

Ordinary Meeting of Council

Paraburdoo



CONFIRMED PUBLIC MINUTES

10 November 2020

Paraburdoo Sports, Fitness and
Community Complex (CHUB)
Saints Function Room
Fortescue Place
Paraburdoo
1.00pm



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

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
CONFIRMED PUBLIC MINUTES**

**Paraburdoo Sports, Fitness and Community
Complex (CHUB), Saints Function Room,
Fortescue Place
Paraburdoo
10 November 2020
1.00 pm**

UNCONFIRMED PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL
10 November 2020

SHIRE OF ASHBURTON

ORDINARY MEETING OF COUNCIL

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



Mr Kenn Donohoe
Chief Executive Officer

Date: 11.11.2020

These minutes were confirmed by Council as a true and correct record of proceedings of the Ordinary Meeting of Council on the 10 November 2020.

Presiding Member: K. M. White

Date: 11/12/2020

DISCLAIMER

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

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1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 1.00pm.

1.1 ACKNOWLEDGEMENT OF COUNTRY

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

2. ANNOUNCEMENT OF VISITORS

The Presiding Member welcomed Ms B Boatwright from the Paraburdoo Amateur Swimming Club to the public gallery.

3. ATTENDANCE

3.1 PRESENT

Elected Members:	Cr K White Cr D Diver Cr L Rumble Cr D Dias Cr P Foster Cr J Richardson Cr R de Pledge Cr M Gallanagh	Shire President (Presiding Member) Onslow Ward Deputy Shire President, Tom Price Ward Paraburdoo Ward Paraburdoo Ward Tom Price Ward Tablelands Ward Ashburton Ward Pannawonica Ward
Staff:	Mr K Donohoe Mr J Bingham Mrs C McGurk Mr A Sheridan Mr A Majid Ms T O'Neil	Chief Executive Officer Director Corporate Services Acting Director Projects and Procurement Acting Director Infrastructure Director Development Services Acting Council Liaison Officer
Guests:	Ms B Boatwright	Paraburdoo Amateur Swimming Club
Members of Public:	There was 1 member of the public in attendance, and 3 staff members in attendance at the commencement of the meeting.	
Members of Media:	There were 0 members of the media in attendance at the commencement of the meeting.	

3.2 APOLOGIES

There were no apologies for this meeting.

3.3 APPROVED LEAVE OF ABSENCE

Cr M Lynch has an approved Leave of Absence for the Ordinary Meeting of Council on 10 November 2020.

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

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

4.2.2 Name: Reuben Taniora
Address: PARABURDOO
Question: The Paraburdoo Amateur Swimming Club currently have a Lease agreement with the SOA comprising Lot 555, Deposited Plan 411246 for a storage unit located at the Community CHUB. Recently the SOA installed a gate and lock, restricting all vehicle access to the Community CHUB storage units. We would like to know if there is a possibility the Swim Club could obtain a separate key under the current lease arrangement to gain vehicle access to the storage unit, without having to obtain the key from the SOA Facilities Department or the current Pool Staff during office hours?

RESPONSE:

The Shire President thanked the questioner and advised that a response will be provided administratively by the Chief Executive Officer which will include questions in relation to lease costs, costs of installing the donga, club's financial position, payment of utilities, equipping furniture and other chattels, insurance and community consultation.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Council Decision

MINUTE: 181/2020

MOVED: Cr M Gallanagh

SECONDED: Cr L Rumble

That Council approve the application for Approved Leave of Absence for Cr Dias between the dates of 04 December 2020 through to 14 December 2020.

CARRIED 8/0

6. DECLARATION BY MEMBERS

6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

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

6.2 DECLARATIONS OF INTEREST Councillors to Note

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

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

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

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

NOTES ON DECLARING INTERESTS (FOR YOUR GUIDANCE)

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

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

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

- 6.2 Where the Minister allows the Councillor to participate under s.5.69 (3) of the *Local Government Act 1995*, with or without conditions.

Declarations of Interest provided:

Item Number/ Name	Type of Interest	Nature/Extent of Interest
11.3 ACCEPTANCE OF GRANT FUNDING – BHP ‘VITAL RESOURCES FUND’		
Cr Dias	Financial	pursuant to Section 5.60A of the Local Government Act 1995. The nature being <i>“My wife and I both own shares in BHP Ltd.”</i> The extent being <i>“Direct Financial”</i>
Cr de Pledge	Financial	<i>“I hold shares totalling over \$10,000 with BHP.”</i> The extent being <i>“Direct Financial”</i>
Shire President White	Financial	<i>“I hold shares totalling over \$10,000 with BHP.”</i> The extent being <i>“Direct Financial”</i>

Item Number/ Name	Type of Interest	Nature/Extent of Interest
15.3 ONSLOW SEAWALL/FORESHORE STABILISATION PROJECT’		
K Donohoe	Proximity	<i>“The rental property provided to me as a place of residence by the Shire of Ashburton in First Avenue, Onslow has a direct proximity to the Foreshore Reserve”</i>

Item Number/ Name	Type of Interest	Nature/Extent of Interest
12.2 MINING ACT 1968 TENEMENT REFERRALS 1 – 27 OCTOBER 2020		
Cr Diver	Indirect Financial	pursuant to Section 5.61 of the <i>Local Government Act 1995</i> . The nature being <i>“I am employed by Rio Tinto”</i> . The extent being <i>“I receive a salary, I also receive subsidised utilities (water / power) and rent as part of my salary package.”</i>
Cr Foster	Indirect Financial	pursuant to <i>Section 5.61 of the Local Government Act 1995</i> . The nature being <i>“Indirect Financial.”</i> The extent being <i>“My partner is employed by Rio Tinto, owns over \$10k in shares and as a family we live in a Rio Tinto owned property paying subsidised rent and utilities”</i>
Cr Rumble	Financial	pursuant to <i>Section 5.60A of the Local Government Act 1995</i> . The nature being <i>“I am a Shareholder with Rio Tinto”</i> . The extent being <i>“I have Shares in value greater than \$10,000”</i>

Cr Gallanagh	Financial	pursuant to <i>Section 5.60A of the Local Government Act 1995</i> . The nature being <i>'Myself and my husband are employed by Rio Tinto, have company housing and shares in Rio Tinto.'</i> The extent being <i>'Financial'. We have shares of greater value than \$10,000 in Rio Tinto.'</i>
Cr Dias	Financial	pursuant to <i>Section 5.60A of the Local Government Act 1995</i> . The nature being <i>"My wife is a Pilbara Iron employee and we both own shares in Rio Tinto Ltd individually and collectively. Our primary residence is a house provided by Rio Tinto. We are potential recipients of all the lucrative company benefits / gifts offered to employees and / or shareholders."</i> The extent being <i>"Direct Financial"</i>

Item Number/ Name	Type of Interest	Nature/Extent of Interest
18.2 CONFIDENTIAL RTIO STRATEGIC PARTNERSHIP TERMS OF REFERENCE		
Cr Gallanagh	Financial	pursuant to <i>Section 5.60A of the Local Government Act 1995</i> . The nature being <i>'Myself and my husband are employed by Rio Tinto, have company housing and shares in Rio Tinto.'</i> The extent being <i>'Financial'. We have shares of greater value than \$10,000 in Rio Tinto.'</i>
Cr Dias	Financial	pursuant to <i>Section 5.60A of the Local Government Act 1995</i> . The nature being <i>"My wife is a Pilbara Iron employee and we both own shares in Rio Tinto Ltd individually and collectively. Our primary residence is a house provided by Rio Tinto. We are potential recipients of all the lucrative company benefits / gifts offered to employees and / or shareholders."</i> The extent being <i>"Direct Financial"</i> .
Cr Rumble	Financial	pursuant to <i>Section 5.60A of the Local Government Act 1995</i> . The nature being <i>"I am a Shareholder with Rio Tinto"</i> . The extent being <i>"I have Shares in value greater than \$10,000"</i>
Cr Diver	Indirect Financial	pursuant to <i>Section 5.61 of the Local Government Act 1995</i> . The nature being <i>"I am employed by Rio Tinto"</i> . The extent being <i>"I receive a salary, I also receive"</i>

		<i>subsidised utilities (water / power) and rent as part of my salary package."</i>
Cr Foster	Indirect Financial	<i>pursuant to Section 5.61 of the Local Government Act 1995. The nature being "Indirect Financial." The extent being "My partner is employed by Rio Tinto, owns over \$10k in shares and as a family we live in a Rio Tinto owned property paying subsidised rent and utilities"</i>

Item Number/ Name	Type of Interest	Nature/Extent of Interest
18.4 CONFIDENTIAL REQUEST FOR TENDER 11.20 TOM PRICE CHILDCARE CENTRE SERVICE PROVIDER		
Cr Gallanagh	Financial	<i>pursuant to Section 5.60A of the Local Government Act 1995. The nature being 'Myself and my husband are employed by Rio Tinto, have company housing and shares in Rio Tinto.'" The extent being 'Financial'. We have shares of greater value than \$10,000 in Rio Tinto."</i>
Cr Dias	Financial	<i>pursuant to Section 5.60A of the Local Government Act 1995. The nature being "My wife is a Pilbara Iron employee and we both own shares in Rio Tinto Ltd individually and collectively. Our primary residence is a house provided by Rio Tinto. We are potential recipients of all the lucrative company benefits / gifts offered to employees and / or shareholders." The extent being "Direct Financial".</i>
Cr Rumble	Financial	<i>pursuant to Section 5.60A of the Local Government Act 1995. The nature being "I am a Shareholder with Rio Tinto". The extent being "I have Shares in value greater than \$10,000"</i>
Cr Diver	Impartiality	<i>pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007. The nature being "I am employed by Rio Tinto". The extent being "Rio Tinto will be providing benefits to the Childcare Centre/Operators."</i>
Cr Foster	Indirect Financial and Impartiality	<i>pursuant to Section 5.61 of the Local Government Act 1995 and Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007. The nature being "Indirect Financial & Impartiality." The</i>

Item Number/ Name	Type of Interest	Nature/Extent of Interest
		<p>extent being my partner is employed by Rio Tinto, owns over \$10k in shares and as a family we live in a Rio Tinto owned property paying subsidised rent and utilities. I am the Secretary (Unpaid, Voluntary) with Nintirri Centre Management Board who has submitted a tender being considered in this agenda item”.</p>

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

“Dear Mr Bingham

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

The Department notes that at least two (2) of the disclosing Councillors are required to achieve a quorum. Accordingly, approval to participate is provided to the councillors with the lowest level of declared interest, those being Cr Foster and Cr Diver.

This approval allows the above members to fully participate in the discussion and decision making relating to the following item at the Shire’s Ordinary Council Meeting of 10 November 2020:

12.2 MINING ACT 1968 TENEMENT REFERRALS-1 - 27 OCTOBER 2020

Subject to the following conditions :

1. *The approval is only valid for the 10 November 2020 Ordinary Council Meeting when agenda item 12.2 is considered;*
2. *The abovementioned Councillors must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided;*
3. *The CEO is to provide a copy of the Department’s letter of approval to the abovementioned Councillors;*
4. *The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;*
5. *The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to the Department, to allow the Department to verify compliance with the conditions of this approval; and*
6. *The approval granted is based solely on the interests disclosed by the abovementioned Councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.*

Should you require further information in relation to this matter, please contact Troy Hancock, Senior Legislation Officer via the details provided above.”

Yours sincerely

Gordon MacMile
A/EXECUTIVE DIRECTOR LOCAL GOVERNMENT
9 November 2020”

“Dear Mr Bingham

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

The Department notes that at least two (2) of the disclosing Councillors are required to achieve a quorum. Accordingly, approval to participate is provided to the councillors with the lowest level of declared interest, those being Cr Foster and Cr Diver.

This approval allows the above members to fully participate in the discussion and decision making relating to the following item at the Shire's Ordinary Council Meeting of 10 November 2020:

18.2 CONFIDENTIAL - RTIO - STRATEGIC PARTNERSHIP - TERMS OF REFERENCE

Subject to the following conditions:

- 1. The approval is only valid for the 10 November 2020 Ordinary Council Meeting when agenda item 18.2 is considered;*
- 2. The abovementioned Councillors must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided;*
- 3. The CEO is to provide a copy of the Department's letter of approval to the abovementioned Councillors;*
- 4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;*
- 5. The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to the Department, to allow the Department to verify compliance with the conditions of this approval; and*
- 6. The approval granted is based solely on the interests disclosed by the abovementioned Councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.*

Should you require further information in relation to this matter, please contact Troy Hancock, Senior Legislation Officer via the details provided above.”

Yours sincerely
Gordon MacMile
A/EXECUTIVE DIRECTOR LOCAL GOVERNMENT
9 November 2020”

“Dear Mr Bingham

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

The Department notes that at least two (2) of the disclosing Councillors are required to participate and vote, in order to achieve a quorum. In consideration of the Agenda Item, the Department cannot reasonably expect the decision will result in a financial gain, loss, benefit or detriment of greater or lesser value, based on the interests declared and therefore all disclosing Councillors are approved.

Disclose of interests affecting impartiality

During the assessment, the Department noted that Cr Foster and Cr Diver included an impartiality interest in their disclosures.

For the purposes of requiring disclosure, an impartiality interest is defined in Regulation 34C of the Local Government (Administration) Regulations 1996 and Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007 as, "an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association."

Unlike financial interests, an impartiality interest needs to be disclosed via a written notice to the CEO before the meeting or verbally at the meeting immediately before the matter is discussed. Following disclosure of an interest affecting impartiality, the member's involvement in the meeting continues as if no interest existed and they are required to participate and vote. Please refer to the Department's Operation Guidelines for further information.

In light of the above, it must be noted that Cr Foster and Cr Diver have been approved under section 5.69(3), based on their declared financial interests only and not their impartiality interests.

This approval does not exempt Councillors from the impartiality disclosure requirements. Further information can be found in the guidelines.

This approval allows Cr Rumble, Cr Foster, Cr Diver, Cr Gallanagh and Cr Dias to fully participate in the discussion and decision making relating to the following item at the Shire's Ordinary Council Meeting of 10 November 2020:

18.4 CONFIDENTIAL- REQUEST FOR TENDER 11.20 TOM PRICE CHILDCARE CENTRE SERVICE PROVIDER

Subject to the following conditions:

- 1. The approval is only valid for the 10 November 2020 Ordinary Council Meeting when agenda item 18.4 is considered;*
- 2. The abovementioned Councillors must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided;*
- 3. The CEO is to provide a copy of the Department's letter of approval to the abovementioned Councillors;*
- 4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;*
- 5. The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to the Department, to allow the Department to verify compliance with the conditions of this approval; and*
- 6. The approval granted is based solely on the interests disclosed by the abovementioned Councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.*

Should you require further information in relation to this matter, please contact Troy Hancock, Senior Legislation Officer via the details provided above."

*Gordon MacMile
A/EXECUTIVE DIRECTOR LOCAL GOVERNMENT
9 November 2020"*

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS WITHOUT DISCUSSION

Cr Peter Foster JP

- Mental Health Grand Soiree', Tom Price, as representative of Shire of Ashburton to provide the welcome speech, Saturday 17 October 2020.
- Mountain View Sporting Club Inc, Committee Meeting, as Treasurer, discussing Shire of Ashburton financial assistance, Tuesday 20 October 2020.
- Tom Price Primary School P&C Committee Meeting, as President, discussing Shire of Ashburton Financial Assistance, Wednesday 21 October 2020.
- Tom Price Senior High School Year 12 Valedictory, as Councillor, presented several awards to Year 12 students, Friday 23 October 2020.
- SES Sub Centre, as representative of Shire of Ashburton, presenting farewell gift (weather station) to outgoing Manager Kathryn Honeyfield, Thursday 29 October 2020.
- Tom Price Youth Support Association Annual General Meeting, re-elected as Chairperson, Wednesday 4 November 2020.
- Tom Price Senior High School Board Meeting, as Board Chair, discussing Shire of Ashburton financial assistance, Wednesday 4 November 2020.

8. PETITIONS / DEPUTATIONS / PRESENTATIONS

8.1 PETITIONS

There were no petitions for this meeting.

8.2 DEPUTATIONS

There were no deputations for this meeting.

8.3 PRESENTATIONS

There were no presentations for this meeting.

9. CONFIRMATION OF MINUTES

9.0.1 UNCONFIRMED MINUTES ORDINARY MEETING OF COUNCIL HELD ON 13 OCTOBER 2020 (ATTACHMENT 9.0.1)

<p>Council Decision</p> <p>MINUTE 182/2020</p> <p>MOVED: Cr P Foster SECONDED: Cr D Diver</p> <p>That the Unconfirmed Minutes of the Ordinary Meeting of Council held 13 October 2020, as previously circulated on 19 October 2020 (ATTACHMENT 9.0.1) be confirmed as a true and accurate record.</p> <p style="text-align: right;">CARRIED 8/0</p>

9.1 RECEIPT OF COMMITTEE AND OTHER MINUTES

9.1.1 MINUTES OF THE SHIRE OF ASHBURTON PILBARA REGIONAL WASTE MANAGEMENT COMMITTEE MEETING HELD ON 13 OCTOBER 2020

<p>Council Decision</p> <p>MINUTE 183/2020</p> <p>MOVED: Cr P Foster SECONDED: Cr D Dias</p> <p>That the Unconfirmed Minutes of the Shire of Ashburton Pilbara Regional Waste Management Committee (ATTACHMENT 9.1.1) held 13 October 2020 be received.</p> <p style="text-align: right;">CARRIED 8/0</p>

9.2 RECEIPT OF COMMITTEE MINUTES – ‘EN BLOC’

There were no recommendations of committee.

9.3 RECOMMENDATIONS OF COMMITTEE

There were no recommendations of committee.

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."*

11. OFFICE OF THE CEO REPORTS

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

FILE REFERENCE:	GV04
AUTHOR'S NAME AND POSITION:	Michelle Lewis Council Liaison Officer
AUTHORISING OFFICER AND POSITION:	Kenn Donohoe Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	27 October 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 157/2020) Ordinary Meeting of Council 13 October 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*
 - (b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the council is to —*
 - (a) *oversee the allocation of the local government's finances and resources; and*
 - (b) *determine the local government's policies."*

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

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

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

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

Goal 05 Inspiring Governance
Objective 4 Exemplary team and work environment

Risk Management

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MINUTE: 184/2020

MOVED: Cr P Foster

SECONDED: Cr L Rumble

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

CARRIED 8/0

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

FILE REFERENCE:	GV04
AUTHOR'S NAME AND POSITION:	Michelle Lewis Council Liaison Officer
AUTHORISING OFFICER AND POSITION:	Kenn Donohoe Chief Executive Officer
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	20 October 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 December Ordinary Council Meeting (OCM) was scheduled to be held 15 December 2020 as per the Resolution of Council 19 November 2019.

The Shire President has requested this meeting now be held on Friday 11 December 2020.

Background

In November 2019, Council adopted the meeting schedule for the entire 12 month period from January to December 2020.

This report sets out the proposed change of date for the Ordinary Meeting of Council to be held on Tuesday 15 December 2020 to now be held on Friday 11 December 2020.

Comment

Approval is sought for the change of date of the Shire of Ashburton's Ordinary Council Meeting to be held on Friday 18 December 2020 and that the Chief Executive Officer provide public Notice on Notice Boards, the Shire Website and Social Media advertising the venue and address for this meeting.

Consultation

Councillors
Executive Leadership Team

Statutory Environment

Local Government Act 1995

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

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

Local Government (Administration) Regulations 1996

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

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

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

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

Goal 05 Inspiring Governance
Objective 3 Council leadership

Risk Management

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

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

The following Risk Matrix has been applied.

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

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

Policy Implications

Council Policy ELM01 – Council and Other Meetings

Council Policy ELM09 – Elected Member Information Forums

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MINUTE: 185/2020

MOVED: Cr R De Pledge

SECONDED: Cr M Gallanagh

That with respect to the Change of Date for the December 2020 Ordinary Council Meeting, Council:

- 1. Approve the December 2020 meeting date be changed from Tuesday 15 December 2020 to Friday 11 December 2020; and**
- 2. Pursuant to section 5.25(g) of the *Local Government Act 1995*, approve the Chief Executive Officer to give local public notice of the schedule of the meeting date, time and location with Notice Boards, the Shire Website and Social Media.**
- 3. Holds the event at the Onslow Sports Club, Third Avenue, Onslow**

CARRIED 8/0-6/2

Councillor Dias and Rumble vote against the item

11.3 ACCEPTANCE OF GRANT FUNDING - BHP 'VITAL RESOURCES FUND'

Declaration of Interest

Prior to consideration of this Agenda Item:

Cr White declared a financial interest

Cr Dias declared a financial interest

Cr de Pledge declared a financial interest

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

Councillors White, de Pledge and Dias left the meeting at 1.20 pm due to a declaration of interest for financial interests in Agenda Item 11.3.

Councillor Diver assumed the chair at 1.20pm.

FILE REFERENCE:	TR.AT.01.01
AUTHOR'S NAME AND POSITION:	Megan Walsh Onslow Airport Manager
AUTHORISING OFFICER AND POSITION:	Kenn Donohoe Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	21 October 2020
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorizing officer have no financial, proximity or impartiality interests in the proposal
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The purpose of this report is to advise Council of the successful funding application of \$500,000 through BHP's Vital Resources Fund.

Amend Council's Budget for 2020-21 to include the \$500,000 grant income and expenditure.

Background

In March 2020 BHP established a \$50 million Vital Resources fund to support remote Australian communities response to COVID-19 pandemic.

The intent of the Vital Resources Recovery Funding is to support COVID 19 Recovery Programs in BHP host communities by focusing on:

- People and Business - keeping people employed or engaged in relevant training and supporting local businesses by increasing demand for local products and services.

In September 2020 the Shire applied for a \$500,000 funding and was successful.

The funding for the Shire of Ashburton was provided to bolster economic recovery within the region by enabling the development and implementation of a targeted “Onslow Economic Development Program” that focuses on further developing business opportunities, identifying and addressing key barriers, and building business resilience.

Comment

The funding will support a ‘Slip into Onslow’ concept that supports the recovery, regeneration and re-ignition of the local Onslow economy following COVID-19.

The intent is to use the ‘Slip in to Onslow’ concept as a building tool for the development and implementation of initiatives that provide realistic outcomes for the future of tourism and economic development in Onslow. The initiatives considered as part of this proposal include a series of marketing activities, collateral and events that will act as stimuli to recover and regenerate visitor numbers that go hand in hand with continued support and collaboration to local businesses, ensure they have the resources to recover from downtime, regenerate to meet market demands and expectations and re-ignite sustainable economic and tourism opportunities post COVID-19. The outcomes will include:

- Increased profile of Onslow and key tourist locations.
- Increased visitation to Onslow and wider Pilbara area.
- Increased visitor expenditure in Onslow.
- Creation and sustainability of local jobs.

The Shire will engage a suitably qualified and experienced consultant to assist in the development and implementation of initiatives that support the “Slip into Onslow” concept. The scope will include (but not limited to);

- Targeted destination marketing for increased tourism
- Developing tourism and marketing activities
- Increasing digitally accessible platforms
- Supporting capacity building and product development
- Improvements to existing tourism attractions, amenities and accommodation

The project start date is 30 November 2020 with a completion date of October 2021.

Consultation

Executive Leadership Team
 Manager Media and Communications
 BHP – Principal WA Social Investment

Statutory Environment

Local Government Act 1995 s 6.8, Expenditure from municipal fund not included in annual budget
Local Government Act 1995 s 3.57

Financial Implications

The total funding to be received by BHP is \$500,000.

A variation to the 2020/21 budget is required to include grant income of \$500,000 and project expenditure of \$500,000.

Project Budget Breakdown

Contract Administration	\$4,000
Consulting Firm	\$150,000
Tourism Marketing Activities	\$160,000
Improvements to existing tourism attractions, amenities	\$150,000
Local Grants and Start up Assistance	\$36,000

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
Objective 4	A rich cultural life
Goal 02	Economic Prosperity
Objective 1	Strong Local Economies
Objective 2	Enduring partnerships with industry and government
Objective 3	Well-managed tourism
Goal 03	Unique Heritage and Environment
Objective 1	Flourishing natural environments
Objective 2	Leading regional sustainability
Objective 3	Celebration of history and heritage
Goal 05	Inspiring Governance
Objective 1	Effective planning for the future
Objective 2	Community ownership
Objective 4	Exemplary team and work environment

Risk Management

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

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Reputation	Unlikely(2)	Minor (2)	Low (4)	Unsubstantiated, localised low impact on community trust, low profile or no media item.	Endorse Officers recommendation
Financial Impact	Unlikely (2)	Moderate (3)	Moderate (6)	Council not accepting Funding.	Monitoring will be undertaken with specific procedures and controls engaged throughout delivery
Project Time	Unlikely (2)	Minor (2)	Insignificant(1)	Exceeds deadline by 15% of project timeline	Proceed as per Officers recommendation

The following Risk Matrix has been applied.

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

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

Policy Implications

REC07 - Tourism policy for the Shire of Ashburton

FIN12 - Purchasing and tender Policy

Voting Requirement

Absolute Majority Required

Officers Recommendation and Council Decision

MINUTE: 186/2020

MOVED: Cr P Foster

SECONDED: Cr M Gallanagh

That with respect to the Acceptance of Grant Funding - BHP 'Vital Resources Fund, Council:

- 1. Accept the funding of \$500,000 through the BHP Vital Resources Fund;**
- 2. Request the Shire President and the Chief Executive Officer write to BHP thanking them for the grant; and**
- 3. Amends the 2020/21 budget:**
 - a) Increase the Operating Income account, Grant and Contribution Income, GL no. 132148, by \$500,000 from \$0 to \$500,000; and**
 - b) Increase the Operating Expenditure account, Tourism Promotions, GL no. 135077 by \$500,000 from \$0 to \$500,000.**

CARRIED BY ABSOLUTE MAJORITY 5/0

Councillors White, Cr de Pledge and Cr Dias entered the meeting at 1.21pm.

Councillor White resumed the chair at 1.21pm.

11.4 N&J BAKER SHELL COLLECTION ONSLOW

FILE REFERENCE:	CP103
AUTHOR'S NAME AND POSITION:	K Donohoe Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Not Applicable
NAME OF APPLICANT/RESPONDENT:	Mr N Baker
DATE REPORT WRITTEN:	20 October 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 12.1 (Minute No: 117/2020) Ordinary Meeting of Council 11 August 2020

Summary

Mr and Mrs Neil Baker have a substantial Shell Collection that has been a tourist attraction in Onslow for many years with visitation by many visitors to Onslow. As Mr and Mrs Baker are wishing to dispose of the collection, Council resolved at its 11 August 2020 meeting to make an amendment to the budget to provide for the acquisition of the shells, display cabinets and broader collection.

This reports seeks to finalise this acquisition taking into consideration comment from the Department of Fisheries.

Background

The Onslow Visitors Centre approached the Shire of Ashburton in July 2020, requesting the Shire to urgently consider the acquisition of the Baker's shell collection as a permanent tourism attraction for the community.

It was understood that Mr and Mrs Baker were approaching a period in their life where the collection sourced over decades was becoming burdensome due to care and cleaning for the couple who have since sought to dispose of the collection to the Shire.

Council amended its budget in August 2020 for the purposes of acquisition of the collection subject to the collation of the collection and clarification around any other legal parameters. Councillors present at the Ordinary meeting of Council in Onslow on the 11th of August 2020 and attended the Baker's property to view the shells and display cabinets and broader collection.

Comment

Subsequent to the Council endorsed budget amendment, and for the purpose of preparing an offer for purchasing the shells, display cabinets and broader collection, the Senior Administration Officer made enquiries of the WA Museum and Fisheries WA in relation to the collation of the shells, display cabinets and broader collection into an insurable record to facilitate display and continued use as a tourism attraction in Onslow.

During this process the Senior Administration Officer discovered that the license provisions from the State Governments licensing process may provide a level of conflict in relation to the transactional nature of the acquisition.

Over the past number of weeks discussions have progressed between the Shire and Fisheries WA in relation to the acquisition. As the shells collected were for a recreational purpose this has caused conflict in relation to the laws of Western Australia. The Shire has for its part provided advice to the State that the collection would be used for public display purposes in much the same way as a museum would and that this display would continue to be used as a tourism product for the many people that come to Onslow.

Reconciliation of the procedural differences has resulted in an agreed way forward being that the Shire would not be able to purchase the shells and broader collection as the shells were recreationally taken and therefore have no commercial value as they have not been taken for gain or reward. However, as the Shire would be acquiring the display cabinets and reference materials being shell books from Mr Baker, the shells could then be “donated” as part of that acquisition.

While a convoluted process the aim would be for the shells and broader collection to come under the care and control of the Shire of Ashburton. The shells, display cabinets and broader collection will continue to be utilized for additional and continued tourism product and will result in a public benefit meeting the legislative process of the State of Western Australia.

Storage and display of the shells, display cabinets and broader collection is yet to be finalized with the St John Ambulance (SJA) Onslow premises on Third Avenue being the preferred long term site. Council endorsed creation of a reserve over Lot 395 on Deposited Plan 206976 for the purpose of “Community Purposes” or similar, with management by the Shire at the September 2020 OCM. Practical completion of the new subcentre is scheduled for late November 2020 however, relocation may not occur until February due to Christmas and New Year festivities.

The collection will remain in situ until sufficient provision is made at the SJA premises. Upon vacating (no later than February 2021) Mr and Mrs Baker will package and relocate the shells, display cabinets and broader collection in anticipation for the 2021 tourist season.

Consultation

Onslow Visitor Centre
Councillors
Mr N Baker

Statutory Environment

Council has allocated an amount of funds in its 2020/2021 Budget process for the acquisition.

Financial Implications

Council amended its budget during the August 2020 Ordinary Council Meeting for the purpose of acquisition of Shell Collection, inclusive of all cabinets, display paraphernalia and accompanying material to a value of \$200,000.

Strategic Implications

Corporate Business Plan – 2019 – 2023

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

Risk Management

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

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Compliance	Unlikely (2)	Insignificant (1)	Low (2)	No noticeable regulatory or statutory impact	Adopt Officer's recommendation
Reputation	Unlikely (2)	Insignificant (1)	Low (2)	Unsubstantiated, localised low impact on community trust, low profile or no media item	Adopt Officer's recommendation

The following Risk Matrix has been applied.

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be low. Regular monitoring will be undertaken with specific procedures for recording and reporting.

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MINUTE: 187/2020

MOVED: Cr P Foster

SECONDED: Cr D Diver

That with respect to the N & J Baker Shell Collection, Onslow, that Council;

- 1. Authorise the Chief Executive Officer to provide a letter of offer to Mr and Mrs N Baker of Lot 454 Beadon Creek Road, Onslow for the acquisition of the display cabinets and associated paraphernalia pertaining to the shells and broader collection within Council's budget allocation.**
- 2. Request the Chief Executive Officer to request Local Government Insurance Services insure the collection in case of loss or damage.**
- 3. Request the Chief Executive Officer liaise with the St. John Ambulance and the Department of Planning, Lands and Heritage with the objective of securing Lot 395 Third Avenue, Onslow for the purpose of displaying the cabinets, associated paraphernalia and shells acquired from and provided by Mr and Mrs N Baker.**
- 4. Request the Chief Executive Officer liaise with Mr and Mrs N Baker regarding:**
 - a) continued storage in their current location until the Shire of Ashburton acquires tenure over Lot 395 Third Avenue, Onslow; and**
 - b) relocation of the collection by Mr and Mrs N Baker when provision is made at Lot 395 Third Avenue, Onslow;**
- 5. Requests the Chief Executive Officer prepare a costing for the security (both physical and electronic) of Lot 395 Third Avenue, Onslow, and present these costs to the Council for its consideration during a budget review process; and**
- 6. Requests the Chief Executive Officer places signage to the effect of naming the shell collection the Neil and Judy Baker Collection or similar**

CARRIED 7/1

CR DIAS VOTED AGAINST THE MOTION

11.5 OUTDOOR GYM FACILITIES – TOM PRICE

FILE REFERENCE:	RC40965
AUTHOR'S NAME AND POSITION:	Janelle Fell Manager Land & Asset Compliance
AUTHORISING OFFICER AND POSITION:	John Bingham Director Corporate Services
NAME OF APPLICANT/RESPONDENT:	Outback Fitness Recreation Centre Incorporated
DATE REPORT WRITTEN:	29 October 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 12.4 (Minute No. 120/2020) – Ordinary Meeting of Council 12 August 2020

Summary

The Shire has received a proposal from Outback Fitness Recreation Centre Incorporated (OBF) proposing an outdoor gymnasium which is presented for Council's consideration.

Background

OBF are exploring options to provide outdoor gymnasium facilities through Lease of Shire property to enclose gym equipment and container/shed for non-fixed equipment (e.g. weights) with fencing.

OBF propose:

- Surfacing similar to that at Lions Park
- Roof structure (hard roof, not shade sails)
- De-misters
- Shed/container for storage
- Fencing with lockable gate
- CCTV

OBF propose use of the facility via membership (small fee for upkeep etc). Members would be given a key/fob for access. Local instructors would be permitted to conduct classes on the site, however they would not have exclusive access and would be required to show proof of qualifications and insurance. OBF have proposed the Council endorsed location for the pump track and adjacent to the to-be-constructed Tom Price Childcare Centre as potential sites for an outdoor gymnasium

Comment

Officers recommend the proposal, while it is for the benefit of the community, not be endorsed by Council due to the harsh Pilbara climate restricting use, enhancing fair wear and tear of the visible equipment and the limited use of the facility by members only in a public reserve. However, it is recommended similar outdoor exercise equipment be considered when developing the Community Lifestyle Implementation Plan or future CAPEX planning (Recreational Facility).

Consultation

Executive Leadership Team
Lease Officer

Statutory Environment

No statutory provision identified.

Financial Implications

There are no known financial implications in relation to this report.

Strategic Implications

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

Goal 01 - Vibrant and Active Communities

Objective 1 – Connected, Caring and Engaged Communities

Objective 2 - Sustainable services, clubs, associations and facilities

Goal 04 - Quality Services and Infrastructure

Objective 1 – Quality Public Infrastructure

Risk Management

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

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Natural Environment – deterioration of equipment and reserve remediation	Possible (3)	Minor (2)	Moderate (6)	Contained, reversible impact managed by internal response	Endorse Officer recommendation

The following Risk Matrix has been applied.

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

Adoption of this item has been evaluated against the Shire of Ashburton’s Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be “Moderate”. The risk is perceived as acceptable with adequate controls, managed by routine procedures and subject to semi-annual monitoring.

Policy Implications

REC05 Community Lease and Licence Agreements of Shire Assets (Facilities, Buildings and Land)

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MINUTE: 188/2020

MOVED: Cr D Diver

SECONDED: Cr L Rumble

That Council, inform and advise Outback Fitness Recreation Centre Incorporated a Community Lifestyle Infrastructure Plan for Tom Price is currently being developed and will consider a provision for outdoor gym facilities.

CARRIED 8/0

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

FILE REFERENCE:	GV21 CM02
AUTHOR'S NAME AND POSITION:	Danielle Hurstfield Manager Governance
AUTHORISING OFFICER AND POSITION:	Kenn Donohoe Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	27 October 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 October 2020.

Background

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

Comment

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

ATTACHMENT 11.6A
ATTACHMENT 11.6B

Consultation

Relevant officers as listed in the Attachment.

Statutory Environment

Local Government Act 1995

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

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

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

Goal 05 Inspiring Governance

Objective 4 Exemplary team and work environment

Risk Management

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

Policy Implications

ELM 13 Affixing the Shire of Ashburton Common Seal

FIN12 Purchasing Policy

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MINUTE: 189/2020

MOVED: Cr P Foster

SECONDED: Cr D Diver

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

- 1. The use of the Common Seal as per ATTACHMENT 11.6A;**
- 2. Actions performed under delegated authority for the month as per ATTACHMENT 11.6A; and**
- 3. The Tender Register as per ATTACHMENT 11.6B**

CARRIED 8/0

11.7 AMENDMENT TO THE DELEGATED AUTHORITY REGISTER 2020/2021

FILE REFERENCE:	GV20
AUTHOR'S NAME AND POSITION:	Danielle Hurstfield Manager Governance
AUTHORISING OFFICER AND POSITION:	Kenn Donohoe Chief Executive Officer
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	2 November 2020
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 11.3 (Minute No. 139/2020) – Ordinary Meeting of Council 8 September 2020

Summary

This item seeks Council's approval to amend the Delegation Register to include 1.1.34 Employee Property Lease Contracts and 1.1.35 Lease Agreements Including User and Licence Agreements.

Background

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

Comment

The adopted Delegations Register has now been in place for 2 months with reporting functions in place as required. Since this time it has been identified that 2 previous delegations – DA06-07 Employee Property Lease Contracts and DA06-08 Lease Agreements Including User and Licence Agreements were not included in the register. This item seeks a minor amendment to include these delegations with the previous content as attached

ATTACHMENT 11.7

Consultation

Chief Executive Officer
Manager Governance
Manager Land & Asset Compliance

Statutory Environment

Local Government Act 1995

5.42. Delegation of some powers and duties to CEO

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

* Absolute majority required.

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

5.43. Limits on delegations to CEO 28

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

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

5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.

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

- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —

- (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
- (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.

- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.

- (5) In subsections (3) and (4) — conditions includes qualifications, limitations or exceptions.

5.45. Other matters relevant to delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —

- (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
- (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.

- (2) *Nothing in this Division is to be read as preventing —*
- (a) *a local government from performing any of its functions by acting through a person other than the CEO; or*
 - (b) *a CEO from performing any of his or her functions by acting through another person.*

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

9.10. Appointment of authorised persons

- (1) *The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.*
- (2) *The local government is to issue to each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person.*

Financial Implications

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

Strategic Implications

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

Goal 05 Inspiring Governance

Objective 3 Council leadership

Risk Management

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

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Compliance	Possible (3)	Minor (2)	Moderate (6)	Some temporary non compliances	Adopt Officer's recommendation for reviewed Delegations from Council to CEO and Officers

The following Risk Matrix has been applied.

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

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

Policy Implications

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

Voting Requirement

Absolute Majority Required

Officers Recommendation and Council Decision

MINUTE: 190/2020

MOVED: Cr P Foster **SECONDED:** Cr D Diver

That with respect to the amendment to the Annual Review of the Delegated Authority Register 2020/2021, Council **BY ABSOLUTE MAJORITY** adopt Delegations 1.1.34 Employee Property Lease Contracts and 1.1.35 Lease Agreements Including User and Licence Agreements shown at ATTACHMENT 11.7.

CARRIED BY ABSOLUTE MAJORITY 8/0

12. CORPORATE SERVICES REPORTS

12.1 MONTHLY FINANCE REPORT

FILE REFERENCE:	FM03
AUTHOR'S NAME AND POSITION:	John Bingham Director Corporate Services
AUTHORISING OFFICER AND POSITION:	John Bingham Director Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	27 October 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 12.1 (Minute No. 161/2020) Ordinary Meeting of Council 13 October 2020

Summary

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

Background

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

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

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

End of Financial Year Closing

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

Depreciation is not currently being charged in 2020-21 until after year-end is completed. It is estimated that depreciation charges would increase year to date expenditure by approx. \$4m. Depreciation is a non-cash expense and would not impact closing balances.

Comment

The following budget variations are recommended for October 2020:

GL/Job No.	General Ledger Description	Current Budget	Variation Amount	Revised Budget	Reason
20006	Vic Hayton Pool Refurbishments	230,000	(23,600)	206,400	Completed project underspend.
072355	Chicken Pen Upgrade	20,000	(20,000)	0	Project not going ahead.
20009	Paraburdoo Visitors Information Bay Red Dog Sculpture	210,000	(56,400)	153,600	Reduction in forecast costs due to project delays.
NEW	Tom Price Indoor Cricket Nets	0	100,000	100,000	Re-activation of project now the circumstances have improved for completion.
092271	Projects to be Identified	45,276	36,724	82,000	Request from Pannawonica and Councillor.
041105	Capital Projects - Minor Works	100,000	(36,724)	63,276	Unspent provision available for allocation to small projects.
140111	Salaries and Superannuation	1,482,377	(300,000)	1,182,377	Currently actual costs of around \$35,650 have freed up additional funds for re-allocation.
140114	Consultants / Project Costs	87,000	300,000	387,000	Additional consultancies required to deliver priority projects as directed by CEO.

Projects to be identified

The following projects totaling \$82,000 are proposed for Pannawonica:

- BMX Track \$17,000
- Community Garden \$15,000
- Craft Club \$10,000
- Pannawonica Sports Club kitchen fitout \$20,000
- Volunteer support \$5,000
- Youth Club \$10,000
- Youth upskilling \$5,000

It is recommended the funds be transferred to the Pannawonica Sporting Club as a donation (the Shire cannot acquire assets in the townsite and it is very difficult to co-ordinate onsite project

work including mobilization of suppliers) as this is the most practical and efficient way to expend funds and complete the projects.

Consultation

Executive Leadership Team
Finance Team

Statutory Environment

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

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

(b) Is authorised in advance by resolution*

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

*requires an absolute majority of Council.

Financial Implications

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

Strategic Implications

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

Goal 05 Inspiring Governance
Objective 4 Exemplary team and work environment

Risk Management

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

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
<ul style="list-style-type: none"> That Council not accept the Officers recommendation 	Unlikely (2)	Insignificant (1)	Low (1-4)	Compliance – 3 Moderate – Non-Compliance with significant regulatory requirements imposed.	Accept Officer Recommendation.

The following Risk Matrix has been applied.

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

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

Policy Implications

FIN06 – Significant Accounting Policy

Voting Requirement

Absolute Majority Required

Officers Recommendation and Council Decision

MINUTE: 191/2020

MOVED: Cr P Foster

SECONDED: Cr L Rumble

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

- 1. Receive the Financial Report for September 2020 ATTACHMENT 12.1A;**
- 2. Approve the following budget amendments:**
 - a) Decrease Capital Expenditure Job no. 20006 Vic Hayton Pool Refurbishments by \$23,600 from \$230,000 to \$206,400;**
 - b) Decrease Capital Expenditure GL no. 072355 Chicken Pen Upgrade by \$20,000 from \$20,000 to \$0;**
 - c) Decrease Capital Expenditure Job no. 20009 Paraburdoo Visitors Information Bay Red Dog Sculpture by \$56,400 from \$200,000 to \$153,600;**
 - d) Increase New Capital Expenditure account Tom Price Indoor Cricket Nets by \$100,000 from \$0 to \$100,000;**
 - e) Increase Capital Expenditure GL no. 092271 Projects to be identified by \$36,724 from \$45,276 to \$82,000;**
 - f) Decrease Capital Expenditure GL. no. 041105 Minor Works by \$36,724 from \$100,000 to \$63,276;**
 - g) Decrease Operating Expenditure GL. no. 140111 Salaries and Superannuation by \$300,000 from \$1,482,377 to \$1,182,377; and**
 - h) Increase Operating Expenditure GL no. 140114 Consultants / Project Costs by \$300,000 from \$87,000 to \$387,000.**
- 2. Receive the Capital Expenditures Progress Tracker as at 31 October 2020 being ATTACHMENT 12.1B;**
- 3. Receive the Budget Amendment Register as at 31 October 2020 ATTACHMENT 12.1C; and**
- 4. Receive the Schedule of Accounts (October 2020) and Credit Card payments made in the period October 2020 (approved by the Chief Executive Officer in accordance with Delegation DA03-01 Payments from Municipal Fund and Trust Funds) CONFIDENTIAL ATTACHMENT 12.1D.**

CARRIED BY ABSOLUTE MAJORITY 8/0

12.2 MINING ACT 1968 TENEMENT REFERRALS – 1 – 27 OCTOBER 2020

Declaration of Interest

Prior to consideration of this Agenda Item:

Cr Dias declared a financial interest
Cr Rumble declared a financial interest
Cr Foster declared an indirect financial interest
Cr Diver declared an indirect financial interest
Cr Gallanagh declared a financial interest

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

Councillors Dias, Rumble, and Gallanagh left the meeting at 1.33pm due to a declaration of interest for financial interests in Agenda Item 12.2.

Councillors Diver and Foster remained in the meeting in line with the approval given by the Deputy Director General of the Department of Local Government, Sport and Cultural Industries as noted at item 6.2.

FILE REFERENCE:	ED01
AUTHOR'S NAME AND POSITION:	Janelle Fell Manager Land and Asset Compliance
AUTHORISING OFFICER AND POSITION:	John Bingham Director Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	28 October 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 12.7 (Minute No.167/2020) – Ordinary Meeting of Council 13 October 2020

Summary

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

Background

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

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

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

Comment

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

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

Affected Shire assets:

Will the licence generate traffic volumes that significantly affect Shire roads

Borrow pits

Bushfire back burning areas

Aboriginal heritage sites

Special Control Areas as per the Local Planning Scheme No. 7

Wittenoom a particular concern

- Areas used for public recreation
- Land identified for future use or development (landfill, tourism, etc.)
- Traffic management if operating near roads used by travelling public
- Identify landowner/pastoral company
- Identify Aboriginal groups
- European heritage sites – municipal inventory
- Proximity to:
 - Telecommunications
 - Electricity
 - Water
 - Gas pipelines
- General notification of possible permanent and temporary camps

Three (3) Form 21 - Application for Mining Tenement notifications were received between 1 – 27 October 2020.

Exploration Licences

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

Exploration Licence notifications received include:

Company	Application No.	Block/s (~80km ²)	Locality
AMMM Resources Pty Ltd	E47/4399	2 BL	Nammuldi North
Geoffrey Ross Ladyman	E47/4453	4 BL	Paraburdoo

Mining Leases

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

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

Mining Lease notifications received are:

Company	Application No.	Hectares	Locality	Mineral
FMG Pilbara Pty Ltd	M47/1597	331 HA	Vivash North	Iron Ore
	M47/1598	71 HA	Vivash South West	Iron Ore
	M47/1599	62 HA	Vivash South East	Iron Ore
	M47/1600	471 HA	Flying Fish East	Iron Ore
	M47/1601	3,980 HA	Brockman West – Flying Fish	Iron Ore
	M47/1603	11,409	Eliwana	Iron Ore
	M47/1604	7,014 HA	Mt Stuart – Broadway	Iron Ore
	M47/1605	12,255 HA	Eliwana West	Iron Ore
	M47/1606	10,140 HA	Eliwana West	Iron Ore
	M47/1607	8,897 HA	Solomon	Iron Ore
	M47/1608	7,690 HA	Elevation	Iron Ore
M47/1609	2,192 HA	Brockman West – Flying Fish (excluding ML4SA)	Iron Ore	

Miscellaneous Licences

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

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

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

Miscellaneous Licence notifications received are:

Company	Application No.	Hectares	Locality	Purposes
AMCI Pty Ltd Aquila Steel Pty Ltd	L47/956 L47/957	13.70000 HA 30.18000 HA	Austin Creek	<ul style="list-style-type: none"> • a road
Rio Tinto	L47/948 L47/949	90.4100 HA	Brockman 2 Mine	<ul style="list-style-type: none"> • a bore • a bridge • a communications facility • a drainage channel • a meteorological station • a minesite administration facility • a pipeline • a power generation and transmission facility • a power line • a pump station • a road • a water management facility • a workshop and storage facility • taking water

ATTACHMENT 12.2

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

Consultation

Executive Leadership Team

Statutory Environment

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

Mining Regulations 1981

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

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

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

Goal 02 – Economic Prosperity

Objective 1 – Strong Local Economies

Risk Management

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

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

The following Risk Matrix has been applied.

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

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

Policy Implications

Town Planning Scheme No. 7
LPP – Transient Workforce Accommodation

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MINUTE: 192/2020

MOVED: Cr P Foster

SECONDED: Cr D Diver

That with respect to Mining Act 1968 Tenement Referrals – 1 – 27 October 2020, Council acknowledge the contents of this report.

CARRIED 4/1

CR RICHARDSON VOTED AGAINST THE MOTION

Councillors Dias, Rumble, and Gallanagh entered the meeting at 1.34pm

12.3 POLICY REVIEW – FIN04 REGIONAL PRICE PREFERENCE

FILE REFERENCE:	GV20
AUTHOR'S NAME AND POSITION:	Danielle Hurstfield Manager Governance
AUTHORISING OFFICER AND POSITION:	John Bingham Director Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	24 September 2020
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

This item seeks Council's final adoption of FIN04 Regional Price Preference and advertising this adoption. In addition, Council delegate authority to the Chief Executive to apply the Regional Price Preference.

Background

The intent of a Regional Price preference is to provide a mechanism that allows local suppliers to be competitive in their supply of goods and services to the Shire. This is achieved by applying a percentage reduction to a maximum dollar amount to the tendered price for analysis.

A price preference may be given to a local business by assessing the tender from that local business as if the price bids were reduced by the values set out in the *Local Government (Functions and General) Regulations 1996 Part 4a 24(D).1*.

To be able to apply such a policy the *Local Government (Functions and General) Regulations 1996* set out a clear process that requires a proposed policy to be advertised statewide for a minimum period of 7 days, inviting submissions commenting on the proposed policy.

The policy can then be presented to Council for adoption no sooner than 4 weeks after the close of advertising. Once adopted another Statewide notice advising of the date of adoption is required. Should significant amendments be required as a result of advertising the proposed policy, the amended proposed policy requires readvertising.

At the Ordinary Council Meeting held 11 August 2020 Council resolved to advertise a draft Regional Price Preference Policy (Minute No. 118/2020). Advertising was undertaken in accordance with advertising requirements by a Public Notice in the West Australian and Pilbara News on 19 August, 2020 seeking submissions on the proposed policy. In addition, the Public Notice was displayed on notice boards in town libraries and shopping centres.

Submissions closed on 16 September 2020 and no submissions were received.

Comment

The Regional Price Preference Policy has been developed in accordance with Part 4A of the Regulations to ensure the Shire is able to better apply a regional preference to suppliers located within the Shire's boundaries and, to a lesser extent, neighbouring municipalities within the Pilbara (East Pilbara, Port Hedland and Karratha) and Gascoyne (Carnarvon, Exmouth, Shark Bay and Upper Gascoyne) Development Commission boundaries and is summarised below:

Level 1 – Suppliers located within the Shire's municipal boundary

A preference may be given to a regional tenderer by assessing the tender from that regional tenderer as if the price bids were reduced by:

- (a) a 10% - where the contract is for goods or services, up to a maximum price reduction of \$50,000; or
- (b) a 5% - where the contract is for construction (building) services, up to a maximum price reduction of \$50,000; or
- (c) a 10% - where the contract is for goods or services (including construction (building) services), up to a maximum price reduction of \$500,000, if the local government is seeking tenders for the provision of those goods or services for the first time, due to those goods or services having been, until then, undertaken by the local government.

Level 2 – Suppliers located within neighbouring municipalities

A preference may be given to a regional tenderer by assessing the tender from that regional tenderer as if the price bids were reduced by:

- (a) a 5% - where the contract is for goods or services, up to a maximum price reduction of \$50,000; or
- (b) a 2.5% - where the contract is for construction (building) services, up to a maximum price reduction of \$50,000; or
- (c) a 5% - where the contract is for goods or services (including construction (building) services), up to a maximum price reduction of \$500,000, if the local government is seeking tenders for the provision of those goods or services for the first time, due to those goods or services having been, until then, undertaken by the local government.

Consultation

Councillors

Executive Leadership Team

Statutory Environment

Local Government Act 1995

Section 2.7. Role of council

(1) *The council —*

- (a) governs the local government's affairs; and*
- (b) is responsible for the performance of the local government's functions.*

(2) *Without limiting subsection (1), the council is to —*

- (a) oversee the allocation of the local government's finances and resources; and*
- (b) determine the local government's policies.*

Local Government (Functions and General) Regulations 1996

24E. Regional price preference policies for local governments

- (1) *Where a local government intends to give a regional price preference in relation to a process, the local government is to —*
 - (a) *prepare a proposed regional price preference policy (if no policy has yet been adopted for that kind of contract); and*
 - (b) *give Statewide public notice of the intention to have a regional price preference policy and include in that notice —*
 - (i) *the region to which the policy is to relate; and*
 - (ii) *details of where a complete copy of the proposed policy may be obtained; and a statement inviting submissions commenting on the proposed policy, together with a closing date of not less than 4 weeks for those submissions; and*
 - (c) *make a copy of the proposed regional price preference policy available for public inspection in accordance with the notice.*
- (2) *A regional price preference policy may be expressed to be —*
 - (a) *for different regions in respect of different parts of the contract, or the various contracts, comprising the basis of the tender;*
 - (b) *for different goods or services within a single contract or various contracts;*
 - (c) *for different price preferences in respect of the different goods or services, or the different regions, that are the subject of a tender or tenders (subject to the limits imposed by regulation 24D), or for any combination of those factors.*
- (3) *A region specified under this Part —*
 - (a) *must be (or include) the entire district of the local government; and*
 - (b) *cannot include a part of the metropolitan area.*
- (4) *A policy cannot be adopted by a local government until the local government has considered all submissions that are received in relation to the proposed policy and, if that consideration results in significant changes to the proposed policy, then the local government must again give Statewide public notice of the altered proposed regional price preference policy.*

24F Adoption and notice of regional price preference policy

- (1) *A policy cannot be adopted by a local government until at least 4 weeks after the publication of the Statewide notice of the proposed policy.*
- (2) *An adopted policy must state —*
 - (a) *the region or regions within which each aspect of it is to be applied; and*
 - (b) *the types and nature of businesses that may be considered for each type of preference; and*
 - (c) *whether the policy applies to —*
 - (i) *different regions in respect of different parts of the contract, or the various contracts, comprising the basis of the tender;*
 - (ii) *different goods or services within a single contract or various contracts;*
 - (iii) *different price preferences in respect of the different goods or services, or the different regions, that are the subject of a tender or tenders, or to any combination of those factors.*
- (3) *An adopted policy cannot be applied until the local government gives Statewide notice that it has adopted that policy.*

- (4) The local government is to ensure that a copy of an adopted regional price preference policy is
- (a) included with any specifications for tenders to which the policy applies; and
 - (b) made available in accordance with regulation 29 of the

24G Adopted regional price preference policy, effect of

A local government that has adopted a regional price preference policy in relation to a certain type of contract may choose not to apply that policy to a particular tender in the future for a contract of that type but, unless it does so, the policy is to apply to all like tenders.

Financial Implications

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

Strategic Implications

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

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

Risk Management

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

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Compliance Council cannot apply a Regional Price Preference without an adopted policy	Unlikely (2)	Minor (4)	Low (2)	Compliance – contained. Reversible impact managed by internal response.	Accept Officer Recommendation

The following Risk Matrix has been applied.

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

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

Policy Implications

Adoption of this policy acknowledges that the cost of providing goods and services from our remote location may not always be the cheapest option. It will require consideration for balancing support to local business and the social benefits this achieves.

In cases where the policy would be applied, goods and services are in accordance with the adopted budget.

Voting Requirement
Absolute Majority Required

<p>Officers Recommendation and Council Decision</p> <p>MINUTE: 193/2020</p> <p>MOVED: Cr D Diver SECONDED: Cr P Foster</p> <p>That with respect to the Policy Review – FIN04 Regional Price Preference, Council:</p> <ol style="list-style-type: none">1. Adopt FIN04 Regional Price Preference – ATTACHMENT 12.3A;2. By ABSOLUTE MAJORITY Delegate Authority to the Chief Executive Officer as set out in Delegation 1.1.19 Application of Regional Price Preference Policy in the attached Delegations Register – ATTACHMENT 12.3B and3. Advertise by Statewide notice the adoption of the Regional Price Preference policy. <p style="text-align: right;">CARRIED BY ABSOLUTE MAJORITY 8/0</p>

12.4 PROPOSED LEASE OF PETER SUTHERLAND STOREROOMS AND AMENITIES (RESERVE 39572) BETWEEN SHIRE OF ASHBURTON AND PARABURDOO PIRATES RUGBY LEAGUE AND TOUCH FOOTBALL SPORTS CLUB INC

FILE REFERENCE:	RC39572
AUTHOR'S NAME AND POSITION:	Leona Stevenson Lease & Accommodation Officer
AUTHORISING OFFICER AND POSITION:	John Bingham Director Corporate Services
NAME OF APPLICANT/RESPONDENT:	Paraburdoe Pirates Rugby League and Touch Football Sports Club Inc.
DATE REPORT WRITTEN:	21 October 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 13.6 (Minute No. 460/2018) – Ordinary Meeting of Council 20 November 2018

Summary

Paraburdoe Pirates Rugby League and Touch Football Sports Club Inc. (the Pirates) have expressed a need for storage and have requested lease of one storeroom within the Peter Sutherland Storerooms and Amenities facility.

Council endorsement is sought for delegated authority to be awarded to the Chief Executive Officer to negotiate and execute the required Community Lease Agreement.

Background

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

Following the changerooms on the Peter Sutherland Oval becoming redundant due to the new facilities in the CHUB, RFQ 07.19 for conversion of the change rooms into storage was awarded to Neowest Building. A total of five storerooms, four internal and one external were created.



Storeroom 1 is leased to Paraburdoo Teeball Association Inc and Storeroom 2 leased to the Paraburdoo Saints Football & Sporting Club Inc. Storerooms 3 and 4 were retained by the Shire for the storage of items associated with delivery of the Community Infrastructure and Services Program between the Shire and Rio Tinto as these provide ease of access and compliance with *Occupational Safety and Health Act 1984* in relation to the prevention of accidents and injury in related to manual tasks.

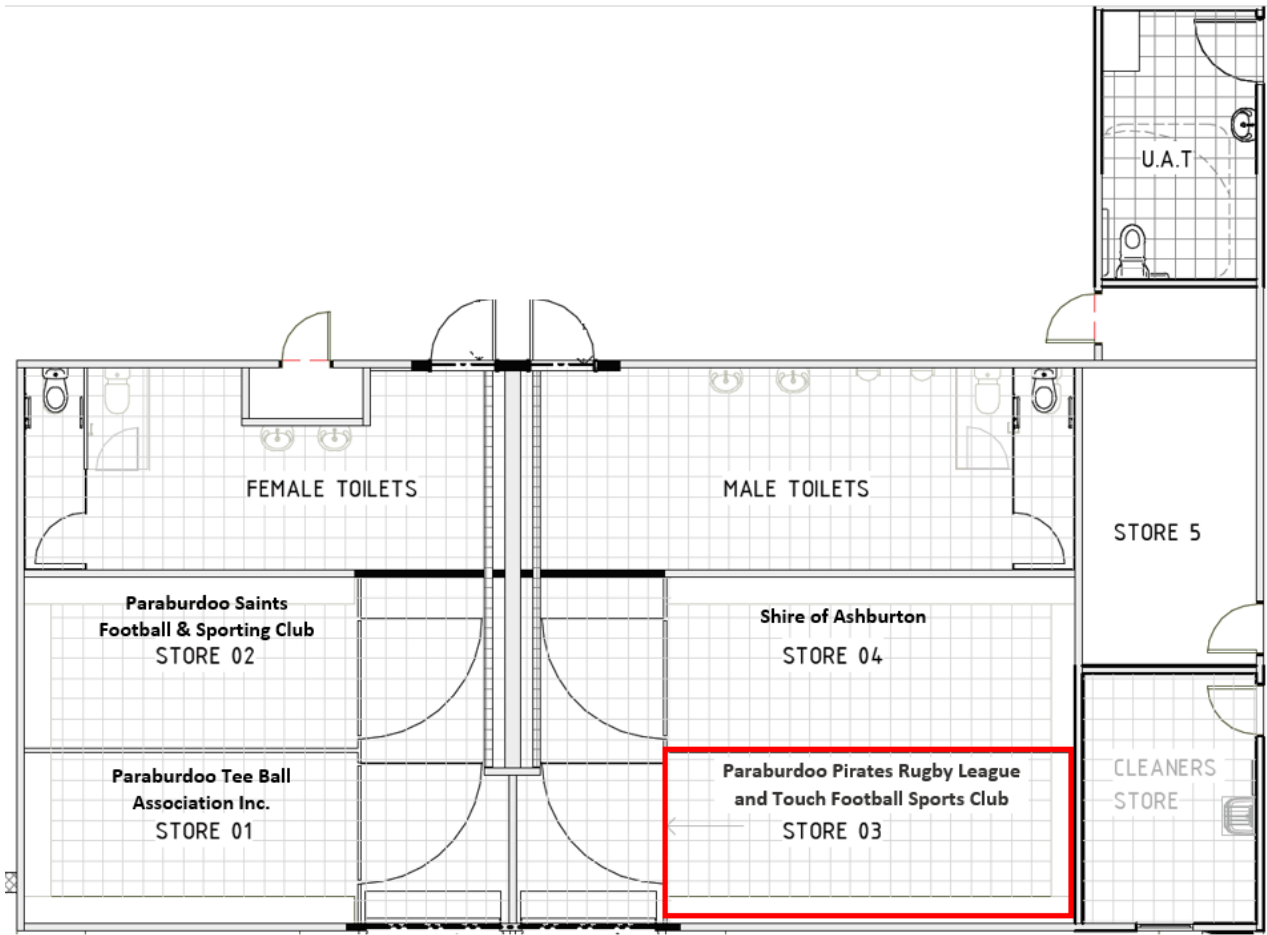
Following discussions between the Shire's Land & Asset Compliance team and Community Services team, Storeroom 3 has been vacated to allow further storage provision to community groups. Shelving was installed by the Community Services and will remain in situ for use by the lessee.

Comment

Paraburdoo Pirates Rugby League and Touch Football Sports Club Inc. (Association No. A1001277C) is an active and growing club in Paraburdoo and have expressed a need for storage provision. The Paraburdoo Soccer Club has allowed the Pirates to access their storage cage located within the CHUB, however the Pirates have been advised that this is a short term agreement only.

The Pirates have provided the Shire with a copy of their Constitution and AGM meeting minutes, and are very keen to source suitable storage for their club's growing activities.

The storerooms are shown on the plan below, with the Pirates Rugby League and Touch Football Sports Club Inc. proposed lease area outlined in red.



The proposed terms of the Lease Agreement are:

Lease /Licence	Term	Further Term	Rent (per REC05)	Maintenance Costs	Lessees Outgoings
Lease – Storage	5 years 1/12/2020 – 30/11/2025	To 31/10/2030 (to align with other leases in the facility)	\$100 p.a. plus GST	Lessee must maintain the Lease Premises in good condition and state of repair. The Shire is responsible for fair wear and tear and damage which will be reinstated from the proceeds of insurance.	<ul style="list-style-type: none"> • Cost of installation of meter, wiring or other device • Cleaning of Lease Area

The Pirates will be required to maintain insurance for their property and public liability for the term of their Agreement.

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

ATTACHMENT 12.4

Consultation

Chief Executive Officer
Executive Management Team
Manager Land and Asset Compliance
Manager Community Services East
Strategic Partnership Manager

Statutory Environment

Local Government Act 1995

3.58. *Disposing of property*

- (1) *In this section —*
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) *Except as stated in this section, a local government can only dispose of property to —*
(a) *the highest bidder at public auction; or*
(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
(a) *it gives local public notice of the proposed disposition —*
(i) *describing the property concerned; and*
(ii) *giving details of the proposed disposition; and*
(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
and
(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
(a) *the names of all other parties concerned; and*
(b) *the consideration to be received by the local government for the disposition; and*
(c) *the market value of the disposition —*
(i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
(ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
(a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
(b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
(c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
(d) *any other disposition that is excluded by regulations from the application of this section.*

Local Government (Functions and General) Regulations 1996

Part 6

30. Dispositions of property excluded from Act s. 3.58

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —
 - (a) the land is disposed of to an owner of adjoining land (in this paragraph called the **transferee**) and —
 - (i) its market value is less than \$5 000; and
 - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;
 - Or
 - (b) the land is disposed of to a body, whether incorporated or not —
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;

Land Administration Act 1997

18 . Crown land transactions that need Minister's approval

- (1) A person must not without authorisation under subsection (7) assign, sell, transfer or otherwise deal with interests in Crown land or create or grant an interest in Crown land.
- (2) A person must not without authorisation under subsection (7) —
 - (a) grant a lease or licence under this Act, or a licence under the Local Government Act 1995 , in respect of Crown land in a managed reserve; or
 - (b) being the holder of such a lease or licence, grant a sublease or sublicence in respect of the whole or any part of that Crown land.
- (3) A person must not without authorisation under subsection (7) mortgage a lease of Crown land.
- (4) A lessee of Crown land must not without authorisation under subsection (7) sell, transfer or otherwise dispose of the lease in whole or in part.
- (5) The Minister may, before giving approval under this section, in writing require —
 - (a) an applicant for that approval to furnish the Minister with such information concerning the transaction for which that approval is sought as the Minister specifies in that requirement; and
 - (b) information furnished in compliance with a requirement under paragraph (a) to be verified by statutory declaration.
- (6) An act done in contravention of subsection (1), (2), (3) or (4) is void.
- (7) A person or lessee may make a transaction under subsection (1), (2), (3) or (4) —
 - (a) with the prior approval in writing of the Minister; or
 - (b) if the transaction is made in circumstances, and in accordance with any condition, prescribed for the purposes of this paragraph.
- (8) This section does not apply to a transaction relating to an interest in Crown land if —
 - (a) that land is set aside under, dedicated or vested for the purposes of an Act other than this Act, and the transaction is authorised under that Act; or
 - (b) that interest may be created, granted, transferred or otherwise dealt with under an Act other than —
 - (i) this Act; or
 - (ii) a prescribed Act;
 - or
 - (c) an agreement, ratified or approved by another Act, has the effect that consent to the transaction was not required under section 143 of the repealed Act; or
 - (d) the transaction is a lease, sublease or licence and the approval of the Minister is not required under section 46(3b).

46. Care, control and management of reserves

- (1) *The Minister may by order place with any one person or jointly with any 2 or more persons the care, control and management of a reserve for the same purpose as that for which the relevant Crown land is reserved under section 41 and for purposes ancillary or beneficial to that purpose and may in that order subject that care, control and management to such conditions as the Minister specifies.*
- (2) *The Minister may —*
 - (a) *by order confer on a management body power, subject to section 18, to grant a lease or sublease or licence over the whole or any part of the Crown land within the reserve in question for the purposes referred to in subsection (1);*

Financial Implications

Policy REC05 states the annual lease fee for Shire facilities, buildings and land.

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

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

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Reputation Community trust could diminish if the Shire appear unwilling to assist community groups	Possible (3)	Minor (2)	Moderate (6)	Damage to Shire reputation	Council endorsement of Lease Agreement will mitigate risk

The following Risk Matrix has been applied.

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Moderate".

Policy Implications

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

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MINUTE: 194/2020

MOVED: Cr D Dias

SECONDED: Cr L Rumble

That with respect to the Proposed Lease of Peter Sutherland Storerooms and Amenities (Reserve 39572) between Shire of Ashburton and Paraburdoo Pirates Rugby League and Touch Football Sports Club Inc., Council:

- 1. Authorise the Chief Executive Officer to seek formal approval from the Minister for Planning, Lands and Heritage of the Lease Agreement between the Shire of Ashburton and Paraburdoo Pirates Rugby League and Touch Football Sports Club Inc for Storeroom Three within the Peter Sutherland Storerooms and Amenities facility on Reserve 39572; and**
- 2. Subject to approval from the Minister for Planning, Lands and Heritage, authorise the Chief Executive Officer to negotiate the terms of, and execute the Lease Agreement between the Shire of Ashburton and Paraburdoo Pirates Rugby League and Touch Football Sports Club Inc. (Association No. A1001277C) for Storeroom Three within the Peter Sutherland Storerooms and Amenities facility on Reserve 39572.**

CARRIED 8/0

13. PROPERTY AND DEVELOPMENT SERVICES REPORTS

13.1 FEES & CHARGES – PARABURDOO SOFTBALL DIAMOND, SOCCER AND RUGBY LIGHT TOWER HIRE

FILE REFERENCE:	CM10.19
AUTHOR'S NAME AND POSITION:	Chantelle McGurk Acting Director Project and Procurement
AUTHORISING OFFICER AND POSITION:	Kenn Donohoe Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	17 September 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 13.7 (Minute No. 643/2019) Ordinary Meeting of Council 18 September 2019

Summary

In September 2019, Council endorsed the construction tender (RFT 10.19) for the Paraburdoe Softball, Soccer and Rugby Facilities in Paraburdoe, the facility has now reached completion. To allow adhoc hire, it is requested Council endorse the inclusion of the lighting towers on the schedule of Fees and Charges for 2020/21.

The purpose of this report is for Council to consider an addition to the adopted Schedule of Fees and Charges 2020/2021 to reflect the fees and charges associated with the new lighting system installed on the Judy Woodvine Oval (top oval).

Background

As part of the redevelopment of Judy Woodvine Oval, the project included installing new lighting to the Top Oval. The project also included a new lighting control system to operate the lights in a more effective and efficient way.

The current fees and charges are generic and applied across all Shire reserves with lighting. The new lighting design and associated infrastructure at Judy Woodvine provides for efficient operation and calculation of true running costs. Now that the project has been completed the actual costs for electricity tariffs, maintenance and replacement costs are known and the current fees and charges do not reflect the costs to run and maintain the lights at Judy Woodvine Oval. New fees and charges are proposed to enable cost recovery for the Shire and a fair system for users.

Comment

Judy Woodvine Oval has been unavailable to the community since early 2020 so the construction could be undertaken in transforming the oval to a multi-purpose sporting oval.

Construction on Judy Woodvine Oval, Paraburdoo is now complete with 3 playing fields, Softball Diamond including dugouts, Rugby and Soccer Pitch including goal posts with overhead lighting all to Australian Standards for each sporting code.

The overhead lighting installed has 3 settings available to end users, which is known as a multi-watt dimming system, this means the lighting can be set for 100% (ultimate lux for competitions), 60% (satisfactory for training) and 40% (Low level Lux suitable for background lighting to events). The lighting operations mirror the same operations as Clem Thompson Oval Tom Price.

Fees and charges 2020/21 for Judy Woodvine Oval have been adopted by council excluding light charges.

The current fees and charges in the table below, as per fees for Clem Thompson Oval, Tom Price

Fee Name	2020/2021 Fee (excl. GST)	2020/2021 GST	2020/2021 Fee (incl. GST)
Lighting – 100% - Per hour	\$28.18	\$2.82	\$31.00
Lighting – 60% - Per hour	\$16.36	\$1.64	\$18.00
Lighting – 40% - Per hour	\$11.36	\$1.14	\$12.50

Council endorsement is requested to approve the fees and charges suggested and be added to the fees and charges 2020/21 schedule

Consultation

Executive Leadership Team
Acting Facilities Manager East

Statutory Environment

The *Local Government Act 1995*, Section 6.16 (Imposition of fees and charges), 6.17 (Setting level of fees and charges) and 6.19 (Local government to give notice of fees and charges) relates.

Section 6.19 requires that the local government provides local public notice of proposed new fees and the date the new fee will be applied from. It is proposed the new fees be applied from 3 days after the date of advertisement.

Local Government Act 1995 - Section 6.16 - Imposition of fees and charges:

- (3) *Fees and charges are to be imposed when adopting the annual budget but may be-*
(a) imposed during the financial year; and
(b) amended from time to time during the financial year.

Local Government Act 1995 - Section 6.17 Setting level of fees and charges:

- (1) *In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors-*
- (a) *the cost to the local government of providing the service or goods; and*
 - (b) *the importance of the service or goods to the community; and*
 - (c) *the price at which the service or goods could be provided by an alternative provider.*

Local Government Act 1995 - Section 6.19 Local Government to give notice of fees and charges:

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) *its intention to do so; and*
- (b) *the date from which it is proposed the fees or charges will be imposed.*

Financial Implications

It is expected the proposed charge will have minimal effect on the 2020/21 budget. However, this will be reviewed at Budget Review and necessary changes applied.

Council will note that the charges of lighting are not full cost recovery of electricity for the benefit of sporting groups and associations. A uniform tariff as depicted in this agenda item is recommended.

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 04 Quality Services and Infrastructure

Objective 1 Quality public infrastructure

Goal 04 Quality Services and Infrastructure

Objective 1 Quality public infrastructure

Risk Management

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

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council not endorsing fee's & charges	Unlikely (2)	Minor (2)	Low (2)	Less than \$10,000	Accept Officer Recommendation

The following Risk Matrix has been applied.

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

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

Policy Implications

ELM10 – Financial Sustainability Policy. Council desires to provide on-going financial sustainability to provide appropriate services and infrastructure for the community now and into the future.

Voting Requirement

Absolute Majority Required

Officers Recommendation and Council Decision

MINUTE: 195/2020

MOVED: Cr D Diver

SECONDED: Cr P Foster

That with respect to the Fees and Charges - Paraburdoo Softball Diamond, Soccer and Rugby Light Tower Hire, Council:

1. Approve the addition of a Lighting – Judy Woodvine Oval fee within the 2020/2021 Schedule of Fees and Charges, to read as follows:

Fee Name	2020/2021 (excl. GST)	Fee	2020/2021 GST	2020/2021 Fee (incl. GST)
Lighting – 100% - Per hour	\$28.18		\$2.82	\$31.00
Lighting – 60% - Per hour	\$16.36		\$1.64	\$18.00
Lighting – 40% - Per hour	\$11.36		\$1.14	\$12.50

2. Advertises local public notice in accordance with section 6.19 that a new fee schedule will be applicable from the date of this advertisement.

CARRIED BY ABSOLUTE MAJORITY 8/0

13.2 FINAL APPROVAL OF THE SHIRE OF ASHBURTON LOCAL PLANNING STRATEGY

FILE REFERENCE:	LP33
AUTHOR'S NAME AND POSITION:	Benjamin Leavy Acting Manager Town Planning
AUTHORISING OFFICER AND POSITION:	Adam Majid Director Development Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	23 October 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

This report presents the draft *Shire of Ashburton Local Planning Strategy* (the Strategy) **ATTACHMENT 13.2** for Council's final consideration.

A local planning strategy is a high level 10-15 year plan guiding land use and development based on a number of technical and specialist studies and reports, and applies State Government policies and guidelines. When adopted and endorsed by the Western Australian Planning Commission (WAPC), the Strategy will guide future strategic planning decisions; preparation or review of the local planning scheme such as via scheme amendments; new subdivision and development; and a review of policies and other planning instruments.

Part 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) requires the preparation of a local planning strategy for each local planning scheme that is approved for land within the local government's district. The Regulations also establish the process for preparing, advertising, and adopting a local planning strategy.

The advertising period for the draft was undertaken between June and September 2018 in accordance with the Regulations. A total of 17 submissions were received and have been considered in the context of the vision, strategies and actions within the Strategy. They are summarised in a schedule of submissions at **ATTACHMENT 13.2A** including a recommended action in response to the submissions. It is necessary for Council to consider the schedule of submissions as part of its consideration of the draft Strategy. The report notes there are minor modifications recommended to address relevant details raised in the submissions. They are summarised in a schedule of modifications at **ATTACHMENT 13.2B**.

This report recommends final approval of the Strategy, subject to modifications, and that it be forwarded to the Western Australian Planning Commission for endorsement.

Background

At its meeting held on 21 November 2017, Council resolved unanimously to submit the draft Local Planning Strategy to the WAPC for consent to advertise. In March 2018, the WAPC requested modifications to the structure of the Strategy, and provided its consent to advertise the draft Strategy on 28 March 2018. The structural modifications to the Strategy were undertaken and completed in April 2018.

The Shire advertised the draft local Planning Strategy between June and September 2018. During the advertising period, presentation workshops were held in the week of 13-17 August 2018 in the towns of Onslow, Tom Price and Paraburdoo. An industry workshop was held in Perth at the end of August 2018. The Shire received 17 submissions during the advertising period, which are detailed in the schedule of submissions.

Comment

Requirement for a Local Planning Strategy

A Local Planning Strategy guides local planning decisions with an intended lifespan of 10-15 years. It can be amended from time to time to remain contemporary and relevant. The Strategy provides the justification and rationale for preparing and gazettal of a new local planning scheme.

Finalising the draft Local Planning Strategy is important. The draft Local Planning Strategy represents a significant body of work, and based on the advertising period and receipt of submissions, only minor modifications are necessary in order for it to be considered acceptable and suitable for endorsement by the Western Australian Planning Commission.

An endorsed Local Planning Strategy will guide the preparation of a new local planning scheme. Local planning policies can also be reviewed, updated or new policies prepared to help guide planning and decision making.

Currently, the Shire operates without an endorsed local planning strategy, thus inhibiting the local government to undertake 'basic' and 'standard' amendments. With the endorsed local planning strategy in place, this will lead to more efficient administrative processing of Scheme amendments.

Preparation of a Local Planning Strategy

The *Planning and Development (Local Planning Schemes) Regulations 2015* require each local government to prepare a Local Planning Strategy, further stating that it must:

- “(a) set out the long-term planning directions for the local government; and
- (b) apply any State or regional planning policy that is relevant to the strategy; and
- (c) provide the rationale for any zoning or classification of land under the local planning scheme.”

In fulfilling these functions, the Strategy considers the Shire's strategic vision as set out in the *Living Life - Strategic Community Plan 2017-2027 (2019 Desktop Review)*, ensuring that the vision is implemented in a sustainable manner that interacts with the State's broader growth.

The draft Local Planning Strategy provides a vision for a 15-year time horizon and looks at the future growth opportunities of the local government area. The Local Planning Strategy:

- Sets out the long-term planning direction for the Shire of Ashburton;
- Applies State and regional planning policy that is relevant to the Local Planning Strategy; and
- Provides the rationale for zoning and classification of land to inform the review of the local planning scheme.

Structured in two parts, Part 1 of the Strategy describes the Shire with regard to land use considerations, noting significant issues and opportunities for future development and ongoing use of land. The findings described in this Part are then translated into a series of tables of 'Strategies and Actions'. These Strategies and Actions provide a framework for implementing the Strategy in staged manner and are critical to the Shire's ongoing development. Once the Strategy has been endorsed by the WAPC, the Strategies and Actions will be considered with regard to all planning decisions to ensure they contribute to the Shire's development goals and objectives.

Part 2 assesses and summarises a wide range of planning documents that are incorporated into the Strategy to ensure consistency across the planning framework, and to capture the relevant information into the document, including:

- The State and regional context:
 - State Planning Strategy
 - State Planning Policies and Development Control Policies;
 - The Pilbara Investment Blueprint; and
 - The Pilbara Planning and Infrastructure Framework;
 - Adopted local structure plans;
 - Coastal planning studies (particularly the CHRMAP);
 - The Shire of Ashburton Bushfire Hazard Level Assessment;
 - Ashburton North Strategic Industry Area Improvement Scheme.

- Local Planning documents:
 - Town Planning Scheme No. 7;
 - The Strategic Community and Business Plans;
 - Strategic Asset Management Plan;
 - Local Planning Policy framework;
 - Local Government Heritage Inventory;
 - Onslow Airport Master Plan.

In order to contextualise these other planning documents, Part 2 also summarises available data relating to other factors required to prepare a workable Strategy by identifying potential issues and constraints including:

- Native Title;
- Environmental matters;
- Land tenure matters;
- Population and housing;
- Employment conditions (local through to international);
- Industrial impacts (local through to international);
- Retail and commercial trends and land requirements;
- Tourism;
- Community assets, including recreation and education facilities;
- Urban design and heritage considerations;
- Traffic and transport matters;
- Infrastructure (water, power, sewerage, waste disposal).

This information is collected from a range of government sources as well as studies undertaken specifically as part of the Strategy. Technical documents that are appended to the Strategy include:

- Shire of Ashburton Environmental Profile;
- Ashburton Traffic Digest; and
- Local Planning Strategy Bushfire Hazard Level Assessment.

Consideration of submissions and endorsement by Western Australian Planning Commission (WAPC)

Regulation 14 requires the local government to consider submissions and review the Strategy, as follows:

- “(1) After the expiry of the period within which submissions may be made in relation to a local planning strategy, the local government must review the strategy having regard to any submissions made.*
- (2) The local government may —*
- (a) support the local planning strategy without modification; or*
 - (b) support the local planning strategy with proposed modifications to address issues raised in the submissions.*
- (3) After the completion of the review of the local planning strategy the local government must submit to the Commission —*
- (a) a copy of the advertised local planning strategy; and*
 - (b) a schedule of the submissions received; and*
 - (c) particulars of any modifications to the advertised local planning strategy proposed by the local government.”*

In this regard, it is considered that the advertised Strategy has been subject to rigorous consultation and review. The Shire has considered the submissions that were received and it is considered that the submissions warrant several minor modifications to the Strategy as part of its finalisation. These modifications are described in the Schedule of Submissions at **ATTACHMENT 13.2A**.

Once in possession of the Strategy, the WAPC would act in accordance with Regulation 15, as follows:

- “(1) Within 60 days of the receipt of the documents referred to in regulation 14(3) the Commission may —*
- (a) endorse the strategy without modification; or*
 - (b) endorse the strategy with some or all of the modifications proposed by the local government; or*
 - (c) require the local government to modify the strategy in the manner specified by the Commission before the strategy is resubmitted to the Commission for endorsement; or*
 - (d) refuse to endorse the strategy.”*

It is understood that the WAPC is interested to see local planning strategies and schemes finalised throughout the State, to ensure the planning framework is contemporary and relevantly meets the needs of those communities. This is becoming more relevant and important as part of the State’s economic recovery response to the pandemic. It is anticipated that the WAPC will work collaboratively with the Administration to work through relevant and essential modifications necessary to facilitate the Strategy being endorsed without delay.

Consultation

The Regulations require that a local government advertise the Strategy for a minimum 21 days by way of newspaper, display of notice at the offices, referral to affected public authorities, notice on the website and/or as directed by the Commission and in any other way the local government considers appropriate.

The advertising period was from 18 July 2018 and closed on 14 September 2018, a total of 62 days. The advertising of the Strategy was widely promoted through the Shire’s website, social media, local newspapers, and workshops.

Plans and documents setting out and explaining the draft Local Planning Strategy were made available online at the Shire’s website and hard copies were available for inspection at the following locations:

- Tom Price Administration Centre – Lot 246 Poinciana Street, Tom Price;
- Paraburdoo Library – Ashburton Avenue, Paraburdoo;
- Onslow Administration Office – Second Avenue, Onslow; and
- Western Australian Planning Commission – Level 2, 140 William Street, Perth.

The Shire encouraged completion of an online survey, feedback forms, and accepted written feedback via the Shire’s website, email, or by post.

Community workshops

Community workshops were scheduled in the week of 13-17 August 2018, with venues open from 3pm with Shire staff available for general queries, and formal presentations and question and answer sessions from 5pm. There was a low attendance at the Paraburdoo workshop as it was the day after a fatal accident at a mine site. The workshops were held as per the following table:

Date	Location	Approximate number of attendees
13 August 2018	RM Forrest Hall, Onslow	10-15
15 August 2018	Clem Thompson Sports Pavilion, Tom Price	7
16 August 2018	Ashburton Hall, Paraburdoo	2

Industry workshop

An industry briefing workshop was scheduled on 31 August 2018 and held at the Department of Planning, Lands and Heritage at 140 William Street, Perth. The workshop presentation ran through the draft Strategy and covered:

- Introduction to the project team and what is a local planning strategy;
- Background to the local planning strategy including Pilbara Cities, Pilbara Planning and Infrastructure Framework, and the Shire’s Strategic Plan 2017-2027;
- Population of the Shire, population forecasts, and preferred growth scenario;
- General and particular issues to address in the Local Planning Strategy;
- Mapping of the Issues and Opportunities and Strategy Plans for the Shire, Onslow, Tom Price and Paraburdoo;
- Format of the Part 1 of the Strategy based on the Vision Statements of “Vibrant and Active Communities”, “Economic Prosperity”, “Unique Heritage and Environment”, “Quality Services and Infrastructure”; and
- Round-table discussion on the themes, strategies and actions.

The industry workshop had attendees from:

- RFF Australia on behalf of OMSB;
- Pilbara Development Commission;
- Rio Tinto Iron Ore;
- Department of Biodiversity, Conservation and Attractions;
- Department of Water and Environmental Regulation;
- Water Corporation;
- Department of Planning, Lands and Heritage;
- Department of Jobs, Training, Science and Innovation;
- Department of Transport; and
- LandCorp (now Development WA).

Submissions

As a result of the advertising, a total of 17 submissions were received, inclusive of one internal submission from the Shire administration. A 'Schedule of Submissions' is included as **ATTACHMENT 13.2A**.

Online Survey

The Shire received twelve survey responses, two from internal staff that were testing the survey and one incomplete response. The survey responses are contained in the Schedule of Submissions. Of the nine complete responses:

- Seven respondents provided feedback for Tom Price;
- One respondent provided feedback for Onslow; and
- One respondent provided feedback for Paraburdoo.

The survey responses have been given due consideration. Officer recommendations and relevant modifications are contained in the Schedule of Submissions.

The following survey questions were put forward as part of the online survey, with a summary of the responses provided below each question.

Tom Price

- The Tom Price Townsite Strategy Plan supports infill housing as a first step to provide for additional residential development to accommodate operational workforce integrated within the residential base of the townsite. Do you support or have any concerns with the infill housing strategy as shown on the Tom Price Townsite Strategy Plan?

Five respondents were in full support; two respondents had some concern. Responses commented on the need to diversify home ownership, due to the lack of private housing and due to Rio Tinto owning a significant percentage of houses. Comments also referred to affordability. One respondent supported medium density in 'Central' Tom Price.

- The Tom Price Townsite Strategy Plan identifies opportunities for future industry and mixed business expansion. Do you support the identified areas of expansion for Tom Price?

Six respondents supported the area for future industry / mixed business. One respondent considered the Doradeen Road area was considered as an opportunity for a heritage trail, however the land is zoned for 'industrial and mixed business/development' under the Shire's Local Planning Scheme No. 7.

- Do you see any issues or see any missing opportunities on the Draft Townsite Strategy Plan? Please add any additional comments that you may have on the Draft Local Planning Strategy below.

Five respondents were in full support; two respondents had some concern. Responses commented on the need to diversify home ownership, due to the lack of private housing and due to Rio Tinto owning a significant percentage of houses. Comments also referred to affordability. One respondent supported medium density in 'Central' Tom Price.

Onslow

- The Onslow Townsite Strategy identifies future growth opportunities between the existing town centre and Onslow Airport. Amongst other things, it identifies a future expansion of the Barrarda Estate, indicative new schools, and new industrial land. Do you support or have any concerns with what is shown on the Onslow Townsite Strategy Plan?

One respondent in full support.

- The Onslow Townsite Strategy Plan shows the future projected coastline (pink line labelled '2110 Modelled Setback'). It indicates that by the year 2110, some of the town may be at risk of inundation due to climate change and increasing sea levels. As a result, the Strategy Plan identifies two potential sites for consideration for the future relocation of the town centre. Do you support either if the identified future town centre locations, or propose an alternative location?

One respondent in support of the location near Back Beach Road.

- Do you see any issues or see any missing opportunities on the Draft Townsite Strategy Plan? Please add any additional comments that you may have on the Draft Local Planning Strategy below.

One respondent provided comments regarding the construction of accommodation for the gas plant in Onslow too close to the residential area, which will create social and traffic management issues. The respondent considered the document focused on economic development but not as much focus on social issues.

Paraburdoo

- The Paraburdoo Townsite Strategy Plan supports infill housing as a first step to provide for additional residential development areas to accommodate operational workforce integrated within the residential base of the townsite. Do you support or have any concerns with the infill housing strategy as shown on the Paraburdoo Townsite Strategy Plan?

One respondent provided full support.

- The Community Hub (CHUB) development will improve the town centre with community clubs and organisations co-located with a mix of commercial, community and recreational uses. Do you support the open spaces adjoining the Paraburdoo Shopping Centre continuing for recreational uses (i.e. skate park, parks and gardens) or identified for commercial expansion?

One respondent provided partial support.

- Do you see any issues or see any missing opportunities on the Draft Townsite Strategy Plan? Please add any additional comments that you may have on the Draft Local Planning Strategy below.

No responses received.

Modifications

Officers have reviewed the Draft Local Planning Strategy in light of the submissions received and, in some instances, recommend that modifications be undertaken. Officers have also reviewed the Draft Strategy in light of changes to legislation, policy frameworks and best practices since the drafting of the documents. Officers recommend that some modifications be undertaken to ensure the documents are up-to-date and reflect best practice. A schedule of modifications have been prepared for the Draft Strategy, which outlines the section of the documents recommended to be modified, the specific modification and the justification for the modification being recommended.

The detailed schedule of modifications on the Draft Strategy is contained within **ATTACHMENT 13.2B**

Options and Implications

Option 1

That Council SUPPORTS the Draft Strategy with modifications.

Option 2

That Council does not SUPPORT the Draft Strategy.

Option 1 is recommended.

Internal consultation – initially as part of preparation of the draft Strategy

- Chief Executive Officer
- Director Development & Regulatory Services
- Director Corporate Services
- Director Strategic & Community Development
- Director Infrastructure Services

Statutory Environment

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Pursuant to the Regulations, the local government must provide the advertised Strategy, Schedule of Submissions and relevant modifications to the WAPC.

Financial Implications

This project was almost exclusively funded through the Northern Planning Project, a Royalties for Regions initiative. The Shire incurred costs to advertise the Strategy from previous budgets.

The Shire is incurring costs associated with finalising the Strategy from existing budgets.

Strategic Implications

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

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

Goal 02 Economic Prosperity
Objective 1 Strong local economies

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

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

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not support the Draft Local Planning Strategy	Unlikely (2)	Major (4)	Moderate (8)	Reputation - Unsubstantiated, localised low impact on community trust, low profile or no media item.	Accept Officer Recommendation

The following Risk Matrix has been applied.

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

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

Policy Implications

The Local Planning Strategy contains a number of recommendations related to local planning policies and these will be implemented through a comprehensive review of these policies.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MINUTE: 196/2020

MOVED: Cr P Foster

SECONDED: Cr D Diver

That with respect to the Final Approval of the Shire of Ashburton Local Planning Strategy, Council:

- 1. Pursuant to Regulation 14(2)(b) of the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to adopt with modifications, the Shire of Ashburton Local Planning Strategy (ATTACHMENT 13.2B);**
- 2. Pursuant to Regulation 14(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, endorse the Officer Comments contained within the attached Schedule of Submissions (ATTACHMENT 13.2A); and**
- 3. Pursuant to Regulation 14(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, submit the Shire of Ashburton Local Planning Strategy, Schedule of Submissions and Modifications to the Western Australian Planning Commission for endorsement.**

CARRIED 8/0

14. COMMUNITY SERVICES REPORTS

There were no Community Services reports for this Agenda.

15. INFRASTRUCTURE SERVICES REPORTS

15.1 TOM PRICE TOURIST INFORMATION BAY

FILE REFERENCE:	CMQ24.20
AUTHOR'S NAME AND POSITION:	Shane Godfrey Projects Officer
AUTHORISING OFFICER AND POSITION:	Alan Sheridan Acting Director Infrastructure Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	26 October 2020
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The purpose of this report is to provide a status update on the Tom Price Tourist Information Bay project and to seek the allocation of additional funds for the completion of the project.

Background

In 2016 the Shire of Ashburton prepared a number of Tourist Information Bay concepts to be delivered across the region. With the Paraburdoo facility being completed in 2017, focus has now shifted to the delivery of the Tom Price facility.

The project location is the site of the static haul truck near the intersection of Tom Price-Paraburdoo Rd and Mine Rd (opposite the Service Station). The site provides for safe access and co-locates the proposed facility with the existing static display. Importantly, the location has been approved by Main Roads.

The approved budget expenditure is \$468,361 with funding sourced from: (i) \$400,000 underspend in RTIO Community Infrastructure and Services Partnership (CISP) and (ii) surplus funding of \$52,661 from a Main Roads WA grant for completion of the Paraburdoo Information Tourist Bay – Shire municipal funds of \$15,700 makes up the balance.

Comment

An RFT for the Tourist Bay structure was advertised in September 2020 with the Tender Price being in line with expectations (approx. \$240,000), leaving \$228,361 for the site works. The design concept for the structure is attached.

ATTACHMENT 15.1A

The intention at the time was to deliver the Tourist Bay structure as one project and deliver the site works as a separate project. However, Council would effectively be proceeding with part of

a project, with no knowledge of the full project cost. There are also project risks associated with separating the two components of work. In order to manage project risks, the preferred approach is to proceed with the works as a single project.

Concept sketches for the current site were developed in July 2020. The concept sketches show the structure located on the Northern edge of the existing cleared area with in-out vehicle access being formalised from the southern corner of the site; the northern informal access being closed off for safety reasons. The concept also allows clearance to the existing power line and makes use of a connection to the existing water main to provide a water filling point for caravans.

ATTACHMENT 15.1B

Civil Engineering Consultants (Porters) have been engaged to undertake the civil design work for the site. The consultant's estimate of cost for the civil works is \$360,000.

The total project cost including site works is estimated as follows:

- Structure - \$240,000
- Civil Works - \$360,000
- Design Fees - \$30,000
- Contingency - \$60,000

Total Project Estimate - \$690,000

The existing budget allocation is \$468,361.

As a result, an additional budget allocation of \$222,000 is required to complete the project.

Once the design of the site works are complete, it is proposed to seek tenders for the works as a single contract (structure and civil works) for delivery during the period April-May 2021.

Consultation

Executive Leadership Team
Projects Officer
Finance Team

Statutory Environment

There are no known statutory impediments for this matter.

Financial Implications

The current budget for the project is \$468,361.00. An additional budget allocation of \$222,000 is required to complete the works and is recommended to be sourced from the Infrastructure Reserve.

2019/2020 Infrastructure Reserve closing balance is \$3,527,616 (unaudited). Current budgeted transfers from the Reserve are:

Ocean View Caravan Park upgrade \$600,000
Stormwater drainage program \$300,000
Footpath program \$737,000
Mine Road upgrade \$120,000
Tom Price Tourist Information Bay \$222,000
Total budgeted transfers from Infrastructure Reserve of \$1,979,000

Budgeted closing balance \$1,548,616

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

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

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Compliance and Interruption to service – Main Roads	4	Moderate	High (12)	Prolonged interruption of services – additional resources; performance affected < 1 week	Project communications and compliance documents completed when required.
Natural Environment	2	Minor	Moderate (6)	Contained, reversible impact managed by internal response	Assessed impact and compliance areas approved
Financial Impact	3	Moderate	Moderate (9)	\$100,001 to \$1,000,000	Strategic long term planning for site development
Project Time	4	Minor	Moderate (8)	Exceeds deadline by 10% of project timeline	Agreed project timeframe deliverables confirmed

The following Risk Matrix has been applied.

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

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

This risk will be substantially mitigated by the adoption of the officer's recommendation.

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Absolute Majority Required

Officers Recommendation and Council Decision

MINUTE: 197/2020

MOVED: Cr D Diver

SECONDED: Cr P Foster

That with respect to the Tom Price Tourist Information Bay capital works project, Council:

- 1. Acknowledge the status of the project and risks associated with completing the structure and site works separately as outlined in this report.**
- 2. Approve a budget amendment for the 2020/21 budget as follows:**
 - a) Increase capital expenditure job no. 15151 Tom Price – Upgrade Tourist Info Bay signage by \$222,000 from \$468,361 to \$690,361; and**
 - b) Increase Transfer from Reserve (Infrastructure) GL account no. 134856 by \$222,000 from \$0 to \$222,000.**

CARRIED BY ABSOLUTE MAJORITY 8/0

15.2 SLIP INTO ONSLOW TOURIST SIGNAGE

FILE REFERENCE:	RC29
AUTHOR'S NAME AND POSITION:	Alan Sheridan Acting Director Infrastructure Services
AUTHORISING OFFICER AND POSITION:	Kenn Donohoe Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	26 October 2020
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The purpose of this report is to outline investigations undertaken to date and to seek Council's feedback on the concept and location of the proposed signage.

Background

The current budget provides an allocation of \$65,000 for Tourism Signage on North West Coastal Highway (Slip into Onslow). The intent of the project is to further develop tourism in Onslow and draw in travellers using the North West Coastal Highway.

Comment

A concept for the proposed signage has been developed in-house by Kylie Nicholson (Admin Officer Building and Health) - it depicts the major attractors to the area and highlights the relative ease of visiting Onslow by comparing the short side journey to the much longer trip to Broome. Even though the concept has been produced in-house, it seems to have considerable merit and could be used as the basis for more detailed artwork (if required). Council's feedback is required regarding the current draft concept.

ATTACHMENT 15.2A

The proposed dimension of the new sign is 4800 mm x 3600 mm. A slightly smaller option (3600 mm x 2400 mm) is also available, but the overall cost including installation is similar. In terms of comparison, the dimension of the existing tourist signage is approximately 2400 mm x 1200 mm.

ATTACHMENT 15.2B

A number of locations have been considered for positioning of the proposed sign. Staff have also had preliminary discussions with MRWA regarding the positioning of such a sign. Informal feedback indicates that MRWA may not have an issue with signage which is incorporated as part of the Information Bay. However, they are unlikely to support signage within the road reserve at other locations. As a result, a preferred location has been identified close to the existing Information Bay on the North West Coastal Highway.

The preferred location offers good visibility to northbound traffic and seems to present a good opportunity for locating such a sign. With this information as background, Council feedback is required regarding the proposed location of the sign. Following Council's feedback, a formal letter of application to Main Roads Western Australia can be submitted for siting approval.

ATTACHMENT 15.2C

Subject to Council's consideration of the signage concept and proposed location, and subject to Main Roads approval, it is intended to arrange for:

- Structural / footing design and building approvals
- Design and fabrication of the sign (to be coordinated with the installation)
- RFQ for installation (with works to be carried out in May 2020).

Consultation

Executive Leadership Team
Manager Building and Health Services
Administration Officer - Building & Health

Financial Implications

Council has allocated \$65,000 for this project in the 2020-21 budget.

A quote for manufacture of the proposed sign has been prepared by Sunny Signs, a preferred supplier that the Shire of Ashburton has used on a regular basis. Due to the size of the sign, support posts will most likely be Universal Beams with frangible fixings and reinforced concrete footings. The Shire of Ashburton has previously used RSA Pty Ltd for structural / footing design work and would probably do so again for this project.

The estimate of costs are as follows:

- | | |
|------------------------------------|----------|
| • Detailed artwork (if required) - | \$4,000 |
| • Sign - 4800mm x 3600mm braced - | \$3,000 |
| • Structural Footing Design - | \$1,500 |
| • Building Application - | \$750 |
| • Support posts and fixings - | \$3,000 |
| • Installation and erection - | \$25,000 |
| • Certification (if required) - | \$1,500 |
| • Contingency - | \$5,000 |

Total Estimate – \$45,000

The budget allocation of \$65,000.00 will therefore be sufficient to complete the project subject to MRWA approval. It should be noted however, that the presence of rock in the area could significantly increase the cost of installation. With the balance of funds, it is also proposed to renew the existing tourist signs as they are showing signs of wear and could do with a facelift.

ATTACHMENT 15.2A

Strategic Implications

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

Goal 02 Economic Prosperity
Objective 1 Well-managed tourism

Goal 03 Unique Heritage and Environment
Objective 1 Flourishing natural environments

Risk Management

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

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Compliance The project is subject to MRWA approvals. There is a chance that they would not be supportive of these works	Possible (3)	Major (4)	High (12)	Possible roadblock in project with approvals	Ensure that all specifications and requirements are planned, carried out and approved by MRWA

The following Risk Matrix has been applied.

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

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

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MINUTE: 198/2020

MOVED: Cr P Foster

SECONDED: Cr L Rumble

That with respect to the Slip into Onslow Tourist Signage, Council:

- 1. Endorse the proposed location of the sign to be installed; and**
- 2. Support the draft concept design and delegate authority to the Chief Executive Officer to liaise in with Council on the final design.**

CARRIED 8/0

15.3 ONSLOW SEAWALL / FORESHORE STABILISATION PROJECT

Declaration of Interest

Prior to consideration of this Agenda Item:

The Chief Executive Officer declared a proximity interest

RECORDED ON GV07

The Chief Executive Officer left the meeting at 1.41pm. Mr John Bingham assumed responsibility.

FILE REFERENCE:	AS.TE.00024.002
AUTHOR'S NAME AND POSITION:	Alan Sheridan Acting Director Infrastructure Services
AUTHORISING OFFICER AND POSITION:	Shire of Ashburton Council
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	27 October 2020
DISCLOSURE OF FINANCIAL INTEREST:	The author does not have a financial interest, proximity or impartiality interests in the proposal. The Chief Executive Officer's rental property in First Avenue, Onslow has a direct proximity to the Foreshore Reserve
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The purpose of this report is to provide a status update on the Onslow Seawall / Foreshore Stabilisation Project and to seek Council's endorsement regarding the proposed Scope of Works

Background

The Onslow Seawall was extensively rebuilt after Cyclone Vance (1999) caused significant damage to the foreshore as well as the main sea defences. It currently extends from the Ocean Outfall at Detention Basin # 3 (Ch 0.00) to Anzac Memorial Park (Ch 1032.00) – a total distance of 1032 metres. While some areas have shown slight movement and issues with in-situ pipe outlets, considering the overall condition after twenty years, the seawall has performed well.

In the current budget, Capital allocations have been made for:

- Seawall Construction at Anzac Memorial Site - Renewal **\$500,000.00**
- Foreshore Protection plus Seawall Extension - Renewal **\$400,000.00**

Total Budget Allocation **\$900,000.00**

Comment

Investigations

This particular project is part of a longer term strategy, to firstly undertake an up to date inspection of the existing seawall as it currently stands, to undertake studies associated with sea level rise and coastal dynamics and in turn to develop a long term ongoing management/maintenance plan.

The inspection and documentation of the existing condition is complete and a series of works have been identified as a result of that exercise. Coastal studies have been undertaken by UWA in partnership with BMT consultants.

Development of a longer term “management/maintenance plan” has been delayed until after the completion of the Chevron Wheatstone Project and the handover of the Port of Ashburton to Pilbara Ports Authority, as these developments will have a bearing on the overall outcome moving forward.

There are other factors and sites that also need to be considered with regard to the development of a long term management/maintenance plan. These include:

- Macedon Plant
- Onslow Salt
- Department of Transport Training Wall improvements
- Works on the deep water channel and associated dredge land fill
- Onslow Airport
- Increased tidal levels
- Weather patterns including cyclones

Recent reports / technical investigations include the following:

- Cardno Consultants inspection and report in June 2018. Seawall Plan Chainage 00 to 1032m including the summarised Condition Assessment.

ATTACHMENT 15.3A

- Land Surveys drone survey in February 2019 to enable an accurate topographical representation of the existing seawall – this is required to produce a design to extend and improve the structure as a whole and as base data for future reference.

ATTACHMENT 15.3B

- UWA in partnership with BMT Consultants produced a report “Coastline dynamics, coastal infrastructure impacts, and erosion hotspots along the Ashburton coast.” - overseen by Dr Mick O’leary. This report highlights issues that could or will occur along the coastline as the tidal and sea levels change.

- Extensive LIDAR (Light Detection and Ranging) surveys have been undertaken to show the low lying areas of this stretch of coastline which encompasses the Town of Onslow – it shows the levels and areas likely to be affected by a rise in sea level and combines that with a tidal surge and a significant stormwater event. Lidar is a method for measuring distances (ranging) by illuminating a target with laser light and measuring the reflection with a sensor.

ATTACHMENT 15.3C

- Digital Images of the Seawall and boat ramp (First Avenue) together with the stormwater outlets (taken on 07/02/20). It is intended to continually update these images as a measure of the condition of the structure over time.

ATTACHMENT 15.3D

Drainage Works

Drainage works already completed (which will assist with future flood protection) include the following:

- Clearing of existing stormwater pipes and gully pit in the town
- Repairing damaged sections of pipe to ensure suitable flow outwards
- Clearing tree roots from the pipe network
- Clearing excessive vegetation from the detention basins
- Re-shaping the detention basins to increase short term storage capacity
- Installation of a multi chamber sump in detention basin # 2
- Water feature in detention basin # 2 which can be used to pump water through the downstream stormwater pipes to assist in disposing of excessive flood waters
- Improving RL's in the detention basin system to allow water to flow naturally

As a separate project, future drainage / stormwater works include significant upgrades to drainage swales, stormwater detention basin and culvert pipes, however these works require further detailed investigation, design and costing. It is proposed to proceed with these investigations utilising funds available from the Stormwater Drainage Renewal Program (\$300K Budget). This would allow for budget consideration in future budgets.

ATTACHMENT 15.3E

Current Project Status

As a result of the Cardno Inspection Report (Attachment 1), a number of projects have been identified and are proposed to be undertaken with the current budget allocation of \$900,000. In summary, these projects include:

1. A 120m extension to the Western end of the seawall commencing at Ch 950

ATTACHMENT 15.3F

2. A new outfall structure at the Eastern end of the seawall at Ch 0

ATTACHMENT 15.3G

3. A new stormwater outlet structure tied into the existing seawall at Ch 600 – south of the boat ramp

ATTACHMENT 15.3H

4. Replace/repair existing stormwater outlets and flaps

ATTACHMENT 15.3I

5. Regrading of Beadon Creek Swale (subject to availability of funds – Items 1 to 4 above being the priority works)

It is proposed to re-engage the same consultant (Cardno) to complete the required design and specification work as a pre-approved supplier on the WALGA Panel of Providers - Cardno already has extensive knowledge of the issues (design scheduled for November / December). Following

that, it is proposed to tender the works (Items 1 to 5 as indicated above) for construction following the upcoming cyclone season (for completion by 30 June 2021).

Consultation

Executive Management Team
Project Officer (Onslow)

Financial Implications

Council has allocated \$900,000 for this project in the 2020-21 budget.

A cost estimate for the proposed works is being compiled, with advice from consultants. At this stage, the costs are estimated as follows:

- Design and Tender Specification / Documentation - \$60,000
- 120m Seawall Extension (Item 1 above) - \$180,000
- 60m outfall structure (Item 2 above) - \$90,000
- New stormwater outlet structure (Item 3 above) - \$150,000
- Replace stormwater outlet flaps - \$25,000
- Contingency (20% of above) - \$100,000

Sub-Total Order of Cost - \$600,000

Note that these are Order of Costs only at this stage as more detailed design work and cost estimates are required.

There are also works associated with the Beadon Creek Swale – estimated at \$300,000 which could probably be undertaken within the project budget. This work will provide overland flow protection to the foreshore and the seawall.

Total Order of Cost including Beadon Creek Swale - \$900,000

Strategic Implications

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

Goal 04 – Quality Services and Infrastructure

Objective 01 – Well-planned towns

Risk Management

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

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Project Tendering and Delivery Contract issues which arise during project delivery	Possible (3)	Moderate (3)	Moderate (9)	Possible contract issues during project delivery	Ensure documentation and design by appropriately qualified consultants

The following Risk Matrix has been applied.

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Moderate" due to the potential for contract dispute during project delivery. Appropriately detailed contract Specification and controls throughout the delivery of the project will mitigate the risk.

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MINUTE: 199/2020

MOVED: Cr P Foster

SECONDED: Cr M Gallanagh

That with respect to the Onslow Seawall / Foreshore Stabilisation Project:

1. Note the project status update as outlined in this report; and
2. Endorse the proposed Scope of Works as detailed in the report.

CARRIED 8/0

The Chief Executive Officer returned to the meeting at 1.44pm.

16. COUNCILLOR AGENDA ITEMS / NOTICES OF MOTIONS

16.1 BUS TURN AROUND AREA – FORTESCUE ROAD, PARABURDOO

FILE REFERENCE:	GV04
AUTHOR'S NAME AND POSITION:	Cr Douglas (Ivan) Dias
AUTHORISING OFFICER AND POSITION:	Kenn Donohoe Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Cr Douglas (Ivan) Dias
DATE REPORT WRITTEN:	28 October 2020
DISCLOSURE OF FINANCIAL INTEREST:	The author has declared a financial interest in the proposal
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Cr Dias has submitted a Notice of Motion to consider the nonconforming bus turning zone located just past the intersection of Fortescue Road and Channar Avenue, Paraburdo.

Background

The Notice of Motion was received by the Chief Executive Officer (CEO) by email at 11.54am on Wednesday 28 October 2020. In accordance with the Shire of Ashburton Standing Orders a Notice of Proposed Motion must be given by the Council member to the CEO at least 14 clear working days before the date of the Council meeting at which the proposed motion is to be moved. This enables the Chief Executive to include in the Agenda and provide a report about the proposed motion.

As this Notice of Proposed Motion was not received within the timeframes set out in the Standing Orders, no report has been prepared. However, should the Proposed Motion be carried a report can be submitted to the December 2020 Ordinary Meeting of Council.

Councillor Motion

That with respect to the Notice of Motion – Bus Turn Around Area – Fortescue Road, Paraburdo:

1. A report from the Chief Executive Officer be provided for the next Ordinary Meeting of Council to be held in Onslow on Friday 11 December 2020; and
2. The report to include Cr Dias' recommendation of:
 - a) Writes to Rio Tinto Iron Ore (RTIO) advising that that the nonconforming bus turning zone located just past the intersection of Fortescue Road and Channar Avenue will not be able to be utilised effective from 1 January 2021;

- b) Advises RTIO if the Council's reserve just past the intersection of Fortescue Road and Channar Avenue intersection is critical to the safe traversing of the bus network then Council is prepared to consider engineering diagrams together with a road safety assessment for the establishment of an appropriately engineered and sealed intersection for this purpose; and
- c) Installs appropriate barriers to prevent buses and other traffic from utilising a portion of Council's reserve for a turning circle just past the intersection of Fortescue road and Channar Avenue.

Councillor Motion and Council Decision

MINUTE: 200/2020

MOVED: Cr Dias

SECONDED: Cr Rumble

That with respect to the Notice of Motion – Bus Turn Around Area – Fortescue Road, Paraburdoo:

- 1. A report from the Chief Executive Officer be provided for the next Ordinary Meeting of Council to be held in Paraburdoo in February 2021; and**
- 2. The report to include Cr Dias' recommendation of:**
 - a) Writes to Rio Tinto Iron Ore (RTIO) advising that the nonconforming bus turning zone located just past the intersection of Fortescue Road and Channar Avenue will not be able to be utilised effective from 1 January 2021;**
 - b) Advises RTIO if the Council's reserve just past the intersection of Fortescue Road and Channar Avenue intersection is critical to the safe traversing of the bus network then Council is prepared to consider engineering diagrams together with a road safety assessment for the establishment of an appropriately engineered and sealed intersection for this purpose; and**
 - c) Installs appropriate barriers to prevent buses and other traffic from utilising a portion of Council's reserve for a turning circle just past the intersection of Fortescue road and Channar Avenue.**

Council Decision – Procedural Motion

MINUTE: 201/2020

Moved Cr D Diver

Seconded Cr L Rumble

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

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

CARRIED 8/0

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

Council Decision

MINUTE: 202/2020

MOVED: Cr D Diver

SECONDED: Cr P Foster

In accordance with Standing Order 5.4 – An item of Urgent Business relating to:

**18.5 CONFIDENTIAL ITEM – ONSLOW MARINE SUPPORT BASE – REQUEST FOR
SUPPORT**

be introduced to the business of Council under 18.5 – behind closed doors.

CARRIED 8/0

18. CONFIDENTIAL MATTERS

- 1. Under the Local Government Act 1995, Part 5, and Section 5.23, states in part:**
- 2. If a meeting is being held by a Council or by a committee referred to in subsection (2)(b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:**
 - (a) a matter affecting an employee or employees;**
 - (b) the personal affairs of any person;**
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;**
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;**
 - (I) a matter that if disclosed, would reveal;**
 - (II) a trade secret;**
 - (III) information that has a commercial value to a person; or**
 - (IV) information about the business, professional, commercial or financial affairs of a person,**

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

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

Council Decision

MINUTE: 203/2020

MOVED: Cr D Diver

SECONDED: Cr P Foster

That Council move behind closed doors at 1.51pm to consider the following Confidential Items.

- 18.1 CONFIDENTIAL ITEM - CHEVRON AUSTRALIA PTY LTD AND SHIRE OF ASHBURTON SPONSORSHIP AGREEMENT – WORKING TOGETHER ONSLOW 2021**
- 18.2 CONFIDENTIAL ITEM - RTIO - STRATEGIC PARTNERSHIP REVIEW – TERMS OF REFERENCE**
- 18.3 CONFIDENTIAL ITEM - RFT21.19 - RURAL UNSEALED ROADS RENEWAL PROGRAM**
- 18.4 CONFIDENTIAL ITEM - REQUEST FOR TENDER 11.20 TOM PRICE CHILDCARE CENTRE SERVICE PROVIDER**
- 18.5 CONFIDENTIAL ITEM – ONSLOW MARINE SUPPORT BASE – REQUEST FOR SUPPORT**

CARRIED 8/0

The members of the public gallery left the meeting at 1.51pm

18.1 CONFIDENTIAL ITEM - CHEVRON AUSTRALIA PTY LTD AND SHIRE OF ASHBURTON SPONSORSHIP AGREEMENT – WORKING TOGETHER ONSLOW 2021

FILE REFERENCE:	CS20
AUTHOR'S NAME AND POSITION:	Lisa Boyd Community Services Manager - West
AUTHORISING OFFICER AND POSITION:	Kellie Bartley Director Community Services
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	21 October 2020
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
PREVIOUS MEETING REFERENCE:	Agenda Item 18.1 (Minute No. 734/2019) – Ordinary Meeting of Council 10 December 2019

REASON FOR CONFIDENTIALITY

This Report 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; and*
- (e) *a matter that if disclosed, would reveal –*
 - (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.*

Officers Recommendation and Council Decision

MINUTE: 204/2020

MOVED: Cr D Diver

SECONDED: Cr P Foster

That with respect to the Confidential Item - Chevron Australia Pty Ltd and Shire of Ashburton Sponsorship Agreement – Working Together Onslow 2021, Council approves the annual program for the 2020/21 & 2022 budget deliberations as contained in CONFIDENTIAL ATTACHMENT 18.1

CARRIED BY ABSOLUTE MAJORITY 8/0

18.2 CONFIDENTIAL - RTIO - STRATEGIC PARTNERSHIP REVIEW – TERMS OF REFERENCE

Declaration of Interest

Prior to consideration of this Agenda Item:

***Cr Dias declared a financial interest
Cr Rumble declared a financial interest
Cr Foster declared an indirect financial interest
Cr Diver declared an indirect financial interest
Cr Gallanagh declared a financial interest***

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

Councillors Dias, Rumble, and Gallanagh left the meeting at 1.52pm due to a declaration of interest for financial interests in Confidential Agenda Item 18.2.

Councillors Diver and Foster remained in the meeting in line with the approval given by the Deputy Director General of the Department of Local Government, Sport and Cultural Industries as noted at item 6.2.

FILE REFERENCE:	CM01.1
AUTHOR'S NAME AND POSITION:	Kellie Bartley Director Community Services
AUTHORISING OFFICER AND POSITION:	Kenn Donohoe Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Rio Tinto Iron Ore (RTIO)
DATE REPORT WRITTEN:	23 October 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 (Minute No. 169) – Ordinary Meeting of Council 23 May 2017

REASON FOR CONFIDENTIALITY

This Report 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; and*
- (e) *a matter that if disclosed, would reveal –
(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.

Officers Recommendation and Council Decision

MINUTE: 205/2020

MOVED: Cr D Diver

SECONDED: Cr P Foster

That with respect to the RTIO - Strategic Partnership Review – Terms Of Reference review that Council authorise the Chief Executive Officer to engage a consultant to present back to Council for endorse a Governance Framework aligned to the Local Government Act 1995 and relevant Regulations.

CARRIED 5/0

Councillors Dias, Rumble, and Gallanagh entered the meeting at 1.58pm.

18.3 CONFIDENTIAL ITEM – RFT21.19 - RURAL UNSEALED ROADS RENEWAL PROGRAM

FILE REFERENCE: CM21.19

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

AUTHORISING OFFICER AND POSITION: Kenn Donohoe
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 27 October 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

REASON FOR CONFIDENTIALITY

This Report is confidential in accordance with s5.23 (2) of 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; and*
- (e) *a matter that if disclosed, would reveal –*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of person, where the trade secret or information is held by, or is about, a person other than the local government.*

Officers Recommendation and Council Decision

MINUTE: 207/2020

MOVED: Cr R de Pledge

SECONDED: Cr J Richardson

That the CEO is authorised to proceed in accordance with the Officers Confidential Recommendation contained in the confidential report in relation to this item.

CARRIED 8/0

**18.4 CONFIDENTIAL – REQUEST FOR TENDER 11.20 TOM PRICE
CHILDCARE CENTRE SERVICE PROVIDER**

Declaration of Interest

Prior to consideration of this Agenda Item:

Cr Dias declared a financial interest

Cr Rumble declared a financial interest

Cr Foster declared an indirect financial and impartiality interest

Cr Diver declared an impartiality interest

Cr Gallanagh declared a financial interest

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

FILE REFERENCE:	POI.0400
AUTHOR'S NAME AND POSITION:	Janelle Fell Manager Land and Asset Compliance
AUTHORISING OFFICER AND POSITION:	John Bingham Director Corporate Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	4 October 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 18.2 (Minute No. 705/2019) Ordinary Meeting of Council 17 December 2020

REASON FOR CONFIDENTIALITY

This Report 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...*

Officers Recommendation and Council Decision

MINUTE: 208/2020

MOVED: Cr P Foster

SECONDED: Cr D Diver

That with request to Request for Tender 11.20 Tom Price Childcare Centre Service Provider, Council:

- 1. Award RFT 11.20 Tom Price Childcare Centre Service Provider to Nintirri Centre Inc.;**
- 2. Authorise the Chief Executive Officer to negotiate the terms of Lease Agreement between the Shire of Ashburton and Nintirri Centre Inc.; and**
- 3. Authorise the Shire President and Chief Executive Officer to apply the Common Seal to the finalised Lease Agreement prior to Practical Completion of the design and construction of the Tom Price Childcare Centre.**

CARRIED 8/0

18.5 CONFIDENTIAL ITEM - ONSLOW MARINE SUPPORT BASE – REQUEST FOR SUPPORT

FILE REFERENCE:	ONS.0016
AUTHOR'S NAME AND POSITION:	Kenn Donohoe Chief Executive Officer
AUTHORISING OFFICER AND POSITION:	Kenn Donohoe Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Andrew Natta (Onslow Marine Support Base)
DATE REPORT WRITTEN:	6 November 2020
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

REASON FOR CONFIDENTIALITY

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

- (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;*

Officers Recommendation and Council Decision

MINUTE: 209/2020

MOVED: Cr P Foster

SECONDED: Cr D Diver

That Council:

1. **Writes to the Director General, Department of Transport, requesting explanations as to why the Onslow Marine Supply Base is having difficulties in achieving compliance with relevant State and Commonwealth approvals to achieve a First Port of Entry Port.**
2. **Authorises the Shire President and Chief Executive Officer to continue to lobby for the economic development and support of the Onslow Marine Support Base as an important driver of economic sustainability and diversity for Onslow.**
3. **Writes to Mr Andrew Natta of Onslow Marine Support Base advising that Council is requesting an explanation from the Director General of the Department of Transport as to why difficulties are being experienced by Onslow Marine Support Base.**

CARRIED 8/0

Council Decision

MINUTE: 210/2020

MOVED: Cr P Foster

SECONDED: Cr D Diver

That Council re-open the meeting to the public at 201pm.

CARRIED 8/0

19. NEXT MEETING

The next Ordinary Meeting of Council will be held on 11 December 2020, Onslow Sports Club, Onslow commencing at 1.00 pm.

20. CLOSURE OF MEETING

There being no further business to discuss the Presiding Member closed the meeting at 2.01pm.