

Ordinary Meeting of Council

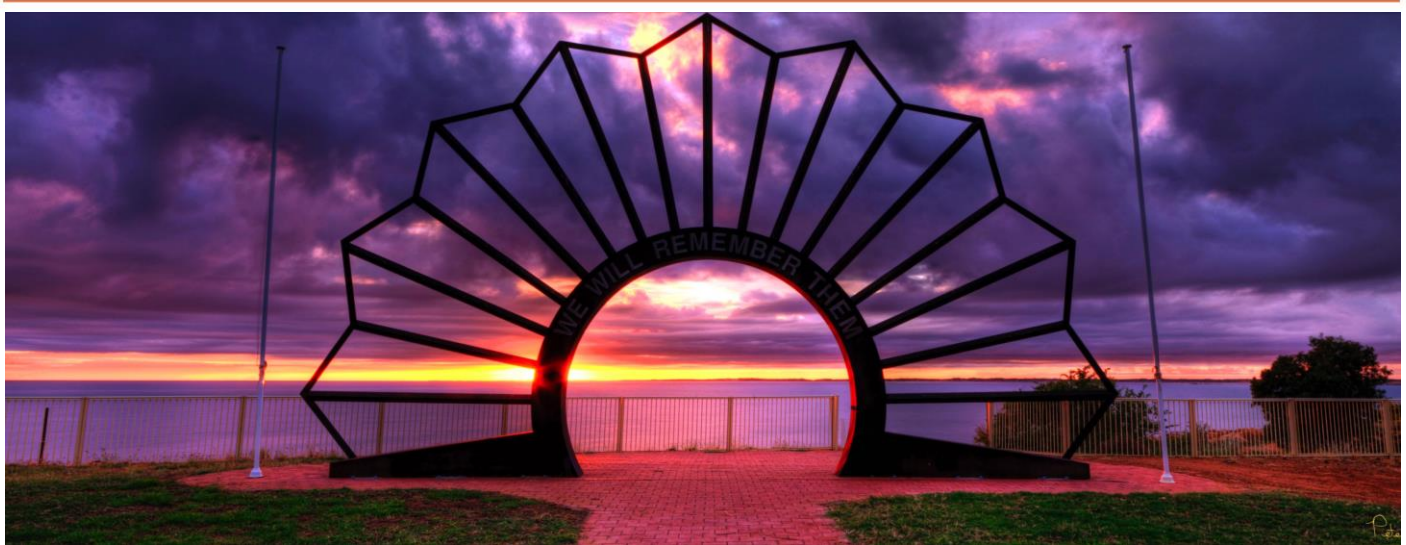
Onslow



PUBLIC AGENDA

10 March 2020

Council Chambers,
Onslow Shire Complex,
Second Avenue, Onslow
1.00 pm



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

Our Vision

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



STRATEGIC DIRECTIONS

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



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



**SHIRE OF ASHBURTON
PUBLIC AGENDA**

**Council Chambers, Onslow Shire Complex
Second Avenue, Onslow
10 March 2020
1.00 pm**

**PUBLIC AGENDA - ORDINARY MEETING OF COUNCIL
10 MARCH 2020**

SHIRE OF ASHBURTON

ORDINARY MEETING OF COUNCIL

Notice is hereby given that an Ordinary Meeting of Council of the Shire of Ashburton will be held on 10 March 2020 at the Council Chambers, Onslow Shire Complex, Second Avenue, Onslow commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.



Mr Paul Sheedy
ACTING CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

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4. QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

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

4.2 PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil applications received at the time of preparing this agenda.

6. DECLARATION BY MEMBERS

6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

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

6.2 DECLARATIONS OF INTEREST

Councillors to Note

A member who has an Impartiality, Proximity or Financial Interest in any matter to be discussed at a Council or Committee Meeting, 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.

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

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- 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
There are no declarations of interest for this meeting		

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS WITHOUT DISCUSSION

8. PETITIONS / DEPUTATIONS / PRESENTATIONS

8.1 PETITIONS

Nil at the time of preparing the agenda.

8.2 DEPUTATIONS

8.3 PRESENTATIONS

Nil at the time of preparing the agenda.

9. CONFIRMATION OF MINUTES

9.0.1 UNCONFIRMED MINUTES ORDINARY MEETING OF COUNCIL HELD ON 11 FEBRUARY 2020 (ATTACHMENT 9.0.1)

That the Unconfirmed Minutes of the Ordinary Meeting of Council held 11 February 2020, as previously circulated on 14 February 2020 (**ATTACHMENT 9.0.1**) be confirmed as a true and accurate record, subject to the following amendment:

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That Minute Numbers 733/2019 - 757/2019 for the Unconfirmed Minutes Ordinary Meeting of Council 11 February 2020 be amended to the following - 01/2020 to 21/2020.

Reason for change – Numbering of Minutes will start at one at the start of each calendar year.

9.1 RECEIPT OF COMMITTEE MINUTES – ‘EN BLOC’

Nil at the time of preparing the agenda.

9.2 RECEIPT OF COMMITTEE AND OTHER MINUTES

9.2.1 MINUTES OF THE SHIRE OF ASHBURTON AUDIT AND RISK MANAGEMENT COMMITTEE MEETING TO BE HELD ON 10 MARCH 2020

That the Minutes of the Shire of Ashburton Audit and Risk Management Committee to be held 10 March 2020 be received.

9.3 RECOMMENDATIONS OF COMMITTEE

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10. AGENDA ITEMS ADOPTED "EN BLOC"

10.1 AGENDA ITEMS ADOPTED 'EN BLOC'

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

"Part 5 – Business of a meeting

Clause 5.6 Adoption by exception resolution:

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

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11. OFFICE OF THE CEO REPORTS

11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS STATUS REPORT FOR FEBRUARY 2020

FILE REFERENCE:	GV04
AUTHOR'S NAME AND POSITION:	Michelle Lewis Council Liaison Officer
AUTHORISING OFFICER AND POSITION:	Paul Sheedy Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	24 February 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 737/2020) Ordinary Meeting of Council 11 February 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 —*
(a) *governs the local government's affairs; and*

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

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

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

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

Financial Implications

There are no known financial implications for this matter

Strategic Implications

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

Goal 05 Inspiring Governance
Objective 4 Exemplary team and work environment

Risk Management

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

Policy Implications

There are no known policy implications for this matter

Voting Requirement

Simple Majority Required

Officers Recommendation

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

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

FILE REFERENCE:	GV21 CM02
AUTHOR'S NAME AND POSITION:	Michelle Lewis Council Liaison Officer Brooke Beswick Executive Assistant
AUTHORISING OFFICER AND POSITION:	Paul Sheedy Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	24 February 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 February 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.

Statutory Environment

Local Government Act 1995

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

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Financial Implications

There are no known financial implications for this matter.

Strategic Implications

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

Goal 05 Inspiring Governance
Objective 4 Exemplary team and work environment

Risk Management

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

Policy Implications

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

Voting Requirement

Simple Majority Required

Officers Recommendation

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

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

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11.3 ATTENDANCE AT EVENTS POLICY

FILE REFERENCE:	GV20
AUTHOR'S NAME AND POSITION:	Paul Sheedy Acting Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Paul Sheedy Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	21 February 2020
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer has a potential financial interests in the proposal as the Acting CEO may receive tickets to attend events on behalf of Council
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The proposed policy will allow Councillors and the Chief Executive Officer (CEO) to attend and receive tickets to events in their capacity as an Elected Member or CEO of the Shire of Ashburton and not be required to declare a conflict of interest should a matter from a ticket donor come before the Council for consideration, provided the value of the tickets or a twelve (12) months cumulative value from the same donor does not exceed \$1,000.

Council is recommended to adopt the policy with or without amendments **ATTACHMENT 11.3.**

Background

As part of the first round of *Local Government Act 1995* amendments introduced in 2019, local governments are required to adopt a number of new policies, one of these is a policy on attendance at events by the Elected Members and Chief Executive Officer (CEO).

As part of the Act amendments, legislation was also introduced that prohibits an Elected Member or CEO from participating in or providing advice or report on, the matter to be discussed by Council unless Council gives approval, where they have received a gift over \$300 and up to \$1,000 (or the cumulative value of the gifts from the same donor in a twelve month period). Where the value is over \$1,000 approval of the Minister is required, which will only be given under certain circumstances (a quorum is required or it is in the interest of electors or ratepayers to participate).

The State Government has recently (December 2019) released Local Government Operation Guideline -Attendance at events policy.

Comment

The original intention of the state government when seeking to amend the legislation was to mainly deal with Elected Members and the CEO receiving ticket and travel donations to major events or activities, but unfortunately the adopted legislation by the definition of an 'event' under section 5.90A (1) of the (*Local Government Act 1995*) (concert, conference, function, sporting event) has inadvertently captured a whole range of local community events not previously intended. So the policy has been drafted accordingly to cover all such activities, events etc.

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In addition, an error in drafting the legislation failed to remove a clause in the *Local Government (Administration) Regulations* (34B) relating to 'notifiable gift' (\$50 to \$300) and 'prohibited gift' being included in the employee Code of Conduct, still results in employees not being allowed to accept any gifts above \$300 (CEO excluded by LGA 5.89 & 5.90A) and so this policy does not apply to employees, other than the CEO. This has been brought to the attention of officers at the Department of Local Government, Sport and Cultural Industries, who have acknowledged the error and hopefully it will be addressed going forward.

Finally whilst the policy provides an exemption for Elected Members and CEO declaring an interest on matters for Council, up to the value of \$1,000, the requirement to declare the receiving of any gifts over the value of \$300, within ten (10) days still applies.

As this is the initial proposed policy Councillors attention is drawn to the following parts of the policy that requires some additional consideration:

- Page 3 under 'Pre-Approved Events' section, 2nd paragraph indicates that individual tickets and associated hospitality above \$500 (including travel) are not covered by the policy (in relation to declarations of interest) and are to be referred to Council for determination. Is this high enough, bearing in mind that the maximum that can be covered by the policy is \$1,000
- Page 3 under 'Approval Process' section, 2nd paragraph talks about who can approve invitations to events (if they arise) for events not covered by this policy.
- Page 4 under 'Procedures' section, 2nd paragraph refers to the 'CEO, in liaison with the Shire President' to determine the allocation of invitations, offers or tickets received that are not specifically designated to an Elected Member, CEO or employee.

Consultation

Executive Management Team
Local Government CEO's

Statutory Environment

Local Government Act 1995, section 5.90A, which states:

5.90A. Policy for attendance at events

(1) *In this section —
event includes the following —*

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

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

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

** Absolute majority required.*

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

** Absolute majority required.*

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

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

Financial Implications

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 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" and the risk can be managed by routine procedures, and is unlikely to need specific application of resources

Policy Implications

The proposal recommends establishment of a new policy, consistent with the intent of the legislation and the Department of Local Government, Sports and Cultural Industries Guidelines.

Voting Requirement

Absolute Majority Required

Officers Recommendation

That with respect to the Attendance at Events Policy, Council:

1. In pursuant to section 5.90A of the *Local Government Act 1995*, adopt the Policy 'ELM11 Attendance at Events' as per **ATTACHMENT 11.3** and request the Acting Chief Executive Officer to include the Policy on the Shire's website.

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11.4 EMERGENCY EXPENDITURE APPROVED BY THE PRESIDENT

FILE REFERENCE:	FM31
AUTHOR'S NAME AND POSITION:	Paul Sheedy Acting Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Paul Sheedy Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	21 February 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 only opportunity to have the significant works required, to repair the damaged road surface on the Pannawonica-Millstream Road, to allow for the road to be reopened in the short term to reduce the inconvenience to tourists and residents was to have the works approved under the 'emergency expenditure' provisions of the *Local Government Act 1995* and Council is requested to receive and note this decision.

Background

As a result of recent Tropical Cyclone (TC) Damien substantial damage resulted to the gravel sections of the Pannawonica-Millstream Road resulting in:

1. The area has been declared a Natural Disaster by the State Government under the Department of Fire and Emergency Services (DFES) Disaster Recovery Funding Arrangements WA (DRFAWA) program due to the recent TC Damien;
2. Public access to the Millstream National Park has been cut off and the Department of Biodiversity Conservation and Attractions has requested the Shire take action to open the road as soon as possible;
3. Residents of Pannawonica are not able to travel in an easterly direction (i.e. to Wickham) and are required to travel an extra 3-4 hours in a westerly direct to access eastern towns; and
4. Residents of Pannawonica are not able to travel direct to Tom Price and are required to incur an extra 4-5 hours to reach the town.

Comment

Given the estimated cost of the repair works required the only other alternative available to staff was to undertake a 'Request For Tender' process which would have resulted in the road remaining closed for approximately a further eight (8) weeks, which was not considered acceptable. So the only alternative to be able to undertake the works and open the road sooner was under the 'emergency expenditure' legislation.

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Consultation

Shire President
Acting Director Infrastructure Services
Manager Projects and Assets

Statutory Environment

Local Government Act 1995, section 6.8 (1)(c) & (2)(b)

Expenditure from municipal fund not included in annual budget

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
(c) is authorised in advance by the mayor or president in an emergency.*
- (2) *Where expenditure has been incurred by a local government —
(b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the Council.*

Financial Implications

The estimated cost to undertake the repairs to the road due to the recent TC Damien is approximately \$957,000 (inc GST), which will be claimable under the DFES DRFAWA program.

Not undertaking this work immediately would have resulted in an additional cost to Council from the contractor, engaged to undertake the installation/replacement of thirteen (13) culverts on the Pannawonica-Millstream Road, as mobilisation had commenced with a view to commencing works on 24 February 2020.

Strategic Implications

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

Goal 4 Quality Services and Infrastructure
Objective 2 Accessible and safe towns

Goal 5 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" and the risk 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

That with respect to the Emergency Expenditure Approved by the President, Council:

1. Note the decision by the Shire President to authorise the immediate commencement of the road repair works to the Pannawonica-Millstream Road, under the provisions of the *Local Government Act 1995*, section 6.8(1)(c).

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11.5 LOCAL GOVERNMENT HOUSE TRUST – DEED OF VARIATION

FILE REFERENCE:	GR02
AUTHOR'S NAME AND POSITION:	Paul Sheedy Acting Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Paul Sheedy Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Western Australian Local Government Association (WALGA)
DATE REPORT WRITTEN:	21 February 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

Council's consent is sought, by formal resolution, to a variation to the Trust Deed for the Local Government House Trust (The Trust). The Shire of Ashburton is a unit holder and beneficiary to the Local Government House Trust, holding 7 units as advised in WALGA's recent Quarterly Report Q4 2019.

The Trust's Board of Management is seeking to vary the Trust Deed in order to assist the Trust's income tax exempt status. As stipulated by the Deed, the Trust requires consent of at least 75 per cent of all beneficiaries in order to execute this variation.

As a beneficiary, the Shire of Ashburton is requested to consent to the enclosed Deed of Variation supported by a resolution of Council and to communicate that consent to WALGA in writing, to consent for the Trustee to formally execute the Deed of Variation (**ATTACHMENT 11.5**)

Background

The Local Government House Trust ("The Trust") exists primarily to provide building accommodation for the Western Australian Local Government Association. Since January 2014, the Trust has provided WALGA with accommodation at 170 Railway Parade West Leederville.

The current trust deed commenced in 1993 and was amended in 2002 to reflect the merger of the metropolitan and country associations into WALGA. The current Trust Deed pronounces WALGA as Trustee and unit holders as Beneficiaries, with the Trustee holding property and associated monies "upon Trust" and in proportion to the units provided.

Commencement date of the current deed is 17 February 1993, with a vesting date 79 years from commencement - which means that the Trust ends in 2072.

The Trust is exempt from income tax on the basis of being a State / Territory Body (STB) pursuant to *Division 1AB of the Income Tax Assessment Act 1936*.

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Comment

Trust Deed amendments set out in the Deed of Variation are based on legal advice and are intended to assist the Trust's income tax exempt status by strengthening the position that the Trust is a State / Territory Body (STB).

ATTACHMENT 11.5

Legal advice identified that the Trustee's ability to retire and appoint a new Trustee might affect the Trust's classification as a State or Territory Body (STB). This view, while based upon highly technical grounds, is a risk nonetheless.

Subsequently the Deed of Variation aims to strengthen the position that the Trust is a STB through the following amendments:

1. Removing the existing Trustee's power to retire and appoint a new Trustee (Clause 2.1 and 2.2 (22.3) of the Deed of Variation);
2. Enabling the beneficiaries to appoint and remove a Trustee (Clause 2.2 (22.4) of the Deed of Variation), and
3. Ensuring that the Board of Management is the 'governing body' of the Trust (Clause 2.3 of the Deed of Variation).

The three proposed amendments when applied to the relevant clauses inserted by the Deed of Variation dated 5 June 2002 will subsequently read as follows (proposed amendments shown in red text):

1. Variation 2.1 amends clause 22.1 to point to additional clause:
22.1 Any Trustee of the Trust may retire as Trustee of the Trust subject to clause 22.3, the right to appoint any new or additional trustee or trustees of the Trust is hereby vested in the retiring or continuing trustee. A corporation or incorporated association may be appointed as Trustee of the Trust.
2. Variation 2.2 inserts two new clauses:
22.3 The retiring or continuing trustee shall only be entitled to appoint any new or additional trustee of the Trust with the consent of not less than 75% of the Beneficiaries.
22.4 The Beneficiaries may at any time by Special Resolution:
 - (a) remove a Trustee from the office as Trustee of the Trust; and
 - (b) appoint such new or additional Trustee.
3. Variation 2.3 insert a new clause 13A
13A Delegation to the Board of Management
Unless the Beneficiaries otherwise direct (such direction to be given by not less than 75% of the Beneficiaries), the Trustees shall delegate all of the powers authorities and discretions contained in subclauses (a) to (x) of clause 12 to the Board of Management. The Trustees shall, at the direction of the Board of Management, do such things as may be necessary to give effect to the exercise of a power, authority or discretion by the Board of Management.

The first two amendments outlined above remove powers granted to the Trustee in the 2002 Deed Variation resulting from the merger to a single Association representing WA Local Governments. These amendments which previously facilitated the transfer of trusteeship to the then new Western Australian Local Government Association are removed, but with the clarification that any appointment must be with the consent of the beneficiaries.

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The final amendment intends to confirm that power rests with the Board of Management. As the Board of Management comprises Local Governments, this satisfies the requirements of a STB for tax purposes. This amendment reflects the actual operation of the Trustee in implementing the decisions of the Board of Management whilst retaining sufficient operational discretion to place and renew investments and pay suppliers.

These amendments provide greater power to beneficiaries through the Board of Management, and as such it is anticipated they will be considered acceptable.

Consultation

Acting Chief Executive Officer

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.

One Seventy (170) Railway Parade, (local government house), where WALGA is located, is owned by the Association. The Shire of Ashburton owns 7 units in the Trust that owns the 'local government house' which were valued at \$17,517.11 each (as at 30/6/18 as advised by WALGA).

Strategic Implications

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

Goal 05 Inspiring Governance
Objective 3 Council leadership

Risk Management

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" and the risk can be managed by routine procedures, and is unlikely to need specific application of resources.

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to Local Government House Trust – Deed of Variation, Council:

1. Consent to the enclosed Deed of Variation, as per **ATTACHMENT 11.5** and authorise the Acting Chief Executive Officer to communicate this consent to in writing to WALGA.

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**11.6 AMENDMENT TO MINUTE NUMBERS FOR NOVEMBER AND DECEMBER
2019**

FILE REFERENCE:	GV04
AUTHOR'S NAME AND POSITION:	Michelle Lewis Council Liaison Officer
AUTHORISING OFFICER AND POSITION:	Paul Sheedy Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	5 March 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 for Council to accept corrections for the Minute Numbers of the November and December 2019 Confirmed Minutes, due to an error associated with Synergy Agenda and Minute recording.

Background

Council accepted the November 2019 Minutes as presented to Council at the 17 December 2019 Ordinary Meeting of Council and the December Minutes as presented to the 11 February 2020 Ordinary Meeting of Council as a true and accurate record. As a result, both these months Minutes have been confirmed.

The Acting Chief Executive Officer has discovered an error in the Minute Numbers for both of these months and will now require Council to approve and accept the correction to these Minutes.

Comment

The following corrections will be required:

19 November 2019 Confirmed Minutes:

- Minutes Numbers 670/2019 to 686/2019 will now be amended to 700/2019 to 716/2019;

17 December 2019 Confirmed Minutes:

- Minute Numbers 690/2019 to 709/2019 will now be amended to 720/2019 – 739/2019

Consultation

Acting Chief Executive Officer

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Statutory Environment

Local Government Act 1995, section 5.25 (f)

5.25. Regulations about council and committee meetings and committees

- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to —
- f) the content and confirmation of minutes of council or committee meetings and the keeping and preserving of the minutes and any documents relating to meetings

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

There are no known policy implications for this matter

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the Amendment to Minute Numbers for November and December 2019, Council:

1. Accept the correction to the following Minute Numbers for 19 November 2019 Ordinary Meeting of Council;
 - 670/2019 - 686/2019 be amended to 700/2019 to 716/2019;
2. Accept the correction to the following Minute Numbers for 17 December 2019 Ordinary Meeting of Council;
 - 690/2019 - 709/2019 to 720/2019 – 739/2019; and
3. Request the Acting Chief Executive Officer sign and note amendments to the official bound copy of the Minutes for November and December 2019.

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12. CORPORATE SERVICES REPORTS

12.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID

FILE REFERENCE: FM03

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

AUTHORISING OFFICER AND POSITION: John Bingham
Director Corporate Services

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 22 February 2020

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

In accordance with *Regulation 34 of the Local Government (Financial Management) Regulations 1996*, 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 1996* 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
ATTACHMENT 12.1D**

Comment

The following budget variations are recommended for March 2020:

GL/Job No.	General Ledger Description	Current Budget	Variation Amount	Revised Budget	Reason
102882	Salaries & Superannuation	335,281	(44,000)	291,281	Transfer to Town Planning Consultancy.

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GL/Job No.	General Ledger Description	Current Budget	Variation Amount	Revised Budget	Reason
103082	Consultant Fees	50,000	44,000	94,000	Budget variation required to hire a Consultant to cover the Town Planner position for 6 months.
20006	Vic Hayton Pool Refurbishments	180,000	(9,000)	171,000	Funds re-allocated to supplement the budget for Paraburdoo Exercise Yard Project.
19075	Paraburdoo Dog Exercise Yard Upgrades	100,000	9,000	109,000	Budget variation required to cover RFQ 41.19 Contract slightly over budget.
O372	Onslow MPC Utilities	183,376	(8,000)	175,376	Funds re-allocated to supplement the budget for Onslow Water Tank at MPC.
19019	Onslow – Water Tank Installation at MPC	80,000	8,000	88,000	Budget variation required to cover RFQ 05.20 Contract slightly over budget.
20008	Tourism Signage Installation on NWC Hwy	70,000	(5,000)	65,000	Funds re-allocated to supplement the budget for the Installation of Electronic Variable Message Signs.
18042	Installation of Electronic Variable Message Signs- Ashburton Downs	23,089	5,000	28,089	Budget variation required following increase in scope of works.
LEW01	Legal Expenses – Wittenoom	741,016	1,224,000	1,965,016	Unexpected increases in claims including significant legal fees related to NSW case.
039126	Transfer from Reserve (Financial Risk Reserve)	(741,016)	(1,224,000)	(1,965,016)	Financial Risk Reserve funds to cover costs associated with legal cases.
100079	Building Asbestos Containing Materials Audit	150,000	(20,000)	130,000	Current provision not required.

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GL/Job No.	General Ledger Description	Current Budget	Variation Amount	Revised Budget	Reason
117330	Ashburton Hall Paraburdoo	80,700	20,000	100,700	Re-establish provision – works undertaken are maintenance.
NEW	Capex for Onslow Cemetery Shoring Box	0	11,800	11,800	Purchase of new shoring box to meet Health and Safety requirements.
W250	Works in Progress Cemetery Maintenance	38,380	(11,800)	26,580	Forecast unspent provision for cemetery maintenance.
039120	Transfer to Reserve (Financial Risk)	0	231,004	231,004	Re-establish balance in Reserve due to recent excessive Wittenoom claims.

Consultation

Executive Management Team
Finance Team

Statutory Environment

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

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

(b) Is authorised in advance by resolution*

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

*requires an absolute majority of Council.

Financial Implications

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

Strategic Implications

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

Goal 5 Inspiring Governance
Objective 4 Exemplary team and work environment

Risk Management

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

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Policy Implications

There are no known policy implications for this matter

Voting Requirement

Absolute Majority Required

Officer's Recommendation

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

1. Approve budget variations for the 2019/20 Budget as outlined below;
 - a. Decrease Expenditure Account GL 102882 Salaries & Superannuation by \$44,000 from \$335,281 to \$291,281; and
 - b. Increase Expenditure Account GL 103082 Consultant Fees, by \$44,000, from \$50,000 to \$94,000;
 - c. Decrease Expenditure Account Job 20006 Vic Hayton Pool Refurbishments, by \$9,000, from \$180,000 to \$171,000; and
 - d. Increase Expenditure Account Job 19075 Paraburdoo Dog Exercise Yard Upgrade, by \$9,000, from \$100,000 to \$109,000;
 - e. Decrease Expenditure Account Job O372 Onslow MPC Utilities, by \$8,000 from \$183,376, to \$175,376; and
 - f. Increase Expenditure Account Job 19019 Onslow Water Tank Installation, by \$8,000 from \$80,000 to \$88,000;
 - g. Decrease Expenditure Account Job 20008 Tourism Signage Installation on NWC Highway, by \$5,000, from \$70,000 to \$65,000; and
 - h. Increase Expenditure Account Job 18042 Installation of Electronic Variable Message Signs – Ashburton Downs Road, by \$5,000, from \$23,089 to \$28,089;
 - i. Increase Expenditure Account Job LEW01 Legal Expenses Wittenoom, by \$1,224,000 from \$741,016 to \$1,965,016;
 - j. Increase Capital Income Account 039126 Transfer from Reserve by \$1,224,000 from \$741,016 to \$1,965,016;
 - k. Decrease Expenditure Account 100079 Building Asbestos Containing Materials Audit, by \$20,000 from \$150,000 to \$130,000;
 - l. Increase Expenditure Account 117330 Ashburton Hall Paraburdoo, by \$20,000 from \$80,700 to \$100,700;
 - m. Increase New Capital Expenditure Account Onslow Cemetery Shoring Box, by \$11,800 from \$0 to \$11,800;
 - n. Increase Capital Expenditure Account 039120 Transfer to Reserve (Financial Risk) by \$231,004 from \$0 to \$231,004;
 - o. Decrease Operating Expenditure Job No. W250 Works in Progress Cemetery Maintenance, by \$11,880 from \$38,380 to \$26,580; and
 - p. Note that the Budgeted Surplus position carried forward (Net Current Assets position) forecast as at 30 June 2020 is \$1,000,000.

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

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13. PROPERTY AND DEVELOPMENT SERVICES REPORTS

13.1 PROPOSED LEASE OF LOT 381 SECOND AVENUE, ONSLOW FOR OCEAN VIEW CARAVAN PARK OVERFLOW

FILE REFERENCE:	SEC.0381
AUTHOR'S NAME AND POSITION:	Janelle Fell Manager Land and Asset Compliance
AUTHORISING OFFICER AND POSITION:	Brian Cameron Director Property and Development Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	19 February 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 16.3 (Minute No. 209/2017) – Ordinary Meeting of Council 18 July 2017

Summary

In preparation for the ever growing number of tourists that visit Onslow in the cooler months each year, a potential site has been identified for overflow in close proximity to the Ocean View Caravan Park (OVCP).

Council support is requested to lease Lot 381 Second Avenue, Onslow for a period of six months.

Background

To ensure the safety of the influx of self-drive tourists between June and August who don't secure sites prior to arriving in Onslow, an overflow site located in the Onslow Sports Oval carpark was endorsed by Council at the July 2017 Ordinary Meeting of Council.

The OVCP Managers liaise with Discovery Parks (DP) to gauge occupancy and when at 100% initiate the overflow site. A nominal \$10 fee is charged to contribute to cleaning, rubbish disposal and administrative costs. Guests utilizing the overflow are only permitted to stay for a maximum of three nights to comply with the *Caravan Parks and Camping Grounds Act 1995*. Should a site become available at either OVCP or DP, guests are required to relocate to the respective park.

Comment

Due to social issues at the Sports Ground and the Shire's desire to maintain the reputation of Onslow, tourists requiring overflow during the 2019 tourist season were directed to Onslow Sun Chalets (OSC). The Shire provided portable ablutions and rubbish bins at OSC and access to OVCP amenities. OSC made a shower available on request for a fee of \$35 per night for an unpowered site.

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Lot 381 Second Avenue, Onslow has been identified as a potential site for overflow in 2020. This site is owned by proprietors Herbert Mining & Earthmoving Pty Ltd. The site (hachured red on the below aerial) is 2.3666 ha relatively flat after accessing the site and in a clean and tidy state. The site is appropriately zoned "Tourism" under the Shire of Ashburton Town Planning Scheme No. 7. Contact was made with the proprietors to gauge their interest in leasing the lot for the months April to September which allows for clean-up (slashing) and set-up (ablutions) of the site prior to occupancy and make good prior to termination. It is proposed guests have access to the facilities at OVCP throughout their stay.



A lease has been negotiated with the following terms:

Start Date	1 April 2020
Term	6 months
Finish Date	30 September 2020
Permitted Use	Overflow for the Ocean View Caravan Park, including Tenant provision of ablutions and all services required for the safety and comfort of users
Rent	\$500.00 (GST inclusive) per month paid in full (\$3,000 GST inclusive) at commencement of this Lease.
Tenant's Insurance	A public liability policy with a cover of not less than \$20 million in respect of any one occurrence to cover any risks as the Landlord may from time to time nominate.
Tenant's Obligations	The Tenant will: <ul style="list-style-type: none"> (i) Clear all debris and carry out ground repairs required for the safe use of the Premises in accordance with the Permitted Use; (ii) Provide ablutions and any other services required for the Permitted Use; and (iii) Remediate the Premises at termination of the Lease.

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ATTACHMENT 13.1

Consultation

Executive Management Team
Manager Western Facilities & Aquatics

Statutory Environment

The *Local Government Act 1995* states in part:

“S 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.**
- (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.”*

The *Caravan Parks and Camping Grounds Act 1995* and Regulations include provisions for licensing of overflow sites of existing licensed facilities and approving the use of land for such purposes.

Financial Implications

The fee for overflow is included in the Fees & Charges Schedule. Associated costs of \$20,000 will require a budget variation.

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 3	Well-managed Tourism
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' risk that will be managed by policy, procedures and monitoring.

Policy Implications

No known policy implications at this stage, however upon the reform, any legislative changes will be reviewed and implemented as need be.

Voting Requirement

Absolute Majority Required

Officers Recommendation

That with respect to the Proposed Lease of Lot 381 Second Avenue, Onslow for Ocean View Caravan Park Overflow, Council:

1. Authorise the Acting Chief Executive Officer to finalise the terms of the Lease Agreement between the Shire of Ashburton and Herbert Mining & Earthmoving Pty Ltd; and
2. Authorise the Shire President and Acting Chief Executive Officer to affix the Common Seal to, and execute the Lease Agreement between the Shire of Ashburton and Herbert Mining & Earthmoving Pty Ltd.
3. a. Increase Expenditure Account Job O438 Ocean View Caravan Park, by \$20,000 from \$274,088 to \$294,088; and
4. b. Decrease budgeted surplus by \$20,000 from \$1,020,000 to \$1,000,000.

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13.2 AUTHORISATION TO AFFIX THE COMMON SEAL – REGISTRATION OF STRATA PLAN AND APPLICATION FOR NEW TITLES

FILE REFERENCE:	ANK.0001
AUTHOR'S NAME AND POSITION:	Janelle Fell Manager Land and Asset Compliance
AUTHORISING OFFICER AND POSITION:	Brian Cameron Director Property and Development Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	20 February 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 13.4 (Minute No. 607/2019) – Ordinary Meeting of Council 16 July 2019

Summary

Affixation of the Common Seal is required to execute land transaction forms for the three lot strata subdivision of Lot 1 Anketell Court, Onslow.

Authorisation to affix the Common Seal is requested.

Background

At the July 2019 Ordinary Meeting of Council, Council endorsed the execution and purchase of Lot 1 Anketell Court, Onslow for staff accommodation. The property is formally known as Lot 1 on Deposited Plan 406078, being Certificate of Title Volume 2887, Folio 990

The property comprises three, modern three bedroom units (constructed in 2014) on a 1,048m² lot.

As the lot is not strata title, all units are supplied utilities through the one meter. To allow installation of individual meters to verify consumption for each unit, a strata subdivision has been progressed.

ATTACHMENT 13.2

Comment

The three lot strata plan has been lodged at Landgate and is now In Order For Dealings. To register the strata plan completion and execution of Form A8 in accordance with s 166 if the *Transfer of Land Act 1893* is required. The existing duplicate Certificate of Title (LR2887990) must be produced for cancellation and to allow the registration of the strata plan. However, the duplicate Certificate of Title was not issued when purchasing the land as instructed by Shire Officers.

Separate titles will be prepared for each lot however no titles are created and registered for common property in strata plans. The common property is held as tenants in common, in share

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proportional to the unit entitlement of their lots. While this has no consequence on the current use, should Council wish to sell one or more of the units in the future the matter will not require further action.

Consultation

Executive Management Team
Manager Western Facilities & Aquatics
Housing Coordinator

Statutory Environment

The *Local Government Act 1995* states in part:

“S 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.
- (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.”

Transfer of Land Act 1893

Land Administration Act 1997 – Section 195

Financial Implications

The financial implications associated with executing and lodging the Application for New Titles is no more than \$1,000 (including Settlement Agent fees). This amount is provided for in the 2019/20 budget.

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

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

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Policy Implications

ELM13 - Affixing of the Shire of Ashburton Common Seal

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the Authorisation to Affix the Common Seal – Registration of Strata Plan and Application for New Titles, Council:

1. Authorise the cancellation of the Duplicate Certificate of Title (Volume/Folio 2887/990) for Lot 1 Anketell; and
2. Approve affixing the Common Seal in the presence of the Shire President and Acting Chief Executive Officer to the required land transaction documents for lodgement at Landgate.

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13.3 REQUEST FOR LEASE – PORTION OF RESERVE 40965, TOM PRICE

FILE REFERENCE: RC40965

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

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

NAME OF APPLICANT/RESPONDENT: Outback Fitness Recreation Centre Incorporated

DATE REPORT WRITTEN: 20 February 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

Council consideration is requested regarding a request to lease the enclosed cricket nets on Reserve 40965.

Background

In October 2019, Ray Edwards and Aroha Hetaraka made contact with the Shire of Ashburton's (the Shire) Tom Price Club Development Officer and Lease Officer, seeking assistance to establish a community wellness centre with gym/fitness classes and nutritional advice and, to determine any suitable Shire facilities available for lease. It was determined no suitable facilities were available.

Enquiries were made locally by the interested party for commercial facilities to lease along with an enquiry to Department of Planning Lands and Heritage (DPLH) about available vacant land. No commercial facilities were available for lease however, DPLH advised land was potentially available in Area W, being portion of Reserve 40798 which has the purpose of "Club and Club Premises" for which the Shire is the management body. After consideration by the party this wasn't pursued.

Shire Lease renewal enquiries with Mountain View Sporting Club (MVSC) for Reserve 40965 confirmed negotiations had commenced between MVSC and the interested party for use of a potential site being the enclosed cricket net area. A request to lease from the interested party was submitted to Shire Officers in November 2019. MVSC advised the enclosed cricket net area is used predominantly by children that attend the Golfie and occasionally, irregular use by sporting clubs for training. MVSC are supportive of excision of the subject portion of land from the Golf Course Lease to allow use and Lease by the interested party.

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The enclosed cricket nets are hachured red on the plan below.



To present the proposal to Council, further information was requested from the interested party, including:

- Community benefit
- Plans for development including methodology
- Background
- Cost estimate to undertake the redevelopment

The party was to present their proposal to Council at the February Ordinary Meeting of Council however, due to Severe Tropical Cyclone Damian, workshops were removed from the Agenda.

ATTACHMENT 13.3A

Comment

'Outback Fitness Recreation Centre Incorporated' (OBF) (A1033222B) was incorporated on 11 February 2020 with an established committee.

In addition to normal activities of gym operations, including a crèche, OBF propose to liaise with Tom Price Army Reserves for boot camps; WAPOL and Tom Price Youth Centre for teen specific programs, while offering high quality services and a variety of options for residents to enjoy. OBF propose to conduct school holiday programs and training to sporting clubs.

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Funding applications to the Department of Infrastructure, Transport, Cities & Regional Development's Community Development Grant Program – Threshold 2 and the Department of Local Government Sport and Cultural Industries' Community Sporting and Recreation Facilities Fund will be made for construction of the required infrastructure. In addition to this, applications to Healthway, Foundation for Rural and Regional Renewal, Active Regional Communities, WA Lotteries West, Department of Health, Department of Industry, Innovation & Science and the Office of Home Affairs will be made to cover costs associated with fit-out and equipment e.g. gym equipment, security lighting, crèche etc.

OBF have outlined several synergies with the Shire's Strategic Community Plan including:

Vibrant and Active Community

- *Connecting People*
- *Sustainable Clubs, Services, Association and Facilities*

Economic Prosperity

- *Diverse Strong Economy*
- *Enduring Partnerships*
- *Well-managed Tourism*

Quality Services and Infrastructure

- *Adequate, Accessible and Sustainable Public Infrastructure*
- *Well-Planned Towns*
- *Quality Education, Childcare and Youth Services*
- *A Rich Cultural Life*

OBF's proposed operational income is \$549,800 per annum while expenditure is projected at \$521,000, realising a profit of \$28,800 per annum, which will be invested in the facility and equipment.

ATTACHMENT 13.3B

DPLH have provided in-principle consent to surrender of the subject portion of the lease area held by MVSC. This will require creation of a lot within Reserve 40965 for lease to OBF and change of the Management Order Purpose from "Recreation" to "Community Purposes" or similar.

OBF are yet to advise on cost estimates to redevelop the site to comply with legislative requirements (engineer certified plans, building permit, redevelopment to comply with Health Regulations including ablutions, electrical compliance, air conditioning, duress etc.) for the proposed use. However, Shire Officer's estimate this to be in excess of ~\$500,000. OBF will be required to install water and electricity sub meters to allow reimbursement of consumption to the main meter account holder.

In accordance with REC05 - Community Leases and Licence Agreement of Shire Assets (Facilities, Buildings and Land), the annual lease fee would be \$500 (excluding GST) per annum.

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It is apparent there is considerable capital to be secured to realise the proposed use. As such, funding in part presents obvious risk e.g.: redevelopment works commence, then cease mid build due to insufficient funds leaving it the Shire's responsibility to complete the redevelopment or remediate the facility, it is recommended a Letter of Intent be issued to give certainty to the Club that tenure is subject to securing the capital. The Letter of Intent (LoI) would include the Shire's commitment to enter into a Lease Agreement should the capital be secured. A LoI should be sufficient evidence of tenure for funding applications.

While this proposal is in direct competition with the existing gym in Tom Price, who are on a commercial lease (currently \$732.05 ex GST pa), there are no statutory provisions precluding the Shire from leasing a further facility on a community lease for gym activities.

Consultation

Executive Management Team
Lease Officer
Club Development Officer

Statutory Environment

Section 3.58 of the *Local Government Act 1995* does not apply when the land is disposed of to a body, whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, education, recreational, sporting or other like natures.

Financial Implications

Costs associated with creation of a lot within Reserve 40965 can be accommodated in the current budget. All costs associated with redevelopment of the facility will be the responsibility of the Lessee.

Net replacement to the value of \$100,000 is included in the 2019/20 CAPEX budget. These works are being 'held' to allow Council to give due consideration and direction on the proposal.

Strategic Implications

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

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

Goal 01 Economic Prosperity
Objective 1 Strong local economies
Objective 2 Enduring partnerships with industry and government
Objective 3 Well-managed tourism

Goal 04 Quality Services and Infrastructure
Objective 1 Quality public infrastructure
Objective 3 Well-planning towns

Risk Management

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

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Policy Implications

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

REC08 – Community Donations, Grants and Funding

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the Request for Lease – Portion of Reserve 40965, Tom Price, Council:

1. Support the application from OBF;
2. Authorise the Acting Chief Executive Officer to prepare a Letter of Intent stating the Shire of Ashburton's commitment to enter into a Lease Agreement upon successfully securing the capital required for redevelopment; and
3. Upon securing the capital required to redevelop the site by OBF:
 - a. Authorise the Acting Chief Executive Officer to request the Minister for Lands:
 - i. Create a lot within Reserve 40965 for lease to OBF;
 - ii. Change the Purpose of the Management Order for Reserve 40965 from "Recreation" to "Community Purposes" or similar;
 - b. Authorise the Acting Chief Executive Officer to negotiate the terms of, and execute, a Lease with OBF for the subject portion of Reserve 40965.

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**13.4 DISPOSAL OF PROPERTY – MATERIAL FOR USE AS FILL FROM LOT
9001 McAULLAY ROAD, ONSLOW**

FILE REFERENCE:	ONS.0016
AUTHOR'S NAME AND POSITION:	Janelle Fell Manager Land and Asset Compliance
AUTHORISING OFFICER AND POSITION:	Brian Cameron Director Property and Development Services
NAME OF APPLICANT/RESPONDENT:	St John Ambulance Australia
DATE REPORT WRITTEN:	19 February 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

Onslow's new St John Ambulance (SJA) sub Centre is progressing with construction contractors set to mobilise mid-March.

Council consent is requested to donate 3,500m³ of material for construction fill from Lot 9001 McAullay Road, Onslow.

Background

The current Onslow SJA sub Centre, situated on Lot 395 Third Avenue, Onslow, requires updating to achieve a modern, access in all weather, facility for volunteers. As the current site is below flood level a new site was identified adjacent to the Onslow Hospital on Reserve 53372 McGrath Avenue. Funded in part by Chevron Australia under the State Development Agreement for the Wheatstone project, construction costs are estimated at \$2-\$3M.

During dredge spoil construction on Lot 9001, SJA tested the material for suitability as construction fill. As the results are favourable, SJA are now formally requesting consent to obtain 3,500m³ of material for construction fill from Lot 9001 McAullay Road, Onslow, commonly known as the Onslow Airport.

Comment

Council endorsed Lease of the land, comprising the dredge spoil deposit, to Onslow Marine Support Base (OMSB) at the November 2019 Ordinary Meeting of Council. Extraction of the required material will not impede on the lease area and is supported by imminent Lessee OMSB.

Department of Mines, Industry Regulation and Safety (DMIRS) and Department of Water and Environmental Regulation (DWER) were consulted on the proposed disposal to ensure compliance with their respective legislation. DMIRS advised no jurisdiction in the matter as the activity will not be undertaken pursuant to mining activity. At the time of writing this report DWER

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were yet to advise any requirements however, adherence to any requirements will be undertaken prior to removal of the fill.

SJA will liaise with the Airport Manager for suitable times to extract the material and be responsible for all dust mitigation measures. Access to the site will be via McAullay Road on Shire managed Reserve 52639 which has the Purpose of "Drainage".

SJA will be requested to release and waive all claims for liability against the Shire of Ashburton in connection with access, removal and use of the material for construction fill.

Consultation

Executive Management Team
Manager Western Facilities and Aquatics

Statutory Environment

Section 3.58 of the *Local Government Act 1995* does not apply when the land is disposed of to a body, whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, education, recreational, sporting or other like natures. SJA Onslow sub centre meets this criteria.

Financial Implications

All costs associated with excavating the material will be borne by SJA.

Strategic Implications

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

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

Risk Management

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

Policy Implications

There are no known policy implications for this matter

Voting Requirement

Simple Majority Required

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Officers Recommendation

That with request to the Disposal of Property – Material for Use as Fill from Lot 9001 McAullay Road, Onslow, Council:

1. Support the disposal of 3,500m³ of material for fill from Lot 9001 McAullay Road, Onslow;
2. Request the Acting Chief Executive Officer forward correspondence to St John Ambulance requesting indemnity from any liability in connection with access, removal and use of the material for construction fill.
3. Request that appropriate testing of the material, before removal, be undertaken by St John Ambulance to ensure its compliance as suitable material for the building construction pad and the Shire of Ashburton is provided with a copy of the report prior to removal of the material; and
4. Advise St John Ambulance that the loading, removal and delivery of the material is solely at their expense.

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13.5 BEADON CREEK MARITIME FACILITY, ONSLOW

FILE REFERENCE:	PR30711
AUTHOR'S NAME AND POSITION:	Janelle Fell Manager Land and Asset Compliance
AUTHORISING OFFICER AND POSITION:	Brian Cameron Director Property and Development Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	20 February 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 Transport have prepared a Lease to allow the Shire of Ashburton to hold tenure over part of Lot 561 Beadon Creek Road, Onslow for redevelopment of the site as a Maritime Facility.

Council endorsement is requested to enter into the Lease for the area subject to Stage One's redevelopment, prepare a Memorandum of Understanding as required in the Lease, prepare and advertise a Business Case in accordance with section 3.59 of the *Local Government Act 1995* and seek funding for Stage Two's redevelopment.

Background

A Licence Agreement between Department of Transport (DoT) and Shire of Ashburton (the Shire) was executed in September 2011 to allow the Shire to construct, use and maintain a jetty and two boat ramps within Beadon Creek, Lot 561 Beadon Creek Road, Onslow.

Existing community facilities are aged and requiring upgrades and/or replacement. These facilities are integral to supporting the livability of the town and allowing the community to enjoy the coastal and marine experiences at their doorstep.

To address the deficiency and unlock Onslow's potential as a premier marine tourism destination, a community boating precinct working group was formed comprising State government agencies, local businesses and community members. A concept plan for redevelopment was prepared in 2016 by DoT, the Shire and key agencies and stakeholders.

Redevelopment is estimated to cost \$16M therefore, the project was broken into two stages. Stage One (\$7.5M) comprises construction of a boat launching ramp and associated car and trailer parking. Stage Two (\$8.5M) includes boat mooring pens with floating pontoons, shelters, BBQ, playground, toilet, cyclone tie downs for the floating pontoons, look out/vista point and a universal access fishing platform. An application for Building Better Regions Fund funding in 2018 was unsuccessful prompting Councilors to fund \$6M and the Onslow Community Chest Fund

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(the Department of Jobs, Tourism, Science and Innovation (JTSI) administered Chevron Australia Pty Ltd Social Infrastructure Fund) making provision for \$1.5M allowing Stage One of the project to progress.

Community consultation was undertaken in February 2020 with Onslow businesses, residents and community members, where an updated concept plan was preferred.

ATTACHMENT 13.5A

Comment

To allow tenure over part Lot 561 on Deposited Plan 174170, Reserve 30711, Onslow, a Lease has been negotiated with DoT for Stage One's redevelopment.

ATTACHMENT 13.5B

The terms of the Lease are:

Term:	10 years
Date of Commencement:	1 March 2020
Rent:	\$1.00 per annum plus GST payable on demand
Public Liability Insurance:	Twenty million dollars
Management Fee:	(a) 4% per annum of all amounts billed to the Lessee by the Lessor or its Managing Agent and payable by the Lessee; or (b) \$500 per annum; payable in quarterly instalments in advance on the first days of March, June, September and December of each year of the Term.
Further Term:	10 years commencing on 1 March 2030 and expiring on 29 February 2040

Included in the Lease is a requirement to negotiate the terms and conditions, and enter into a Memorandum of Understanding (MOU) with DoT. The MOU will include DoT's approval of the proposed scope of works and plans. Additionally, the Shire is required to prepare a cyclone and risk management/contingency plan and rust inspection/management plan for presentation to DoT. A consultant will be engaged to prepare these requirements or, the plans be included as a requirement of Stage One's Construction Contract.

DoT has confirmed that subject to the Shire being successful in acquiring funding for Stage Two, additional land will be made available to facilitate further development. This will be used as evidence of tenure, subject to funding, to apply for and secure the additional funds required to complete the project.

ATTACHMENT 13.5C

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Upon completion of Stage One's boat ramp, the existing aged facilities will be removed prompting termination of the existing licence.

Conditional on funding being released from the Onslow Community Chest Fund by JTSI, a Project Implementation Plan (PIP) and consequent Letter of Intent (LoI) will be required. The PIP sets out the scope of works, each party's responsibilities, budget, milestones, stakeholders etc. The PIP will then be endorsed by the Social Infrastructure Working Group, comprising the Shire, JTSI and Chevron Australia Pty Ltd (Chevron). The LOI, will be countersigned by the Shire, JTSI and Chevron, with the approved PIP annexured and is enforceable.

A Business Case is required to proceed with the project in accordance with section 3.59 of the *Local Government Act 1995*. DoT prepared a Business Case in 2016 which was updated to support the funding application for Building Better Regions Fund funding in 2018 by consultants RPS Australia East Pty Ltd. A further update to **ATTACHMENT 13.5D** is required to include the known budget and land tenure prior to advertising for six weeks. Any submissions will be referred to Council.

Consultation

Executive Management Team
Manager Western Facilities and Aquatics

Statutory Environment

The *Local Government Act 1995* states in part:

"Section 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.*
- (4) *A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation."*

"Section 3.59 Commercial enterprises by local government

(1) *In this section —*

dispose *includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

major trading undertaking *means a trading undertaking that —*

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- (a) in the last completed financial year, involved; or*
- (b) in the current financial year or the financial year after the current financial year, is likely to involve, expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;...*

(2) Before it —

- (a) commences a major trading undertaking; or*
- (b) enters into a major land transaction; or*
- (c) enters into a land transaction that is preparatory to entry into a major land transaction, a local government is to prepare a business plan.*

Financial Implications

The Budget allocation to Stage One of the Marina is \$7.5M, funded by a \$1.5 contribution from the Onslow Community Chest Fund, the JTSI administered Chevron Social Infrastructure Fund and \$6M from Reserves. Costs associated with the Lease can be accommodated in the current operational budget.

Strategic Implications

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

- Goal 01 Vibrant and Active Communities
- Objective 1 Connected, Caring and Engaged Communities
- Objective 2 Sustainable Services, Clubs, Associations and Facilities

- Goal 02 Economic Prosperity
- Objective 1 Strong Local Economies

- Goal 04 Quality Services and Infrastructure
- Objective 1 Quality Public Infrastructure
- Objective 3 Well-planned Towns

Risk Management

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

Policy Implications

ELM Affixing of the Shire of Ashburton Common Seal

Voting Requirement

Simple Majority Required

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Officers Recommendation

That with respect to the Beadon Creek Maritime Facility, Onslow, Council:

1. Approve affixing of the Common Seal in the presence of the Shire President and the Acting Chief Executive Officer to the Coastal Facilities Management Ground Lease for part Lot 561 on Deposited Plan 174170, Reserve 30711, Onslow;
2. Authorise the Acting Chief Executive Officer to negotiate and execute a Memorandum of Understanding with Department of Transport;
3. Acknowledge the concept design and draft Business Case (**ATTACHMENT 13.5A and 13.5D**);
4. Authorise the Acting Chief Executive Officer to finalise and advertise the Business Case in accordance with section 3.59 of the *Local Government Act 1995*;
5. Authorise the Acting Chief Executive Officer to negotiate and execute the Letter of Intent with the Department of Jobs, Tourism, Science and Innovation and Chevron Australia Pty Ltd; and
6. Authorise the Acting Chief Executive Officer to prepare and lodge applications to potential funding agencies for Stage Two's \$8.5 Million redevelopment of the Beadon Creek Maritime Facility, Onslow.

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**13.6 PROPOSED CHANGE OF RESERVE PURPOSE WITH POWER TO LEASE
– RESERVE 41534, TOM PRICE**

FILE REFERENCE:	RC41534
AUTHOR'S NAME AND POSITION:	Leona Stevenson Lease Officer Janelle Fell Manager Land and Asset Compliance
AUTHORISING OFFICER AND POSITION:	Brian Cameron Director Property and Development Services
NAME OF APPLICANT/RESPONDENT:	Impala Kart Club
DATE REPORT WRITTEN:	24 February 2020
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Shire of Ashburton has received a proposal from the Impala Go-Kart Club (the Club) and Mr. Gary Smith requesting additional use of the Go-Kart Track located on Reserve 41534 (being Lot 245 Tom Price – Paraburdoo Road on Deposited Plan 189344). The Reserve is currently leased by the Club on a Community Lease ending on 31 October 2020, with a further 5 year term remaining.

The Purpose of the Reserve is “Go-Kart Track” which limits use for any other purpose, and Council is therefore requested to consider requesting the Minister for Lands to amend the Purpose of Reserve 41534 from “Go-Kart Track” to “Go-Kart Track, Social Motorcycle Riding and Racing, and Recreation” in order to allow expanded use of the facility.

Background

The Tom Price Go-Kart Track is located on Reserve 41534 (being Lot 245 Tom Price-Paraburdoo Road on Deposited Plan 189344). The Management Order is held by the Shire of Ashburton for the Purpose of “Go-Kart Track”. The Reserve is currently leased by the Club on a Community Lease ending on 31 October 2020, with a further 5 year term remaining.

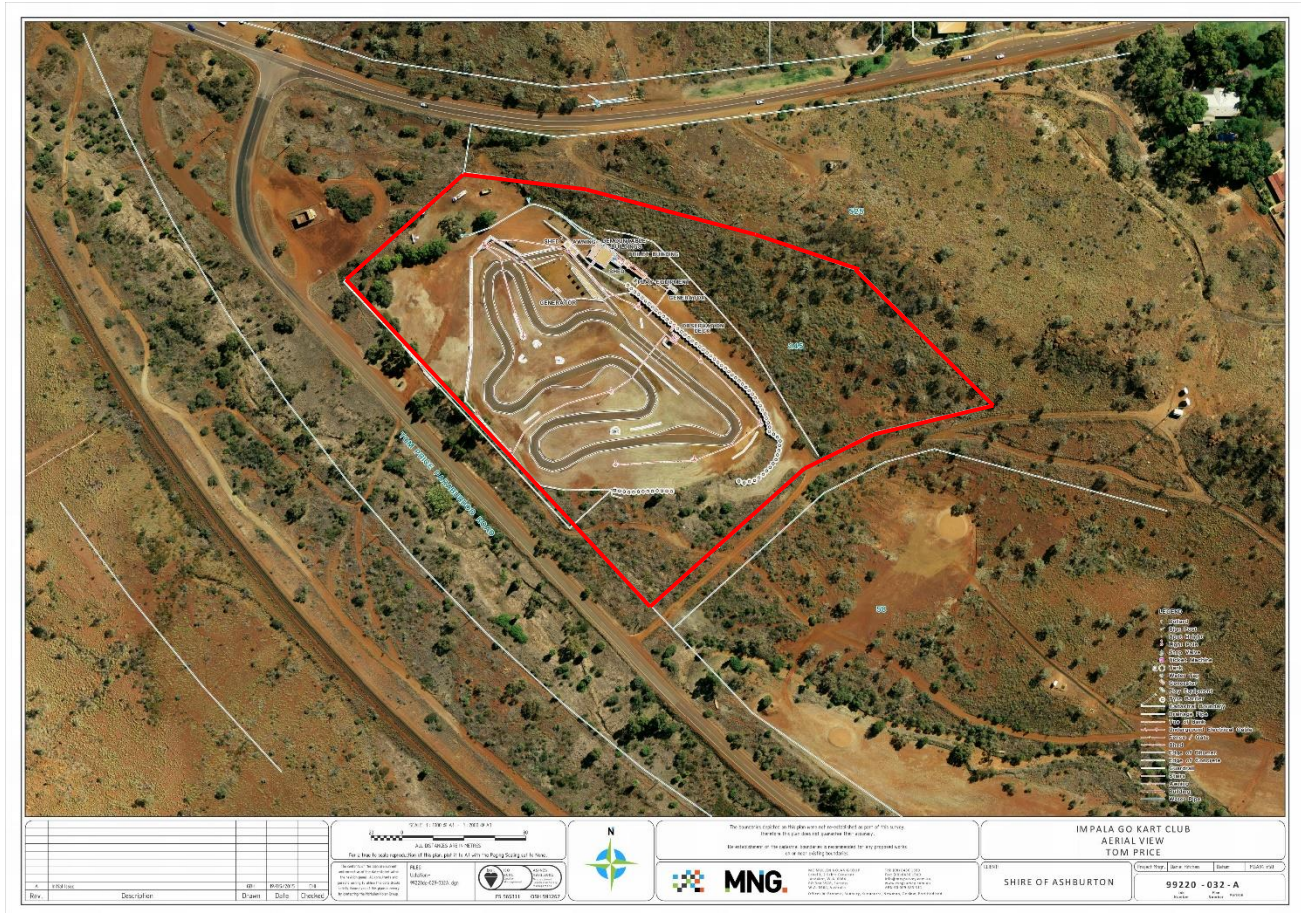
Mr. Gary Smith contacted the Club to enquire if he could hire the go-kart track to allow members of the community to undertake social motorcycle riding after identifying a lack of provision within Tom Price for this type of activity. The type of motorcycles likely to be in use are mini motos and pit bikes up to 200cc.

The Club have confirmed their support of Mr. Smith’s proposal as they are keen to attract additional income and other interest from the community. Enquiries by the Club to Karting Australia confirmed there are no restrictions on using the track for motorcycles, however Mr.

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Smith would be required to obtain a Hirer's Liability Certificate, as insurance would not be covered by the Club.

The lease area is shown on the plan below, marked in red.



Comment

The Management Order (MO) states the Purpose of Reserve 41534 is “Go-Kart Track’. While there is no need for an additional club to be formed, updating the MO Purpose to include motorcycle riding for racing and social purposes would facilitate more members of the community to utilize the track who have an interest in this type of sport. This supports the Club’s sustainability with the possibility of increased membership while optimising use of the facility.

In accordance with the Lease Agreement, the Lessee is responsible for the maintenance of all Buildings and Structures, and that Buildings or Structures shall be at the risk of the Lessee in all respects. Buildings and Structures include, but are not limited to: Starters box; Generator enclosure; office/store room; garden shed; go-kart track and lighting; ablutions; transportable kiosk and canopy; and pit work area/weigh station. In addition, the Shire is discharged from all claims for loss of or damage to the said Buildings and Structures, or any good or property contained in or about them. The Lessee is required to maintain adequate public risk insurance for at least \$10,000,000.

The Department of Planning Lands and Heritage (DPLH) have advised no objection to the proposed change of use, subject to a formal request, and suggested including in the request the wording ‘Recreation’ in the designated use so as not to enforce strict limits for future use of the Reserve.

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Consultation

Executive Management Team
Department of Planning, Lands and Heritage
Impala Go-Kart Club

Statutory Environment

Section 51 of the *Land Administration Act 1997* - Request cancellation or change of purpose, or amend the boundaries of a reserve.

Financial Implications

No known financial implications other than administration costs.

Strategic Implications

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

Goal 01 Vibrant and Active Communities
Objective 1 Connected, caring and engaged communities
Objective 2 Sustainable service, 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", can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the Proposed Change of Reserve Purpose with Power to Lease – Reserve 41534, Tom Price, Council:

1. Request the Minister for Lands change the purpose of Reserve 41534 from "Go-Kart Track" to "Go-Kart Track, Social Motorcycle Riding, Racing and Recreation", with Power to Lease.

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13.7 PROPOSED LEASE BETWEEN SHIRE OF ASHBURTON AND TIGERS FOOTBALL CLUB TOM PRICE INC OF STOREROOM 3, CLEM THOMPSON MEMORIAL SPORTS PAVILION (RESERVE 39857)

FILE REFERENCE:	RC39857
AUTHOR'S NAME AND POSITION:	Leona Stevenson Lease Officer Janelle Fell Manager Land and Asset Compliance
AUTHORISING OFFICER AND POSITION:	Brian Cameron Director Property and Development Services
NAME OF APPLICANT/RESPONDENT:	Tigers Football Club Tom Price Inc.
DATE REPORT WRITTEN:	24 February 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 Clem Thompson Memorial Sports Pavilion, Tom Price, has four (4) storerooms situated on the ground floor, underneath the grandstand. One larger storeroom is utilised by the Shire, with two of the remaining three leased to Fortescue Cricket Association and Fortescue National Football League respectively, leaving one storeroom vacant.

Tigers Football Club Tom Price Inc. (Association No. A1030482J) have requested lease of the vacant storeroom.

Council consideration of the proposed Community Lease Agreement is requested.

Background

The Clem Thompson Memorial Sports Pavilion is sited on Reserve 39857, which has the Purpose "Public Recreation" with the Power to Lease for any term not exceeding 21 years.

The Ground Floor of the Sports Pavilion offers four (4) clubrooms and four (4) storerooms. The storerooms are situated underneath the grandstand and therefore have sloping roofs and concrete flooring. They are divided by wire cages with each having its own entry door, accessed via a codable electronic key card.

Currently the storerooms are leased as follows:

- Storeroom 1: Fortescue Cricket Association
- Storeroom 2: Fortescue National Football League
- Storeroom 3: Vacant
- Storeroom 4: Utilised by the Shire

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Tigers Football Club Tom Price Inc. (Tigers) have requested lease of the remaining storeroom.

Four clubrooms are located at the Clem Thompson Memorial Sports Pavilion on the ground floor, facing Stadium Road. Tigers currently licence Clubroom 1, which is shared with Crushers Cricket Club. The Licence Agreement commenced on 1 January 2016 and expires on 31 December 2020, with one further five year term remaining. Provision of storage space will make better use of the clubroom for meetings, planning etc. The clubrooms are leased as follows:

Clubroom 1: Shared by Tigers Football Club Tom Price Inc. and Crushers Cricket Club

Clubroom 2: Shared by Towns Cricket Club and Towns Football Club

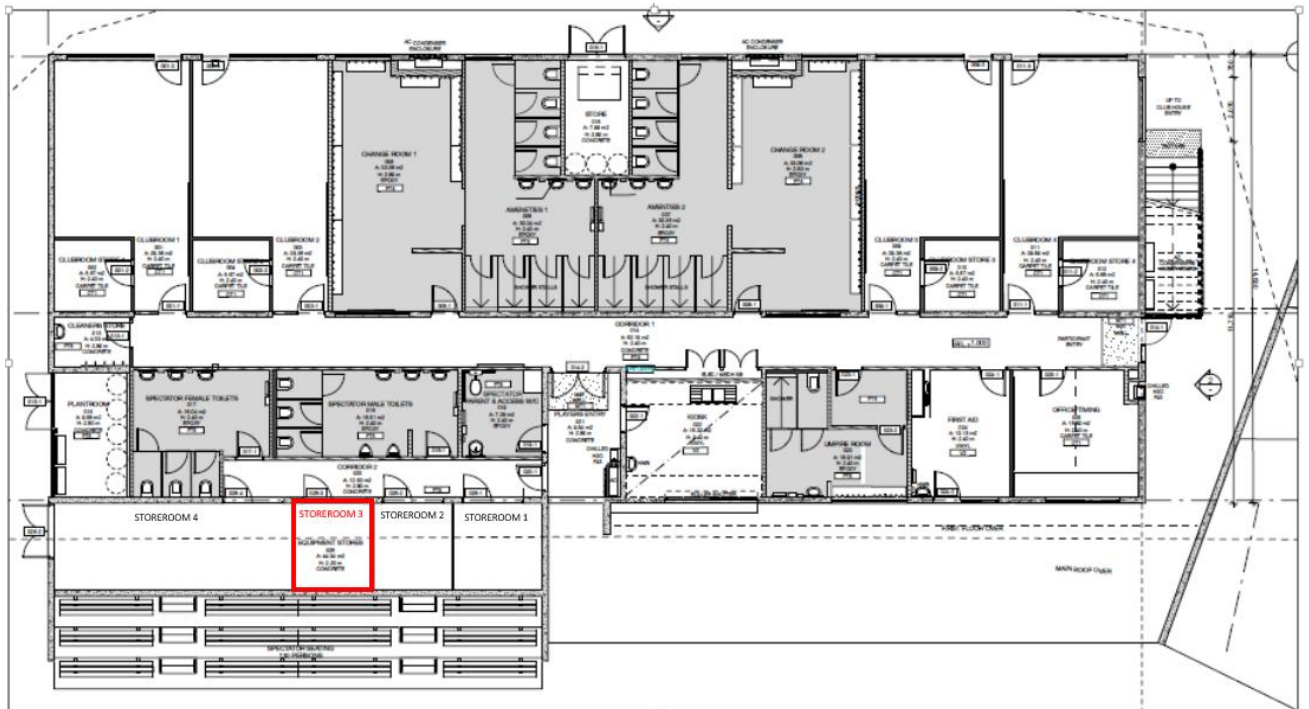
Clubroom 3: Shared by Scorchers Cricket Club and Ashburton Women's Football Association

Clubroom 4: Shared by Panthers Football Club and Tom Price Touch Association

An inspection of the licensed Clubroom 1 was undertaken in January 2020 to follow up on some minor concerns raised during the annual inspection earlier in 2019. These concerns included the carpets to be cleaned and some paintwork on the walls touched up. Tigers have rectified these concerns and have therefore maintained their current licence area in accordance with the respective Licence. They are considered good Licencees.

Comment

The Clem Thompson Memorial Sports Pavilion facility is shown on the plan below, with the proposed lease area hachured red.



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The proposed terms of the Lease Agreement are:

Lease/Licence	Term	Further Term	Rent (per REC05)	Maintenance Costs	Lessees Outgoings
Lease – Storage	5 years	5 years	\$100 p.a. plus GST	Lessee must maintain the Lease Premises in good condition and state of repair. The Shire is responsible for fair wear and tear and damage which will be reinstated from the proceeds of insurance.	Any damage caused to Lease Area Cleaning of Lease Area

ATTACHMENT 13.7

Tigers Football Club Tom Price Inc. will be required to maintain insurance for their property and public liability for the term of their Agreement.

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

Consultation

Executive Management Team
Club Development Officer – Tom Price
Facilities Officer – Tom Price

Statutory Environment

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

Land Administration Act 1997 Section 79 – Minister's power as to lease of Crown land

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

"9.49A. Execution of documents

- (1) A document is duly executed by a local government if —
 - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.

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- (3) *The common seal of the local government is to be affixed to a document in the presence of —*
- (a) the mayor or president; and*
 - (b) the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.”*

Financial Implications

Policy REC05 states the annual lease fee for users.

Operational and Building allocations will be included in the 2019/20 budget.

Strategic Implications

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

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

- Goal 04 Quality Services and Infrastructure
- Objective 1 Quality public infrastructure

- 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”, can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

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

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the Proposed Lease Between Shire of Ashburton and Tigers Football Club Tom Price Inc. of Storeroom 3, Clem Thompson Memorial Sports Pavilion (Reserve 39857), Council:

1. Authorise the Acting Chief Executive Officer to finalise the terms of a Lease Agreement between the Shire of Ashburton and Tigers Football Club Tom Price Inc. (Association No. A1030482J);
2. Authorise the Acting Chief Executive Officer to seek formal approval from the Minister for Planning, Lands and Heritage of the Lease Agreement; and
3. Subject to approval from the Minister for Lands, authorise the Shire President and the Acting Chief Executive Officer to affix the Common Seal to, and execute the Lease Agreement between the Shire of Ashburton and Tigers Football Club Tom Price Inc.

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13.8 COASTAL HAZARD PLANNING – FUNDING REQUEST

FILE REFERENCE:	LP23
AUTHOR'S NAME AND POSITION:	Leona Stevenson Lease Officer Janelle Fell Manager Land and Asset Compliance
AUTHORISING OFFICER AND POSITION:	Brian Cameron Director Property and Development Services
NAME OF APPLICANT/RESPONDENT:	WALGA
DATE REPORT WRITTEN:	25 February 2020
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Item 14.1 (Minute No. 253/2017) – Ordinary Meeting of Council 24 October 2017

Summary

WALGA seeks financial support from the Shire of Ashburton to engage McLeods Barristers and Solicitors to provide legal advice on issues related to coastal hazard planning.

Background

Section 77 of the *Planning and Development Act 2005* (the Act) requires that when preparing or amending a local planning scheme, a local government is to show regard to State Planning Policies as if they were set out in full in the Scheme text. The suite of State Planning Policies (SPP) address a wide range of planning matters and includes *SPP 2.6: Coastal Planning Policy*, with this SPP requiring local governments to undertake coastal hazard risk management and adaptation planning.

The Shire was successful in securing funding from the Northern Planning Program in 2015 to prepare a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP).

The purpose of the CHRMAP is to:

- Ensure that development and the location of coastal facilities takes into account coastal processes, landform stability, coastal hazards, climate change and biophysical criteria;
- Ensure the identification of appropriate areas for the sustainable use of the coast for housing, tourism, recreation, ocean access, maritime industry, commercial and other activities;
- Provide for public coastal foreshore reserves and access to them on the coast; and
- Protect, conserve and enhance coastal zone values, particularly in areas of landscape, biodiversity and ecosystem integrity, indigenous and cultural significance.

To inform the Local Planning Strategy, Council endorsed the CHRMAP at the October 2017 Ordinary Meeting of Council.

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A technical analysis and computer modeling was undertaken to determine the likelihood of threats to local assets, with 37 recommendations included in the CHRMAP. These recommendations include proposed new and modifications to existing Scheme provisions, restrictions for further development in some areas, relocation of some Shire assets, maintenance of coastal protection infrastructure (the sea wall), and further monitoring and review. To address some of the matters associated with coastal planning and expected sea level rise WALGA seek the Shire's financial support to enable WALGA to engage a legal firm to provide qualified advice and opinion.

Comment

WALGA, LGIS and a number of local government dealing with coastal hazard planning responsibilities in Western Australia have formed the Local Government Coastal Hazard Risk Management and Adaptation Planning forum.

A number of questions were raised, mostly of a legal nature, as a result of an Issues Paper prepared the CHRMAP Forum. Resultant, a request for quotes process was undertaken in an effort to obtain legal advice. McLeods Barristers and Solicitors was the successful firm with the total budget being \$45,000 (plus GST), which includes a contingency. It is expected that the outputs from this work will be valuable references and resources for local governments in their planning and decision making related to the coast or estuarine lands.

WALGA is seeking a contribution from each local government with coastal and/or estuarine lands. The proposed funding model is an equal contribution model. Sixty one (61) local governments have been identified as potentially having an interest in this work, therefore the more local governments that contribute, the less the individual contribution required. For example, if 15 local governments contribute, it would be \$3000 each, if 30 local governments contribute, it will be \$1500 each.

WALGA will administer the funds as WALGA has experience in administering similar projects. It is envisioned that the project will take between four to six months to complete, commencing in May 2020.

Local governments who financially contribute will either have access to the qualified advice and opinion, or some general advice in the form of guidance from WALGA.

A financial contribution means that contributors agree not to share the qualified advice and opinion or any general advice in the form of guidance from WALGA with external parties or non-contributors.

Consultation

Executive Management Team

Statutory Environment

Planning and Development Act 2005

Town Planning Scheme No. 7

Financial Implications

GL CE060 – Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) has an allocation of \$40,000 in the 2019/20 budget.

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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 02	Economic Prosperity
Objective 1	Strong local economies
Objective 2	Enduring partnerships with industry and government
Goal 03	Unique Heritage and Environment
Objective 1	Flourishing natural environments
Objective 2	Leading regional sustainability
Goal 04	Quality Services and Infrastructure
Objective 1	Quality public infrastructure
Objective 2	Accessible and safe towns
Objective 3	Well-planned towns
Goal 05	Inspiring Governance
Objective 1	Effective planning for the future
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", can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

The legal advice may have implications on the Local Planning Policies.

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to the Coastal Hazard Planning – Funding Request, Council:

1. Authorise a payment up to \$3,000 to WALGA to contribute to McLeods Barristers and Solicitors' legal fees associated with advice pertaining to coastal hazard planning.

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14. COMMUNITY SERVICES REPORTS

**14.1 BUDGET AMENDMENT REQUEST – 25TH ANNIVERSARY
PANNAWONICA ROBE RIVER RODEO**

FILE REFERENCE:	CS16.1
AUTHOR'S NAME AND POSITION:	Kellie Bartley Director Community Services
AUTHORISING OFFICER AND POSITION:	Paul Sheedy Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	21 February 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 14.2 (Minute No.681/2019) – Ordinary Meeting of Council 19 November 2019.

Summary

The Robe River Pannawonica Rodeo Committee is seeking the additional \$25,000 support from the Shire for the 25th Anniversary Rodeo in September 2020 to be paid in the 2019/20 budget considerations.

Background

2020 is the Silver Anniversary of the Robe River Pannawonica Rodeo which is a community driven event, run by volunteers for the community of Pannawonica and visiting tourists for 25 consecutive years.

Formal financial support has been supported by Council through the Signature Events funding process since its inception.

Comment

Robe River Pannawonica Rodeo Committee (RRPRC) presented to Council for consideration in November 2019 a request for additional support for \$25,000. The recommendation was supported by Council however for the 2020/21 financial year and in line with the annual budget process.

The RRPRC has requested for the funds to be available in the 2019/20 financial year (**CONFIDENTIAL ATTACHMENT 14.1A**) and to be available for the purpose of the event now. The RRPRC has been successful in obtaining a CSRFF grant to assist in upgrading the existing fencing due to the implementation of new standards to ensure the safety of spectators, riders, horses and livestock, in line with recommendations and guidelines provided by the Australian Bushman Camp draft & Rodeo Association and the National Consultative Committee of Animal Welfare.

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Since 2015 the Robe River Rodeo and Camp Draft Facility has commenced upgrades to the area the committee is in its final stages of this upgrade that is due to be completed by June 2020 as per the grant funding agreement.

It must also be noted that the toilet and ablution facilities will also require consideration in this process due to the large number of spectators to this event. It is the Officer's Recommendation that Council support the \$25,000 to be made available to the committee in the current 2019/20 financial year.

ATTACHMENT 14.1B

Consultation

Executive Management Team
Community Service Officers
Robe River Pannawonica Rodeo Committee

Statutory Environment

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

A budget provision of \$10,000 has been allocated to EV802 (Pannawonica Rodeo) in the 2019/20 budget. A variation to increase expenditure account - job number EV802 to \$35,000 and decrease expenditure account 10922710 \$25,000.

Strategic Implications

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

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

Risk Management

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

Policy Implications

REC08 Community Donations, Grants and Funding Policy makes provision for Council imitating donations.

Voting Requirement

Absolute Majority Required

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Officers Recommendation

That with respect to Budget Amendment Request - 25th Anniversary Pannawonica Robe River Rodeo, Council:

1. Approve the budget variation to the 2019/20 Budget as outlined below:
 - a. Increase Expenditure Account Job Number EV802 (Pannawonica Rodeo) by \$25,000 from \$10,000 to \$35,000; and
 - b. Decrease Expenditure Account GL 10922710 Projects to be identified by \$25,000 from \$55,275 to \$30,275.
2. Agree to provide the \$25,000 to the Robe River Pannawonica Rodeo Committee in the 2019/20 financial year.

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**14.2 SUPPORT REQUEST FROM THE NAMELESS JARNDUNMUNHA FESTIVAL
2020**

FILE REFERENCE:	CS16.1
AUTHOR'S NAME AND POSITION:	Sarah Johnston Strategic Partnership Manager
AUTHORISING OFFICER AND POSITION:	Kellie Bartley Director Community Services
NAME OF APPLICANT/ RESPONDENT:	Lyndon Rolton Nameless Jarndunmunha Festival President
DATE REPORT WRITTEN:	24 February 2020
DISCLOSURE OF FINANCIAL INTEREST:	The author has an indirect financial interest for this item due to her husband being employed by Rio Tinto. The authorising officer has no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 14.2 (Minute No. 594/2019) – Ordinary Meeting of Council 18 June 2019

Summary

The Nameless Jarndunmunha Festival Committee is seeking an additional \$20,000 support from the Shire for the 2020 festival in August 2020.

Background

Formal financial and in-kind support through the Community Infrastructure and Services Partnership (CISP) has been provided for the Nameless Jarndunmunha Festival (the Festival) since the inception of the first partnership in 2012. The sponsorship support provided through the CISP is a combination of cash and in-kind support. Prior to 2012, the Shire support for the festival was done on an informal basis.

Comment

The committee of volunteers are undertaking fundraising and have begun to seek additional sponsorship in the lead up to the Festival. The additional funding is being sought to cover the increased overall festival costs including flights, insurances, entertainers and security requirements for both the Ball and the Festival. In addition to the increased costs the Committee hopes to secure the services of a ten piece themed band to support the Ball. The forecasted costs associated to the production of the Festival can be seen in the attached confidential budget.

**ATTACHMENT 14.2A
CONFIDENTIAL ATTACHMENT 14.2B**

In addition to the costs outlined in the letter received by the Festival Committee, informal discussion has occurred with the President around the engagement of Professional Event Management Services to assist the Committee and reduce the volunteer fatigue encountered by Committee Members and volunteers.

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Shire Officers have had discussions with both Lotterywest and Mondium around potential sponsorship of the festival and have offered support to the President in preparing a grant submission for the potential funding.

Consultation

Executive Management Team
Manager Finance and Administration Services
Community Services Officers
Rio Tinto Community Engagement Team

Statutory Environment

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

There is a current budget provision in GL EV009 of \$150,000 of which \$72,566.10 of costs have been incurred. The annual \$150,000 contribution is made up of \$75,000 Shire funding and \$75,000 Rio funding.

In addition to the financial contribution made by Rio Tinto through the CISP, Rio Tinto directly support the Festival with in-kind support, with an estimated value of \$54,000.

At the time of the agenda item being prepared, Rio Tinto Officers had been provided a copy of the sponsorship request and no formal response had been received in regard to any additional financial contribution.

Strategic Implications

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

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

Risk Management

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

Voting Requirement

Absolute Majority Required

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Officers Recommendation

That with respect to the Support Request from the Nameless Jarndunmunha Festival 2020, Council:

1. Approve the budget variations for the 2019/20 budget as outlined below:
 - a. Decrease Expenditure Job number EV03 Christmas Lights Competition – Eastern by \$6,500 from \$14,000 to \$7,500;
 - b. Decrease Expenditure Job Number EV02 Openings and Shire Entertainment/Activity Contribution by \$13,500 from \$42,000 to \$28,500; and
 - c. Increase Expenditure Account Job Number EV009 Nameless Festival by \$20,000 from \$150,000 to \$170,000.

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**14.3 TOM PRICE STEELERS (RLFC) – IN-KIND FUNDING TO HOST 2020
NORTH WEST RUGBY LEAGUE CHAMPIONSHIPS IN TOM PRICE**

FILE REFERENCE:	GS02
AUTHOR'S NAME AND POSITION:	Alana Hellbusch Club Development Officer
AUTHORISING OFFICER AND POSITION:	Kellie Bartley Director Community Services
NAME OF APPLICANT/ RESPONDENT:	Tom Price Steelers Rugby League Club
DATE REPORT WRITTEN:	14 February 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 Tom Price Steelers Rugby League Team have been granted the opportunity to host the 2020 Northwest Championship, in Tom Price, on the weekend commencing Friday 3 July 2020.

Tom Price Steelers Rugby Team are requesting in-kind support in the form of fees and charges attributed to hiring of Shire facilities, for the competition including entry fees and various facilities hire, equipment hire and waste management.

Background

The Northwest Championships is an annual competition where clubs from Port Hedland, Karratha, Broome, Kununurra, Wickham, Paraburdoo, Tom Price and Newman are invited to compete on a team basis. 3 teams from each township competes in 3 different age categories, for the title of North West Rugby League Champions.

The annual competition has a proud history across the Pilbara/Kimberley region and brings great benefit to the community and local economy. Accommodation facilities in Tom Price have begun receiving bookings for the weekend.

Tom Price Steelers formed in July 2019 and has become the fastest growing sporting team across the Pilbara and Kimberley region, of any sport. Tom Price Steelers have a register of approximately 60 players that continues to grow and a team of dedicated coaching staff and committee who work tirelessly to ensure the prosperity and longevity of Rugby League in Tom Price.

Tom Price has never hosted this event, as Rugby League has only just made a comeback to the region. However, given the momentum and growth they have experienced as a newly formed Rugby League Club in such a short period time, NRL WA want to leverage off the back of their growth, by allowing the opportunity to host this event in the town of Tom Price.

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Comment

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

Rugby League has not been played in Tom Price for several years, however the formation of the Tom Price Steelers in 2019 has shown the level of commitment from the residents of Tom Price. The Committee has had some minor setbacks in 2019 however the club has a strong competition and gaining interest. Enabling the Tom Price Steelers to be able to hold Northwest Championship scheduled for July 2020.

The competition is expected to have in excess of 300 competitors ranging from ages between 11-50 years. In addition to the competitors, 54 coaches, sports trainers and league safe staff will be in attendance. NRL WA will be supplying 8 officials who will be travelling from Perth to officiate the event. It is anticipated that approximately 400 spectators will be present over the weekend period.

ATTACHMENT 14.3A

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

ATTACHMENT 14.3B

Oval/canteen & lighting hire

Clem Thompson Memorial Oval and Sports Pavilion

- Clem Thompson Memorial Oval – 2pm – 10 pm (July 3rd) 7am – 10pm (July 4th + 5th)
- Clem Training Field – 7am – 10pm (July 4th and 5th)
- Clem Thompson Memorial Sports Pavilion (Top Floor) – 2pm – 10pm (July 3rd) 7am to 10pm (July 4th – 5th)
- Clem Thompson Memorial Sports Pavilion (Ground Floor) – 2pm – 10pm (July 3rd) 7am to 10pm (July 4th – 5th)

Minna Grounds

- Minna Oval, Area W – 7am – 6pm (July 4th and 5th)
- Minna Canteen

Team and Visitor Accommodation

- Minimum of a 50% discount on hiring of Venues for the duration of 3rd July - 6th July 2020
- Including showers, toilets & canteens
- Provision of advice on how to establish an overflow camp site (the committee is currently in discussions with the Tom Price Drive In Committee for the use of their facility for the weekend) for those travelling families and spectators with a caravan, camper or a tent.

Note: All existing paid accommodation and overflow throughout the townsite of Tom Price will be required to be exhausted in the first instance.

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General Support

- 5 additional 240 litre bins
- 2 additional 1100m³ bins, at each field
- Emptying of bins during selected times of the event
- PA System
- Tables
- Chairs
- Marquees

Consultation

Executive Management Team
Relevant officers Property & Development Services
Club Development Officers
Rugby WA
Department of Local Government, Sport & Cultural Industries – Pilbara Branch
Rio Tinto Community Engagement Team

Statutory Environment

Local Government Act 1995

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —*
- the*
- (a) when adopting the annual budget, grant* a discount or other incentive for early payment of any amount of money; or*
 - (b) waive or grant concessions in relation to any amount of money; or*
 - (c) write off any amount of money, which is owed to the local government.*

** Absolute majority required.*

Financial Implications

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

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Description	Quantity	Times	Sub-Total	Total
Venues for Sports Hire				
Clem Thompson Memorial Oval	\$4 per hour x 38hrs	1 x 2-10pm, 2 x 7am - 10pm	\$ 152.00	
Clem Thompson Memorial Oval Lighting	\$31 per hour x 12 hrs	3 x 6 - 10pm	\$ 372.00	
Clem Thompson Ground Floor	\$7 per hour x 38 hrs	1 x 2-10pm, 2 x 7am - 10pm	\$ 266.00	
Clem Thompson Top Floor Function Area - Day Rate	\$203 x 3 days	Day Rate -1 x 2pm - 6pm, 2 x 7am - 6pm	\$ 609.00	
Clem Thompson Top Floor Function Area - Night Rate	\$22 per hour x 12	Night Rate 6pm - 10pm x 3	\$ 264.00	
Minna Oval	\$4 per hour x 22 hrs	2 x 7am - 6pm	\$ 88.00	
Minna Canteen	\$86 per day x 2 days	2 x 7am - 6pm	\$ 172.00	
Oval - Training Field	\$4 per hour x 30 hours	2 x 7am - 10pm	\$ 120.00	
Oval - Training Field Lighting	\$11.50 per hour x 8hrs	2 x 6pm - 10pm	\$ 92.00	\$ 2,135.00
Waste				
240 Litre Bins (Additional)	\$25 x 5 bins	Serviced each day	\$ 125.00	
240 Litre Bins (Additional Empties)	\$35 x 15 empties	on 5 bins only	\$ 525.00	
1100 m3 bins with extra empty	\$125 per bin x 2		\$ 250.00	
1100 m3 bins with additional empties	\$175 per bin x 2 days		\$ 700.00	\$ 1,600.00
Equipment Hire				
PA System	\$100 per day	3 days	\$ 300.00	
Tables	\$3 per table per day x 15		\$ 135.00	
Chairs	\$2 per chair per day x 20		\$ 120.00	\$ 555.00
Venues for Accommodation				
Civic Centre Area W - day rate *	\$192 x 3 days	Maximum of 50 Persons as per advice from Health Department Team	\$ 576.00	\$ 288.00
Civic Centre Area W - night rate *	\$160 x 2 days		\$ 320.00	\$ 160.00
Tom Price Community Recreation Centre - Sports Hall/Gym *	\$203 per day x 3 days		\$ 609.00	\$ 304.50
Tom Price Community Rec Centre - Kitchen *	\$86 per day x 3 days		\$ 258.00	\$ 129.00
* 50% discount requested and applied				
Total			\$ 5,011.50	

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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 2 Sustainable services, clubs, associations and facilities

Goal 02 Economic Prosperity
Objective 2 Strong local economies

Risk Management

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

Policy Implications

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

Voting Requirement

Absolute Majority Required

Officers Recommendation

That with respect to Tom Price Steelers (RLFC) – In Kind Funding to Host 2020 Northwest Rugby League Championships in Tom Price, Council:

1. Authorise the Acting Chief Executive Officer to negotiate the terms of the donation as contained in **ATTACHMENT 14.3B**; and
2. Authorise the Acting Chief Executive Officer to liaise with the Tom Price Steelers with relation to the venues and accommodation requirements to alleviate any overcrowding within these designated facilities.

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15. INFRASTRUCTURE SERVICES REPORTS

15.1 RFT 25.19 FOOTPATH CONSTRUCTION AND RENEWAL PROGRAM

FILE REFERENCE:	CM 25.19
AUTHOR'S NAME AND POSITION:	Douglas Bailey Manager Projects and Assets
AUTHORISING OFFICER AND POSITION:	Alan McColl Acting Director Infrastructure Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	20 February 2020
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in this report.
PREVIOUS MEETING REFERENCE:	Agenda Item 15.1 – Ordinary Meeting of Council 21 September 2017

Summary

A Request for Tender (RFT) 25.19 Footpath Construction and Renewal Program was issued via the WALGA's Preferred Supplier e-tendering portal known as WALGA eQuotes from 12 December 2019 and closed 23 January 2020.

Infrastructure Services requests to engage a suitable contractor for the construction of new, and the removal and replacement of existing concrete footpath, within the Shire of Ashburton's urban areas to complete its annual Footpath Construction and Renewal Program.

Scheduled works will be located at Onslow, Paraburdoo and Tom Price. The Principal intends to engage the successful contractor for a 2-year contract with a possible 1 year extension of the contract.

Background

Renewals

An endorsement of Asset Management Strategy 2017-2021 (AMS) by the Ordinary Meeting of Council held on the 21st September 2017 highlights the importance of footpath condition audits within our overall Asset Inspections and Conditions Assessment.

The AMS ensures a systematic, transparent framework for the cost effective management of the Shire's infrastructure, which will enable assets, such as the footpath network, to continue to provide an acceptable level of service to the Shire's community and visitors alike, whilst enhancing asset management maturity and sustainability into the foreseeable future.

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New Footpaths

Two new footpaths in Onslow, Back Beach Road and the Ocean View Caravan Park, have been approved in the Capex Budget for this financial year and are requested to be completed under this contract.

Comments

The purpose of this request is to accept a two year contract with a further option of an additional one year at the CEO, and ultimately the Councils, discretion.

The contract will provide the Shire with a Schedule of Rates (**ATTACHMENT 15.1B**) to assist the Shire with the prioritisation and implementation of their Construction and Renewal Footpath Plans and deliver on existing CAPEX projects.

Current:

Footpath Renewal Program (Budget – 2019/20 - \$225,000)

2019/20 renewals will be identified from the latest audit report (May 2018) in addition to information received via CARS and ongoing inspections. A list of these Footpaths will be presented to Council in April with all costs based on the adopted Schedule of Rates.

2019/20 renewals will be kept within Budget (\$225,000) and provide for the maximum m² possible across all Shire towns.

New Footpaths (Budget 2019/2020- \$311,556)

The 2019/20 Budget allocation for new footpaths is \$311,556 of which this Price Schedule of Rates (Attachment A) estimates costs of \$277,448 for footpaths on Back Beach Road and the Ocean View Caravan Park (ANZAC Memorial to First Ave), Onslow.

These New Footpaths have been requested and approved as CAPEX expenditure for this year.

Proposed:

It is estimated that utilising this Schedule of Rates (**CONFIDENTIAL ATTACHMENT 15.1B**) over the two years, based on current annual budgets, provides for:

- Approximately 1700m² of Onslow Footpath Construction in 2019/20; and
- Approximately 1,000m² of footpath will be renewed in 2019/20 and 2020/21; plus
- Approximately 800m² of total Shire New Footpath Construction in 2020/21

As this is a multi-year contract, new footpath additions will be requested via the CAPEX requests and approved by Council. Any additional budget approved would add to the overall available m² of new footpaths.

Under this request, the Contractor will take responsibility for the design, production, supply and construction of concrete footpath as part of the Shire of Ashburton's annual Footpath Construction and Renewal Program. The works required to be executed under this Contract include but are not limited to:

- Design of concrete mix;
- Site Traffic management;
- Removal and disposal of existing footpath;
- Supply and delivery of all materials;
- Construction of new concrete footpath; and
- Clean-up.

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Future:

Footpath Renewals

It is the intention to complete a further 7 Year Footpath Renewal Program 2020-27 to compliment the current Strategic Community Plan 2017-2027 in conjunction with the up-coming revised Asset Management Strategy 2022-2027.

This Footpath Renewal Program will be presented to Council upon the finalisation of the footpath condition audit due for completion in May 2020. This review shall identify a full scope of renewal works based on current conditioning and utilising the Asset Management Strategy principles for 2020/21 onwards.

New Footpaths

Further New Footpaths submissions will be recommended to Council via the CAPEX Request process for 2020/21 and/or presented to Council for approval. Cost estimates will be provided utilising the proposed Schedule of Rates (**ATTACHMENT 15.1A**).

Consideration will also be placed on the Pilbara Region Cycle Plan, with a proposed, and cost achievable, Dual Use Footpath Cycle Plan for all Shire towns prepared for Council consideration in 2020/21.

Selection Criteria

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

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

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

The evaluation and recommendation report, including the overall evaluation scores and rankings, is attached.

CONFIDENTIAL ATTACHMENT 15.1A

Consultation Assessment

Executive Management Team
Acting Operations Manager
Manager Projects and Assets
Senior Procurement Officer
Financial Support Officer

Statutory Environment

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

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

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

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

Local Government (Functions and General) Regulations 1996

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

Financial Implications

The budgeted provision for all the works in 2019/20 is \$311,556 for New Footpaths and \$225,000 for Footpath Renewals.

This budget provision is sufficient to meet the scope of works included in the contract up to approximately 1700 square metres of new footpaths in Onslow and 1000 square metres of replacement footpaths.

The 2019/20 Budget allocation for new footpaths is \$311,556 of which this price schedule estimates costs of \$277,448 (Ex GST) for footpaths on Back Beach Road and the Ocean View Caravan Park (ANZAC Memorial to First Ave), Onslow.

Utilising the adopted Schedule of Rates we shall prioritise and propose the Footpath Renewals to Council within the 2019/20 Budget of \$225,000 gaining the maximum m² possible in April.

Strategic Implications

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

Goal 04 Quality Services and Infrastructure
Objective 1 Quality public infrastructure

Risk Management

This item has been evaluated against the Shire of Ashburton’s Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be ‘Moderate’ (consequences ‘moderate’, likelihood ‘possible’). This level of risk is being driven by the possibility of significant flood events occurring that may interrupt and/or stop the works. To reduce the possibility of such an event occurring the works will be undertaken outside of the wet season.

Policy Implications

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

Policy ENG09 Asset Management Policy. This policy has been developed to support effective asset management ensuring that all Infrastructure assets are well planned and delivered to the expectations of the community now and into the future.

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Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to RFT 25.19 Footpath Construction and Renewal Program, Council:

1. Resolve that Report **CONFIDENTIAL ATTACHMENT 15.1A** 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 25.19 Footpath Construction and Renewal Program to Dowsing Pty Ltd for a total term of two years, with the option to extend for an additional one year, and adopt the Schedule of Rates provided in the RFT submission under contract as provided in **CONFIDENTIAL ATTACHMENT 15.1A**;
3. Authorise the Acting Chief Executive Officer to enter into a contract with the preferred contractors;
4. Authorise the Acting Chief Executive Officer to manage the contract, including the provision of possible variations, providing the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract and managed within the overall budget for the project.

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15.2 RFT 01.20 ASHBURTON IRRIGATION WORKS

FILE REFERENCE:	CM01.20
AUTHOR'S NAME AND POSITION:	Tracey Rogers Acting Technical Officer
AUTHORISING OFFICER AND POSITION:	Alan McColl Acting Director Infrastructure Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	19 February 2020
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in this report.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

A Request for Tender (RFT) 01.20 Ashburton Irrigation Works was issued via the WALGA Preferred Supplier Panel known as WALGA eQuotes from Thursday 19 December 2019.

One conforming tender was received in response to the RFT 01.20. The evaluation panel has completed its assessments of the submissions and makes its recommendation.

Council is requested to authorise the engagement of a suitable contractor on an ongoing basis to carry out the requirements of this request.

Background

The Shire of Ashburton aims to increase the tree canopy coverage of the town centers to reduce the urban heat island effect, provide more shade to encourage more walking, improve amenity, increase habitat for local fauna and provide ecosystem services.

The Greening Ashburton plan acknowledges that the current irrigation systems do not have the capability to support new plantings so new systems will need to be installed to advance the plan further.

Comments

Our intent was to engage the services of a qualified and experienced irrigation contractor to assist us to deliver a standardised level and quality of irrigation throughout all three towns. It was imperative that the successful supplier is able to service all locations as well as having previous experience completing works in our challenging environment.

By standardising the systems and fittings that are installed it will allow for better coverage by maintenance teams, reduction in reticulation stock needing to be held and easier diagnosis and troubleshooting. Through the implementation of an ongoing contract we envisage that the Shire will also benefit from prompt technical support.

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The term of this contact will be initially for two years with an option of one year extension dependent on contractor performance.

Selection Criteria

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

Criteria	Weighting
Relevant Experience	10%
Key Personnel	10%
Past Company Performance	10%
Resources, Plant, Equipment & Material	10%
Methodology/Quality and OHS Systems/Life Cycle/Risk Management	20%
Price	40%

Only tenders that meet the initial compliance criteria are deemed compliant for assessment against the selection criteria and value for money. The evaluation and recommendation report, including the overall evaluation scores and rankings, is attached as a confidential item

CONFIDENTIAL ATTACHMENT 15.2

Consultation

Executive Management Team
Town Maintenance Coordinator Tom Price
Town Maintenance Coordinator Onslow
Town Maintenance Coordinator Paraburdoo
Tree Maintenance Coordinator Tom Price
Senior Procurement Officer
Acting Technical Officer Tom Price

Statutory Environment

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

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

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

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

Local Government (Functions and General) Regulations 1996

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

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Financial Implications

The budgeted provision for Greening Ashburton is \$250,000.00 for the 2019/2020 financial year. This budget provision includes the works that are the subject of this report.

Strategic Implications

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

Goal 03 Unique Heritage and environments
Objective 1 Flourishing natural environments

Goal 03 Unique Heritage and Environments
Objective 2 Leading regional sustainability

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk from the Risk Matrix is "Minor (3)" considering the potential impacts to natural environment and project items, time and cost. As the Risk Acceptance is "Minor", the Director Infrastructure Services will monitor progress of this item.

Policy Implications

Policy FIN12 Purchasing Policy

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

Policy ENG01 Street Lawns and Gardens

This Policy outlines how the guidelines that the Shire of Ashburton will follow regarding the installation and maintenance of the street road reserve lawns and gardens.

Voting Requirement

Simple Majority Required

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Officers Recommendation

That with respect to RFT 01.20 Ashburton Irrigation Works, Council:

1. Resolve that Report **CONFIDENTIAL ATTACHMENT 15.2** 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. Accept the most advantageous tender, being that submitted by Western Irrigation Pty Ltd to form a contract for Tender RFT 01.20 Ashburton Irrigation Works. The contract will be for:
 - a) a period of two (2) years,
 - b) estimated to commence on 23 March 2020,
 - c) with an optional contract extension of one (1) year,
 - d) in accordance with the Schedule of Rates detailed in **CONFIDENTIAL ATTACHMENT 15.2** Evaluation Report and other contractual arrangements.
3. Delegate, by Absolute Majority, in accordance with section 5.42 of the *Local Government Act 1995*, authority to the Acting Chief Executive Officer to negotiate in regard to the contract for Tender RFT 01.20 Ashburton Irrigation Works; and
4. Authorise the Acting Chief Executive Officer, in accordance with section 9.49A (4) of the *Local Government Act 1995*, to execute the contract for Tender RFT 01.20 Ashburton Irrigation Works.

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15.3 RFT 02.20 MOTOR GRADER CCF CLASS 15

FILE REFERENCE:	CM02.20
AUTHOR'S NAME AND POSITION:	Mark Reid Fleet Manager
NAME OF APPLICANT/RESPONDENT:	Alan McColl Acting Director Infrastructure Services
DATE REPORT WRITTEN:	18 February 2020
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal
PREVIOUS MEETING REFERENCE:	Not Applicable

A Request for Tender (RFT) 02.20 Supply and Delivery of One (1) Grader CCF CLASS15 was issued via the WALGA Preferred Supplier Panel known as WALGA eQuotes from Thursday 23 January 2020 closing 2pm Wednesday 12 February 2020.

Seven conforming tender was received in response to the RFT 02.20. The evaluation panel has completed its assessments of the submissions and makes its recommendation.

Council is requested to authorise the engagement of a suitable contractor to Supply and Deliver a Motor Grader CCF CLASS 15.

Background

The Grader due for Replacement PMG03 is a John Deere 672GP purchased in 2011. This machine has completed approximately 10,000 Engine Hours. It is programmed for replacement in 19/20 as part of the fleet replacement program which is 7 years or 10,000 Engine hours for heavy plant.

For information purposes CCF CLASS 15 means – Operating weight of 15 to 20 Tonnes.

This current Motor Grader specifications CCF CLASS 15 has met the Shire's requirements. The Shire purchased an additional grader of the same specification in 2013 to supplement the Rural Roads Maintenance Program. This machine PM04 a Komatsu GD655-5 is also approaching 10,000 Engine Hours and is programmed for replacement in 20/21.

Comment

The Motor Grader was programmed for replacement in 2019/20 as part of the fleet replacement program. Tenders (RFT 02.20) were called (through the WALGA Preferred Supplier panel) on Thursday 23/02/2020 and closed on Wednesday 12/02/2020. It is proposed to purchase a new Class CCF 15 Motor Grader from a dealership. Seven compliant tenders were received. The Tenders are summarised in below.

The existing item of plant will be disposed of via public auction in accordance with the LG act Section 30 (3) (b) reference to section 3.58(2) (a) & (b)

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Selection Criteria

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

Criteria	Weighting
Experience	20%
Resources	20%
Operator and mechanical Assessment	20%
Price	40%

Only tenders that meet the initial compliance criteria are deemed compliant for assessment against the selection criteria and value for money. The evaluation and recommendation report, including the overall evaluation scores and rankings, is attached as a confidential item.

CONFIDENTIAL ATTACHMENT 15.3

Consultation

Executive Management Team
Fleet Manager
Senior Procurement Officer
Health & Safety Advisor
Road Crew Leading Hand
Road Maintenance Officer – Grader Driver

Statutory Environment

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

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

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

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

Local Government (Functions and General) Regulations 1996

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

Financial Implications

The budgeted provision for Purchase of Motor Grader \$400,000 for the 2019/2020 financial year. This budget provision includes the works that are the subject of this report.

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Strategic Implications

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

Goal 03 Unique Heritage and Environments
Objective 1 Flourishing natural environments

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk from the Risk Matrix is "Minor (3)" considering the potential impacts to natural environment and project items, time and cost. As the Risk Acceptance is "Minor", the Director Infrastructure Services will monitor progress of this item.

Policy Implications

Policy FIN12 Purchasing Policy

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

Voting Requirement

Simple Majority Required

Officers Recommendation

That with respect to RFT 02.20 Motor Grader CCF CLASS 15, Council:

1. Resolve that Report **CONFIDENTIAL ATTACHMENT 15.3** 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 02.20 Request to Purchase Motor Grader CCF Class 15 to Komatsu Australia for the amount of \$393,068 (Ex GST);
3. Authorise the Acting Chief Executive Officer to enter into a contract with the preferred contractors; and
4. Authorise the Acting Chief Executive Officer to manage the contract, including the provision of possible variations, providing the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract and managed within the overall budget for the project.

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- 16. COUNCILLOR AGENDA ITEMS / NOTICES OF MOTIONS**
- 17. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**
- 18. CONFIDENTIAL MATTERS**

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

- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
 - (a) a matter affecting an employee or employees; and*
 - (b) the personal affairs of any person; and*
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (e) a matter that if disclosed, would reveal —*
 - (i) a trade secret; or*
 - (ii) information that has a commercial value to a person; or*
 - (iii) information about the business, professional, commercial or financial affairs of a person,*
where the trade secret or information is held by, or is about, a person other than the local government; and
 - (f) a matter that if disclosed, could be reasonably expected to —*
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
 - (ii) endanger the security of the local government’s property; or*
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
and
 - (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
 - (h) such other matters as may be prescribed.*

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18.1 CONFIDENTIAL ITEM - ONSLOW AIRPORT TERMINAL KIOSK

FILE REFERENCE:	TT06.21
AUTHOR'S NAME AND POSITION:	Janelle Fell Manager Land and Asset Compliance
AUTHORISING OFFICER AND POSITION:	Brian Cameron Director Property and Development Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	21 February 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 16.1 (Agenda Item 11952) Ordinary Meeting of Council 20 May 2015

Officers Recommendation

That with respect to the Confidential Item - Onslow Airport Terminal Kiosk, Council

1. Endorse operation of the kiosk by Shire of Ashburton Staff should Beadon Bay Bistro be amendable to forgoing the third and final term (1 July 2020 to 30 June 2021) of the Lease.

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18.2 CONFIDENTIAL ITEM - REQUEST FROM MACKEREL ISLANDS PTY LTD TO EXTEND DEVELOPMENT APPROVAL FOR USE OF TOURIST ACCOMMODATION FOR WORKFORCE ACCOMMODATION

At the Ordinary Meeting of Council 11 February 2020, this matter was laid on the table.

Officers Recommendation

That Agenda Item:

18.2 CONFIDENTIAL ITEM - REQUEST FROM MACKEREL ISLANDS PTY LTD TO EXTEND DEVELOPMENT APPROVAL FOR USE OF TOURIST ACCOMMODATION FOR WORKFORCE ACCOMMODATION"

be raised from the table.

FILE REFERENCE:	LP20
AUTHOR'S NAME AND POSITION:	Andrew Davis Principal Town Planner
AUTHORISING OFFICER AND POSITION:	Brian Cameron Director Property and Development Services
NAME OF APPLICANT/RESPONDENT:	Mackerel Islands Pty Ltd (Drew Norrish)
DATE REPORT WRITTEN:	25 February 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 18.4 (Minute No. 756/2020) Ordinary Meeting of Council 11 February 2020

REASON FOR CONFIDENTIALITY

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

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

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Officer Recommendation

That with respect to the Confidential Item - Request from Mackerel Islands Pty. Ltd.to Extend Development Approval for Use of Tourist Accommodation for Workforce Accommodation, Council:

1. With regard to Planning Approval 20120510, authorise the Acting Chief Executive Officer to extend the planning approval to expire on 31 December 2024;
2. With regard to Planning Approval 20120510, modifies condition 1 to read:

Condition 1. This Planning Approval expires on 31 December 2024;
3. Advise the Department of Planning, Land and Heritage of its decision; and
4. Request the Shire President and Acting Chief Executive Officer to continue to liaise with the Minister for Planning, Lands and Heritage to ensure Council's concerns regarding the ongoing impact created by the use of the Mackerel Island resort for workforce accommodation on the desirability of Onslow as a tourist destination and the subsequent effect on the local economy.

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18.3 CONFIDENTIAL ITEM – APPOINTMENT OF CHIEF EXECUTIVE OFFICER

FILE REFERENCE:	PE23
AUTHOR'S NAME AND POSITION:	Paul Sheedy Acting Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Paul Sheedy Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	John Phillips Consulting
DATE REPORT WRITTEN:	4 March 2020
DISCLOSURE OF FINANCIAL INTEREST:	The author has no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 18.4 (Minute No. 707/2019) – Ordinary Meeting of Council 17 December 2019 Agenda Item 11.4 (Minute No. 740/2020) – Ordinary Meeting of Council 11 February 2020

REASON FOR CONFIDENTIALITY

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

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

Officers Recommendation

That in respect to the Confidential Item – Appointment of Chief Executive Officer, Council:

NOTE Recommendation will be provided once received by consultant.

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19. NEXT MEETING

The next Ordinary Meeting of Council will be held on 14 April 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 ____ pm.