaries of ML248SA. These include the original "Middle Robe" deposits that saw mining operations commenced in the area in the early 1970s and

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deposits J, K and L which were originally developed in the late 1980s. More recent deposits include Mesa A/Warrambo, Mesa B and Mesa C.

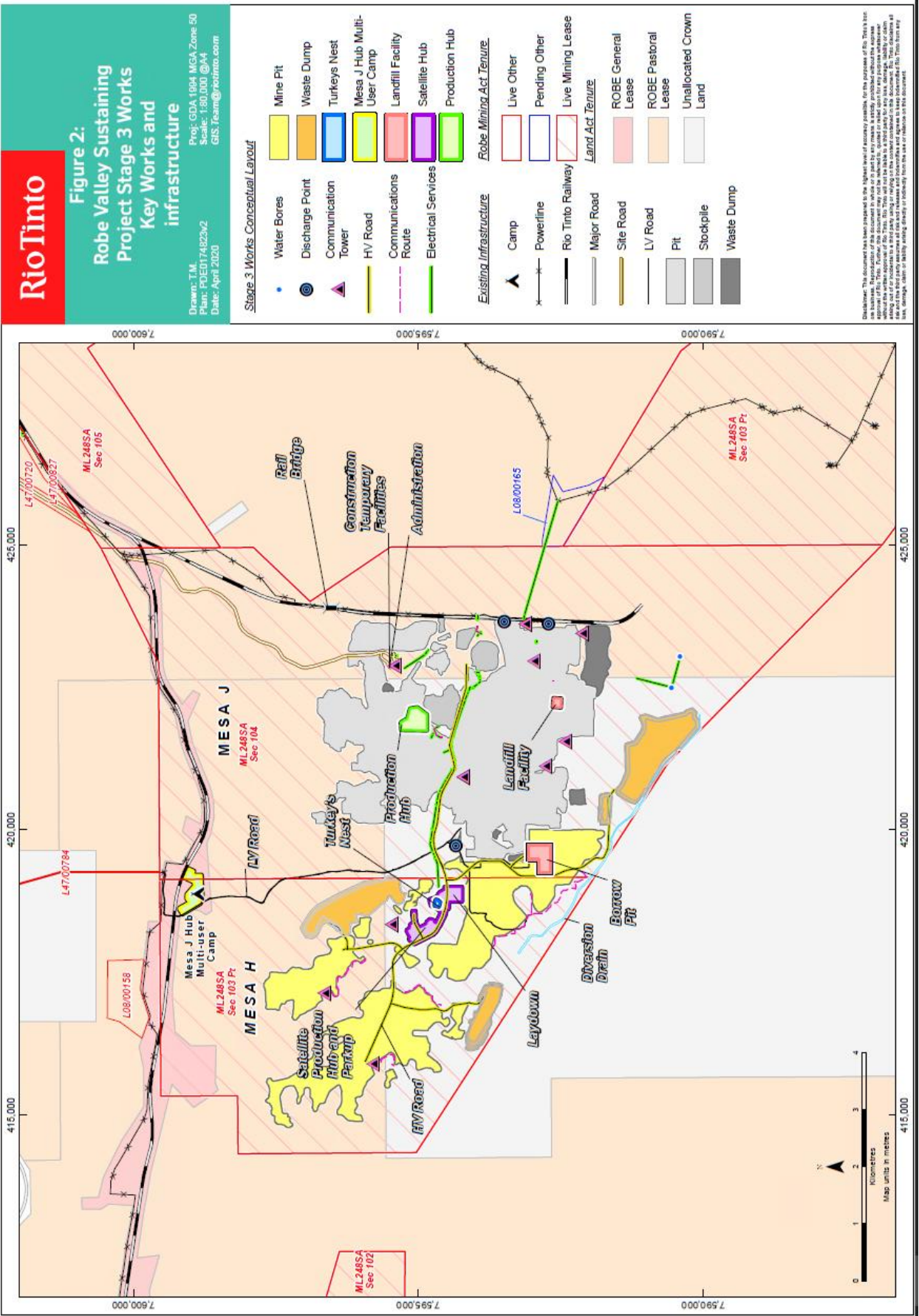
The Minister for State Development approved the Robe Valley Sustaining Project in July 2018. The project comprises three stages, as below:

1. Stage One - construction of two workforce accommodation camps and access roads – approved 11 December 2018;
2. Stage Two – full development of Mesas B and C and below water table mining of Warrambo deposit – approved 29 October 2019; and
3. Stage Three – full development of Mesa H (this referral)

**Comment**

To sustain productions and quality due to depleting existing deposits, Rio Tinto proposes to develop additional iron ore deposits at Robe Valley. Mesa H, which is approximately 16 kilometres south west of Pannawonica and immediately west of Mesa J, is required to offset declining deposits at Mesas J and K. Production limits at Mesa J/K are also proposed to increase from 13 Mtpa to 20Mtpa, totalling a combined annual production limit of these sites to 48 Mtpa.

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Funding to undertake Stage Three was committed on 27 September 2018. Upon approval from JTSI, the infrastructure works will commence immediately with construction expected to be completed in 2021 and first ore expected to commence in approximately Q2 2021.

The sustaining works are expected to increase the life of mine beyond 2030, when the strip ratio will increase from .08 to 2.2. Existing assets and infrastructure will be utilised, including shovels, segregated manned and autonomous haulage system trucks. Existing and proposed new production facilities will be delivered. No new processing facilities at Mesa H are being constructed however a satellite production hub will be required to minimise travel time. Power, water and communications systems upgrades are also required to implement Stage Three.

The construction workforce for Stage Three is expected to peak at approximately 250 personnel and will be employed on a fly-in, fly-out basis. The construction workforce is expected to utilise the Onslow Airport.

Environmental and Native Vegetation Clearing assessments of Stage Three's proposed mining and sustaining works will be undertaken by the relevant State authority. Native Title and Aboriginal Heritage are pursuant to *Native Title Act 1993 (Cth)* and *Aboriginal Heritage Act 1972 (WA)* respectively.

It is recommended Council offer no objection to the Robe Valley Sustaining Works Stage Three Draft Proposal as referred by JTSI.

**ATTACHMENT 13.5**

**Consultation**

Executive Management Team

**Statutory Environment**

*Mining Act 1978*

**Financial Implications**

There are no known significant financial implications for this matter.

**Strategic Implications**

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

Goal 02      Economic Prosperity  
Objective 1    Strong Local Economies  
Objective 2    Enduring Partnerships with Industry and Government

**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

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**Officers Recommendation and Council Decision**

**MOVED: Cr D Diver**

**SECONDED: Cr P Foster**

**That with respect to the Robe Valley Sustaining Works - Stage Three, Council offer no objection.**

**CARRIED 7/1**

**Councillor Richardson voted against the motion**

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

There were no Councillor Agenda Items / Notices of Motions for this meeting.

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

No New Business of an Urgent Nature was introduced for this meeting.

**18. CONFIDENTIAL MATTERS**

*Under the Local Government (Administration) Regulations 1996, s14A. Attendance by telephone etc. states in part:*

- (1) A person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if —
  - (a) the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and*
  - (b) the person is in a suitable place; and*
  - (c) the council has approved\* of the arrangement.**
  
- (2) A council cannot give approval under subregulation (1) if to do so would mean that at more than half of the meetings of the council, or committee, as the case may be, in that financial year, a person (other than a person with a disability) who was not physically present was taken to be present in accordance with this regulation.*
  
- (3) A person referred to in this regulation is no longer to be taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person present at the meeting.*
  
- (4) In this regulation — disability has the meaning given in the Disability Services Act 1993 section 3; suitable place —
  - (a) in relation to a person with a disability — means a place that the council has approved\* as a suitable place for the purpose of this paragraph; and*
  - (b) in relation to any other person — means a place that the council has approved\* as a suitable place for the purpose of this paragraph and that is located —
    - (i) in a townsite or other residential area; and*
    - (ii) 150 km or further from the place at which the meeting is to be held under Regulation 12, measured along the shortest road route ordinarily used for travelling;***

*townsite has the same meaning given to that term in the Land Administration Act 1997 section 3(1).*

*\* Absolute majority required.*

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**Council Decision**

**MOVED: Cr M Lynch**

**SECONDED: Cr L Rumble**

That Council move behind closed doors at 2.33 pm to consider the following Confidential Items.

**18.1 CONFIDENTIAL ITEM - TOM PRICE CHILDCARE - EXECUTION OF FUNDING AGREEMENT**

Pursuant to sub section 5.23 (2) (c) of the *Local Government Act 1995* which provides:

(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.

**CARRIED 8/0**

There were no members of the public in the gallery.

**18.1 CONFIDENTIAL ITEM - TOM PRICE CHILDCARE - EXECUTION OF FUNDING AGREEMENT**

**Declaration of Interest**

***Prior to consideration of this Agenda Item:***

***Cr Rumble declared a financial interest***

***Cr Lynch declared an indirect financial interest***

***Cr Foster declared a financial interest***

***Cr Diver declared an indirect financial interest***

***Cr de Pledge declared a financial interest***

***Cr D Dias declared a financial interest***

***See item 6.2 for details of the interest declared.***

**RECORDED ON REGISTER GV07**

**MINUTE: 97/2020**

**FILE REFERENCE: POI.0400**

**AUTHOR'S NAME AND POSITION: Kellie Bartley  
Director Community Services**

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

**DATE REPORT WRITTEN: 25 May 2020**

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**DISCLOSURE OF FINANCIAL INTEREST:**

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

**PREVIOUS MEETING REFERENCE:**

Agenda Item 18.2 (Minute No. 705/2019) – Ordinary Meeting of Council 17 December 2019

**REASON FOR CONFIDENTIALITY**

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

- c) *A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

**Officers Recommendation and Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr D Diver**

**That with respect to the Confidential Item - Tom Price Childcare Centre – Execution of Funding Agreement, Council:**

- 1. Acknowledge that no submissions were received for the business case when advertising concluded on 24 February 2020;**
- 2. Acknowledge the agreement made in CONFIDENTIAL ATTACHMENT 18.1A that Rio Tinto appoints an architect and quantity surveyor specialists that will partake in the Design and Construction phase through the tender process and complete the relevant declarations of confidentiality and interest forms;**
- 3. Authorise the Chief Executive Officer to finalise the draft funding agreement for the Tom Price Childcare Project as contained in CONFIDENTIAL ATTACHMENT 18.1B between Rio Tinto Services Ltd and the Shire of Ashburton for \$4,962,180;**
- 4. Authorise the Shire President and Chief Executive Officer to:**
  - a) Complete due diligence of the agreement to the satisfaction of the Shire of Ashburton; and**
  - b) execute the document Funding Agreement for Tom Price Childcare Project between Rio Tinto Services Ltd and the Shire of Ashburton; and**
- 5. Should the due diligence not be to the satisfaction of the Shire of Ashburton a supplementary report to be presented back to Council for endorsement of the changes.**

**CARRIED BY ABSOLUTE MAJORITY 8/0**

**Council Decision**

**MOVED: Cr M Lynch**

**SECONDED: Cr D Diver**

**That Council re-open the meeting to the public at 2.34 pm.**

**CARRIED 8/0**



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**19. NEXT MEETING**

The next Ordinary Meeting of Council will be held on 14 July 2020, Clem Thompson Sports Pavilion. Stadium Road, Tom Price commencing at 1.00 pm.

**20. CLOSURE OF MEETING**

There being no further business to discuss the Presiding Member closed the meeting at 2.36 pm.