

# Ordinary Meeting of Council

Paraburdoo



## Public Minutes

20 November 2018

Ashburton Hall  
Ashburton Avenue  
Paraburdoo

1.00 pm



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

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# Our Vision

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



## STRATEGIC DIRECTIONS

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



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





**SHIRE OF ASHBURTON  
ORDINARY MEETING OF COUNCIL**

**PUBLIC MINUTES  
Ashburton Hall, Ashburton Avenue,  
Paraburdoo  
20 November 2018**

**1.00 PM**

PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018

SHIRE OF ASHBURTON  
ORDINARY MEETING OF COUNCIL

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

CEO: 

Date: 22-11-2018

These minutes were confirmed by Council as a true and correct record of proceedings of the Ordinary Meeting of Council on 20-11-2018.

Presiding Member: 

Date: 18-12-2018

**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.*

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

<b>1.</b>	<b>DECLARATION OF OPENING.....</b>	<b>6</b>
1.1	ACKNOWLEDGEMENT OF COUNTRY .....	6
<b>2.</b>	<b>ANNOUNCEMENT OF VISITORS.....</b>	<b>6</b>
<b>3.</b>	<b>ATTENDANCE .....</b>	<b>6</b>
3.1	PRESENT.....	6
3.2	APOLOGIES.....	6
3.3	APPROVED LEAVE OF ABSENCE.....	7
<b>4.</b>	<b>QUESTION TIME .....</b>	<b>7</b>
4.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....	7
4.2	PUBLIC QUESTION TIME .....	7
<b>5.</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE.....</b>	<b>7</b>
<b>6.</b>	<b>DECLARATION BY MEMBERS.....</b>	<b>7</b>
6.1	DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA .....	7
6.2	DECLARATIONS OF INTEREST .....	7
<b>7.</b>	<b>ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION .....</b>	<b>10</b>
<b>8.</b>	<b>PETITIONS / DEPUTATIONS / PRESENTATIONS.....</b>	<b>10</b>
8.1	PETITIONS.....	10
8.2	DEPUTATIONS .....	10
8.3	PRESENTATIONS .....	10
<b>9.</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING .....</b>	<b>11</b>
9.1	ORDINARY MEETING OF COUNCIL HELD ON 23 OCTOBER 2018 (ATTACHMENT 9.1).....	11
9.2	UNCONFIRMED MINUTES FOR THE PILBARA REGIONAL COUNCIL, SPECIAL MEETING OF COUNCIL HELD 19 OCTOBER 2018 (ATTACHMENT 9.2) .....	12
9.3	UNCONFIRMED MINUTES FOR THE PILBARA REGIONAL COUNCIL, ORDINARY MEETING OF COUNCIL HELD 8 NOVEMBER 2018 (ATTACHMENT 9.3) .....	12
9.4	UNCONFIRMED MINUTES OF THE SHIRE OF ASHBURTON TOURISM DEVELOPMENT COMMITTEE MEETING HELD ON 20 NOVEMBER 2018 (MINUTES PRESENTED TO COUNCIL) .....	12
<b>10.</b>	<b>AGENDA ITEMS ADOPTED "EN BLOC" .....</b>	<b>14</b>
10.1	AGENDA ITEMS ADOPTED 'EN BLOC' .....	14
<b>11.</b>	<b>OFFICE OF THE CEO REPORTS.....</b>	<b>15</b>
11.1	PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS STATUS REPORT FOR OCTOBER 2018 .....	15
11.2	USE OF COMMON SEAL AND ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF OCTOBER 2018.....	17

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

11.3	SCHEDULE OF ORDINARY MEETINGS OF COUNCIL AND AUDIT AND RISK COMMITTEE MEETING FOR 2019 .....	19
11.4	ANNUAL POLICY REVIEW 2018.....	27
11.5	DEPARTMENT OF BIODIVERSITY, CONSERVATION AND ATTRACTION'S PROPOSED ANNUAL PARTIAL CLOSURE OF KARIJINI NATIONAL PARK .....	34
11.6	WATER CORPORATION'S (WATERCORP) REVIEW OF REGIONAL STANDPIPES – IMPACT ON THE ONSLOW STANDPIPE .....	37
<b>12.</b>	<b>CORPORATE SERVICES REPORTS.....</b>	<b>42</b>
12.1	MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID.....	42
<b>13.</b>	<b>PROPERTY AND DEVELOPMENT SERVICES REPORTS.....</b>	<b>48</b>
13.1	REQUEST FOR COUNCIL DIRECTION - LOT 350 BOONDEROO ROAD, TOM PRICE .....	48
13.2	ROAD REGISTER UPDATE - REMOVAL OF MOUNT BROCKMAN ROAD AND PORTION OF CAMP ROAD, PARABURDOO.....	53
13.3	TRANSFER OF CONTROL OF BUSHFIRES AND BUSHFIRE BRIGADES TO THE DEPARTMENT OF FIRE AND EMERGENCY SERVICES .....	54
13.4	PROPOSED CHANGE OF RESERVE PURPOSE WITH POWER TO LEASE - RESERVES 39894 AND 46292 .....	59
13.5	ASHBURTON NORTH STRATEGIC INDUSTRIAL AREA ROAD TO PORT - CANCELLATION AND SURRENDER OF MULTIPLE EASEMENTS AND GRANT OF NEW PUBLIC ACCESS EASEMENT.....	64
13.6	COMMUNITY LEASES - PARABURDOO COMMUNITY HUB, RESERVES 39572 AND 42129.....	68
13.7	IMPLEMENTATION OF THE WESTERN AUSTRALIAN CONTAINER DEPOSIT SCHEME (CDS) .....	74
<b>14.</b>	<b>COMMUNITY SERVICES REPORTS.....</b>	<b>77</b>
<b>15.</b>	<b>INFRASTRUCTURE SERVICES REPORTS.....</b>	<b>77</b>
<b>16.</b>	<b>COUNCILLOR AGENDA ITEMS / NOTICES OF MOTIONS.....</b>	<b>77</b>
<b>17.</b>	<b>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING .....</b>	<b>77</b>
<b>18.</b>	<b>CONFIDENTIAL MATTERS.....</b>	<b>78</b>
18.1	CONFIDENTIAL ITEM - PUBLIC ENVIRONMENTAL REVIEW - ELIWANA IRON ORE MINE.....	80
18.2	CONFIDENTIAL ITEM - MISCELLANEOUS LICENCE 47/847 BY PILBARA ENERGY COMPANY PTY LTD ENCROACHING ON ROEBOURNE-WITTENOOM ROAD RESERVE.....	83
18.3	OBJECTION TO EXPLORATION LICENCE 47/4096 WITHIN THE PARABURDOO TOWNSITE BOUNDARY .....	85

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

18.4	EXECUTION OF AMENDMENT NO 1 TO CHEVRON AUSTRALIA PTY LTD AND SHIRE OF ASHBURTON SPONSORSHIP AGREEMENT .....	86
18.5	AMENDMENT TO COUNCIL'S FEES AND CHARGES - ONSLOW AIRPORT .....	87
18.6	OBJECTION TO MINING LEASE 08/521 - NORTH ROSSA PTY LTD.....	90
<b>19.</b>	<b>NEXT MEETING .....</b>	<b>91</b>
<b>20.</b>	<b>CLOSURE OF MEETING .....</b>	<b>91</b>

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**1. DECLARATION OF OPENING**

The Presiding Member declared the meeting open at 1.00 pm.

**1.1 ACKNOWLEDGEMENT OF COUNTRY**

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

**2. ANNOUNCEMENT OF VISITORS**

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

**3. ATTENDANCE**

**3.1 PRESENT**

<b>Elected Members:</b>	Cr K White Cr L Rumble Cr D Dias Cr P Foster Cr M Lynch Cr D Diver Cr L Thomas Cr M Gallanagh	Shire President, (Presiding Member) Onslow Ward Deputy Shire President, Paraburdoo Ward Paraburdoo Ward Tom Price Ward Tom Price Ward Tom Price Ward Tableland Ward Pannawonica Ward
<b>Staff:</b>	Mr R Paul Mr J Bingham Mrs S Johnston Mr B Cameron Mr I Hamilton Ms J Smith Mrs M Lewis Mr A Davis Mrs J Fell Ms A Del Rio	Chief Executive Officer Director Corporate Services Acting Director Community Services Director Property and Development Services Director Infrastructure Services Executive Coordinator Council Support Officer Principal Town Planner Development Land & Asset Compliance Specialist Manager Economic Development and Tourism
<b>Guests:</b>	Mr Ray De Jong  Jane McNamara Hayley Connelly	Regional Leader – Parks and Visitor Services Pilbara Region/Exmouth District: (Mr De Jong was an apology due to commitments with fires in the District)  Manager WA NBN WA NBN
<b>Members of Public:</b>	There were no members of the public in attendance at the commencement of the meeting.	
<b>Members of Media:</b>	There were no members of the media in attendance at the commencement of the meeting.	

**3.2 APOLOGIES**

Cr R de Pledge Ashburton Ward



**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**3.3 APPROVED LEAVE OF ABSENCE**

There were no Councillors on approved leave of absence.

**4. QUESTION TIME**

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

Nil.

**4.2 PUBLIC QUESTION TIME**

There were no questions from the public.

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

There were no applications received for leave of absence.

**6. DECLARATION BY MEMBERS**

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

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

**6.2 DECLARATIONS OF INTEREST**

**Councillors to Note**

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

- (a) In a written notice given to the 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 measure in money terms

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

There are exceptions in the *Local Government Act 1995* but they should not be relied on without advice, unless the situation is very clear.

2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
  - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the *Local Government Act*, or
  - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the *Local Government Act*, with or without conditions.

**Declarations of Interest provided:**

Item Number/ Name	Type of Interest	Nature/Extent of Interest
<b>9.4 UNCONFIRMED MINUTES OF THE SHIRE OF ASHBURTON TOURISM DEVELOPMENT COMMITTEE MEETING HELD ON 20 NOVEMBER 2018 (MINUTES PRESENTED TO COUNCIL)</b>		
Cr White	Impartiality	The nature and extent of my interest is I am a Committee Member.
<b>12.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID</b>		
Rob Paull	Indirect Financial	The nature of my interest is that my spouse is employed by Muzzy's Hardware in Tom Price and the extent of my interest is that my spouse is earning an income from Muzzy's Hardware Tom Price.

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

Item Number/ Name	Type of Interest	Nature/Extent of Interest
<b>13.3 TRANSFER OF CONTROL OF BUSHFIRES AND BUSHFIRE BRIGADES TO THE DEPARTMENT OF FIRE AND EMERGENCY SERVICES</b>		
Cr Dias	Impartiality	The nature of my interest is I am a volunteer Fire & Rescue Service member and the lieutenant of the Paraburdoo Brigade affiliated with Department of Fire & Emergency Services. The extent of my interest Impartiality.
<b>13.4 PROPOSED CHANGE OF RESERVE PURPOSE WITH POWER TO LEASE – RESERVES 39894 &amp; 46292</b>		
Cr Foster	Impartiality	The nature of my interest is I am a Committee Member – Nintirri Centre Board. The extent of my interest is I am a member of the Nintirri Centre Board (Not for profit).
<b>13.5 ASHBURTON NORTH STRATEGIC INDUSTRIAL AREA ROAD TO PORT – CANCELLATION AND SURRENDER OF MULTIPLE EASEMENTS AND GRANT OF NEW PUBLIC ACCESS EASEMENT</b>		
Cr Dias	Financial	The nature of my interest is my wife and I own shares in BHP Billiton. The extent of my interest Direct Financial.
Cr White	Financial	The nature of my interest is that I own shares in BHP. The extent of my interest is more than \$10,000 worth of Shares.
<b>13.6 COMMUNITY LEASES – PARABURDOO COMMUNITY HUB, RESERVES 39572 AND 42129</b>		
Cr Dias	Impartiality	The nature of my interest is I am on the Lifestyle Centre – Paraburdoo Incorporated executive committee and hold the position of Vice President. The extent of my interest is impartiality.

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

Item Number/ Name	Type of Interest	Nature/Extent of Interest
<b>18.1 CONFIDENTIAL ITEM – PUBLIC ENVIRONMENTAL REVIEW – ELIWANA IRON ORE MINE</b>		
Cr Dias	Financial	The nature of my interest is my wife and I own Shares in Fortescue Metals Group Ltd (FMG). The extent of my interest is Direct Financial.
<b>18.2 CONFIDENTIAL ITEM – MISCELLANEOUS LICENCE 47/847 BY PILBARA ENERGY COMPANY PTY LTD ENCROACHING ON ROEBOURNE- WITTENOOM ROAD RESERVE</b>		
Cr Dias	Financial	The nature of my interest is my wife and I own Shares in Fortescue Metals Group Ltd (FMG). The extent of my interest is Direct Financial.

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

Cr Kerry White and CEO Rob Paull will travel to Canberra on Sunday 25 November 2018 until Wednesday 29 November to lobby the Federal Government and Federal Opposition members in support for funding for various Shire Projects.

**8. PETITIONS / DEPUTATIONS / PRESENTATIONS**

**8.1 PETITIONS**

There were no petitions presented to Council.

**8.2 DEPUTATIONS**

There were no deputations presented to Council.

**8.3 PRESENTATIONS**

Jane McNamara, Manager WA NBN and Hayley Connelly from NBN addressed Council in relation to the following (part) Resolution of Council (23 October 2018):

***“Invite an NBN representative to present to the November 2018 Ordinary Meeting of Council in Paraburdoo regarding the above concerns.”***

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**9.1 ORDINARY MEETING OF COUNCIL HELD ON 23 OCTOBER 2018  
(ATTACHMENT 9.1)**

**Officers Recommendation and Council Decision**

**MOVED: Cr L Rumble**

**SECONDED: Cr P Foster**

**That the Unconfirmed Minutes of the Ordinary Meeting of Council held on 23 October 2018 as previously circulated on 30 October 2018 (ATTACHMENT 9.1), be confirmed as a true and accurate record.**

**CARRIED 8/0**

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



**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**9.2 UNCONFIRMED MINUTES FOR THE PILBARA REGIONAL COUNCIL,  
SPECIAL MEETING OF COUNCIL HELD 19 OCTOBER 2018  
(ATTACHMENT 9.2)**

**Officers Recommendation and Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr M Lynch**

**That the Unconfirmed Minutes for the Pilbara Regional Council, Special Meeting of Council held 19 October 2018 at the State Library of WA in Perth (ATTACHMENT 9.2) be received.**

**CARRIED 8/0**

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

**9.3 UNCONFIRMED MINUTES FOR THE PILBARA REGIONAL COUNCIL,  
ORDINARY MEETING OF COUNCIL HELD 8 NOVEMBER 2018  
(ATTACHMENT 9.3)**

**Officers Recommendation and Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr D Dias**

**That the Unconfirmed Minutes for the Pilbara Regional Council, Ordinary Meeting of Council held 8 November 2018 at WALGA, 170 Railway Parade, West Leederville WA 6007 (ATTACHMENT 9.3) be received.**

**CARRIED 8/0**

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

**9.4 UNCONFIRMED MINUTES OF THE SHIRE OF ASHBURTON TOURISM  
DEVELOPMENT COMMITTEE MEETING HELD ON 20 NOVEMBER  
2018 (MINUTES PRESENTED TO COUNCIL)**

**Declaration of Interest**

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

***Cr White declared an impartiality interest***

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

**RECORDED ON REGISTER GV07**

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**Officers Recommendation and Council Decision**

**MOVED: Cr M Lynch**

**SECONDED: Cr D Diver**

**That the Unconfirmed Minutes of the Shire of Ashburton Tourism Development Committee to be held on Tuesday 20 November 2018 Meeting at the Ashburton Hall, Ashburton Avenue, Paraburdoo (Minutes provided under separate cover) be received.**

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

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

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

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

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

*"Part 5 – Business of a meeting  
Clause 5.6 Adoption by exception resolution:*

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

**Council Decision**

**MOVED: Cr P Foster** **SECONDED: Cr L Rumble**

**That Council adopts en bloc the following officer recommendations contained in the Agenda for the Ordinary Meeting of Council 20 November 2018.**

**CARRIED 8/0**

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

Item No.	Agenda Item
9.4.1	2018-2021 TOM PRICE VISITOR CENTRE STRATEGIC PLAN
9.4.2	PROPOSED CHANGES TO THE AGREEMENT BETWEEN THE SHIRE OF ASHBURTON AND THE ONSLOW TOURISM & PROGRESS ASSOCIATION (ONSLow VISITOR CENTRE CONTRIBUTION)
9.5	UNCONFIRMED MINUTES OF THE SHIRE OF ASHBURTON PARABURDOO COMMUNITY HUB (CHUB) COMMITTEE MEETING HELD 20 NOVEMBER 2018 (MINUTES PRESENTED TO COUNCIL)
9.5.1	SHIRE OF ASHBURTON PARABURDOO COMMUNITY HUB (CHUB) COMMITTEE MEETING HELD ON 20 NOVEMBER 2018 (MINUTES PRESENTED TO COUNCIL)

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**11. OFFICE OF THE CEO REPORTS**

**11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS STATUS  
REPORT FOR OCTOBER 2018**

**MINUTE:** 449/2018

<b>FILE REFERENCE:</b>	GV04
<b>AUTHOR'S NAME AND POSITION:</b>	Michelle Lewis Council Support Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Rob Paull Chief Executive Officer
<b>NAME OF APPLICANT/ RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	30 October 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 11.1 (Minute No.433/2018) - Ordinary Meeting of Council 23 October 2018

**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:

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

*“Role of council*

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

The above section of the Act notwithstanding, there is no specific legal requirement to present such a report to Council or for Council to receive or consider such a report. Given it is always ‘received’, it could simply be provided to elected members via weekly or monthly updates, such as in the weekly Information Bulletin. The decision to retain the report in the Council’s monthly agenda is entirely Council’s prerogative. Staff acknowledge the critical and ongoing nature of the document, in that Council ‘speaks by resolution’.

**Financial Implications**

There are no known financial implications for this matter.

**Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027  
Goal 5 – Inspiring Governance  
Objective 4 – Exemplary Team and Work Environment

**Risk Management**

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

**Policy Implications**

There are no known policy implications for this matter.

**Voting Requirement**

Simple Majority Required

**Officers Recommendation and Council Decision**

**MOVED: Cr L Rumble**

**SECONDED: Cr D Diver**

**That Council receive the “Council Decisions Status Reports” for the month of October 2018 as per ATTACHMENT 11.1.**

**CARRIED 7/1**

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

**Councillor Thomas voted against the motion**



**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**11.2 USE OF COMMON SEAL AND ACTIONS PERFORMED UNDER  
DELEGATED AUTHORITY FOR THE MONTH OF OCTOBER 2018**

**MINUTE:** 450/2018

<b>FILE REFERENCE:</b>	GV21 CM02
<b>AUTHOR'S NAME AND POSITION:</b>	Janyce Smith Executive Coordinator  Brooke Beswick Administration Assistant Planning
<b>AUTHORISING OFFICER AND POSITION:</b>	Rob Paul Chief Executive Officer
<b>NAME OF APPLICANT/ RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	30 October 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

The purpose of this agenda item is to report to Council 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 2018.

**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 2018.

**Comment**

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

**ATTACHMENT 11.2A  
ATTACHMENT 11.2B**

**Consultation**

Relevant officers as listed in the Attachment.

**Statutory Environment**

*Local Government Act 1995*

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

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**Financial Implications**

There are no known financial implications for this matter.

**Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 4 – Exemplary Team and Work Environment

**Risk Management**

This item has been evaluated against the Shire of Ashburton’s Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered 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 and Tendering Policy

**Voting Requirement**

Simple Majority Required

**Officers Recommendation and Council Decision**

**MOVED: Cr L Rumble**

**SECONDED: Cr D Diver**

**That Council receive the reports relating to:**

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

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

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**11.3 SCHEDULE OF ORDINARY MEETINGS OF COUNCIL AND AUDIT AND RISK COMMITTEE MEETING FOR 2019**

**MINUTE:** 451/2018

<b>FILE REFERENCE:</b>	GV04
<b>AUTHOR'S NAME AND POSITION:</b>	Michelle Lewis Council Support Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Rob Paull Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	31 October 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 11.3 (Minute No 244/2017) – Ordinary Meeting of Council 24 October 2017

**Summary**

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

The following are submitted to Council for approval:

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

**Background**

In October 2017, Council adopted the meeting schedule for the entire 12 month period from January to December 2018.

This report sets out the proposed locations and commencement times of Council Meetings and Audit and Risk Committee Meeting for the calendar year 2019.

**Comment**

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

Suggested dates are outlined in the table below. If this proposal is adopted there will be four meetings in Onslow, four meetings in Tom Price, three meetings in Paraburdoo and one meeting in Pannawonica during the year.

To have consistency with operational requirements for preparing Council agenda it is suggested that meetings be held on the third Wednesday of the month.

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

It is also suggested that the December 2019 meeting be scheduled for the second Wednesday (11 December 2019) to best accommodate the Christmas and New Year period.

The Shire's preferred schedule is to have Council meetings and Audit and Risk Committee Meetings undertaken on a set routine based on the same day and calendar period every month in a different town. This arrangement demonstrates corporate professionalism and provides certainty for Councillors, the community and clients to know when meetings are to be undertaken. In addition, a consistent timetable enables the Shire to prepare and provide the necessary reporting arrangements that enable Council to efficiently direct the Shire.

However, the Shire is acutely aware of the difficulty Council has in establishing a consistent timetable due to the scheduling of the five RTIO employed Councillors and their individual rosters. In this regard, Council may need to establish a more expedient means to establish a schedule for the Ordinary Meetings of Council and Audit and Risk Committee Meetings for 2019.

In this regard, the proposed schedule based on a Council meeting every third Wednesday of the month is set out below:

<b>DATE</b>	<b>LOCATION</b>	<b>TIME</b>
Wednesday, 16 January 2019	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00pm
Wednesday, 20 February 2019	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00pm
Wednesday, 20 March 2019	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm
Wednesday, 17 April 2019 (Note this is Karijini Experience Week)	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00pm
Wednesday, 15 May 2019	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm
Wednesday, 19 June 2019	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00pm
Wednesday, 17 July 2019	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00pm
Wednesday, 21 August 2019	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm
Wednesday, 18 September 2019	Mayu Maya Centre / Barry Lang Centre, Pannawonica	1:00pm
Wednesday, 16 October 2019	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00pm
Wednesday, 20 November 2019	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00pm
Wednesday, 11 December 2019 (second Wednesday due to Christmas/New Year closure)	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm

The Council Meeting Day also includes Elected Member Information Forums (EMIF's). The EMIF's are intended to provide a forum at which Elected Members:

- Can become fully informed on matters that will be considered by Council; and
- Can raise and discuss a broad range of matters of strategic and operational significance.

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

This will ensure that Councillors time and expertise to deal with strategic issues is maximised on the Council Meeting days when all Councillors are together. The EMIF's items of business are divided into four distinct sections:

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

The proposed commencement times for EMIF's is set out below.

- Tom Price / Paraburdoo: 10.00 am (2 hours available including ½ hour for Agenda Review / En Bloc items / Opportunity to bring forward issues / CEO Discussion).
- Onslow / Pannawonica: 11.00 am (1 hour available including ½ hour for Agenda Review / En Bloc items / Opportunity to bring forward issues / CEO Discussion).

As an alternative to the recommendation to achieve a routine based on the same day and calendar period every month, however for 2019, Council may wish to consider a schedule similar to the 2018 arrangements:

<b>DATE</b>	<b>LOCATION</b>	<b>TIME</b>
Tuesday, 15 January 2019	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00pm
Tuesday, 12 February 2019	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00pm
Tuesday 12 March 2019	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm
Wednesday 17 April 2019 (due to Easter closure)	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00pm
Tuesday, 21 May 2019	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm
Tuesday, 18 June 2019	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00pm
Wednesday, 17 July 2019	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00pm
Tuesday, 13 August 2019	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm
Wednesday, 18 September 2019	Mayu Maya Centre / Barry Lang Centre, Pannawonica	1:00pm
Tuesday, 22 October 2019	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00pm
Tuesday, 19 November 2019	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00pm
Tuesday, 17 December 2019	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm



**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**Consultation**

Councillors  
Executive Management Team  
RTIO

**Statutory Environment**

*Local Government Act 1995*

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

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

*Local Government (Administration) Regulations 1996*

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

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

**Financial Implications**

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

**Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 05 – Inspiring Governance

Objective 03 – Council Leadership

**Risk Management**

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

**Policy Implications**

Council Policy ELM01 – Council and other meetings

Council Policy ELM09 – Elected Member Information Forums

**Voting Requirement**

Simple Majority Required

**Council Decision**

**MOVED: Cr L Rumble**

**SECONDED: Cr D Dias**

**That Council suspend Standing Orders at 1.42 pm.**

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

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**Council Decision**

**MOVED: Cr M Gallanagh**

**SECONDED: Cr D Dias**

**That Council resume Standing Orders at 1.43 pm.**

**CARRIED 8/0**

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

**Officers Recommendation**

That with respect to the schedule of Ordinary Meetings of Council for 2019, that Council:

1. Adopt the Schedule of Ordinary Council Meeting dates, times and locations for the period January 2019 to December 2019 as outlined below.

<b>DATE</b>	<b>LOCATION</b>	<b>TIME</b>
Wednesday, 16 January 2019	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00pm
Wednesday, 20 February 2019	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00pm
Wednesday, 20 March 2019	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm
Wednesday, 17 April 2019 (Note this is Karijini Experience Week)	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00pm
Wednesday, 15 May 2019	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm
Wednesday, 19 June 2019	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00pm
Wednesday, 17 July 2019	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00pm
Wednesday, 21 August 2019	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm
Wednesday, 18 September 2019	Mayu Maya Centre / Barry Lang Centre, Pannawonica	1:00pm
Wednesday, 16 October 2019	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00pm
Wednesday, 20 November 2019	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00pm
Wednesday, 11 December 2019 (second Wednesday due to Christmas/New Year closure)	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

2. Adopt the Schedule of Audit and Risk Committee Meeting dates, times and locations for the period January 2019 to December 2019 as outlined below.

DATE	LOCATION	TIME
Wednesday, 20 March 2019	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	To be determined
Wednesday, 19 June 2019	Ashburton Hall, Ashburton Avenue, Paraburdoo	To be determined
Wednesday, 18 September 2019	Mayu Maya Centre / Barry Lang Centre, Pannawonica	To be determined
Wednesday, 11 December 2019 (second Wednesday due to Christmas/New Year closure)	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	To be determined

3. Pursuant to section 5.25(g) of the Local Government Act 1995, give local public notice of the Schedule of Meeting dates, times and locations for the period from January 2019 to December 2019.
4. Approve the commencement times for the Council Meeting Day Elected Member Information Forums as set out below:
- Tom Price and Paraburdoo - a time to be determined.
  - Onslow and Pannawonica: - a time to be determined.

**Alternative Motion**

**MOVED: Cr D Dias**

**SECONDED: Cr M Gallanagh**

**That with respect to the schedule of Ordinary Meetings of Council for 2019, that Council:**

- 1. Adopt the Schedule of Ordinary Council Meeting dates, times and locations for the period January 2019 to December 2019 as outlined below.**

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

	<b>LOCATION</b>	<b>TIME</b>
Tuesday, 15 January 2019	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00pm
Tuesday, 12 February 2019	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00pm
Tuesday 12 March 2019	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm
Tuesday, 23 April 2019	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00pm
Tuesday, 21 May 2019	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm
Tuesday, 18 June 2019	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00pm
Tuesday 16 July 2019	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00pm
Tuesday, 13 August 2019	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm
Wednesday, 18 September 2019	Mayu Maya Centre / Barry Lang Centre, Pannawonica	1:00pm
Tuesday, 22 October 2019	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00pm
Tuesday, 19 November 2019	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00pm
Tuesday, 17 December 2019	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm

2. Adopt the Schedule of Audit and Risk Committee Meeting dates, times and locations for the period January 2019 to December 2019 as outlined below.

<b>DATE</b>	<b>LOCATION</b>	<b>TIME</b>
Tuesday, 12 March 2019	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	To be determined
Tuesday, 18 June 2019	Ashburton Hall, Ashburton Avenue, Paraburdoo	To be determined
Wednesday, 18 September 2019	Mayu Maya Centre / Barry Lang Centre, Pannawonica	To be determined
Tuesday, 17 December 2019	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	To be determined

3. Pursuant to section 5.25(g) of the *Local Government Act 1995*, give local public notice of the Schedule of Meeting dates, times and locations for the period from January 2019 to December 2019.
4. Approve the commencement times for the Council Meeting Day Elected Member Information Forums as set out below:
- Tom Price and Paraburdoo - a time to be determined.
  - Onslow and Pannawonica: - a time to be determined.

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**CARRIED 6/2**

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

NOTE: Council considered that a schedule for 2019 meetings on a similar basis to that of 2018 meeting schedule was appropriate.

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**11.4 ANNUAL POLICY REVIEW 2018**

**MINUTE:** 452/2018

<b>FILE REFERENCE:</b>	GV20
<b>AUTHOR'S NAME AND POSITION:</b>	Nicky Tyson Manager of Governance & Corporate Strategy
<b>AUTHORISING OFFICER AND POSITION:</b>	Rob Paull Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	8 November 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 13.3 (Minute No. 265/2017) – Ordinary Meeting of Council 21 November 2017

**Summary**

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

A review of all due policies has been conducted to ensure accuracy and currency which reflect the Council's commitment to ensuring best practice principles as part of our Governance Framework.

The policies attached have been reviewed by the Executive Management Team including the Chief Executive Officer, all Directors and relevant stakeholders. The review included the need to define policy level; currency of the policy content; relevant statutory environments; policy owner; review timeframes; and formatting to align with the Shire's new Policy Manual template.

**Background**

The role of Council in setting policy is most effective when it is linked with a professional organisation that implements these policies through the development of appropriate management practices and work processes.

Council policy should set the standards for the administration to achieve and make strategic policy decisions that guide officers in their decision making processes.

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

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**Comment**

Council policies which have undergone changes during their review are attached to this Agenda in final draft for consideration.

All policy amendment details are kept in an internal Policy Register. All current policies are included in our 'Policy Manual' and uploaded onto the Shire's website.

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

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

NUMBER	POLICY	ACTION
ADM06	Use of Shire of Ashburton Logo and Crest	Adopt with No changes
ELM07	Conduct of Public Question Time	Adopt with No changes
ENG01	Street Lawns and Gardens	Adopt with No changes

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

NUMBER	POLICY	ACTION	DETAIL
ADM07	Strategic Media	Adopt with suggested changes	Update to title from: Strategic Media to: Communications & Social Media Review period amended from 'Annually' to 'Every 2 years' Update to wording content around social media and inclusion of ELM04 identifier.
ELM06	Councillor Accommodation, Travel and Incidental Expenses Whilst on Council Business	Adopt with suggested changes	Wording addition: <i>Local Government Officers' (Western Australia) Interim Award 2011.</i>
ELM08	Order of Business-Ordinary Council Meetings	Adopt with suggested changes	Amendments under Item 9 in relation to 'Committees'.
ELM10	Financial Sustainability Policy	Adopt with suggested changes	Very minor changes to Long Term Financial Plan timeframe.

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

NUMBER	POLICY	ACTION	DETAIL
ELM13	Affixing of the Shire of Ashburton Common Seal	Adopt with suggested changes	Removal of the Common Seal Register Form - if the Common Seal is applied it is put on smart sheet, added to agenda item 11.2 and recorded on file GV21.
ELM15	Elected Member Business Wear	Adopt with additions	Inclusion of Polo shirts including NAIDOC.
EMP24	Corporate Credit Card	Adopt with suggested changes	Minor wording addition.
ENG06	Temporary Road Closures	Adopt with suggested changes	Minor wording addition.
ENG10	Guidelines for Urban Development	Adopt with suggested changes	Minor amendments to Local Government Guideline Edition number.
FIN06	Significant Accounting Policy	Adopt with suggested changes	Amendments to depreciation rates.
FIN07	Investment Policy	Adopt with suggested changes	Amendments to paragraph <i>Counterparty Credit Framework</i> .
FIN09	Authorised Signatures for Cheque/Electronic Funds Transfer (EFT) Payments	Adopt with suggested changes	Amendments to titles only.
FIN13	Debtors Management	Adopt with suggested changes	Additions made including: 'General Principles' to include: <i>clause to account for Debtors with larger than \$50k balance e.g. Virgin Airlines.</i> Amendments to timeframes.
FIN15	Rates Debt Recovery	Adopt with suggested changes	Amendments under – 'Special Arrangement', 'Final Notice' and 'Recovery Action.'



**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

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

NUMBER	POLICY	ACTION	DETAIL
ELM03	Recognition of Councillors and Citizens (including Commemorative Naming)	Adopt with suggested changes	Removal of Community Members recognition (To potentially be incorporated into <i>ADM11 Memorials on Council Controlled Land</i> ) and retained as Recognition of Councillors in line with prescribed amounts as per legislation.
REC01	Consumption of Alcohol – Public Facilities	Adopt with Suggested Changes	Significant changes to include leased properties. More detail in Policy body.
REC05	Community Leases and License Agreements of Shire Assets (Facilities, Buildings and Land	Adopt with Suggested Changes	Significant changes to the policy in line with current requirements of the Shire. Additional detail included for clarification and better public understanding.

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

NUMBER	POLICY	ACTION	DETAIL
ELM25	EMACCESS Email Portal and Councillor Discussion Board	Adopt New Policy	Previously a Protocol – however shifted to become a Policy to align with requirements.
EMP16	Grievance Investigation and Resolution	Adopt New Policy	Previously a Directive – however shifted to become a Policy to align with requirements.
EMP17	Occupational Health and Safety	Adopt New Policy	Previously a Directive – however shifted to become a Policy to align with requirements.

**POLICIES SUGGESTED FOR REVOCATION – (ATTACHMENT 11.4E)**

NUMBER	POLICY	ACTION	DETAIL
ELM11	Integrated Planning Policy	Suggest revocation	Revocation due to no legal requirement for this policy.
ELM12	Workforce Planning and Management Policy	Suggest revocation	Revocation due to no legal requirement for this policy. Requirement for WFP contained in Regulations.
ENG12	Private Works Policy	Suggest revocation	Revocation due to no legal requirement. Risk reduction measure.

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**Consultation**

Executive Management Team  
Manager Governance & Corporate Strategy  
Development Land & Asset Compliance Specialist  
Ms Jennifer Law, Consultant

**Statutory Environment**

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

**Financial Implications**

There are no known financial implications for this matter.

**Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027  
Goal 05 – Inspiring Governance  
Objective 03 – Council Leadership  
Objective 04 – Exemplary Team and Work Environment

**Risk Management**

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

**Policy Implications**

Multiple Policies amended as part of the Annual Policy Review.

**Voting Requirement**

Absolute Majority Required

Officers Recommendation

That with respect to the Annual Policy Review, that Council:

1. Adopt Policies as per ATTACHMENTS 11.4A, 11.4B, 11.4C, 11.4D and 11.4E.

**Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr D Dias**

**That with respect to the Annual Policy Review, that Council:**

1. **Adopt Policies as per ATTACHMENTS 11.4A, 11.4B, 11.4C, 11.4D and 11.4E modified as follows:**
  - a) **All Policies:**  
**Monitor and Review: All policies amended to reflect the relevant Directorate.**
  - b) **ATTACHMENT 11.4B:**
    - i) **ELM 08: Order of Business modified to read:**

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

- 9.1 Receipt of Committee Minutes – ‘En Bloc’
- 9.2 Receipt of Committee and other Minutes
- 9.3 Recommendations of Committee

**ii) ELM15:**

- 2. Female Councilors
  - 2 x blouses
    - Word ‘Councillor’ embroidered above the crest
  - 2 x complementing scarves
  - 2 x Polo shirts (including NAIDOC if commissioned)
- 3. Male Councilors
  - 2 x shirts
    - Word ‘Councillor’ embroidered above the crest
  - 2 x ties
  - 1 x tie pins with the crest
  - 2 x Polo shirts (including NAIDOC if commissioned)

**iii) EMP24:**

- (xi) amended to include that card holders to sign the credit card statement.

**iv) FIN09:**

The authorised signatories may be a combination of:  
Chief executive Officer and/or Directors

**v) FIN13:**

Part ii modified to read: “Maximum approved credit limit is no greater than \$50k unless otherwise approved by the Shire Chief Executive Officer in consultation with the Shire President.”

**vi) REC05:**

Under “Vacant Possession and Expiry Term” (third paragraph, first sentence) to read:

“On expiry or termination of a lease or License, a Lessee may be directed to remove all Lessee’s improvements at the Lessee’s cost, unless otherwise directed by the Shire”.

Under ‘Risk management and Insurance’ (third paragraph) to read:

“A Lessee is recommended to insure their personal Property (including contents) for the full replacement value as the Shire will not be responsible for any such replacements under any circumstances”.

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

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

NOTE: Council modified the Shire's Recommendation to better clarify the Policy direction sought by Council.

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**11.5 DEPARTMENT OF BIODIVERSITY, CONSERVATION AND  
ATTRACTION'S PROPOSED ANNUAL PARTIAL CLOSURE OF  
KARIJINI NATIONAL PARK**

**MINUTE:** 453/2018

<b>FILE REFERENCE:</b>	PR1
<b>AUTHOR'S NAME AND POSITION:</b>	Rob Paull Chief Executive Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Rob Paull Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	1 November 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

The Department of Biodiversity, Conservation and Attraction's (DBCA) Pilbara Region is seeking comment regarding a potential annual 3 month partial closure of Karijini National Park (KNP).

**Background**

The DBCA Pilbara Region is seeking comment regarding a potential annual 3 month partial closure of KNP. The DBCA has advised the temporary closure is in an effort to improve overall management effectiveness across the National Park during the months of December, January and February. Consideration is being given for such closures from the 2019-2020 summer season onwards, with regular ongoing reviews.

Specifically the DBCA propose the "north-central sector" of KNP (including the entire lengths of the Banjima West and Banjima North roads, Karijini Eco Retreat, as well as Weano, Joffre, Knox and Kalamina recreation sites and associated access roads) be closed for the months of December, January and February of each year.

Correspondence from DBCA is included as **ATTACHMENT 11.5**.

**Comment**

Whilst the Shire would prefer KNP is not closed at any time of the year, there is an appreciation the periods chosen for the closure would have the least impact on local tourism. The Shire understands the 'west side' of KNP is first to close for any weather events and generally, the waters on the west side are usually the first to dry up or become stagnant.

From statistics prepared by the Tom Price Visitor Centre, December, January and February are normally relatively quiet months as visitor figures to the Centre shows:

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>
<b>DECEMBER</b>	1705	1613	1534
<b>JANUARY</b>	1418	1417	1515
<b>FEBRUARY</b>	1691	1511	1429
	4814 visitors	4541 visitors	4478 visitors

As a comparison, for the 'peak months of June, July and August, the Visitor Centre figures are as follows:

	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
<b>JUNE</b>	8386	8565	7042	9174
<b>JULY</b>	13,110	11,822	12,146	13,034
<b>AUGUST</b>	11,109	10,527	10,952	12,099
	32,605 visitors	30,914 visitors	30,140 visitors	34,307 visitors

Council is requested to consider correspondence from the DBCA and should it be deemed appropriate provide a suitable response. In relation to the Shire's position, it is considered that should a partial closure of KNP be sought, the selected months of December, January and February are most reasonable.

Further to this the period for closure could initially be for 2019/20 only so as to allow the Shire and DBCA to monitor any potential negative reaction from tourists and tourism operators during the closure. In this regard the DBCA could be requested to ensure it undertake consultations with all tourist operators (including transportation companies) for their views. Future support from Council should therefore be conditional upon the feedback from these parties.

#### **Consultation**

Councillors  
Executive Management Team  
Tom Price Visitor Centre

#### **Statutory Environment**

There are no known statutory matters relevant to this matter.

#### **Financial Implications**

There are no known financial implications relevant to this matter.

#### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 02 Economic Prosperity  
Objective 01 – Strong Local Economies  
Objective 02 – Enduring Partnerships with Industry and Government

#### **Risk Management**

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

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**Policy Implications**

There are no known policy implications for this this matter.

**Voting Requirement**

Simple Majority Required

**Officers Recommendation**

MOVED: Cr D Dias

SECONDED: Cr L Rumble

That with respect to the Department of Biodiversity, Conservation and Attraction's proposed annual partial closure of Karijini National Park, Council:

1. Thank the Department of Biodiversity, Conservation and Attraction's (DBCA) correspondence seeking Council's views on the annual partial closure of Karijini National Park (KNP).
2. Advise the DBCA that whilst preferring that the KNP not be closed for any period (partial or otherwise) that the selected months of December, January and February is considered to be the most reasonable period of closure and any partial closure of the KNP be subject to the following:
  - a) partial closure only for the months of December, January and February 2019/20 period (and subject to review);
  - b) that prior to any closure, the DBCA consult with all local tourist operators (including transportation companies) for their views;
  - c) that local tour operators including transportation companies do not oppose the partial closure of the KNP;
  - d) Council opposes the partial closure until all local tourist operators and transportation companies support the proposal; and
  - e) the DBCA monitor and advise the Shire of any negative reactions from the tourist industry and tourists in relation to the partial closure.

**Cr Lynch moved the motion that this agenda item 'Lay on the table'.**

**Cr Rumble withdrew his vote in support of the Officers Recommendation therefore this vote Lapsed for want of a Seconder.**

**Council Decision**

MOVED: Cr Lynch

SECONDED: Cr P Foster

**That Agenda item 11.5 DEPARTMENT OF BIODIVERSITY, CONSERVATION AND ATTRACTION'S PROPOSED ANNUAL PARTIAL CLOSURE OF KARIJINI NATIONAL PARK 'Lay on the Table'**

**CARRIED 7/1**

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

**Cr Dias voted against the motion**

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**11.6 WATER CORPORATION'S (WATERCORP) REVIEW OF REGIONAL  
STANDPIPES – IMPACT ON THE ONSLOW STANDPIPE**

**MINUTE:** 454/2018

<b>FILE REFERENCE:</b>	WS01
<b>AUTHOR'S NAME AND POSITION:</b>	Rob Paul Chief Executive Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Rob Paul Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	7 November 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

Council is requested to provide direction in relation to the provision and use of standpipe/s in Onslow based on Water Corporation's (WaterCorp) new management and billing structure from 1 July 2019.

**Background**

Water Corporation (WaterCorp) will be implementing a new management and billing structure from the 1 July 2019 and information about this change has been provided to the Shire of Ashburton. WaterCorp has advised that water from standpipes charged from the 1 July 2019 and will be based on the following four categories:

- **Local Authority Standpipe**  
No Annual Service Charge / Water Use Charge \$2.534 per kilolitre - Shire use only.
- **Community Standpipe**  
Annual Service Charge \$265.41 / Water Use Charge \$2.534 per kilolitre - 25mm standpipe.
- **Commercial Standpipe**  
Annual Service Charge \$4,246.85 / Water Use Charge \$8.353 per kilolitre - 80mm standpipe (current standpipe in Onslow)  
Or  
Annual Service Charge \$1,658.93 / Water Use Charge \$8.353 per kilolitre – for a modified 50mm standpipe.



**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

- **Fire-fighting Standpipe**

No Annual Fee 100% discount / No Water Use Charge - Must be available for fire-fighting use only.

**Comment**

For the Shire of Ashburton, the existing standpipe (80mm) in Onslow is located on Lot 72 McAullay Road.



WaterCorp has provided the following information as to possible impacts on the Shire of Ashburton as part of the new management of Fixed Standpipes the Corporation is implementing from the 1 July 2019:

- **“Access to concessional charges-** *The Shire will not incur any new charges if the current standpipe is reclassified as a Local Authority (LA) standpipe which will continue to be charged the lowest concessional rate of \$2.534 per kilolitre (2018/19) and no service charge. The condition to obtain this is that there is no access by the public so the standpipe must be locked or moved to within the Shire depot.*
- **Transition to commercial charges** - *Commercial charges will only apply to the existing 80mm standpipe if it remain unlocked and available to commercial users. The costs can be reduced if the Shire downgrades the service which would result in service charges decreasing from \$4,246.85 (80mm) to \$1,658.93 (50mm) (2018/19) and this would be completed free of charge.*
- **Commercial operators** - *Commercial operators are not entitled to concessional water from locked LGA standpipes and we would encourage you to direct these businesses to the Water Corporation to discuss their water requirements. This sets a level playing field for all commercial operators across the state and is equitable for those commercial sites with a permanent service paying the commercial charge.*

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

- **Access by contractors to LA standpipe when working on Shire projects-** Contractors working on behalf of the Shire are permitted to use locked LA standpipes, thereby minimising the volumetric costs incurred by Local Government.
- **Administrative burden to Local Government** - The administrative costs of monitoring users of the existing standpipe can be minimised by installing a new LA standpipe and the Shire depot and designating the existing standpipe for commercial use only.  
*The new standpipe can be offered free of administrative and installation fees however headworks charges would apply. We can offer a free data logger to be fitted to the existing standpipe meter to track and report usage data back to the Shire.*

*Water Corporation has advised that Local Government Standpipes were never intended to be used by the wider community for high volumes of water and at concessional rates. The new structure now provides equity for all users and ensures local government continues to maintain access to water at concessional rates and commercial customers are not being unfairly subsidised by state government.”*

For the Shire of Ashburton and the existing standpipe in Onslow, Council will need to reclassify the standpipe under WaterCorp’s new price structure. If Council does not reclassify the standpipe, WaterCorp will charge Commercial Fees which will be significantly more expensive. WaterCorp has advised that it is prepared to assist the Shire by providing a standpipe at the Depot for local government use (no cost to the Shire). In discussion with the Manager, Community Safety, it is preferred that the existing 80mm standpipe be retained for firefighting purposes. WaterCorp has advised that they would also provide a 20mm standpipe (beside the existing standpipe) for community purposes.

In relation to ‘commercial’ purposes, operators would need to establish a direct relationship with WaterCorp for the supply of water.

**Consultation**

President, Cr White  
Executive Management Team  
Manager, Community Safety  
Water Corporation

**Statutory Environment**

There are no known statutory implications for this matter.

**Financial Implications**

Based on 2017/18 costs associated with water usage at the existing standpipe, should Council retain the commercial use of the standpipe, it is possible that the annual cost to Council would be in the vicinity of \$600,000. On this basis, the Shire would be charged \$8.353 per kilolitre – for a modified 50mm standpipe by WaterCorp with the Shire responsible to invoice the commercial users. For community/firefighting or local government use, the Shire would need to seek a rebate from WaterCorp for the cheaper rate.

**Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 02 Economic Prosperity  
Objective 01 – Strong Local Economies

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

Objective 02 – Enduring Partnerships with Industry and Government  
Goal 04 Quality Services and Infrastructure  
Objective 01 – Quality Public Infrastructure  
Objective 03 – Well-Planned Towns  
Goal 05 Inspiring Governance  
Objective 01 – Effective Planning for the Future

**Risk Management**

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

**Policy Implications**

There are no known policy implications for this this matter.

**Voting Requirement**

Simple Majority Required

**Officers Recommendation**

That with respect to the Water Corporation’s (WaterCorp) review of regional standpipes – impact on the Onslow Standpipe, Council request that WaterCorp:

1. To reclassify the standpipe in McAulley Road, Onslow as a 80mm standpipe for firefighting purposes;
2. Install a 20mm standpipe (beside the existing standpipe) for community purposes;
3. Install a 50mm standpipe at the Shire Depot, Beadon Creek Road, Onslow for local government purposes;

all at no cost to the Shire; and

4. Ensure that it adequately contacts the local business community to ensure there is an understanding that ‘commercial operators’ will need to establish a direct relationship with WaterCorp for the supply of bulk water and the implications of WaterCorp’s new management of Fixed Standpipes from 1 July 2019.

**Council Decision**

**MOVED: Cr M Lynch**

**SECONDED: Cr D Diver**

**That with respect to the Water Corporation’s (WaterCorp) review of regional standpipes – impact on the Onslow Standpipe, Council request that WaterCorp:**

- 1. To retain the standpipe in McAulley Road, Onslow as a 80mm standpipe for commercial purposes;**

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

- 2. Install an 80mm standpipe at the Shire Depot, Beadon Creek Road, Onslow for local government purposes at no cost to the Shire.**

**CARRIED 8/0**

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

NOTE: Council amended the Shire recommendation to establish a more sustainable standpipe arrangement for the Shire and local commercial users in Onslow in response to the Water Corporation's review of regional standpipes.

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**12. CORPORATE SERVICES REPORTS**

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

**Declaration of Interest**

*Prior to consideration of this Agenda Item*

*Mr Rob Paull declared an indirect financial interest*

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

**RECORDED ON REGISTER GV07**

**MINUTE:** 455/2018

<b>FILE REFERENCE:</b>	FM03
<b>AUTHOR'S NAME AND POSITION:</b>	Kerry Fisher Finance Manager
<b>AUTHORISING OFFICER AND POSITION:</b>	John Bingham Director Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	1 November 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has no financial, proximity or impartiality interests in the proposal. However, the Chief Executive Officer has an indirect financial interest due to his spouse being employed and receiving an income from 'Muzzy's Hardware (Tom Price).
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

In accordance with *Regulation 34 of the Local Government (Financial Management) Regulations*, the Shire is to prepare a monthly Statement of Financial Activity for consideration by Council. The Financial Reports for October 2018 are presented with comments on variances for Actuals to 2018/19 Budget amounts. A Capex Tracker is also presented.

**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.

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**Comment**

Finance staff are currently preparing the 2017/18 Financial Statements – Moore Stephens, the Shire's auditors visited Tom Price between Tuesday 30 October and Friday 2 November 2018. As part of the Statements preparation revaluation of the Shire's Infrastructure Assets has been undertaken as required by section *Local Government (Financial Management) Regulation 17A (2)*. It is to be noted the asset depreciation expense will not be posted to the 2018/19 accounts until completion of the 2017/18 Annual Audit.

Smith Sculptors RFT04/15

In 2015 Council entered into a contract with Smith Sculptors to design, construct and install eleven bronze wild life sculptures for \$326,200 (incl GST). The contract related to the supply of eleven bronze wildlife sculptures for a total price of \$326,200 (incl GST) - RFT04/15 'Design and Construction of Bronze Wildlife Sculptures at the Tom Price Mall'. As of September 2015 six sculptures had been delivered and installed at the Shire and a payment of \$198,000 (incl. GST) was made to Smith Sculptors in October 2015:

1. Large Male Standing Kangaroo - \$38,500;
2. Large Drinking Kangaroo - \$38,500;
3. Reclining Female Kangaroo - \$38,500;
4. Male Emu - \$44,600;
5. Baby Emus (Group) x 6 - \$16,500; and
6. Perentie Goanna x 2 - \$17,600.

In May 2016 the Shire's then Strategic Project Manager contacted Smith Sculptors to advise the remaining five sculptures were no longer required:

1. Black Swan - \$17,600;
2. Frogs (Group) x 6 - \$11,000;
3. Male Hopping Kangaroo - \$38,500;
4. Female Hopping Kangaroo - \$38,500; and
5. Hopping Joey Kangaroo - \$24,200.

Advice given by the Shire's Project Manager at the time as to why the above five sculptures were no longer required included the tender being run as a schedule of rates allowing the bill of quantities to be adjusted and suit the Shire's 2015/16 Budget.

It is now recommended to Council the contracted works be completed for \$128,000 with a budget variation of \$60,000 in 2018/19 and a further allocation of \$68,000 in 2019/20.

The towns of Paraburdoo and Onslow will benefit from the new sculptures with the latter likely to receive the Kangaroo designs. For Paraburdoo it is currently being negotiated with Smith Sculptors whether or not a statue of the renowned Paraburdoo 'Red Dog' can be designed instead of the Swan / Frog in recognition of Red Dog's birthplace.

A 2018/19 Capex Tracker is available as part of Monthly Reports. The following schedule of budget variations are recommended to Council:

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

GL/Job No.	General Ledger Description	Current Budget	Variation Amount	Revised Budget	Reason
New job no.	Asset Expansion Roads – Infrastructure	0	400,689	400,689	Creation of dedicated job code for the two thirds funded Black Spot Program 2018/19 at Mine Road Tom Price (widen and seal road shoulders).
19064	Tom Price – Unsealed Rural Road Re-sheeting Program	750,000	(133,563)	616,347	Reallocate expenditure for Shire’s one third contribution to the 2018/19 Black Spot program - Mine Road, Tom Price.
121978	Black Spot Funding Grant	0	(267,126)	(267,126)	Confirmation of funding has now been provided by MRWA.
C501	Town Centre Upgrade Works	0	60,000	60,000	Allocation for completion of contracted works related to RFT04/15 – please refer to agenda report for further detail.
W255	Works Program Shopping Mall Tom Price	221,561	(60,000)	161,561	Re-allocation of expenditure for uncompleted works project - RFT04/15.

**Consultation**

Executive Management Team  
Finance Team

**Statutory Environment**

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

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

*(b) Is authorised in advance by resolution\**

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

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

\*requires an absolute majority of Council.

**Financial Implications**

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

**Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 4 – Exemplary Team and Work Environment

**Risk Management**

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

The predominant strategic financial risk that the Council still faces is the pending formal objections to the valuation on the Wheatstone Plant and Barrow Island Plant. The formal objection to the Wheatstone plant refers to 2016/17 and 2017/18 valuations whilst the Barrow Island objection was made in November 2017. Wheatstone is Assessment No. A51628 and has an Unimproved Valuation (UV) of \$17,593,500 with rates levied for 2017/18 of \$6,728,933 and for 2018/19 of \$6,502,047. Barrow Island is Assessment No. A6413 and has a UV of \$13,808,000 with rates levied for 2017/18 of \$5,281,104 and 2018/19 of \$5,167,600.

In Chevron’s objection their submitted opinion as to the correct UV’s for the two properties are: (i) Wheatstone \$6,572,500; and (ii) Barrow Island \$2,612,500. An objection has been lodged with the State Administrative Tribunal (SAT) with a hearing undertaken on 25 and 26 September 2018. A further two days have been scheduled for 30 November and 5 December 2018. It is unlikely therefore a decision will be forthcoming until January 2019 at the earliest. If the decision is unfavourable to Council the maximum quantum of liability will be around \$17.5M based on the abovementioned.

To help mitigate the risk with this formal objection Council retains a cash backed Financial Risk Reserve (FRR) with a forecast balance at the end of the financial year (subject to no adverse appeals) of \$12.5M.

This major risk is categorised as potentially *extreme* on the Council’s adopted risk management framework and thresholds due to the potential risk being greater than \$5M of current year and a comparable amount to future revenues.

**Policy Implications**

There are no known policy implications for this matter.

**Voting Requirement**

Absolute Majority Required



**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**Officers Recommendation 1 and Council Decision**

**MOVED: Cr D Diver**

**SECONDED: Cr M Lynch**

**That with respect to the Monthly Financial Report, that Council:**

- 1. Receive the Financial Report for October 2018 ATTACHMENT 12.1A; and**
- 2. Approve budget variations for the 2018/19 Budget as outlined below:**
  - a) Increase New Expenditure Job Code, Asset Expansion Roads – Infrastructure by 400,689, from \$0 to \$400,689;**
  - b) Decrease Expenditure Job no. 19064, Tom Price – Unsealed Rural Road Re-Sheeting Program by \$133,653, from \$750,000 to \$616,347;**
  - c) Increase Income Account GL 121978, Black Spot Funding Grant by \$267,126, from \$0 to \$267,126;**
  - d) Increase Expenditure Job no. C501, Town Centre Upgrade Works by \$60,000, from \$0 to \$60,000;**
  - e) Decrease Expenditure Job no. W255, Works Program Shopping Mall Tom Price by \$60,000, from \$221,561 to \$161,561; and**
  - f) Note that the Budgeted Surplus position carried forward (Net Current Assets position) forecast as at 30 June 2019 is \$1,500,000.**
- 3. Receive the Capital Expenditures Progress Tracker for October 2018 ATTACHMENT 12.1B;**
- 4. Receive the Budget Amendment Register as at 30 October 2018 ATTACHMENT 12.1C; and**
- 5. Receive the Schedule of Accounts and Credit Card payments made in October 2018 (approved by the Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds) ATTACHMENT 12.1D.**

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

Mr Paull left the room at 2.17 pm due to a declaration of interest for Officers Recommendation 2.

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**Officers Recommendation 2 and Council Decision**

**MOVED: Cr L Rumble**

**SECONDED: Cr P Foster**

**That with respect to the Monthly Financial Report, that Council:**

- 1. Receive the Financial Report for October 2018 associated with Muzzy's Hardware (Tom Price) ATTACHMENT 12.1E.**

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

Mr Paull re-entered the room at 2.17 pm. The Presiding Member advised Mr Paull of the outcome of the vote for this item.

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**13. PROPERTY AND DEVELOPMENT SERVICES REPORTS**

**13.1 REQUEST FOR COUNCIL DIRECTION - LOT 350 BOONDEROO ROAD,  
TOM PRICE**

**MINUTE:** 456/2018

<b>FILE REFERENCE:</b>	BOO.0350
<b>AUTHOR'S NAME AND POSITION:</b>	Janelle Fell Development Land and Asset Compliance Specialist
<b>AUTHORISING OFFICER AND POSITION:</b>	Brian Cameron Director Property and Development Services
<b>NAME OF APPLICANT/ RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	6 November 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 15.1 (Minute No. 108) – Ordinary Meeting of Council 14 February 2017

**Summary**

The Shire of Ashburton has a development lease (K718211) over Lot 350 on Deposited Plan 49883, Boonderoo Road, Tom Price. The lease extension expires on 31 March 2019.

Council consideration of the estimated development costs, current constraints, proposed further deconstraining activities and authorisation for the Chief Executive Officer to negotiate a new lease is requested.

**Background**

Due to demand for industrial/mixed business lots in Tom Price, the Shire undertook subdivision of Lot 308 on DP 16981 in 2011, being Stage One of a two stage development which delivered seven light industrial lots to the commercial market.

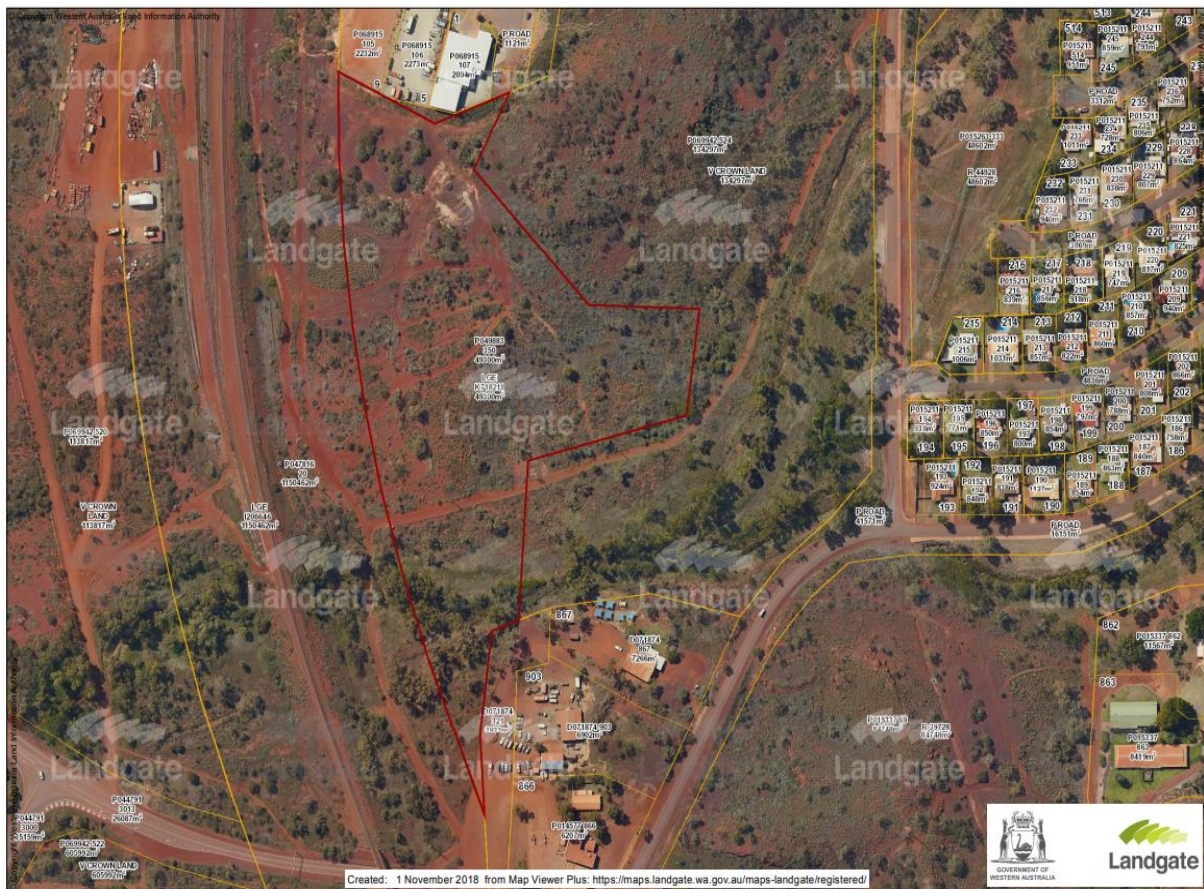
A development lease agreement to subdivide Lot 350 on Deposited Plan 49883 into serviced light industrial lots was executed on 27 September 2008 by the Shire and the Department of Planning, Lands and Heritage (then Department of Lands).

This type of agreement enabled the Shire to commence development works such as servicing etc, without purchasing the land 'up front'. Lot 350 forms Stage Two of the Boonderoo Road subdivision, connecting Boonderoo Road to Mine Road and proposes to deliver eight mixed business lots ranging in size from 2002m<sup>2</sup> to 8869m<sup>2</sup>.

Upon completion of the subdivision and compliance with the transfer conditions (development to WAPC's standards, rent paid, one lot offered to the Eastern Guruma people for purchase at the unimproved market value as determined by the Minister, complied with and performed all of its obligations under the Lease), the Shire can purchase the unimproved land for an amount determined by the Valuer General.

## PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2018

The development lease expired on 31 March 2016 however a three year extension was exercised, expiring on 31 March 2019. The annual fee is \$500.



### Comment

In 2016, a Request for Quotation was made for Engineered Drawings and Cost Estimates, consisting of preliminary design and estimates.

Indicative costs in 2016 for the development of the eight Mixed Business lots subdivision, including road network, Public Open Space and Drainage Reserve was assessed at \$8,163,980.00 (including 33kV power line relocation and new transformer as the current Boonderoo Road supply is near capacity). Costs savings have been identified such as transformer alternatives, screening material for fill (if identified as suitable during Geotech investigations) and a reduction in earthwork rates via Tendering.

As demand for mixed business lots was not present or projected in 2016 and cost estimates were deemed to be in excess of budget allocations, deconstraining activities have progressed as follows:

- Planning and Preliminary Design
- Desktop Appraisal
- Urban Water Management Plan
- Geotechnical Investigations
- Biological Assessment

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

Continued deconstraining activities are planned to allow development of the subdivision as demand necessitates:

- Intersection Traffic Impact Assessment
- Water Reticulation Hydraulic Capacity Study
- Heritage Research and Report
- Detailed Design and Tender Documents
- WAPC Subdivision

Main Roads Western Australia (MRWA) have advised they are not supportive of a new intersection on Mine Road and Boonderoo South Road due to the rail bridge and service station proximity and concerns the appropriate design standard may not be achieved. However, they have advised if a Traffic Impact Assessment (TIA) is to be undertaken the assessment should include:

- A brief description of the development in terms of proposed land use, trips generated and required heavy vehicle access
- A brief description of the existing operational conditions of the road network in the immediate vicinity of the development
- Analysis of the operation of the accesses to the development
- Analysis of the operation of the first intersection on either side of the access(es) to the development
- Professional opinion on, and analysis of, the expected traffic impact based on observations during the expected critical peak hour
- Details of existing and proposed roads, signals, signs and pavement markings

Risk mitigation factors such as speed limit reductions and possibly revised access on Mine Road to the Service Station will also be considered by the successful consultant when preparing the TIA in order to satisfy MRWA's concerns.

Upgrade of the existing Mine Road/Boonderoo South Road Reserve is required (access to Pure Mechanical and Tom Price Community Arts and Cultural Centre) to complete the road network into Boonderoo Road, which is used as a bypass (train bridge) via Doradeen Road for heavy vehicles. No minimum setback from the train bridge has been advised by MRWA or Rio Tinto. Rio Tinto have not yet commented on minimum setback requirements from the train bridge infrastructure to assess if the intersection is achievable.

As an alternative solution, acquisition of portion of the Service Station lot was been deemed unfeasible therefore Rio Tinto has been requested to consider excision of portion of the railway corridor easement, as this appears to be the most feasible solution to meet the design standard.

Shire Officers have been unable to ascertain the number of businesses on a waitlist for industrial/mixed business land held by Sodexo for Rio Tinto's Light Industrial Area on Mine Road, where there is potential for expansion to accommodate additional businesses.

Should this information be forthcoming and Shire Officers assess an imminent need for mixed business land, it would be considered appropriate to commence discussions with LandCorp or similar private sector developers to negotiate a proposed development model for Council's consideration.

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

Further scoping, design and investigation into the proposed subdivision at Lot 350 Boonderoo Road is required before a Business Case can be presented to Council. As the current development lease expires on 31 March 2019, it is recommended that a new lease be negotiated to enable further deconstraining investigations, and subsequent development of the subdivision if later approved by Council.

**Consultation**

Acting Director Property & Development Services  
Executive Management Team  
Department of Planning, Lands and Heritage

**Statutory Environment**

*Land Administration Act 1997* – Section 85 – Sale etc. of Crown land subject to condition etc. it be subdivided  
*Local Government Act 1995* – Section 9.49A – Affixing the Common Seal

**Financial Implications**

The current development lease incurs an annual fee of \$500 excl. GST per annum. While a new lease fee is yet to be negotiated, it would be expected the current fee would be indicative of the new fee.

2016 estimates indicate circa \$8M to subdivide Lot 350 into eight serviced lots. Should Council support the recommendation to continue deconstraining activities and investigations, a Business Case will be presented to Council for endorsement in due course.

**Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 02 Economic Prosperity

Objective 01 – Strong Local Economies

Objective 02 – Enduring Partnerships with Industry and Government

Goal 04 Quality Services and Infrastructure

Objective 01 – Quality Public Infrastructure

Objective 03 – Well-Planned Towns

Goal 05 Inspiring Governance

Objective 01 – Effective Planning for the Future

**Risk Management**

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

**Policy Implications**

ELM13 – Use of Shire of Ashburton Common Seal Policy

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**Voting Requirement**  
Simple Majority Required

**Officers Recommendation and Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr D Diver**

**That with respect to the Request for Council Direction - Lot 350 Boonderoo Road, Tom Price, that Council:**

- 1. Authorise the Chief Executive Officer to:
  - a) Negotiate the terms of a development lease agreement for Lot 350 on Deposited to Council for final approval prior to execution of the lease; and**
  - b) Apply the Common Seal, in the presence of the Shire President, to the approved development lease agreement for execution;****
- 2. Authorise the Chief Executive Officer to continue to carry out deconstraining activities in accordance with the contents of this report and budget allocation;**
- 3. Authorise the Chief Executive Officer to investigate the potential of expansion of the Light Industrial Area on Mine Road;**
- 4. Authorise the Chief Executive Officer, pending viability, to seek opportunities for a joint development venture and report back to Council with any prospective development model; and**
- 5. Request the Chief Executive Officer report to Council for further consideration, when all deconstraining activities and investigations have been completed.**

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

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**13.2 ROAD REGISTER UPDATE - REMOVAL OF MOUNT BROCKMAN  
ROAD AND PORTION OF CAMP ROAD, PARABURDOO**

**This agenda item was not considered during this meeting as it has been withdrawn by the Chief Executive Officer.**

**Reason withdrawn: – The Chief Executive Officer sought to provide Council with further information concerning the implications to the Shire in relation to the Road Register update.**



**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**13.3 TRANSFER OF CONTROL OF BUSHFIRES AND BUSHFIRE BRIGADES TO THE DEPARTMENT OF FIRE AND EMERGENCY SERVICES**

**Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr D Diver**

That Council requested agenda item 13.3 - TRANSFER OF CONTROL OF BUSHFIRES AND BUSHFIRE BRIGADES TO THE DEPARTMENT OF FIRE AND EMERGENCY SERVICES laid on the table at the Ordinary Meeting of Council 18 July 2018 'Be Raised from the Table.'

**CARRIED 8/0**

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

**Declaration of Interest**

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

***Cr Dias declared an impartiality interest***

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

***RECORDED ON REGISTER GV07***

**MINUTE: 457/2018**

<b>FILE REFERENCE:</b>	ES02 ES04
<b>AUTHOR'S NAME AND POSITION:</b>	Morgwn Jones Emergency Management Coordinator
<b>AUTHORISING OFFICER AND POSITION:</b>	Brian Cameron Director Property and Development Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	29 October 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author has previously worked for the Department of Fire and Emergency Service on secondment from December 2017 until February 2018 and 6 July 2018 to 9 August 2018.  The authorising officer has no financial, proximity or impartiality interests in the proposal.

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**PREVIOUS MEETING  
REFERENCE:**

Shire of Ashburton Bush Fire Advisory Committee  
Meeting – October 24 2018

Agenda Item 14.1 – Shire of Ashburton Ordinary  
Meeting of Council 18 July 2018

**Summary**

The Department of Fire and Emergency Services (DFES) has been working with the Pilbara Local Government Authorities since August 2015 to develop a Memorandum of Understanding (MOU) whereby the control of bushfires and bushfire brigades will be transferred to DFES. The MOU provides for additional management support and control of bushfires within the region which is likely to be of benefit to residents. Under the proposed MOU, the Shire of Ashburton will retain a support role in relation to bushfire management.

The purpose of this report is for Council to consider becoming a signatory to the DFES MOU for the Management and Control of Bushfire Brigades and Bushfire and Emergency Services in the Pilbara Region of Western Australia.

**Background**

At the Ordinary Meeting of Council held on 19 July 2016, the Tom Price Volunteer Bush Fire Brigade (TP VBFB) and other stakeholder members of the Shire of Ashburton Bush Fire Advisory Committee recommended to Council that the Shire not become a signatory of the DFES MOU for the Management and Control of Bushfire Brigades and Bushfire and Emergency Services in the Pilbara Region of Western Australia, as there was perceived to be no apparent benefit to the operation of the TP VBFB. Council resolved to support the TP VBFB and did not support the signing of the MOU.

Since that decision, there has been ongoing discussions between the Shire, TP VBFB, DFES Regional Office and other Local Governments that became signatories to the MOU in 2016 to gauge its level of effectiveness.

The Shire understands that the MOU is working well in the City of Karratha and the Shire of Exmouth. The Shire of East Pilbara recently became a signatory of the MOU.

**ATTACHMENT 13.3A**

DFES recently announced the formation of the new Rural Fire Division (RFD). This is in effect a transfer of the Office of Bush Fire Risk Management (OBRM) who were a sub-department of the Office of Emergency Management (OEM) to DFES. The RFD's primary focus is Bush Fire Mitigation, Bush Fire Risk Management Planning and the creation of Centre of Excellence in relation to Prescribed Burning Practices.

**ATTACHMENT 13.3B**

On a recent visit to Tom Price the Fire and Emergency Services Commissioner confirmed that there will only be two Volunteer Liaison Officers being appointed to the RFD to cover the whole State in order to liaise with Local Government Bush Fire Brigades, with the Pilbara Regional Office to continue to provide all support functions to Volunteer Bush Fire Brigades in the Pilbara.

The TP VBFB feels the RFD will be of little benefit to the Brigade operationally and that they wish to continue to work with DFES staff based in the Pilbara. This would allow for the continuity of current services and working relationships.

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

On 27 May 2018 the TP VBFB held a General Meeting and moved a motion recommending that the Shire's Bush Fire Advisory Committee recommends to Council, that discussions with the DFES be re-opened in regards to becoming a signatory to the MOU and if appropriate, sign on for an initial period of 12 months.

It is noted that the period of the draft MOU refers to a period of three years, however the TP VBFB would prefer it be limited to 12 months initially in order to provide an opportunity to review and revisit the MOU after that period without being locked in for three years if it eventuates that the transfer of powers provided for under the MOU does not suit the VBFB.

**ATTACHMENT 13.3C**

This motion was accepted and endorsed by the Bush Fire Advisory Committee at their meeting held on 30 May 2018.

**ATTACHMENT 13.3D**

On 18 July 2018 Council considered this item and determined that the matter 'lay on the table' on the following basis:

*"Councillors concluded that as the Ashburton Ward is still vacant that it was appropriate that the new Councillor should be offered the opportunity to liaise as he/she saw fit with their Ward constituents."*

It is understood that Cr Rory de Pledge (Ashburton Ward) has discussed the matter with Ward constituents.

On 23 October 2018, a DFES representative briefed Councillors in relation to the MOU.

**Comment**

Should Council agree to become a signatory of the MOU, the Shire will still be required to undertake the following activities:

- Retain all currently appointed Fire Control Officers (FCO);
- The Shire will continue to manage all other emergency management functions (preparation, Prevention, recovery) which includes:
  - maintenance and updating of all fire management plans;
  - firebreak/property inspections;
  - firebreak installation and maintenance;
  - responding to fire complaints (infringements for burning rubbish, over grown blocks etc);
  - maintenance of policies and local laws relating to bushfires;
  - fireworks permits and permits to burn in accordance with Part III – Prevention of Bush Fires of the *Bush Fires Act 1954*

This will have little or no effect on Pastoralists and their Bush Fire Management practices as the Shire is still responsible for all activities in accordance with Part III — Prevention of Bush Fires of the *Bush Fires Act 1954*.

- Make existing personnel with fire management skills available to support bush fire operations in the district and or region.

All other activities identified in the Concept of Operations.

**ATTACHMENT 13.3E**

## PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2018

There is no doubting the benefits of a universal approach to bush firefighting across the Pilbara brings. This has been highlighted in the 2017-2018 fire season where a number of significant bush fire incidents across the Pilbara led to DFES assuming control either by mutual agreement under Section 13 of the *Bush Fires Act 1954* or in accordance with the MOU (in other Shire's) and the Concept of Operations.

Transfer of the Chief Bush Fire Control Officer (CBFCO) role to DFES will require minimal administration works by Shire officers to effect the changes if the Shire does become a signatory to the MOU, including:

1. Writing to the Fire and Emergency Services Commissioner to request the appointment of a CBFCO as per the provisions of the *Bushfire Act 1954*;
2. Publishing the appointment of the CBFCO in a paper circulating within the District; and
3. Amending the Delegations and Authorisations' Register to reflect the change to the CBFCO position.

It is recommended that Council resolve to approve becoming a signatory to the MOU for an initial period of twelve months as per the request from the Tom Price VBFB. This should be a sufficient period of time to allow the Tom Price VBFB and the Shire to gauge the effectiveness of the MOU following the 2018 – 2019 fire season.

Signing the MOU will allow for a regional approach that is consistent and collaborative in respect to bush fire operations and administration of local bush fire brigades.

As per Section 9 of the MOU, the MOU may be terminated by;

- a) Mutual agreement of both parties in writing at any time; or
- b) At any time for any reason by either party by giving one months' notice in writing to the other party.

### **Consultation**

Councillors

DFES Presentation to the Shire of Ashburton Council 23 October 2018

Bush Fire Advisory Committee

Executive Management Team

Emergency Management Coordinator

Tom Price Volunteer Bush Fire Brigade

### **Statutory Environment**

Section 38A of the *Bush Fires Act 1964* enables the Local Government to request the Fire and Emergency Services Commissioner to designate a person employed by the Department as the Chief Bush Fire Control Officer for that Local Government

*Emergency Management Act 2005*

*Emergency Services Levy Act 2001*

*Local Government Act 1995*

*Fire and Emergency Services Act 1998*

### **Financial Implications**

Costs associated with advertisement of CBFCO appointment.

The BFB is funded via the Emergency Services Levy (Local Government Grants Scheme). DFES has advised that there will be no additional cost to the ESL based on them assuming management of fires as per the MOU.

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

LGGS budgets and acquittals will be managed by the Department of Fire and Emergency services

**Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2017 - 2027

Goal 4 – Distinct and Well Serviced Places

Objective 2 – Accessible and Safe Towns

**Risk Management**

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

**Policy Implications**

ENG08 Shire of Ashburton Bush Fire Policy.

**Voting Requirement**

Simple Majority Required

**Officers Recommendation and Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr D Diver**

**That with respect to the transfer of control of bushfires and bushfire brigades to the Department of Fire and Emergency Services, that Council:**

- 1. Sign the Memorandum of Understanding (ATTACHMENT 13.3A) for the Management and Control of Bushfire Brigades and Bushfire and Emergency Services in the Pilbara Region of Western Australia and carry out a review after 12 months in consultation with the Tom Price Volunteer Bush Fire Brigade;**
- 2. Request the Fire and Emergency Services Commissioner appoint a Chief Bush Fire Control Officer under Section 38A of the Bush Fires Act 1954; and**
- 3. Publish the appointment referred to in 3. above in accordance with Section 38(2A) of the *Bush Fires Act 1954*.**

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

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**13.4 PROPOSED CHANGE OF RESERVE PURPOSE WITH POWER TO LEASE - RESERVES 39894 AND 46292**

**Declaration of Interest**

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

***Cr Foster declared an impartiality interest***

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

**RECORDED ON REGISTER GV07**

**MINUTE:** 458/2018

<b>FILE REFERENCE:</b>	PR39894 PR46292
<b>AUTHOR'S NAME AND POSITION:</b>	Janelle Fell Development Land and Asset Compliance Specialist
<b>AUTHORISING OFFICER AND POSITION:</b>	Brian Cameron Director Property and Development Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	8 November 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

The Shire of Ashburton has received a proposal from The Nintirri Centre Incorporated (Nintirri) to develop a 'Placemakers Arts Strip' on two Shire-managed Crown reserves, being Reserve 39894 (Lot 265 on Deposited Plan 15098) and Reserve 46292 (being Lot 344 on Deposited Plan 195131).

Reserve 39894 divides Lots 1, 973, and 974 and provides a largely unused pedestrian access from Central Road to the Shopping Mall Reserve. It is currently developed with a footpath linking Central Road with Reserve 46292, with a fence and gate blocking access to the carpark at Lot 1. The Reserve purpose is 'Drainage' and the Management Order does not include Power to Lease/Licence. Accordingly, the current Management Order does not allow for a third party to develop the land for the proposed Arts Strip.

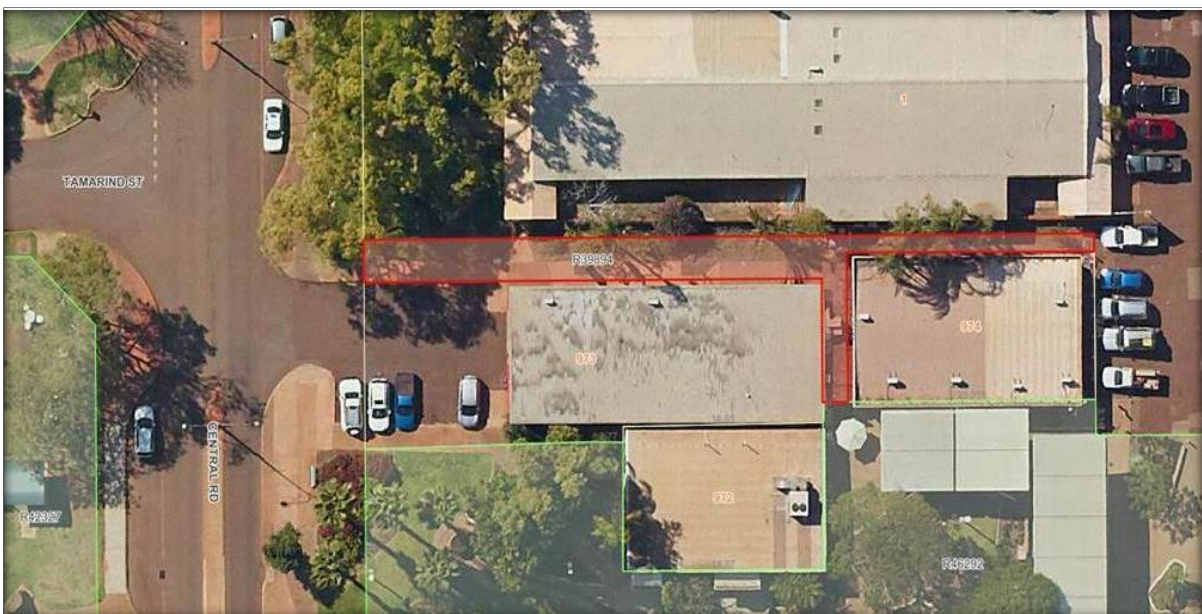
Council is requested to consider asking the Minister for Planning, Lands and Heritage change the purpose of Reserve 39894 and include Power to Licence on the Management Order. This would enable the Shire to negotiate a Licence Agreement and development approval with the Nintirri Centre to utilise the land as requested.

## PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2018

### Background

Nintirri have identified a group of energetic Tom Price people willing to transform key areas through in-kind and community donations. These Placemakers have identified Drainage Reserve 39894 and Mall Reserve 46292 as a suitable area for a vibrant Arts Strip project. While still in the planning stage, the group proposes three zones:

1. The 'Community' zone - seating area opposite the Coles entrance where families and children sit:
  - Floor games for parents, children and children at heart, e.g. hopscotch, chess.
  - A mural on the Westpac wall.
2. The 'Peaceful' zone - covered laneway at entrance to Pickled Bean:
  - Painted in a bright blue, with fans to create a comfortable place to sit.
  - The corner between two zones will be painted with a landscape mural on both sides. Installation of timber/metal to the fenced section and painting of a landscape image, perhaps of Karijini, drawing pedestrians into the laneway from either direction to see what is on offer.
3. The 'Art and Educational' zone - from the corner of the 'Peaceful' zone to the IBN office:
  - Somewhere to sit and relax, with plenty to see and engage with, plus space for the community to contribute.
  - A wildflower screen along the wall that adjoins the back of Watsy's. Laser cut out of steel/tin and will incorporate our local wildflowers.
  - Bush medicine/herb garden incorporating Aboriginal culture into this section of the laneway. Signage with information about the plants and what the uses are, which is of interest to both locals and tourists, plus the opportunity to put them to use. A local native plant theme emerging in this area.
  - Design and build bench seats, in a boomerang shape encouraging interaction between users.
  - Installation of shade sails, decorated patchwork style, to create shadows and a beautiful art piece. Potential project for students.



**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**Comment**

The Placemakers group, with assistance from Nintirri, is progressing a concept design for consideration by Shire Administration prior to actioning any aspirations. To allow works to progress promptly upon relevant statutory and land owner approval, Council endorsement is requested to request the Minister for Planning, Lands and Heritage change the Reserve Purpose to 'Drainage and Public Purposes', and include Power to Lease/Licence on the Management Order. The current purpose of Reserve 39894 is "Drainage" and does not allow Power to Lease. Reserve 46292 is for the purpose of "Mall Reserve" and the Management Order includes Power to Lease. To allow land tenure to be secured by Nintirri to undertake the project, a Reserve purpose change is required along with Power to Lease/Licence on the Management Order.

Department of Planning, Lands and Heritage (DPLH) have advised no objection to the proposed usage of Reserves 39894 and 46292; subject to a formal application submission and the conduct of relevant referrals by the department.

Upon receipt of the revised Management Order, a Licence Agreement will be entered into with Nintirri in accordance with REC05. A Licence has been deemed the best form of tenure as this does not allow exclusive occupation, ensuring the area remains accessible and trafficable by the general public. Approval would be conditional on Nintirri maintaining public liability insurance cover of \$20M.

Reserve 39892 is subject to section 20A of the (superseded) *Town Planning and Development Act 1928*, meaning that the land was ceded to the Crown by the subdivider for no cost and for a public purpose. In this case, the subdivider was Rio Tinto, who ceded the land during the normalisation of Tom Price from a company to a public town. When dealing with 20A reserves, DPLH must be satisfied that the public's right to enjoy the land will not be restricted. The DPLH acknowledges that there will be instances where 20A reserves require reconsideration and has established guidelines for the administration of such reserves.

Given that the proposal under consideration for Reserves 39894 and 46292 will not restrict public access or use (except possibly during installation of artworks), and would enhance the local amenity, it is not anticipated that DPLH will object to the request for the power to licence being included on a new Management Order.

**Consultation**

Executive Management Team  
Principal Planner  
Department of Planning, Lands and Heritage  
The Nintirri Centre Incorporated

**Statutory Environment**

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

**Financial Implications**

No known financial implications are known other than administration costs.

**Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 01 Vibrant and Active Communities

Objective 01 - Connected, caring and engaged communities



**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

Objective 02 – Sustainable Service, Clubs, Associations and Facilities  
Objective 04 – A Rich Cultural Life

Goal 02 Economic Prosperity  
Objective 02 – Enduring Partnerships with Industry and Government  
Objective 03 – Well-managed Tourism

Goal 04 Quality Services and Infrastructure  
Objective 02 – Accessible and Safe Towns  
Objective 03 – Well-Planned Towns

Goal 05 Inspiring Governance  
Objective 02 – Community Ownership

**Risk Management**

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

**Policy Implications**

There are no known policy implications for this matter.

**Voting Requirement**

Simple Majority Required

Mrs S Johnston left the room at 2.28 pm and returned to the room at 2.30 pm.
--

**Officers Recommendation**

That with respect to the Proposed Change of Reserve Purpose with Power to Lease – Reserve 39894, that Council:

1. Request the Minister for Lands to change the purpose of Reserve 39894 from "Drainage" to Drainage and Public Purposes', with Power to Lease; and
2. Authorise the Chief Executive Officer to negotiate the terms of and execute a Licence Agreement between the Shire of Ashburton and The Nintirri Centre Incorporated to allow the Arts Strip Project Development.

**Alternate Motion**

**MOVED: Cr M Lynch**

**SECONDED: Cr D Diver**

**That with respect to the Proposed Change of Reserve Purpose with Power to Lease – Reserve 39894, that Council:**

- 1. Request the Minister for Lands to change the purpose of Reserve 39894 from "Drainage" to Drainage and Public Purposes', with Power to Lease.**

**CARRIED 6/2**

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

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

NOTE: Council amended the Shire recommendation as it considered the execution of any lease should be separately addressed by Council.

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**13.5 ASHBURTON NORTH STRATEGIC INDUSTRIAL AREA ROAD TO PORT - CANCELLATION AND SURRENDER OF MULTIPLE EASEMENTS AND GRANT OF NEW PUBLIC ACCESS EASEMENT**

**Declaration of Interest**

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

***Cr White declared a financial interest***

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

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

**RECORDED ON REGISTER GV07**

Cr White and Cr Dias left the room at 2.38 pm due to a financial declaration for Agenda Item 13.5. Cr Rumble resumed the Chair at 2.38 pm when the Cr White left the room.
--

**MINUTE:** 459/2018

<b>FILE REFERENCE:</b>	RD11
<b>AUTHOR'S NAME AND POSITION:</b>	Janelle Fell Development Land and Asset Compliance Specialist
<b>AUTHORISING OFFICER AND POSITION:</b>	Brian Cameron Director Property and Development Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Department of Planning, Lands and Heritage
<b>DATE REPORT WRITTEN:</b>	7 November 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 13.1 (Minute No. 439/2018) – Ordinary Meeting of Council 23 October 2018

**Summary**

Department of Planning, Lands and Heritage have requested the Shire of Ashburton comment on the proposed cancellation and surrender of multiple easements and consequent grant of a public access easement in relation to access to the Ashburton North Strategic Industrial Area and the Port of Ashburton.
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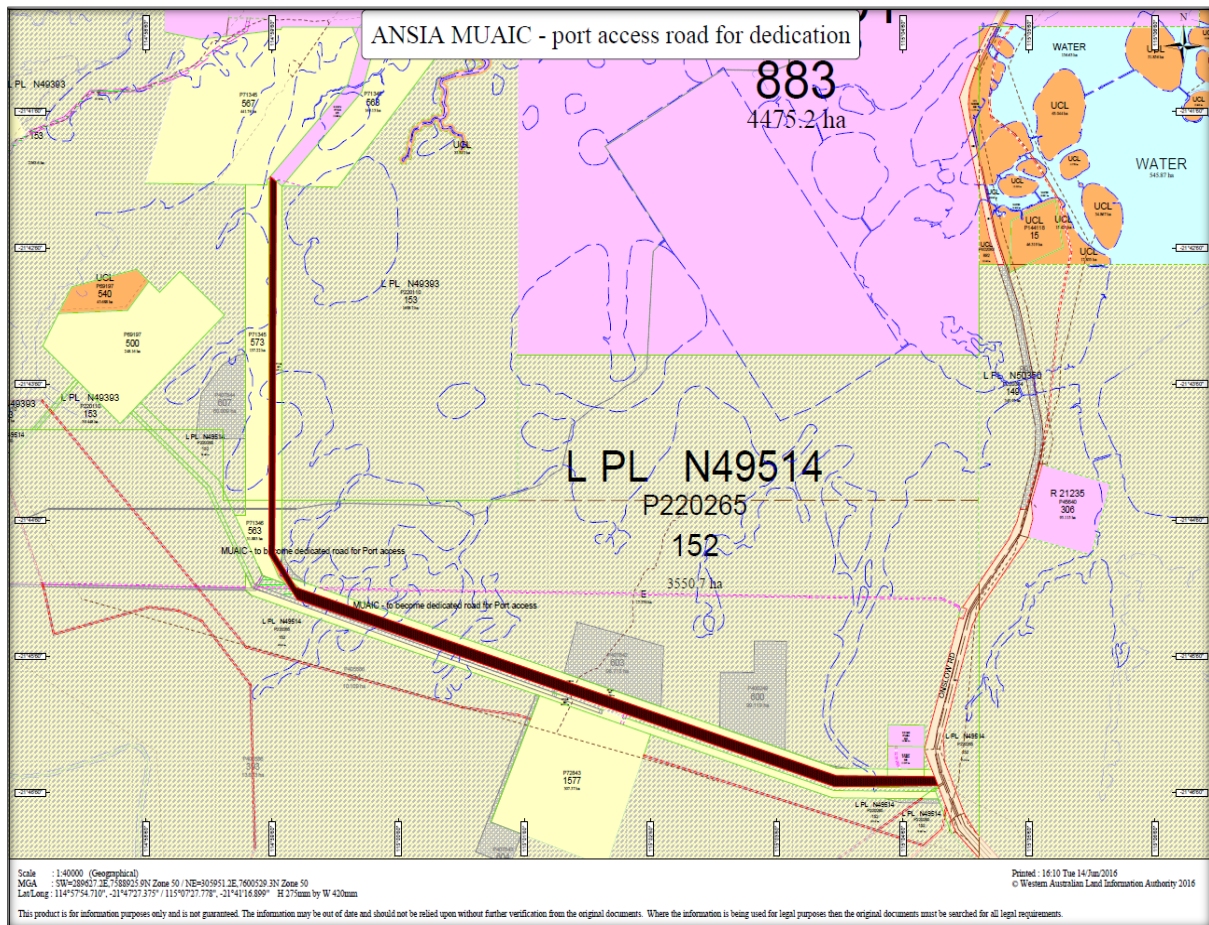
**Background**

The Department of Planning, Lands and Heritage (DPLH) is progressing a project led by the Department of Jobs, Tourism, Science and Innovation (JTSI), with assistance from Main Roads Western Australia (MRWA) to facilitate the dedication of the proposed Ashburton North Strategic Industrial Area (ANSIA) access road.

## PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2018

The road is currently private road constructed and utilised by project proponents which provides access to the ANSIA and the Port of Ashburton.

DPLH is proposing to grant a public access easement for the benefit of the public at large pursuant to sections 195 and 196 of the *Land Administration Act 1997* (LAA). The easement will facilitate access for the Pilbara Port Authority and the general public as an alternative access arrangement while the surrender of Pastoral Lease N049514 is being negotiated; upon completion of successful negotiations the subject land over which the ANSIA road is proposed will be dedicated and under the care, control and management of MRWA as a public road reserve, which will support continued access by project proponents and the general public, as endorsed by Council at the October 2018 Ordinary Meeting of Council. The public road (hatched black and outlined red on the plan) will be formally known as Warrirda Road.



DPLH is proposing the cancellation of five easements, currently over the ANSIA access road as follows:

1. L796055 Easement in Gross section 144 & 147 LAA –Grantee being Chevron
2. L796051 Easement section 144 LAA – Grantee being Western Australian Land Authority (LandCorp)
3. M674819 Easement in Gross section 144 & 147 LAA – Grantee being DBP Services Co Nominees Pty Ltd now known as DBP Development Group Nominees Pty Ltd
4. L597544 Easement section 144 LAA easement for 'Access', Grantee being LandCorp
5. L597545 Easement in Gross section 144 & 147 LAA easement, Grantee being BHP Billiton Petroleum

## **PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL 20 NOVEMBER 2018**

Additionally, DPLH is proposing the surrender of Notification of Easement of N953852 under the *Petroleum Pipelines Act 1969* with the Grantee being DDG Ashburton Pty.

The five existing easements to be cancelled and surrendered will be replaced by one public access easement (until the surrender of Pastoral Lease N049514 is completed) are in relation to the following land parcels:

- Unallocated Crown land (UCL) Lot 564 on Deposited Plan (DP) 71346
- UCL Lot 574 on DP 71345
- UCL Lot 535 on DP 69198;
- Portion of Lot 519 on DP 69198, being a portion of Pastoral Lease N049514;
- Lot 536 on DP 69198, being a portion of Pastoral Lease N049514.
- 

The above land parcels are known as Lot 804 on DP 413048 on the Deposited Plan depicting public road Warrirda Road.

### **Comment**

In order to facilitate the dedication of Warrirda Road, DPLH require the existing easements to be cancelled and surrendered. As surrender of Pastoral Lease N094514 is being negotiated, the alternative public access easement will support continued access by project proponents and the general public until negotiations are completed.

Once the land is dedicated as a road, it will be under the care, control and management of MRWA as a public road reserve, which will support continued access by the project proponents and the general public.

Of note, the Port is due to be handed from Chevron to the Pilbara Ports Authority, as part of the Wheatstone Project's Foundation Stage, on 1 December 2018.

### **Consultation**

Executive Management Team  
Department of Planning, Lands and Heritage

### **Statutory Environment**

*Land Administration Act 1997*

### **Financial Implications**

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

### **Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027  
Goal 4 – Quality Services and Infrastructure  
Objective 1 – Quality Public Infrastructure

### **Risk Management**

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

### **Policy Implications**

There are no known policy implications for this matter.

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**Voting Requirement**  
Simple Majority Required

**Officers Recommendation and Council Decision**

**MOVED: Cr D Diver**

**SECONDED: Cr P Foster**

That with respect to the ANSIA Road to Port - Cancellation and Surrender of Multiple Easements and Grant of a new Public Access Easement, Council endorse the Chief Executive Officer to advise the Department of Planning, Lands and Heritage that Council has no objection:

**1. to the cancellation of:**

- a) L796055 Easement in Gross section 144 & 147 Land Administration Act 1997 (LAA) – Guarantee being Chevron;
- b) L796051 Easement section 144 LAA – Guarantee being Western Australian Land Authority (LandCorp);
- c) M674819 Easement in Gross section 144 & 147 LAA – Guarantee being DBP Services Co Nominees Pty Ltd now known as DBP Development Group Nominees Pty Ltd;
- d) L597544 Easement section 144 LAA Easement for ‘Access’, Guarantee being LandCorp;
- e) L597545 Easement in Gross section 144 & 147 LAA Easement, Guarantee being BHP Billiton Petroleum; and

surrender of:

- a) Notification of Easement N953852.

pursuant to sections 195 and 196 of the *Land Administration Act 1997* over the following portions of land until such time of the surrender of Pastoral lease N049514 to allow dedication of the road is completed:

- a) Unallocated Crown land (UCL) Lot 564 on Deposited Plan (DP) 71346;
- b) UCL Lot 574 on DP 71345;
- c) UCL Lot 535 on DP 69198;
- d) Portion of Lot 519 on DP 69198, being a portion of Pastoral Lease N049514 and
- e) Lot 536 on DP 69198, being a portion of Pastoral Lease N049514.

**CARRIED 6/0**

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

Cr White and Cr Dias returned to the room at 2.41 pm. Cr Rumble advised Cr White and Cr Dias of the outcome of the vote for Agenda Item 13.5. Cr White resumed the Chair at 2.41 pm.

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**13.6 COMMUNITY LEASES - PARABURDOO COMMUNITY HUB,  
RESERVES 39572 AND 42129**

**Declaration of Interest**

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

***Cr Dias declared an impartiality interest***

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

**RECORDED ON REGISTER GV07**

**MINUTE:** 460/2018

<b>FILE REFERENCE:</b>	RC39572 RC42129
<b>AUTHOR'S NAME AND POSITION:</b>	Janelle Fell Development Land and Asset Compliance Specialist
<b>AUTHORISING OFFICER AND POSITION:</b>	Brian Cameron Director Property and Development Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	5 November 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

Construction of the Paraburdoo Community HUB is expected to reach practical completion on 30 November 2018. To facilitate prompt occupancy and operations by the community user groups, Council endorsement is sought for delegated authority to be awarded to the Chief Executive Officer to negotiate and execute the required Community Lease Agreements.

**Background**

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

A business case was endorsed by Council at its Ordinary Meeting of Council on 26 April 2016, including a concept design providing the following scope:

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

- New multipurpose hall suitable for recreation and emergency shelter;
- Swimming pool facility upgrades (change rooms, first aid, office, kiosk);
- New facilities to support oval users including change rooms, first aid, equipment storage, club room, kitchen, bar, spectator outdoor viewing;
- Gym;
- Refurbish existing sports hall for neighbourhood centre, toy library, playgroup, squash courts;
- Upgrades to Lesser Hall; and
- External works (landscaping, carpark, footpaths) to improve connectivity and activation.

At the Ordinary Meeting of Council held on 21 September 2017 the contract for “RFT 17/17 Construction of the Paraburdoo Community Hub” was awarded to Pindan Pty Ltd, enabling the delivery of new multipurpose centre and refurbishment of the existing Paraburdoo Sports Pavilion.

The new multipurpose hall is sited on Reserve 39572, which has the purpose “Public Recreation” with the Power to Lease for any term not exceeding 21 years. The multipurpose hall is known as the Paraburdoo Sports, Fitness and Community Complex.

The existing sports hall is sited on Reserve 42129 and has the purpose of “Sports Centre and Community Purposes”, with the Power to Lease for any term not exceeding 21 years. Karingal Neighbourhood Centre, Paraburdoo Squash Rackets Club (Incorporated) and Paraburdoo Toy Library Association will be located within this refurbished facility.

**Comment**

Practical Completion of the facilities is expected 30 November 2018. In anticipation of occupancy by the user groups providing a service to the Paraburdoo community, it is required to negotiate and execute Lease Agreements. The user groups are:

- Karingal Neighbourhood Centre Incorporated (A1000007L)
  - a) Paraburdoo Sunshine Playgroup (affiliated through Playgroup WA (Inc) A0740005H)
- The Lifestyle Centre – Paraburdoo Incorporated (A1013647S)
- Paraburdoo Amateur Swimming Club (Inc.) (A1002708S)
- Paraburdoo Netball Association Incorporated (A1009193F)
- Saints Cricket Club
- Paraburdoo Saints Football & Sporting Club (A0820812N)

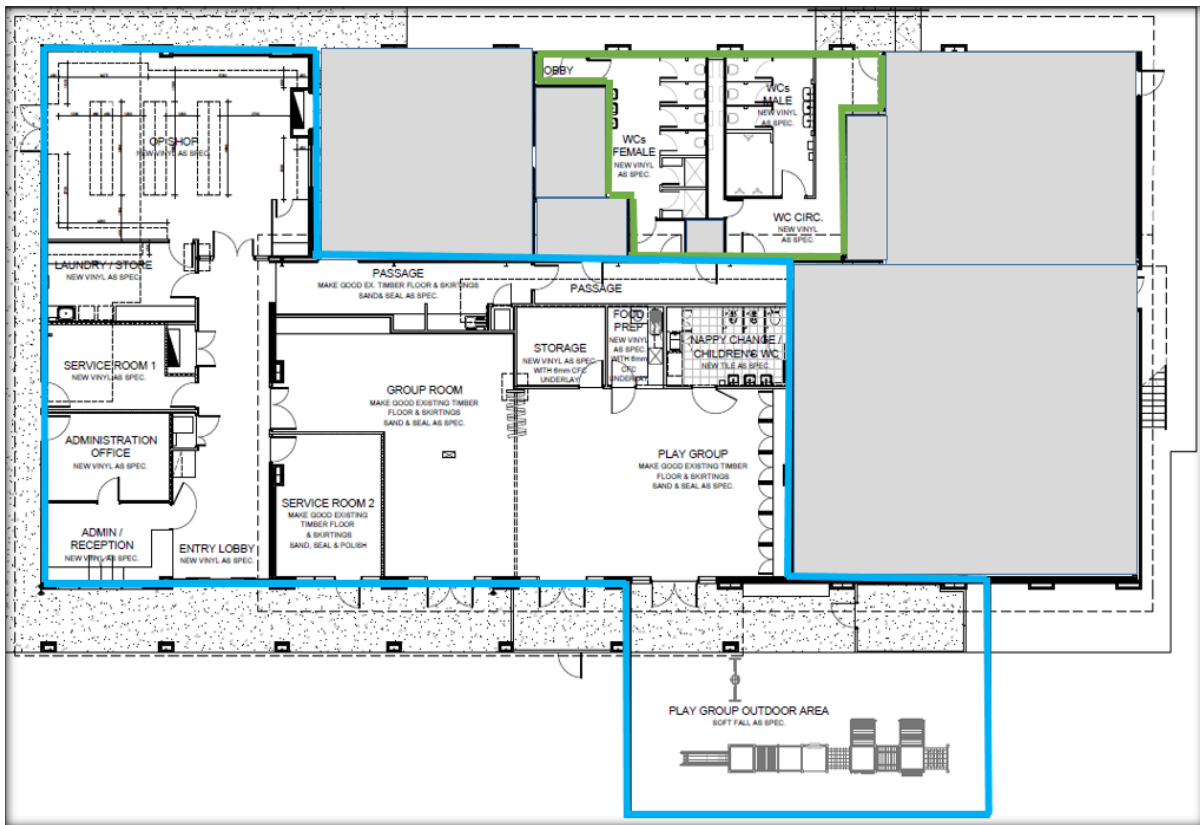
The groups have been involved in stakeholder meetings throughout the CHUB planning and redevelopment to ensure the end product meets their needs. All Agreements will be in accordance with REC05 as the user groups are all incorporated (with the exception of Saints Cricket Club who expect incorporation by the years end) using the Shire’s Community Lease template.)

**ATTACHMENT 13.6**

Karingal Neighbourhood Centre Incorporated (Karingal) currently operates from Rio Tinto owned premises. Relocation to the Karingal Neighbourhood Centre (lease area hatched blue) will see shared ablutions (hatched green on the plan) with the Paraburdoo Squash Rackets Club (Incorporated) and Paraburdoo Toy Library Association.



**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

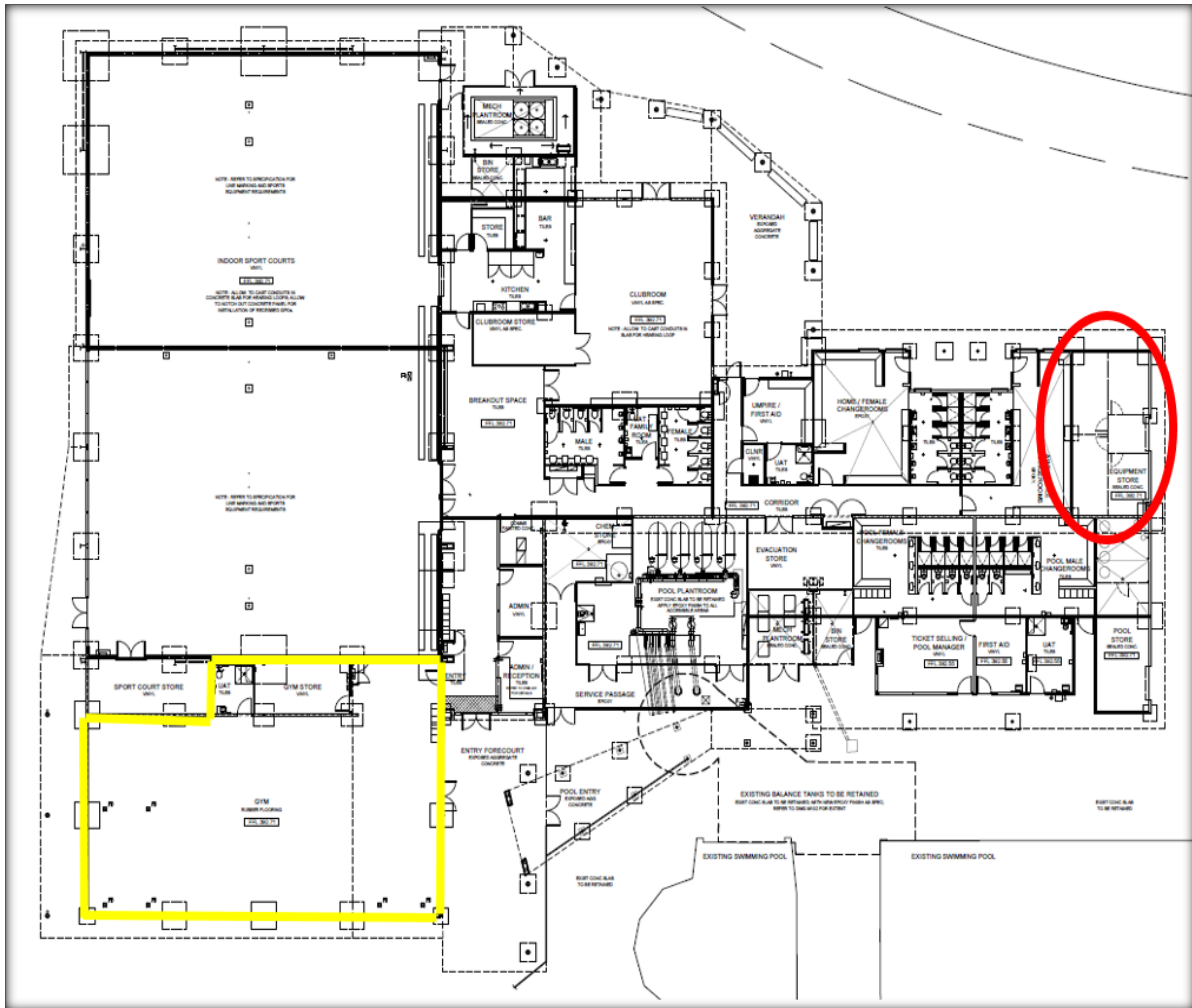


The draft terms of Karingal's Agreement are:

Lease/Licence	Term	Further Term	Rent (per REC05)	Maintenance Costs	Lessees Outgoings
Lease – Entire Facilities or Rooms within a Building	2 years	2 years	\$500 p.a. plus GST	Lessee must maintain the Lease Premises in good condition and state of repair. The Shire is responsible for fair wear and tear and damage which will be reinstated from the proceeds of insurance.	<ul style="list-style-type: none"> <li>• Water Consumption</li> <li>• Electricity</li> <li>• Cost of annual food surveillance fee (if applicable)</li> <li>• Cleaning of Lease Area</li> </ul>

The Lifestyle Centre – Paraburdoo Incorporated (hatched yellow below) Paraburdoo Amateur Swimming Club (Inc.), Paraburdoo Netball Association Incorporated, Saints Cricket Club and Paraburdoo Saints Football & Sporting Club lease areas (all within the area hatch red below) are all located within the newly constructed Paraburdoo Sports, Fitness & Community Complex.

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**



The Lifestyle Centre – Paraburadoo Incorporated currently operates from Rio Tinto owned premises. In accordance with REC05, the proposed terms of the Lease Agreement are:

Lease/Licence	Term	Further Term	Rent (per REC05)	Maintenance Costs	Lessees Outgoings
Lease – Entire Facilities or Rooms within a Building	5 years	5 years	\$500 p.a. plus GST	Lessee must maintain the Lease Premises in good condition and state of repair. The Shire is responsible for fair wear and tear and damage which will be reinstated from the proceeds of insurance.	<ul style="list-style-type: none"> <li>• Water Consumption</li> <li>• Electricity cost of annual food surveillance fee (if applicable)</li> <li>• Cleaning of Lease Area</li> </ul>

Paraburadoo Amateur Swimming Club (Inc.), Paraburadoo Netball Association Incorporated, Saints Cricket Club and Paraburadoo Saints Football & Sporting Club require storage in the new facility. The proposed terms of each of these users Agreements will be:

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

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

Saints Cricket Club are progressing incorporation, which is expected by the end of 2018. Occupancy of the premises and execution of their Lease Agreement will not be actioned until incorporation is verified.

All user groups will be required to maintain insurance for their property and public liability insurance for the term of their Agreement.

Existing users, Paraburdoo Squash Rackets Club (Incorporated) and Paraburdoo Toy Library Association will be issued a Deed of Variation to their current Agreements, expiring in March 2020, detailing the new premises and shared use arrangements. These variations will be executed in accordance with DA06-8 Lease Agreements including User and Licence Agreements.

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

**Consultation**

Executive Management Team  
Manager Building and Facilities Maintenance

**Statutory Environment**

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

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

**Financial Implications**

Policy REC05 states the annual lease fee for users.

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 1 Vibrant and Active Communities

Objective 1 - Connected, Caring and Engaged Communities

Objective 2 – Sustainable Services, Clubs, Associations and Facilities

Goal 04 Quality Services and Infrastructure

Objective 1 – Quality Public Infrastructure

Goal 05 Inspiring Governance

Objective 2 – Community Ownership

**Risk Management**

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

**Policy Implications**

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

**Voting Requirement**

Simple Majority Required

**Officers Recommendation and Council Decision**

**MOVED: Cr L Rumble**

**SECONDED: Cr P Foster**

**That with respect to Community Leases – Paraburdoo Community Hub, Reserves 39572 and 42129, that Council:**

- 1. Authorise the Chief Executive Officer to seek formal approval from the Minister for Planning, Lands and Heritage of the Lease Agreements; 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 Lease Agreements between the Shire of Ashburton and:**
  - a. Karingal Neighbourhood Centre Incorporated (A1000007L)**
  - b. The Lifestyle Centre – Paraburdoo Incorporated (A1013647S)**
  - c. Paraburdoo Amateur Swimming Club (Inc.) (A1002708S)**
  - d. Paraburdoo Netball Association Incorporated (A1009193F)**
  - e. Saints Cricket Club (execution subject to incorporation)**
  - f. Paraburdoo Saints Football & Sporting Club (A0820812N)**

**CARRIED 8/0**

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

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**13.7 IMPLEMENTATION OF THE WESTERN AUSTRALIAN CONTAINER DEPOSIT SCHEME (CDS)**

**MINUTE:** 461/2018

<b>FILE REFERENCE:</b>	WM06
<b>AUTHOR'S NAME AND POSITION:</b>	Robert Jehu Manager Development Services
<b>AUTHORISING OFFICER AND POSITION:</b>	Brian Cameron Director Property and Development Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	8 November 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

The Department of Water and Environmental Regulation has released a "Draft Customer Service Standards" for the proposed collection network for the Container Deposit Scheme (CDS) and the resultant minimum number and distribution of refund points required for the CDS.

**Background**

The McGowan Government has committed to implement a Container Deposit Scheme (CDS) to reduce litter and increase recycling rates. The scheme is to be implemented in 2020.

A public discussion paper was released in August 2017 for eight weeks of public feedback on specific consultation points, although comment was welcome on any aspect of a CDS. One hundred and sixty five written submissions were received as well as 3,236 responses to an online Consumer Preference Survey of which 97 per cent supported the CDS.

The discussion paper identified that balancing the number of refund points to provide an appropriate level of convenience at a reasonable scheme cost is one of the critical balances to be achieved in the scheme's design. Increasing the level of convenience would be expected to increase return rates (reducing litter and increasing recycling rates), however this would increase the cost of providing the collection network. This issue has been the subject of several submissions and discussions through the consultation process.

**Comment**

The document sets out potential customer service standards for the collection network for the CDS and models the resultant network to estimate the location and numbers of refund points required in Western Australia.

It is proposed that refund points be established according to the following:

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

A full time refund point for every 20,000 people as an overarching target, subject to:

- one full time refund point for major regional centres with a population between 10,000 and 20,000;
- at least two full time refund points for major regional centres with a population over 20,000; and
- a population threshold of 500 for a flexible refund point.

The modelling suggests a minimum of 196 refund points, comprising 111 full time refund points and 85 flexible refund points, would be required to meet the recommended minimum service standards.

The proposed number of collection points for the Pilbara is two fulltime collection point and seven flexible refund points. This proposed population threshold of one flexible refund point per 500 people would mean that the four towns within the Shire could receive a flexible refund point. This draft document is open for a six-week comment period from 25 October until 6 December 2018.

**ATTACHMENT 13.7**

**Consultation**

Executive Management Team

**Statutory Environment**

There are no known statutory impediments for this matter.

**Financial Implications**

There are no known financial implications for this matter.

**Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2017 - 2027

Goal One – Vibrant and Active Communities

Objective One – Connected, caring and engaged communities

**Risk Management**

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

**Policy Implications**

There were no known policy implications for this matter.

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**Voting Requirement**

Simple Majority Required

**Officers Recommendation and Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr L Rumble**

**That with respect to the Implementation of a Western Australian Container Deposit Scheme, that Council:**

- 1. Support the in principal implementation of the proposed scheme provided that there is no financial burden to local government in general for the Shire of Ashburton in particular.**

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

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**14. COMMUNITY SERVICES REPORTS**

Community Services Report in the Confidential Matters

**15. INFRASTRUCTURE SERVICES REPORTS**

Infrastructure Services Report in the Confidential Matters

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

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

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

There were no New Business of an Urgent Nature Introduced by Decision of Meeting.



**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**18. CONFIDENTIAL MATTERS**

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

- (2) If a meeting is being held by a Council or by a committee referred to in subsection (1)(b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:**
- (a) a matter affecting an employee or employees;**
  - (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;**
  - (e) a matter that if disclosed, would reveal:
    - (I) a trade secret;**
    - (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.*

- (f) a matter that if disclosed, could be reasonably expected to:
  - (I) Impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;**
  - (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;****
- (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1981; and**
- (h) such other matters as may be prescribed.**

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr M Lynch**

**That the meeting be adjourned at 2.45 pm.**

**CARRIED 8/0**

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

**Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr D Diver**

**That the meeting resume at 2.57 pm.**

**CARRIED 8/0**

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

**Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr M Lynch**

**That Council close the meeting to the public at 2.57 pm pursuant to sub section 5.23 (2)  
(a) and (b) of the *Local Government Act 1995*.**

**CARRIED 8/0**

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

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**18.1 CONFIDENTIAL ITEM - PUBLIC ENVIRONMENTAL REVIEW -  
ELIWANA IRON ORE MINE**

**Declaration of Interest**

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

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

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

**RECORDED ON REGISTER GV07**

Cr Dias left the room at 2.58 pm due to the financial interest in Confidential Agenda Items 18.1 and 18.2.
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**MINUTE:** 462/2018

<b>FILE REFERENCE:</b>	RC.0299 ED97
<b>AUTHOR'S NAME AND POSITION:</b>	Janelle Fell Development Land and Asset Compliance Specialist
<b>AUTHORISING OFFICER AND POSITION:</b>	Brian Cameron Director Property and Development Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Department of Water and Environmental Regulation on behalf of Pilbara Energy Company Pty Ltd
<b>DATE REPORT WRITTEN:</b>	7 November 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 14.15 (Minute No. 11658) Ordinary Meeting of Council 18 September 2013

**REASON FOR CONFIDENTIALITY**

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

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

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**Voting Requirement**

Simple Majority Required

**Officers Recommendation**

That with respect to the Environmental Protection Authority's request for comment on the Public Environmental Review of the proposed Eliwana Iron Ore Mine, that Council:

1. Advise the Environmental Protection Authority (EPA) that Council strongly objects to the Eliwana Iron Ore Mine Project on the basis that the potential environmental impacts associated with the likely increase in frequency of rail movements from site to port through the Wittenoom Asbestos Management Area (WAMA) and surrounds, including a known asbestos deposit in the vicinity of Roebourne-Wittenoom Road, have not been suitably considered and addressed; and
2. Advise the EPA that it is the Shire's position that the Shire should be not be required to bear any burden of any future compensation claims associated with asbestos exposure related to the Eliwana Iron Ore Mine Project should the project be approved. It is the Shire's position that the responsibility for responding to any such future claims associated with the Eliwana Iron Ore Mine Project should fall solely with the State Government and/or Fortescue Metals Group Ltd given the Shire's on-going objection to any development within the WAMA;
3. That should approval be issued by the State Government the Proponent be required, as a condition of any State Government approval that may ultimately be granted, to:
  - a) Indemnify the Shire of Ashburton from any individual or collective costs and/or claims made by any persons that may contract asbestosis as a consequence of any works associated with the rail alignment and support network; and
  - b) Seal and drain that portion of Roebourne-Wittenoom Road the subject of increased raiiling of iron ore associated with the Eliwana Iron Ore Mine at its own expense to the specifications and satisfaction of the Shire of Ashburton.
4. Authorise the Chief Executive Officer to advise the Department of Planning, Lands and Heritage that is has no interest in the Aboriginal heritage place ID 37670, only that it falls with the local government authority.

**Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr D Diver**

**That with respect to the Environmental Protection Authority's request for comment on the Public Environmental Review of the proposed Eliwana Iron Ore Mine, that Council:**

- 1. Advise the Environmental Protection Authority (EPA) that Council strongly objects to the Eliwana Iron Ore Mine Project on the basis that the potential environmental impacts associated with the likely increase in frequency of rail movements from site to port through the Wittenoom Asbestos Management Area (WAMA) and surrounds, including a known asbestos deposit in the vicinity of Roebourne-Wittenoom Road and Munjina Nanutarra Road, have not been suitably considered and addressed; and**

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

- 2. Advise the EPA that it is the Shire's position that the Shire should be not be required to bear any burden of any future compensation claims associated with asbestos exposure related to the Eliwana Iron Ore Mine Project should the project be approved. It is the Shire's position that the responsibility for responding to any such future claims associated with the Eliwana Iron Ore Mine Project should fall solely with the State Government and/or Fortescue Metals Group Ltd given the Shire's on-going objection to any development within the WAMA;**
- 3. That should approval be issued by the State Government the Proponent be required, as a condition of any State Government approval that may ultimately be granted, to:**
  - a) Indemnify the Shire of Ashburton from any individual or collective costs and/or claims made by any persons that may contract asbestosis as a consequence of any works associated with the rail alignment and support network; and**
  - b) Seal and drain that portion of Roebourne-Wittenoom Road and Munjina Nanutarra Road the subject of increased railing of iron ore associated with the Eliwana Iron Ore Mine at its own expense to the specifications and satisfaction of the Shire of Ashburton (Roebourne-Wittenoom) and MRWA (Munjina Nanutarra Road).**
- 4. Authorise the Chief Executive Officer to advise the Department of Planning, Lands and Heritage that is has no interest in the Aboriginal heritage place ID 37670, only that it falls with the local government authority.**

**CARRIED 7/0**

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

NOTE: Council amended the Shire recommendation to include reference to Munjina – Nanutarra Road.

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**18.2 CONFIDENTIAL ITEM - MISCELLANEOUS LICENCE 47/847 BY  
PILBARA ENERGY COMPANY PTY LTD ENCROACHING ON  
ROEBOURNE-WITTENOOM ROAD RESERVE**

**Declaration of Interest**

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

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

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

**RECORDED ON REGISTER GV07**

**MINUTE: 463/2018**

<b>FILE REFERENCE:</b>	RD.0299 ED76
<b>AUTHOR'S NAME AND POSITION:</b>	Janelle Fell Development Land and Asset Compliance Specialist
<b>AUTHORISING OFFICER AND POSITION</b>	Brian Cameron Director Property and Development Services
<b>NAME OF APPLICANT/ RESPONDENT:</b>	Department of Mines, Industry Regulation and Safety
<b>DATE REPORT WRITTEN:</b>	15 October 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**REASON FOR CONFIDENTIALITY**

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

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

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**Voting Requirement**  
Simple Majority Required

**Officers Recommendation and Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr M Lynch**

**That with respect to Miscellaneous Licence 47/847 by Pilbara Energy Company Pty Ltd encroaching on the Roebourne-Wittenoom Road reserve, that Council:**

- 1. Advise the Department of Mines, Industry Regulation and Safety that Council objects to Miscellaneous Licence 47/847 on the basis it passes through the Wittenoom Asbestos Management Area and surrounds and is in proximity (approx. 3,120 metres) to a known asbestos deposit; and**
- 2. That the Proponent be required, as a condition of any approval that may be granted, to:**
  - a) Indemnify the Shire of Ashburton from any individual or collective costs and/or claims made by those persons that may contract asbestosis as a consequence of any works associated with Miscellaneous Licence 47/847; and**
  - b) The Proponent, at its own expense and to the specifications and satisfaction of the Shire's Chief Executive Officer, seal and drain that portion of Wittenoom-Roebourne Road the subject of proposed Miscellaneous Licence 47/847.**

**CARRIED 7/0**

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

Cr Dias returned to the room at 3.07 pm. The Presiding Member advised Cr Dias of the outcome of the votes for Agenda item.18.1 and 18.2.

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**18.3 OBJECTION TO EXPLORATION LICENCE 47/4096 WITHIN THE PARABURDOO TOWNSITE BOUNDARY**

**MINUTE:** 464/2018

<b>FILE REFERENCE:</b>	ED76
<b>AUTHOR'S NAME AND POSITION:</b>	Janelle Fell Development Land and Asset Compliance Specialist
<b>AUTHORISING OFFICER AND POSITION</b>	Brian Cameron Director Property and Development Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	7 November 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**REASON FOR CONFIDENTIALITY**

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

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

**Voting Requirement**

Simple Majority Required

**Officers Recommendation and Council Decision**

**MOVED:** Cr P Foster

**SECONDED:** Cr D Diver

**That with respect to the Objection to Exploration Licence 47/4096 within the Paraburdoo Townsite, Council endorse the formal objection to Exploration Licence Application 47/4096.**

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



**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**18.4 EXECUTION OF AMENDMENT NO 1 TO CHEVRON AUSTRALIA PTY LTD AND SHIRE OF ASHBURTON SPONSORSHIP AGREEMENT**

**MINUTE:** 465/2018

<b>FILE REFERENCE:</b>	CS20
<b>AUTHOR'S NAME AND POSITION:</b>	Sarah Johnston Acting Director Community Services
<b>AUTHORISING OFFICER AND POSITION</b>	Rob Paull Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	1 November 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 12.1 (Minute No. 158) – Ordinary Meeting of Council 25 May 2017

**REASON FOR CONFIDENTIALITY**

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

- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*

**Voting Requirement**

Simple Majority Required

**Officers Recommendation and Council Decision**

**MOVED:** Cr M Lynch

**SECONDED:** Cr P Foster

**That with respect to the execution of amendment no 1 to Chevron Australia Pty Ltd and Shire of Ashburton sponsorship agreement, that Council:**

- 1. Endorse the amendment between Chevron Australia Pty Ltd and Shire of Ashburton; and**
- 2. Authorise the Chief Executive Officer to execute the amendment.**

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

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**18.5 AMENDMENT TO COUNCIL'S FEES AND CHARGES - ONSLOW AIRPORT**

**MINUTE:** 466/2018

<b>FILE REFERENCE:</b>	TT06
<b>AUTHOR'S NAME AND POSITION:</b>	Megan Walsh Onslow Airport Manger
<b>AUTHORISING OFFICER AND POSITION</b>	Ian Hamilton Director Infrastructure Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	15 November 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Ordinary Meeting of Council 24 October 2017 (Minute No:247/2017)

**REASON FOR CONFIDENTIALITY**

The Chief Executive Officer's Report is confidential in accordance with s5.23 (2) the *Local Government Act 1995* because it deals with matters affecting s5.23 (2):7

- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*

**Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr M Gallanagh**

**That Council suspend Standing Orders at 3.10 pm.**

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

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr D Diver**

**That Council resume Standing Orders at 3.26 pm.**

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

**Voting Requirement**

Absolute Majority Required

**Officers Recommendation and Council Decision**

**MOVED: Cr P Foster**

**SECONDED: Cr L Rumble**

**That with respect to the amendment to Council's fees and charges – Onslow Airport, that Council:**

- 1. Adopt as of 1 January 2019 the terminal operating hours of the Onslow Airport Terminal to be 0900-1530, Monday – Friday.**
- 2. Adopt as of 1 January 2019 a passenger screening fee per person to all private charter passengers that depart from Onslow Airport outside of the terminal operating hours of 0900-1530, Monday – Friday based on the below schedule of rates:**

<b>Number of Flights/week</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6+</b>
<b>Standard Screening Rate (per pax)</b>	<b>\$35.50</b>	<b>\$35.50</b>	<b>\$35.50</b>	<b>\$35.50</b>	<b>\$35.50</b>	<b>\$35.50</b>
<b>Outside Standard Operating Hours Rate (per pax)</b>	<b>\$91.50</b>	<b>\$45.75</b>	<b>\$30.50</b>	<b>\$22.88</b>	<b>\$18.30</b>	<b>\$15.25</b>
<b>Total Outside Standard Operating Hours Rate (per pax)</b>	<b>\$127.00</b>	<b>\$81.25</b>	<b>\$66.00</b>	<b>\$58.38</b>	<b>\$53.80</b>	<b>\$50.75</b>

- 3. Amend as of 1 January 2019 the description for 'After Hours' Screening Fee to 'Overtime' screening fee.**
- 4. Amend as of 1 January 2019 the daily and weekly adhoc usage rates for the aircraft hangar to daily \$0.40c per Sqm and weekly \$2.00 per sqm if for 6 continuous days or more.**

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

- 5. Advertise the amended fees & Charges for a period of 7 days in accordance with section 6.19 of the *Local Government Act 1995*.**

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

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**18.6 OBJECTION TO MINING LEASE 08/521 - NORTH ROSSA PTY LTD**

**MINUTE:** 467/2018

<b>FILE REFERENCE:</b>	WM07
<b>AUTHOR'S NAME AND POSITION:</b>	Janelle Fell Development Land and Asset Compliance Specialist
<b>AUTHORISING OFFICER AND POSITION:</b>	Brian Cameron Director Property and Building Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	North Rossa Pty Ltd
<b>DATE REPORT WRITTEN:</b>	8 November 2018
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 17.1 (Minute No. 272/2017) – Ordinary Meeting of Council 21 November 2017

**REASON FOR CONFIDENTIALITY**

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

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

**Voting Requirement**  
Simple Majority Required

**Officers Recommendation and Council Decision**

**MOVED:** Cr M Lynch

**SECONDED:** Cr D Diver

That with respect to the Objection to Mining Lease 08/521 – North Rossa Pty Ltd, that Council endorse the Chief Executive Officer's actions associated with:

1. Engagement of legal representatives Castledine Gregory Lawyers to commence legal action if required; and
2. Lodgment of the Shire's objection to the Wardens Court.

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

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL  
20 NOVEMBER 2018**

**Council Decision**

**MOVED: Cr M Lynch**

**SECONDED: Cr P Foster**

**That Council re-open the meeting to the public at 3.30 pm.**

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

**19. NEXT MEETING**

The next Ordinary Meeting of Council will be held on 18 December 2018, at the Council Chambers, Onslow Shire Complex, Second Avenue, Onslow commencing at 1.00 pm.

**20. CLOSURE OF MEETING**

There being no further business to discuss the Presiding Member closed the meeting at 3.30 pm.