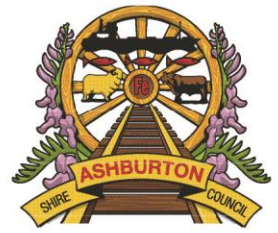


# Ordinary Meeting of Council

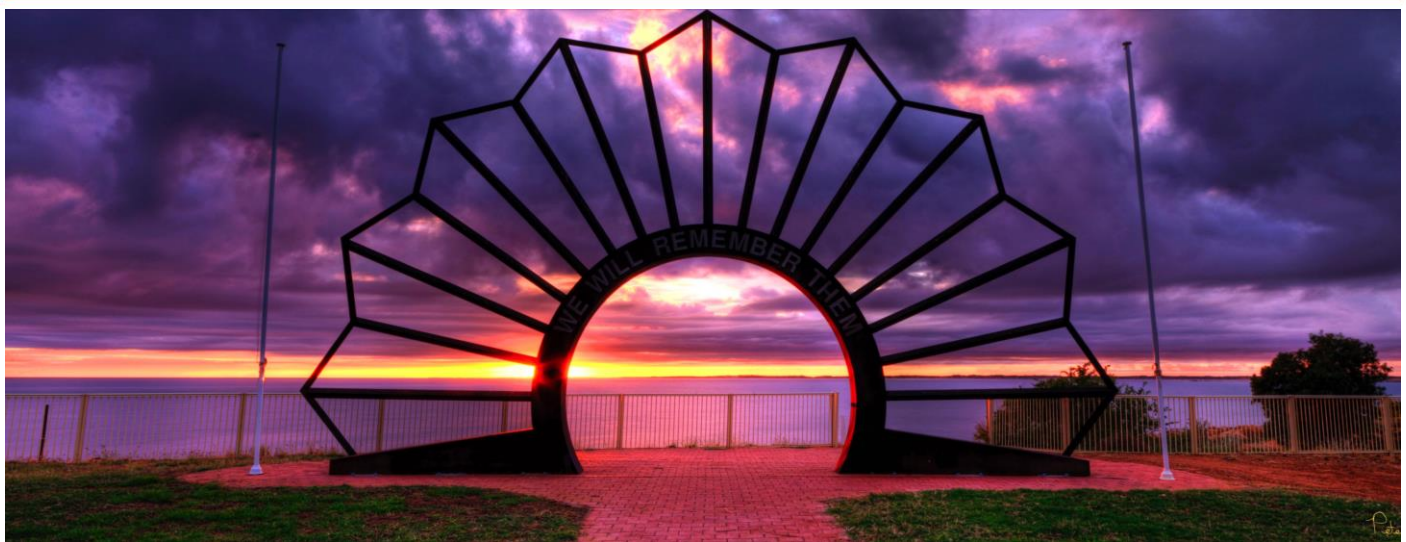
Onslow



## PUBLIC AGENDA

11 August 2020

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



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

---

# Our Vision

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



## STRATEGIC DIRECTIONS

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



---

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



**AGENDA - ORDINARY MEETING OF COUNCIL  
11 AUGUST 2020**



**SHIRE OF ASHBURTON  
AGENDA**

**Council Chambers, Onslow Shire Complex  
Second Avenue, Onslow**

**11 August 2020  
1.00 pm**

**AGENDA - ORDINARY MEETING OF COUNCIL  
11 AUGUST 2020**

**SHIRE OF ASHBURTON**

**ORDINARY MEETING OF COUNCIL**

Notice is hereby given that an Ordinary Meeting of Council of the Shire of Ashburton will be held on 11 August 2020 at the Council Chambers, Onslow Shire Complex, Second Avenue, Onslow commencing at 1:00 pm.

The business to be transacted is shown in the Agenda.



Mr Kenn Donohoe  
**CHIEF EXECUTIVE OFFICER**

**DISCLAIMER**

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

# AGENDA - ORDINARY MEETING OF COUNCIL

## 11 AUGUST 2020

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**AGENDA - ORDINARY MEETING OF COUNCIL  
11 AUGUST 2020**

**1. DECLARATION OF OPENING**

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

**1.1 ACKNOWLEDGEMENT OF COUNTRY**

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

**2. ANNOUNCEMENT OF VISITORS**

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

**3. ATTENDANCE**

**3.1 PRESENT**

<b>Elected Members:</b>	Cr K White Cr D Diver Cr L Rumble Cr P Foster Cr M Lynch Cr M Gallanagh Cr R de Pledge	Shire President (Presiding Member) Onslow Ward Deputy Shire President, Tom Price Ward Paraburdoo Ward Tom Price Ward Tom Price Ward Pannawonica Ward Ashburton Ward
<b>Staff:</b>	Mr K Donohoe Mr J Bingham Mrs K Bartley Mr M Hudson Mrs C McGurk Mrs A Lennon Mrs M Lewis	Chief Executive Officer Director Corporate Services Director Community Services Director Infrastructure Acting Director Property and Development Services Manager Media and Communications Council Liaison Officer
<b>Guests:</b>		
<b>Members of Public:</b>	There were ____members of the public in attendance at the commencement of the meeting.	
<b>Members of Media:</b>	There were ____ members of the media in attendance at the commencement of the meeting.	

**3.2 APOLOGIES**

**3.3 APPROVED LEAVE OF ABSENCE**

Cr D Dias Paraburdoo Ward  
Cr J Richardson Tablelands Ward

**4. QUESTION TIME**

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

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

**4.2 PUBLIC QUESTION TIME**

**AGENDA - ORDINARY MEETING OF COUNCIL  
11 AUGUST 2020**

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

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

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

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

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

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

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

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



# AGENDA - ORDINARY MEETING OF COUNCIL 11 AUGUST 2020

when the matter arises in the Agenda, and immediately before the matter is discussed.

6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
  - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the *Local Government Act 1995*; or
  - 6.2 Where the Minister allows the Councillor to participate under s.5.69 (3) of the *Local Government Act 1995*, with or without conditions.

## Declarations of Interest provided:

Item Number/ Name	Type of Interest	Nature/Extent of Interest
<b>12.8 MINING ACT 1968 TENEMENT REFERRALS – 27 JUNE TO 24 JULY 2020</b>		
Cr Diver	Indirect Financial	The nature of my interest I am employed by Rio Tinto. The extent of my interest is I receive a salary, I also receive subsidised utilities (water/power) and rent as part of my salary package.
Cr Foster	Financial	The nature of my interest is Financial. The extent of my interest my partner is employed by Rio Tinto, owns over \$10k in shares and as a family we live in a Rio Tinto owned property paying subsidised rent and utilities.
Cr Lynch	Indirect Financial	The nature of my interest is I am an employee and tenant of Rio Tinto. The extent of my interest is I am paid a salary by Pilbara Iron.
Cr Gallanagh	Financial	The nature of my interest is myself and my husband are employed by Rio Tinto, have company housing and shares in Rio Tinto. The extent of my interest is myself and my husband are employed by Rio Tinto, have company housing and shares in Rio Tinto. We have shares of greater value than \$10,000 in Rio Tinto.
Cr Rumble	Financial	The nature of my interest is I am a shareholder with Rio Tinto. The extent my interest is I have shares in value greater than \$10,000.

**AGENDA - ORDINARY MEETING OF COUNCIL  
11 AUGUST 2020**

- 7. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS WITHOUT DISCUSSION**
- 8. PETITIONS / DEPUTATIONS / PRESENTATIONS**
  - 8.1 PETITIONS**
  - 8.2 DEPUTATIONS**
  - 8.3 PRESENTATIONS**
- 9. CONFIRMATION OF MINUTES**
  - 9.0.1 UNCONFIRMED MINUTES ORDINARY MEETING OF COUNCIL HELD ON 14 JULY 2020 (ATTACHMENT 9.0.1)**

That the Unconfirmed Minutes of the Ordinary Meeting of Council held 14 July 2020, as previously circulated on 20 July 2020 (**ATTACHMENT 9.0.1**) be confirmed as a true and accurate record.
  - 9.1 RECEIPT OF COMMITTEE AND OTHER MINUTES**
  - 9.2 RECEIPT OF COMMITTEE MINUTES – ‘EN BLOC’**
  - 9.3 RECOMMENDATIONS OF COMMITTEE**

**AGENDA - ORDINARY MEETING OF COUNCIL  
11 AUGUST 2020**

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

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

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

*"Part 5 – Business of a meeting*

*Clause 5.6 Adoption by exception resolution:*

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

**AGENDA - ORDINARY MEETING OF COUNCIL  
11 AUGUST 2020**

**11. OFFICE OF THE CEO REPORTS**

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

**FILE REFERENCE:** GV04

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

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

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

**DATE REPORT WRITTEN:** The author and the authorising officer have no financial,  
proximity or impartiality interests in the proposal

**DISCLOSURE OF FINANCIAL  
INTEREST:** Agenda Item 11.1 (Minute No 98/2020) Ordinary Meeting  
of Council 14 July 2020

**PREVIOUS MEETING  
REFERENCE:** Not Applicable

**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 Leadership Team

**Statutory Environment**

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

## AGENDA - ORDINARY MEETING OF COUNCIL 11 AUGUST 2020

### *“Role of council*

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

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

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

### **Financial Implications**

There are no known financial implications for this matter.

### **Strategic Implications**

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

Goal 05      Inspiring Governance  
Objective 4    Exemplary team and work environment

### **Risk Management**

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

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



## AGENDA - ORDINARY MEETING OF COUNCIL 11 AUGUST 2020

The following Risk Matrix has been applied.

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

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

### Policy Implications

There are no known policy implications for this matter.

### Voting Requirement

Simple Majority Required

### Officers Recommendation

That with respect to the Council Decisions Status Reports" for the month of July 2020, Council receive the report as per **ATTACHMENT 11.1**.

**AGENDA - ORDINARY MEETING OF COUNCIL  
11 AUGUST 2020**

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

**FILE REFERENCE:** GV21  
CM02

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

Brooke Beswick  
Executive Assistant

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

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

**DATE REPORT WRITTEN:** 3 August 2020

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

**PREVIOUS MEETING  
REFERENCE:** Not Applicable

**Summary**

The purpose of this 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 July 2020.

**Background**

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

**Comment**

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

**ATTACHMENT 11.2A  
ATTACHMENT 11.2B**

**Consultation**

Relevant officers as listed in the Attachment.

**Statutory Environment**

*Local Government Act 1995*

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

# AGENDA - ORDINARY MEETING OF COUNCIL 11 AUGUST 2020

## Financial Implications

There are no known financial implications for this matter.

## Strategic Implications

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

Goal 05 Inspiring Governance

Objective 4 Exemplary team and work environment

## Risk Management

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

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

The following Risk Matrix has been applied.

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

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

## Policy Implications

ELM 13 Affixing the Shire of Ashburton Common Seal

FIN12 Purchasing Policy

## Voting Requirement

Simple Majority Required

**AGENDA - ORDINARY MEETING OF COUNCIL  
11 AUGUST 2020**

**Officers Recommendation**

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

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

**AGENDA - ORDINARY MEETING OF COUNCIL  
11 AUGUST 2020**

**11.3 COMMUNITY LIFESTYLE AND INFRASTRUCTURE PLAN**

<b>FILE REFERENCE:</b>	CS47
<b>AUTHOR'S NAME AND POSITION:</b>	Kenn Donohoe Chief Executive Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Kenn Donohoe Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	04 June 2020
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

The Shire President and Chief Executive Officer met with Mr Ivan Vella, Managing Director of Port, Rail and Core Services and Rio Tinto Iron Ore (RTIO) representatives in Perth on 19 May 2020. During the meeting it was agreed that there was the need for a detailed strategy that identifies the growth of Tom Price through a set of agreed strategies and supporting resource plans.

RTIO and the Shire were in favour of a strategic way forward rather than ongoing generic discussion around action requests for individual items on a case by case basis and the development of an ongoing partnership over multiple years.

**Background**

The Shire of Ashburton and Rio Tinto Iron Ore (RTIO) and its partners have a communal relationship that relates primarily to the establishment of Tom Price and other mining towns in Ashburton as a result of the development of State Agreements and subsequent normalisation agreements between the State, Rio Tinto and the Shire.

These agreements saw the establishment and maintenance of local government services being provided to Tom Price and Paraburdoo which were originally towns established and managed by the mining sector.

Over time there have been a series of "Normalisation Agreements" which appear *prima facie* to be a deed of agreement that has involved the Shire of Ashburton, the State and RTIO which details rating components and funding arrangements for facilities to be provided for the towns of Tom Price and Paraburdoo. The agreements have determined obligations on parties to provide or service municipal services. These agreements have subsequently been amended over a period of decades to the current relationship and status.

This arrangement is not the normal status quo for other local governments in Western Australia. Recognition needs to be made that a collaborative and agreed pathway needs to be mapped to determine long term strategies taking into account the wellbeing and liveability of the community inclusive of a longer term vision with aspirations of the company's plans to develop and expand



## **AGENDA - ORDINARY MEETING OF COUNCIL 11 AUGUST 2020**

its mining operations.

The development of an overarching concept for Community Lifestyle and Infrastructure Plan (CLIP) was presented to all Councillors in a strategic discussion with the CEO after Council's meeting of June 2020 with all Councillors in attendance with the exception of Cr Gallanagh.

### **Comment**

The development of CLIP for the inland communities with Tom Price as the hub town would provide a pathway for planning for success and provide the opportunity for the Shire to plan appropriately within its Corporate Business Planning process. Conjointly, this will provide RTIO and its partners a merit based strategic document that takes into account the company's needs and aspirations justified on an agreed development framework to achieving long term liveability for the inland towns within the Shire of Ashburton.

The Shire President, Cr Rumble, Chief Executive Officer and Directors presented this concept at a Senior Leaders meeting with RTIO representatives in attendance. In-principle support was received from all persons present.

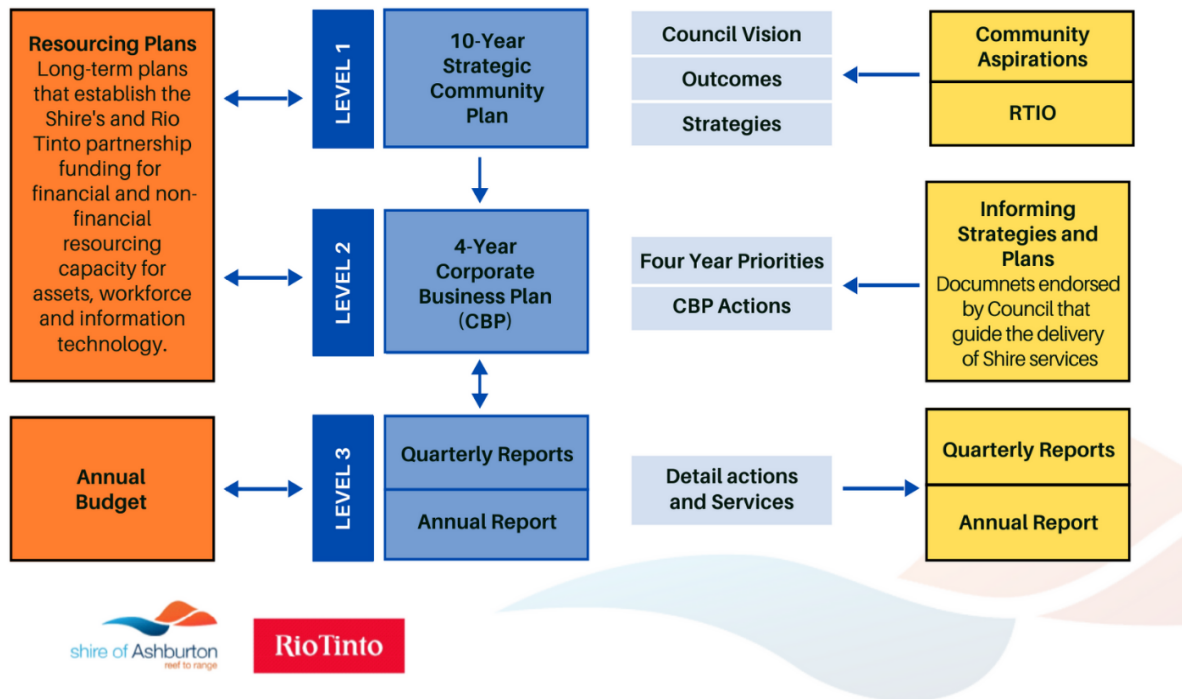
As the CLIP process is a combination of Growth Plan, Town Planning review, revitalisation and community development strategy inclusive of other informing strategies ie (Health Services, Recreation, Events, Economic, town based workforce et al), it is important that in the specific cases of Tom Price and Paraburdoo, agreed milestones with business case development be pursued so as to ensure these can be resourced and agreed into the long term financial planning processes of all parties. While opportunities for partnership are important, it is not critical, as the Council can still proceed with its vision and fund any development program through indirect revenue sources rather than an agreed collaborative business case should the need arise.

The Chief Executive Officer is recommending an engaged process with RTIO primarily due to the nature of the relationship of service provision within the town and the town's focus on accommodation and servicing of the mining sector with associated human and amenity services.

The relationship could be defined by the below flowchart which is a representation of Council's integrated planning framework recognising the importance of RTIO in the development and maintenance of the inland towns.

Pannawonica has not deliberately been excluded from the planning process but as the remit of development in that town primarily rests under the control of RTIO there is limited aspirational mechanisms that the Council could have on the town. It is hoped that during the engagement process with RTIO there may be an avenue for consideration of additional support for the community. Wittenoom has been excluded based on the decision of the State Government to close the townsite.

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### Consultation

Shire President  
Councillors  
Executive Leadership Team  
RTIO General Managers

One of the critical factors in planning for appropriate engagement with the company will be understanding the aspirations and vision of a significant Australian company in relation to Tom Price and Paraburdoo and the wider regional impacts that the company is managing.

There will be significant impacts on the capacity of the Shire of Ashburton to review existing strategies and develop new informing strategies going forward. There may also be an informed degree of difference of opinion in strategies and resourcing of outcomes. However, an open and transparent planning process should be engaged to determine what the achievable goals are.

There may also be resource planning processes where each party may choose to not partner with each other and others where both the Shire and RTIO may choose to partner and resource a particular outcome or alternatively collectively commence an advocacy process with the State Government.

It may be prudent that the Shire choose to engage with the Pilbara Development Commission to understand regional State services and what engagement State Government should have with this process. However, it is difficult to engage when there is no dedicated Shire of Ashburton elected member on the Board of the Development Commission to advocate for what is developing

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within the District. As such it may be prudent to continue to develop the CLIP directly with RTIO and then engage with individual State Government agencies should the need occur.

The following is an extract from the Pilbara Development Commission's website in relation to the Technical Blueprint where on page 74 of the document the following vision is enunciated.

"The Pilbara Cities Vision is to build the population of Karratha and Port Hedland into cities of 50,000 people, and Newman to 15,000, people by 2035, with other Pilbara towns growing into more attractive, sustainable local communities."

It appears that there is not significant investment potential within the above vision of the growth component to justify mentioning any of the Shire of Ashburton's towns in the Pilbara Cities vision or planning strategies. Thus a Departmental advocacy approach may be a more successful engagement opportunity with the State Government.

<https://www.pdc.wa.gov.au/our-focus/pilbara-blueprint>

### **Statutory Environment**

Council is in the process of reviewing its Corporate Business Planning process and has budgeted for the review of these documents during the 2020/21 financial year. Moore Australia have been contracted to undertake the review with Council.

### **LOCAL GOVERNMENT ACT 1995 - SECT 5.56**

#### **5.56 . Planning for the future**

- (1) *A local government is to plan for the future of the district.*
- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

### **Local Government Administration Regulations**

*Division 3 — Planning for the future*

*[Heading inserted: Gazette 26 Aug 2011 p. 3483.]*

#### **19C. Strategic community plans, requirements for (Act s. 5.56)**

- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) *In making or reviewing a strategic community plan, a local government is to have regard to —*

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- (a ) *the capacity of its current resources and the anticipated capacity of its future resources; and*
- (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
- (c) *demographic trends.*
- (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.*

*\*Absolute majority required.*

- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

*[Regulation 19C inserted: Gazette 26 Aug 2011 p. 3483-4.]*

**19DA. Corporate business plans, requirements for (Act s. 5.56)**

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
  - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
  - (b) *Govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
  - (c) *Develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.*

*\*Absolute majority required.*

- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

*[Regulation 19DA inserted: Gazette 26 Aug 2011 p. 3484-5.]*

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### Financial Implications

Council has budgeted up to \$250,000 towards Integrated Planning review and supporting information.

Further funds have been allocated throughout the budget to support informing strategies that may be developed through the engagement process.

Council may choose to note that the anticipated date for completion of the project is anticipated to be 2022.

### Strategic Implications

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

Council is in the process of reviewing its Strategic Community Plan for the whole of the district. The CLIP strategy development will be specific to inland towns and the engagement with RTIO.

### Risk Management

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

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That RTIO choose not to engage with the CLIP Process	Unlikely (2)	Insignificant (1)	Low (2)	Lack of engagement with RTIO may result in loss of the company's vision for the future and investment in community programs and facilities beyond current service levels	Meetings with senior leaders of RTIO and Shire of Ashburton have resulted in in-principle support for the process moving forward. At this time there is no financial impacts on what resource plans may be required to implement any identified outcomes

The following Risk Matrix has been applied.

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



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

### **Policy Implications**

ELM10 Financial Sustainability Policy;

This policy identifies Council's direction to ensure that any projects/programs are financially sustainable to the local government within a fifteen (15) year period.

### **Voting Requirement**

Simple Majority Required

### **Officers Recommendation**

That with respect to the Community Lifestyle and Infrastructure Plan, Council;

1. Authorise the Chief Executive Officer to engage with Rio Tinto in the development of a collaborative growth plan for the towns of Tom Price and Paraburdoo during the review of Council's integrated planning process; and
2. Request the Chief Executive Officer to establish an appropriate engagement mechanism to identify Rio Tinto Iron Ore's vision for growth.

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**12. CORPORATE SERVICES REPORTS**

**12.1 MONTHLY FINANCE REPORT**

<b>FILE REFERENCE:</b>	FM03
<b>AUTHOR'S NAME AND POSITION:</b>	Geoff Garside Finance and Administration 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>	29 July 2020
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 12.1 (Minute No. 100/2020) Ordinary Meeting of Council 14 July 2020

**Summary**

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

**Background**

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

The figures in the financial reports as presented in **ATTACHMENT 12.1A** are provisional, to provide an estimate of the year-end position. There are still a number of year end transactions and adjustments that need to be completed before the year-end accounts can be finalised.

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

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### Comment

The following 2020-21 budget amendments are recommended for August 2020:

GL/Job No.	General Ledger Description	Current Budget	Amendment	Revised Budget	Reason
New	Onslow Land Purchase	\$0	1,000,000	1,000,000	To fund Land Purchases approved at July OCM Minute 110/2020
New	Transfer from Property Development Reserve	\$0	(1,000,000)	(1,000,000)	To fund Land Purchases approved at July OCM Minute 110/2020
New	Onslow Heritage Conservation	\$0	202,000	202,000	To provide for conservation of heritage collections in Onslow
041105	Capital Works Projects – Minor Capital Works	\$237,000	(137,000)	100,000	Reduced to provide part funding for the Onslow Heritage Conservation project.
042466	ICT CCTV & Security Lighting Program	987,000	(987,000)	0	Project grant funding application was not successful. Recommend removal of project, to enable Muni funds to be reallocated to the Onslow Heritage Conservation project.
041115	Grant Income – Safe Neighbourhoods (for CCTV program)	(922,000)	922,000	0	Project grant funding application was not successful. Recommend removal of project, to enable Muni funds to be reallocated to the Onslow Heritage Conservation project.

### New Monthly Reports

For 2020-21 monthly reporting, commencing with the July 2020 Monthly Statement of Financial Activity to be presented to the September 2020 Ordinary Council Meeting, it is proposed a new reporting format be used.

The proposed change is to accommodate updates to the Australian Accounting Standards and more generally aimed to be a more informative and user friendly finance report for readers.

An example report in the new format is attached. Finance welcomes feedback or comment from Council on the new format.

**ATTACHMENT 12.1E**

### Consultation

Executive Leadership Team  
Finance Team

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### Statutory Environment

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

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

(b) Is authorised in advance by resolution\*

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

\*requires an absolute majority of Council.

### Financial Implications

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

### Strategic Implications

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

Goal 05 Inspiring Governance  
Objective 4 Exemplary team and work environment

### Risk Management

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

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not accept the Officers recommendation	Unlikely (2)	Insignificant (1)	Low (1-4)	Compliance 3 Moderate – Non-Compliance with significant regulatory requirements imposed.	Accept Officer Recommendation.

The following Risk Matrix has been applied.

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

Adoption of this item has been evaluated against the Shire of Ashburton’s Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be “Low” due to the financial value of the project and the risk to the Shire’s reputation. Regular monitoring will be

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undertaken with specific procedures and controls engaged throughout the delivery of the project and will be consistently reviewed and managed.

**Policy Implications**

FIN06 – Significant Accounting Policy

**Voting Requirement**

Absolute Majority Required

**Officers Recommendation**

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

1. Approve budget amendments for the 2020/21 Budget as follows:
  - a. Increase Expenditure (New) Onslow Land Purchase by \$1,000,000, from \$0 to \$1,000,000;
  - b. Increase Transfer from Reserve (Property Development Reserve) by \$1,000,000, from \$0 to (\$1,000,000);
  - c. Increase Expenditure (New) Onslow Heritage Conservation by \$202,000, from \$0 to \$202,000;
  - d. Decrease Expenditure Account GL 041105 Capital Works Projects–Minor Capital Works by \$137,000, from \$237,000 to \$100,000;
  - e. Decrease Expenditure Account GL 042466 ICT CCTV & Security Lighting Program by \$987,000, from \$987,000 to \$0; and
  - f. Decrease Income Account GL 041115 Grant Income (Safe Neighbourhoods) by \$922,000, from \$922,000 to \$0.
2. Receive the Provisional Financial Report for June 2020 **ATTACHMENT 12.1A**;
3. Receive the Capital Expenditures Progress Tracker as at July 2020 **ATTACHMENT 12.1B**;
4. Receive the Budget Amendment Register as at June 2020 **ATTACHMENT 12.1C**; and
5. Receive the Schedule of Accounts (June 2020) and Credit Card payments made in the period June 2020 (approved by the Chief Executive Officer in accordance with Delegation DA03-01 Payments from Municipal Fund and Trust Funds) **CONFIDENTIAL ATTACHMENT 12.1D**.

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**12.2 POLICY REVIEW – FIN04 REGIONAL PRICE PREFERENCE**

<b>FILE REFERENCE:</b>	GV20
<b>AUTHOR'S NAME AND POSITION:</b>	Danielle Hurstfield Manager Governance
<b>AUTHORISING OFFICER AND POSITION:</b>	John Bingham Director Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	28 July 2020
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal

**Summary**

This item seeks Council's endorsement to advertise a Draft Regional Price Preference Policy with a view to future adoption.

**Background**

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

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

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

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

**Comment**

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

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

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

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

#### **Level 2 – Suppliers located within neighbouring municipalities**

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

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

#### **Consultation**

Councillors

Executive Leadership Team

#### **Statutory Environment**

##### **Local Government Act 1995**

*Section 2.7. Role of council*

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

##### **Local Government (Functions and General) Regulations 1996**

*24E. Regional price preference policies for local governments*

- (1) *Where a local government intends to give a regional price preference in relation to a process, the local government is to —*
  - (a) *prepare a proposed regional price preference policy (if no policy has yet been adopted for that kind of contract); and*
  - (b) *give Statewide public notice of the intention to have a regional price preference policy and include in that notice —*
    - (i) *the region to which the policy is to relate; and*
    - (ii) *details of where a complete copy of the proposed policy may be obtained; and a statement inviting submissions commenting on the proposed policy, together with a closing date of not less than 4 weeks for those submissions; and*

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- (c) make a copy of the proposed regional price preference policy available for public inspection in accordance with the notice.*
- (2) A regional price preference policy may be expressed to be —*
  - (a) for different regions in respect of different parts of the contract, or the various contracts, comprising the basis of the tender;*
  - (b) for different goods or services within a single contract or various contracts;*
  - (c) for different price preferences in respect of the different goods or services, or the different regions, that are the subject of a tender or tenders (subject to the limits imposed by regulation 24D), or for any combination of those factors.*
- (3) A region specified under this Part —*
  - (a) must be (or include) the entire district of the local government; and*
  - (b) cannot include a part of the metropolitan area.*
- (4) A policy cannot be adopted by a local government until the local government has considered all submissions that are received in relation to the proposed policy and, if that consideration results in significant changes to the proposed policy, then the local government must again give Statewide public notice of the altered proposed regional price preference policy.*

**24F. Adoption and notice of regional price preference policy**

- (1) A policy cannot be adopted by a local government until at least 4 weeks after the publication of the Statewide notice of the proposed policy.*
- (2) An adopted policy must state —*
  - (a) the region or regions within which each aspect of it is to be applied; and*
  - (b) the types and nature of businesses that may be considered for each type of preference; and*
  - (c) whether the policy applies to —*
    - (i) different regions in respect of different parts of the contract, or the various contracts, comprising the basis of the tender;*
    - (ii) different goods or services within a single contract or various contracts;*
    - (iii) different price preferences in respect of the different goods or services, or the different regions, that are the subject of a tender or tenders, or to any combination of those factors.*
- (3) An adopted policy cannot be applied until the local government gives Statewide notice that it has adopted that policy.*
- (4) The local government is to ensure that a copy of an adopted regional price preference policy is*
  - (a) included with any specifications for tenders to which the policy applies; and*
  - (b) made available in accordance with regulation 29 of the*

**24G. Adopted regional price preference policy, effect of**

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

**Financial Implications**

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



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### Strategic Implications

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

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

### Risk Management

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

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

The following Risk Matrix has been applied.

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

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

### Policy Implications

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

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

### Voting Requirement

Simple Majority Required

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**Officers Recommendation**

That with respect to FIN04 Regional Price Preference, in accordance with 24E and 24F of the *Local Government (Functions and General) Regulations 1996*, Council:

1. Endorse the proposed Regional Price Preference Policy **ATTACHMENT 12.2**;
2. Provide Statewide public notice of the intention to have a regional price preference policy and inviting submissions commenting on the proposed policy; and
3. Provide the policy and a report detailing any submissions to the 13 October 2020 Ordinary Council Meeting.

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**12.3 VARIATION TO LEASE AGREEMENT - ONSLOW SPORTS CLUB, LOT 644  
THIRD AVENUE, ONSLOW**

<b>FILE REFERENCE:</b>	RC30686
<b>AUTHOR'S NAME AND POSITION:</b>	Leona Stevenson Lease Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	John Bingham Director Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	24 July 2020
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 12.2 (Minute No. 11890) – Ordinary Meeting of Council 10 December 2020

**Summary**

Onslow Sports Club Incorporated (the Club) lease approximately 4,458 sqm portion of Reserve 30686, being Lot 644 on DP 214895, known as the Onslow Sports Club. The Club seeks to extend their lease area to incorporate an additional 460 sqm portion of Reserve 30686, allowing the Club to apply for a permanent liquor licence for this alfresco area.

Council endorsement is sought to execute the Community Lease Agreement Deed of Variation.

**Background**

The Club entered into a Community Lease Agreement with the Shire of Ashburton on 1 June 2016 for the bar, bistro, kitchen, alfresco area, bowling green and tennis courts located on portion of Reserve 30686, comprised of Lot 644 Third Avenue, Onslow. The lease agreement expires on 31 May 2021 with a further 5 year term remaining.

On 22 May 2019 the lease was varied, noting that the Shire of Ashburton funded upgraded facilities including clubhouse, alfresco area, kitchen, verandah and ablutions. The variation also consented to the Club's application for all applicable licences, permits and authorities in accordance with the *Liquor Control Act 1998* in order to appropriately licence the new facility to a maximum occupancy of 500 persons.

The Club currently apply a temporary extended liquor licence for the alfresco area (outside their lease area) for each outdoor function, requiring a separate \$50 application fee on each occasion. The Club wish to apply for a permanent liquor licence for this area to reduce the administrative burden and have been advised by the Department of Racing, Gaming and Liquor that having the area included in their lease would make granting of a permanent licence more straightforward. The proposed increase to the lease area measures approximately 20m x 23m and is shown marked in yellow on the plan below.

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The perimeter of the area is fenced as shown in the image below. This alfresco area and fencing would continue to be maintained under the Shire's maintenance program.



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**Comment**

The annual lease inspection undertaken on 24 September 2019 found the premises to be in good condition and the Club have no outstanding debts with the Shire of Ashburton. The Club has submitted their annual financial report for 2019 and most recent Annual General Meeting minutes.

**ATTACHMENT 12.3**

The request for the lease extension was submitted via initial contact with the Acting Director Property and Development Services. Meeting minutes from the Club verifying the Committee's agreement to the variation have been requested.

**Consultation**

Acting Director Property and Development Services  
Director Corporate Services  
Manager Land and Asset Compliance  
Facilities Officer – Onslow and Pannawonica

**Statutory Environment**

***Local Government Act 1995***

*Section 3.58 - Disposing of Property*

(1) *In this section —*

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

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**property** includes the whole or any part of the interest of a local government in property, but does not include money.

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

**Section 9.49A – Execution of documents**

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

**Local Government (Function and Regulations) 1996**

**30. Dispositions of property excluded from Act s. 3.58**

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —

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

### **Land Administration Act 1997**

#### **46. Care, control and management of reserves**

“(1) The Minister may by order place with any one person or jointly with any 2 or more persons the care, control and management of a reserve for the same purpose as that for which the relevant Crown land is reserved under section 41 and for purposes ancillary or beneficial to that purpose and may in that order subject that care, control and management to such conditions as the Minister specifies.

(3) The Minister may —

- (a) by order confer on a management body power, subject to section 18, to grant a lease or sublease or licence over the whole or any part of the Crown land within the reserve in question for the purposes referred to in subsection (1)

### **Financial Implications**

There are no known financial implications for this matter.

### **Strategic Implications**

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

Goal 01 Vibrant and Active Communities

Objective 2 Sustainable services, clubs, associations and facilities

Goal 05 Inspiring Governance

Objective 2 Community ownership

### **Risk Management**

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

<b>Risk</b>	<b>Risk Likelihood</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
<b>Reputation</b> Administrative burden of regularly applying to RGL for liquor licence could see community trust diminish	Possible (3)	Minor (2)	Moderate (6)	Club non-compliance should an event be held without a Liquor Licence	Council endorsement of Deed of Variation will mitigate risk

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The following Risk Matrix has been applied.

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Medium" due perception of the Shire's support for community groups. Council endorsement of the variation to the lease area will mitigate this risk.

### Policy Implications

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

### Voting Requirement

Simple Majority Required

### Officers Recommendation

That with respect to the Variation to the Lease Agreement - Onslow Sports Club, Lot 644 Third Avenue, Onslow, Council:

1. Endorse the Chief Executive Officer to seek the Minister for Lands consent of the Deed of Variation for Reserve 30686;
2. Subject to the Minister for Lands consent, and meeting minutes verifying the Committee's endorsement of the variation, authorise the Chief Executive Officer to execute the Community Lease Agreement Deed of Variation with the Onslow Sport Club Incorporated.



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**12.4 REQUEST FOR LEASE – PORTION OF RESERVE 40965, LOT 58 EAST ROAD, TOM PRICE**

**FILE REFERENCE:** RC40965

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

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

**NAME OF APPLICANT/RESPONDENT:** Outback Fitness Recreation Centre Incorporated

**DATE REPORT WRITTEN:** 28 July 2020

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 13.3 (Minute No. 33/2020) Ordinary Meeting of Council 10 March 2020

**Summary**

Council consideration is requested regarding a request to lease the enclosed cricket nets on Reserve 40965 from Outback Fitness Recreation Centre Incorporated.

**Background**

At the March 2020 Ordinary Meeting of Council, Councilors considered a proposal from Outback Fitness Recreation Centre Incorporated (OBF) (A1033222B) who sought to lease the enclosed cricket net area located on Reserve 40965 (hachured red on the plan) to establish a community wellness centre with gym/fitness classes and nutritional support.



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Reserve 40965 is leased by the Mountain View Sporting Club (MVSC) expiring 31 July 2024 for the Permitted Use of Golf Course/Driving Range. MVSC were supportive of excision of the subject portion of land from the Golf Course lease to allow use and lease by OBF.

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

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

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

### **Vibrant and Active Community**

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

### **Economic Prosperity**

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

### **Quality Services and Infrastructure**

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

Cost estimates to redevelop the site to comply with legislative requirements (engineer certified plans, building permit, redevelopment to comply with Health Regulations including ablutions, electrical compliance, air conditioning, duress alarm etc) for the proposed use were not obtained by OBF.

To allow OBF the opportunity to provide Council with further information about their proposal through a presentation, Council lay the matter on the table at the March 2020 Ordinary Meeting of Council. This also allowed Shire Officers the opportunity to consult with the Tom Price Community and Sporting Groups on the future of the enclosed cricket nets in Tom Price.

### **Comment**

Community consultation regarding the proposed use of the enclosed cricket nets was undertaken via email (to sporting groups), Facebook and the Shire's website in March 2020 with no submissions received.

Due to COVID-19 restrictions, OBF's presentation to Council was not able to be undertaken until prior to the July Council Meeting. This provided further information on OBF's proposal to Council.

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Due to the considerable capital to be secured to realise the proposed use it is recommended that OBF's proposal to lease the enclosed cricket nets not be supported. The Long Term Financial Plan 2017-2027 program also has redevelopment of existing recreation facilities including existing gym, squash courts, bowling green and junior football facilities.

### Consultation

Executive Leadership Team  
Lease Officer  
Club Development Officer

### Statutory Environment

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

### Financial Implications

Net replacement to the value of \$100,000 is included in the 2019/20 CAPEX budget. These works were on 'held' to allow Council to give due consideration and direction on the proposal. These funds have not been reallocated in the Capital Program for 2020/21.

### Strategic Implications

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

- Goal 01      Vibrant and Active Communities
- Objective 1   Connected, Caring and Engaged Communities
- Objective 2   Sustainable services, clubs, associations and facilities
  
- Goal 04      Quality Services and Infrastructure
- Objective 1   Quality Public Infrastructure

### Risk Management

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

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Financial	Likely (4)	Moderate (3)	High (12)	Potential financial contribution required should the Club not be successful in securing redevelopment funding. Financial competition against other Shire	Adopt Officers Recommendation

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Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
				community assets in the LTFP and community groups in the future	

The following Risk Matrix has been applied.

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "High". This risk can be mitigated by denying the Club a lease.

**Policy Implications**

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

**Voting Requirement**

Simple Majority Required.

**Officers Recommendation**

That with respect to the Request for Lease – Portion of Reserve 40965, Lot 58 East Road Tom Price, Council do not support the proposed lease of the enclosed cricket net area to Outback Fitness Recreation Centre Incorporated due to the unfunded capital costs.

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**12.5 CHANGE OF VENUE FOR THE AUDIT AND RISK MANAGEMENT COMMITTEE MEETING AND THE ORDINARY MEETING OF COUNCIL SEPTEMBER 2020**

<b>FILE REFERENCE:</b>	GV04
<b>AUTHOR'S NAME AND POSITION:</b>	Michelle Lewis Council Liaison Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	John Bingham Director Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	3 August 2020
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 11.3 (Minute No 694/2019) Ordinary Meeting of Council 19 November 2019

**Summary**

The September Audit and Risk Management Committee Meeting and the Ordinary Meeting of Council were scheduled to be held in Pannawonica on 8 September 2020.

Due to difficulties in booking accommodation at the Sodexo Site in Pannawonica with strict COVID-19 requirements, it is now a request that these meetings be held at the Council Chambers, Onslow Shire Complex, Second Avenue, Onslow.

**Background**

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

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

**Comment**

1. Schedule of Meeting location for Audit and Risk Management Committee 8 September 2020; and
2. The Ordinary Meeting of Council.

**Consultation**

Councillors  
Executive Leadership Team

**Statutory Environment**

*Local Government Act 1995*

*Section 5.3 requires Council to hold an Ordinary Meeting not more than three months apart. Section 5.25(g) Local Government Act 1995 indicates regulations may be made concerning the giving of public notice of the date and agenda for council or committee meetings.*

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*Local Government (Administration) Regulations 1996*

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

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

### Financial Implications

There are no known financial implications for this matter.

### Strategic Implications

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

Goal 05 Inspiring Governance  
Objective 3 Council leadership

### Risk Management

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

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

The following Risk Matrix has been applied.

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

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

### Policy Implications

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

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**Voting Requirement**

Simple Majority Required

**Officers Recommendation**

That with respect to the Change of Venue for the Audit and Risk Management Committee Meeting and the Ordinary Meeting of Council to be held on 8 September 2020, pursuant to section 5.25 (1)(g) of the *Local Government Act 1995*, Council:

1. Endorse the change of meeting for 8 September 2020 to be held at the Council Chambers, Onslow Shire Complex, Second Avenue Onslow; and
2. Authorise the Chief Executive Officer to advertise on Council website and by a local public notice of the Schedule of this Meeting date, time and location for 8 September 2020.

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**12.6 APPLICATION TO AFFIX THE COMMON SEAL - LEASE OF PORTION OF LOT 9001, MCAULLY ROAD, ONSLOW TO COMMONWEALTH OF AUSTRALIA BUREAU OF METEOROLOGY**

<b>FILE REFERENCE:</b>	TT06.21
<b>AUTHOR'S NAME AND POSITION:</b>	Leona Stevenson Lease Officer  Janelle Fell Manager Land and Asset Compliance
<b>AUTHORISING OFFICER AND POSITION:</b>	John Bingham Director Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Commonwealth of Australia Bureau of Meteorology
<b>DATE REPORT WRITTEN:</b>	28 July 2020
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

Council endorsement is sought to affix the Common Seal to a Lease for portion of Lot 9001 McAullay Road, Onslow for an Automatic Weather Station (AWS) to allow the Commonwealth of Australian Bureau of Meteorology (BoM) to continue to obtain data necessary for their functions under the *Meteorology Act 1955 (Commonwealth)*.

**Background**

BoM has held a licence for a portion of Onslow Airport Terminal for the purpose of an AWS since 10 October 2010, with an annual fee of \$1 plus GST per annum, if demanded.

The licence area comprises the AWS, being electronic equipment and other facilities, contained within an area of 400m<sup>2</sup> at the Onslow Airport, Lot 9001 McAullay Road, Onslow, Western Australia, 6710 (Certificate of Title Volume 2918 Folio 507).

A fence was installed due to BoM operational requirements in 2017, and in 2018 a Deed of Variation saw an increase to the area to reflect the fence line. The fence has both planning and building approval.

This licence is due to expire on 9 October 2020.

**Comment**

Due to the exclusivity of the site, a Lease is the appropriate document.

The lease area is hachured blue on the aerial view below.



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The Lease includes, but is not limited to:

**Term:** 10 years certain (terminable by the Lessee or Lessor on 12 months' notice) with 1 option for renewal for further term of 10 years

**Rent:** \$1 plus GST per annum, if demanded  
(Peppercorn rate has been applied due to all weather services required for the Onslow Airport and Onslow Township, weather advice is free of charge.)

**Permitted Use:** Installation, maintenance and usage of the AWS in order to obtain data necessary for the Lessee's functions under the *Meteorology Act 1955*

**ATTACHMENT 12.6**

**Consultation**

Executive Leadership Team  
Commonwealth of Australian Bureau of Meteorology  
Airport Manager - Onslow

**Statutory Environment**

**The Local Government Act 1995**

*Section 9.49A. Execution of documents*

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

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- (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) *The common seal of the local government is to be affixed to a document in the presence of —*
  - (a) *the mayor or president; and*
  - (b) *the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.*
- (4) *A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.*

**Section 3.58 - Disposing of Property**

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

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**Local Government (Function and Regulations) 1996**

30. Dispositions of property excluded from Act s. 3.58

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

**Financial Implications**

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

**Strategic Implications**

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

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

**Risk Management**

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

<b>Risk</b>	<b>Risk Likelihood</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan (Controls or Treatment proposed)</b>
Interruption to Service Operational issues associated with instrument data	Minor (2)	Possible (3)	Moderate (6)	Operational issues affecting flights due to lack of meteorological data	Council endorsement of Lease Agreement will mitigate risks.

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The following Risk Matrix has been applied.

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

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

## Policy Implications

ELM Affixing of the Shire of Ashburton Common Seal.

## Voting Requirement

Simple Majority Required

## Officers Recommendation

That with respect to Application to Affix the Common Seal - Lease of Portion of Lot 9001 to Commonwealth of Australia Bureau of Meteorology, Council:

1. Authorise affixing the Common Seal in the presence of the Shire President and the Chief Executive Officer to the Lease for the portion of Lot 9001 McAullay Road, Onslow WA 6710 between the Shire of Ashburton and Commonwealth of Australia Bureau of Meteorology.

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**12.7 UPDATE ON IMPLEMENTATION PLAN FOR RISK MITIGATION WORKS  
ON RESERVES LEASED TO COMMUNITY GROUPS**

**FILE REFERENCE:** GV20

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

Leona Stevenson  
Lease Officer

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

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

**DATE REPORT WRITTEN:** 27 July 2020

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

**PREVIOUS MEETING REFERENCE:** Agenda Item 12.1 (Minute No. 12000) – Ordinary Meeting of Council 19 August 2015

**Summary**

This report provides an update on the 2015 endorsed Implementation Plan for Mitigation Works required on Shire of Ashburton managed Reserves leased to Community Groups, and requests Council endorsement to authorise the Chief Executive to determine and approve appropriate funding to community groups to address remaining non-compliance issues.

**Background**

At the Ordinary Meeting of Council on 19 August 2015 (Minute No. 12000), Council endorsed the following:

1. Approve the Implementation Plan acknowledging that Council is agreeing to allow structures and facilities to remain in use and on leased Club reserves without a Certificate of Building Compliance;
2. Approve the “roll out” of the Implementation Plan with Clubs on leased reserves;
3. Approve the Shire to assist with Planning Applications, waiving applications fees, allocating this expense as an in-kind donation from account 111223 and estimated at \$5,400;
4. Approve the Shire to organise electrical audit inspections on leased reserves to ascertain electrical works required for Clubs to obtain an Electrical Safety Certificate from account 111223 and estimated at \$12,000;
5. Add to the “Priority Capex Items in the original Draft 2015/16 Budget (“Appendix A”)” the demolition and disposal of Crushers Sporting Club structures (\$80,000); and
6. Endeavour to allocate grant funds within the 2016/17, 2017/18, 2018/19 and 2019/20 annual financial budgets (an additional \$200,000 per budget) to accommodate the proposal

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for grants to be considered to assist Clubs to undertake structural works, electrical works and address the minimum Health Act requirements to their respective areas of responsibility.

### **Comment**

The Lease Officer, Building Surveyor and Compliance Officer, and Environmental Health Officer undertook inspections of each of the leased reserves to ascertain the progress on actions from the 2015 Implementation Plan. The findings for each lease premises are summarized below:

#### Crushers Sporting Club, Lot 290 Canberra Drive, Tom Price (Reserve 40798)

Inspection Date: Not Applicable

The lease agreement between the Shire of Ashburton and Crushers Sporting Club was terminated for this location on 31 October 2016.

On 7 March 2017 a Request for Quotation was released to demolish the Club house located on the Reserve, awarded to Bennco Group at a cost of \$25,300 + GST.

No structures remain on the reserve, and there is no lease agreement in place.

#### Action Items:

None.

#### Impala Go Kart Club, Lot 245 Tom Price – Paraburdoo Road, Tom Price (Reserve 41534)

Inspection Date: 22 May 2020

- Retrospective Planning Application: Complete
- Building/Structural Integrity: Cladding and anchoring works are required on the office/storeroom.
- Environmental Health: Complete
- Electrical: Items on the implementation plan have been superseded by a 2019 RCD inspection undertaken by the Shire.
- Waste Removal: A great deal of work has taken place to remove waste items, those remaining are still to be removed.

The Club requested financial assistance to undertake the electrical compliance works. At Ordinary Meeting of Council on 14 July 2020 (Minute number 104/2020), Council supported a donation of \$3,234 to the club to undertake the electrical works. Acquittal of expenditure is required within 30 days of the works being undertaken, and further inspections will be undertaken to review waste removal progress.

#### Action Items:

Cladding and anchoring works, waste removal and acquittal of the funding.

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### Mountain View Sporting Club, Lot 58 East Road, Tom Price (Reserve 40965)

Inspection Date: 9 June 2020

- Retrospective Planning Application: Complete
- Building/Structural Integrity: A sea container stored on the fairway has been removed from the lease premises and repositioned on the land belonging to the Mountain View Sporting Club.
- Environmental Health: Not applicable
- Electrical: No issues were identified on the implementation plan.
- Waste Removal: A great deal of work has taken place to remove waste items, with one donga still to be removed.

#### Action Items:

Disposal of the donga by 30 September 2020.

### Tom Price BMX Club, Lot 60 Nameless Valley Drive, Tom Price (Reserve 39328)

Inspection Date: 22 May 2020

- Retrospective Planning Application: Complete
- Building/Structural Integrity: Sea containers still require to be anchored appropriately, however, changes to the structures on site are underway and appropriate building approvals being sought.
- Environmental Health: Complete
- Electrical: Complete. Items on the implementation plan were overtaken by a 2019 RCD inspection undertaken by the Shire. An electrical compliance certificate has been provided by the Club.
- Waste Removal: Items as detailed in the implementation report have been disposed of, however a number of tyres are stored on site. These are either to be utilized or disposed of by May 2021.

#### Action Items:

Shire Officers will continue to monitor the changes to structures on site to ensure compliance.

### Tom Price Branch Sporting Shooters Association of Western Australia, Lot 555 Tom Price – Paraburdoo Road, Tom Price (Reserve 39277)

Inspection Date: 27 February 2020

- Retrospective Planning Application: Complete.
- Building/Structural Integrity: Building permits are required for all structures remaining on site, which also require to be anchored appropriately. The roof of the rifle range is to be replaced.
- Environmental Health: The old toilet block is in a poor state of repair and would need to be brought up to standard, or alternatively a single Universal Access Toilet (UAT) could be installed onsite, with additional porta-loos hired as and when required for competitions. There is currently no water on site and the Club would like to install a water tank.
- Electrical: Not applicable
- Waste Removal: Removal of structures and scrap/rubbish on the reserve identified by as unsafe and/or no longer required.

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At Ordinary Meeting of Council on 12 May 2020 (Minute number 74/2020) , Council supported a cash donation of \$8,000 to assist the Association in undertaking the above compliance requirements, along with additional in-kind support of up to \$10,000 to cover waste disposal costs. Acquittal of the funding is expected by 31 August and a further inspection will be arranged at this time.

### Action Items:

Acquittal of the funding.

Tom Price Campdraft Association, Lot 54, Nameless Valley Drive, Tom Price (Reserve 42428)  
Inspection Date: 8 July 2020

- Retrospective Planning Application: Complete
- Building/Structural Integrity: Outstanding anchoring works in progress during inspection
- Environmental Health: Complete
- Electrical: The Association advised works have been undertaken. The Shire has requested a copy of the electrical compliance certificate.

Waste Removal: In-kind assistance was awarded to the Campdraft Association in 2015 to waive rubbish tip fees for waste removal. It does not appear that this was undertaken and additional waste was evident on the premises. The Association was informed that due to the time elapsed, submission of a new request to Council is required for consideration, although no request has been received to date. The Association was informed that waste removal should be undertaken by 31 October 2020. At the time of writing, a request for support had not been received from the Club however Shire Officers will continue to liaise with the Club to provide assistance and guidance to resolve the non-compliance matters.

### Action Items:

Completion of anchoring works, submission of electrical compliance certificate and waste removal.

Tom Price Pony & Horse Club, Lot 54 Nameless Valley Drive, Tom Price (Reserve 42428)  
Inspection date: 20 June 2020

- Retrospective Planning Application: Complete
- Building/Structural Integrity: Actions as detailed in the implementation plan are complete. A number of new sea containers identified on the premises require anchoring.
- Environmental Health: Not applicable
- Electrical: Complete
- Waste Removal: Items as detailed in the implementation report have been disposed of, however the latest inspection indicated some additional waste items.

### Action Items:

No action items remain from the original implementation plan, however, the Club has been informed that the required anchoring works and waste disposal are to be completed by 30 September 2020.

Tom Price Motorcycle Club, 326 Mine Road, Tom Price (Reserve 42510)  
Inspection date: 21 May 2020

- Retrospective Planning Application: Complete



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- Building/Structural Integrity: Complete
- Environmental Health: Complete
- Electrical: Complete
- Waste Removal: Complete

At Ordinary Meeting of Council on 17 December 2019 (Minute number 729/2019), Council supported the waiving of tip fees for the disposal of two transportable buildings from the lease premises. These were disposed of on 27 May 2020.

### Action Items:

None.

### Tom Price Speedway Grounds, Lot 53 Nameless Valley Drive, Tom Price (Reserve 39327)

Inspection Date: Not applicable

The implementation plan has been overtaken due to the following:

The termination of the agreement lease between the Tom Price Speedway Club and the Shire of Ashburton was endorsed by Council on 12 February 2019 (Minute Number 502/2019).

On 21 August 2019 a Request for Quotation was released to undertake removal and disposal of non-compliant transportable accommodation, kitchen facilities, patio roofing structure, garden shed, starters box, ablutions transportable and general waste. This was followed on 9 December 2019 for a Request for Quotation to supply and install a Universal Access Toilet at the Grounds. Works on these are complete. An electrical scope of works is being prepared to form the requirements for a Request for Quotation to reinstate electricity to the site.

Lease negotiations continue with Tom Price Motor Sport Club Incorporated.

### Action Items:

Following preparation of an electrical scope of works, a Request for Quotation to reinstate electricity to the site is required.

### Onslow Motorcross & Enduro Club, Lot 306 Onslow Road, Onslow (Reserve 21235)

Inspection Date: 25 September 2019, and viewed from roadside 21 July 2020

- Retrospective Planning Application: Complete
- Building/Structural Integrity: Outstanding
- Environmental Health: Outstanding
- Electrical: Outstanding
- Waste Removal: Outstanding

At Ordinary Meeting of Council on 24 October 2017 (Minute number 246/2017), Council approved a community support grant of \$85,202.00 to the Club to undertake the actions identified in the implementation plan, however the inspections in 2019 and 2020 indicate that the works have not been undertaken.

Shire Officers were unable to make contact with the Club for a number of months, and it was believed that the Club did not have an active Committee although the Club was still registered on Associations Online. On 9 July 2020, the Lease Officer was able to make contact with the previous President of the Club, following which an email was received on 24 July 2020, advising that there is keen interest in the community for the Club to reform. An AGM has been set for the

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first week of September and it is anticipated that the works will be undertaken as soon as possible following this.

### Action Items:

Shire Officers will continue to closely monitor the Club's reinvigoration and should a committee not be formed a further report will be presented to Council to terminate the Lease due to non-compliance with Policy REC05.

### Onslow Rodeo Association (Rodeo Grounds), Lot 127 Onslow Road, Onslow (Reserve 39070)

Inspection Date: 21 July 2020

- Retrospective Planning Application: Complete
- Building/Structural Integrity: Complete
- Environmental Health: No issues were identified on the implementation plan.
- Electrical: Electrical compliance certificate required
- Waste Removal: Complete

### Action Items:

Electrical Compliance Certificate.

### Onslow Rodeo Association (Stables), Lot 886 Onslow Road, Onslow (Reserve 38264)

Inspection Date: 21 July 2020

- Retrospective Planning Application: Complete
- Building/Structural Integrity: Transportable units identified for demolition remain on the premises. A new ablution facility is on site and a building application is required.
- Environmental Health: The combined shower/ablution block is no longer suitable for purpose and should be decommissioned and removed from site. The separate shower block requires lighting fixtures to be repaired.
- Electrical: Electrical works appear to be outstanding. Electrical compliance certificate required.
- Waste Removal: The Association is continuing to clear the site following a change to the Committee. A great deal of work has taken place to remove waste items, however the transportable units and ablutions block require removal along with smaller items.

### Action Items:

Disposal of the transportable units, combined shower/toilet ablutions and additional waste items. Building application for new ablutions and Electrical Compliance Certificate.

### Stables Complex Lot 85 Onslow Road, Onslow (Reserve 38264)

Inspection Date: 21 July 2020

This area was not included on the original implementation plan, however an old stable complex on the reserve requires demolition and removal.

A quote for \$11,220.00 inclusive of GST has been received from C Munro Contractors to undertake the works.

### Action Items:

Stable complex to be demolished and removed.

*A 2020 Implementation Plan for Mitigation Works Required on Shire of Ashburton managed Reserves leased to Community Groups* has been prepared with the outstanding action items. These works will be closely monitored through to completion. Any future non-compliance matters

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will be dealt with on a case-by-case basis to ensure the Shire is compliant with managing Crown Reserve in accordance with the *Land Administration Act 1997*.

#### **ATTACHMENT 12.7**

#### **Consultation**

Executive Leadership Team  
Manager Land and Asset Compliance  
Building Surveyor and Compliance Officer  
Environmental Health Officers

#### **Statutory Environment**

*Land Administration Act 1997*  
*Part 4 - Reserves*

**46. Care, control and management of reserves**

- (7) *A person with whom the care, control and management of a reserve is placed by order under subsection (1) has, by virtue of this subsection, the capacity, functions and powers to hold and deal with the reserve in a manner consistent with the order, any order conferring power on that person under subsection (3)(a) and this Act to the extent that the person does not already have that capacity or those functions and powers*

*Building Act 2011*

*Part 3 – Building standards*

**37. All buildings to comply with applicable building standards**

- (1) *The person who is named as the builder on a building permit must ensure, on completion of the building or incidental structure to which the permit applies, that the building or incidental structure complies with each applicable building standard.*

*Penalty:*

- (a) for a first offence, a fine of \$50 000;*
  - (b) for a second offence, a fine of \$75 000;*
  - (c) for a third or subsequent offence, a fine of \$100 000 and imprisonment for 12 months.*
- (2) *Each owner of a building or an incidental structure in respect of which building work is done without a building permit being in effect for the building work must ensure, on completion of the building or incidental structure, that the building or incidental structure complies with each applicable building standard.*

*Penalty:*

- (a) for a first offence, a fine of \$50 000;*
- (b) for a second offence, a fine of \$75 000;*
- (c) for a third or subsequent offence, a fine of \$100 000 and imprisonment for 12 months.*

#### **Financial Implications**

The 2020/21 budget proposes \$250,000 in GL 1111230 – Donation to Community Group – Compliance to address sites identified with compliance issues.

#### **Strategic Implications**

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

Goal 01          Vibrant and Active Communities  
Objective 2      Sustainable services, clubs, associations and facilities

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Goal 04      Quality Services and Infrastructure  
Objective 3    Well planned towns

### Risk Management

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

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Compliance Requirement to finalise Mitigating Risk Implementation Plan to meet current standards	Possible (3)	Minor (2)	Moderate (6)	Some temporary non-compliances	Adopt Officers Recommendation to rectify non-compliance

The following Risk Matrix has been applied.

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Moderate". Monitoring will be undertaken to ensure the works are carried out in a timely manner.

### Policy Implications

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

### Voting Requirement

Simple Majority Required

### Officers Recommendation

That with respect to Update on Implementation Plan for Risk Mitigation Works on Reserves Leased to Community Groups, Council;

- Note the updates to the 2015 Implementation Plan for Risk Mitigation Works on Shire of Ashburton Reserves leased to community Groups; and
- Authorise the Chief Executive to determine and approve appropriate funding to community groups from GL 1111230 – Donation to Community Group – Compliance to address sites identified with compliance issues.

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**12.8 MINING ACT 1968 TENEMENT REFERRALS – 27 JUNE TO 24 JULY 2020**

<b>FILE REFERENCE:</b>	ED01
<b>AUTHOR'S NAME AND POSITION:</b>	Janelle Fell Manager Land and Asset Compliance
<b>AUTHORISING OFFICER AND POSITION:</b>	John Bingham Director Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	30 July 2020
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 13.3 (Minute No. 106/2020) Ordinary Meeting of Council 14 July 2020

**Summary**

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

**Background**

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

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

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

**Comment**

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

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

- Affected Shire assets:
  - Will the licence generate traffic volumes that significantly affect Shire roads
  - Borrow pits
    - Bushfire back burning areas
    - Aboriginal heritage sites
    - Special Control Areas as per the Local Planning Scheme No. 7

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

Four Form 21 - Application for Mining Tenement notifications were received between 27 June 2020 and 24 July 2020.

### Exploration Licences

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

Exploration Licence notifications received include:

Company	Application No.	Blocks (~80km <sup>2</sup> )	Locality
Rio Tinto	E 52/3845	1	Paraburdoo

### Mining Leases

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

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

Mining Lease notifications received are:

Company	Application No.	Hectares	Locality	Mineral
Rio Tinto	M 47/1595	13.03	Brockman 2 Mine – about 15km SE of	Iron Ore

### Miscellaneous Licences

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

- A road;
- A tramway;
- An aerial rope way;

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- A pipeline;
- A powerline;
- A conveyor system;
- A tunnel;
- A bridge;
- Taking water;
- A search for groundwater;
- Hydraulic reclamation and transport of tailings;
- An aerodrome;
- A meteorological station;
- A Sulphur dioxide monitoring station;
- A communications facility;
- A drainage channel;
- A pump station;
- A minesite accommodation facility;
- A bore;
- A bore field;
- A water management facility;
- A power generation and transmission facility;
- A storage or transportation facility for minerals or mineral concentrate;
- A minesite administration facility;
- A workshop and storage facility;
- A jetty.

Miscellaneous Licence notifications received are:

Company	Application No.	Hectares	Locality	Purposes
Goldnet Pty Ltd	L 08/197	1.44	Ashburton	• A communications facility

### Prospecting Licences

Prospecting licences are granted subject to conditions including: minerals of economic interest discovered be reported to the Minister; that no ground disturbing equipment be used unless a programme of work has been approved by the Minister; that disturbances to the surface of the land the subject of the prospecting licence are made safe; and, the licence holder takes steps to prevent fire and damage to trees, property or livestock.

A prospecting licence remains in force for a period of four years. This may be extended by the Minister for four years or, where retention status is nominated, a further period or periods of four years.

A prospecting licence will not be granted in respect of land subject to a mining tenement however, the holder of a prospecting licence has priority for grant of mining leases or general purpose leases.

Company	Application No.	Hectares	Locality
Rio Tinto	P 47/1948	18.81	Brockman 4 Mine – about 9km NW of

**ATTACHMENT 12.8**

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

### Consultation

Executive Leadership Team

### Statutory Environment

*Mining Act 1968*

*Mining Regulations 1981*

### Financial Implications

There are no known financial implications for this matter.

### Strategic Implications

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

Goal 02      Economic Prosperity  
Objective 1      Strong Local Economies

### Risk Management

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

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



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The following Risk Matrix has been applied.

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

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

### Policy Implications

Town Planning Scheme No. 7

LPP – Transient Workforce Accommodation

### Voting Requirement

Simple Majority Required

### Officers Recommendation

That with respect to *Mining Act 1968* Tenement Referrals – 27 June to 24 July 2020, Council note the contents of this report.

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**13. PROPERTY AND DEVELOPMENT SERVICES REPORTS**

**13.1 AWARD OF RFT 03.20 PROJECT MANAGEMENT CONSULTANCY SERVICES**

**FILE REFERENCE:** LE01

**AUTHOR'S NAME AND POSITION:** Chantelle McGurk  
Acting Director Property and Development Services

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

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

**DATE REPORT WRITTEN:** 27 July 2020

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

**PREVIOUS MEETING REFERENCE:** Not Applicable

**Summary**

A request for Tender (RFT) 05.20 Project Management Services was issued via Tenderlink on the 04 July 2020 to 21 July 2020.

Sixteen (16) tenders (15 conforming) were received in response to the RFT 05.20. The evaluation panel completed its assessments of the conforming submissions and makes its recommendation.

Council is requested to authorise the engagement of the contractor for Project Management Services to complete capital works program.

**Background**

The Shire of Ashburton (Principal) is seeking to appoint a professional Project Management Consultant to assist with various projects within the Shire boundaries.

The objective of this RFT is to appoint a suitably qualified and experienced Project Management Consultant possessing appropriate expertise in building and construction project management to provide assistance with a number of projects within the Shire of Ashburton.

The appointment will be based on a term contractual arrangement (initial period of three years at a fixed price, with an option to extend the contract for a further two x 12 month periods) at a rate to be mutually agreed. This is a non-exclusive tender and the Principal reserves the right at its absolute discretion to source project management consultancy services outside of this RFT for projects as appropriate.

**Comment**

The scope of work includes provision of project management services for various projects within the boundaries of the Shire of Ashburton, including project planning, strategy, development and delivery.

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This may include, but is not limited to, the provision of the following broad project management services:

- Land development and subdivision;
- Development of Business Cases and/or Business Plans;
- Feasibility studies;
- Cost benefit studies;
- Concept and design development;
- Community and stakeholder engagement and consultation;
- Assist to secure funding approvals;
- Procurement, including scope, tender and contract development, evaluation and administration with excellence in process rigour and probity;
- Management of works programs with the capability to deliver ongoing financial reporting and management, scope and time reporting and expenditure control;
- Contract Administration throughout the construction phase;
- Project management in a context where environmental and heritage issues require detailed consideration and resolution;
- Risk identification and management;
- Provision of coaching and mentoring to the Client's project personnel in contemporary project management skills, practices and processes;
- The ability to establish, facilitate and nurture working relationships at all levels including in State and local regulatory agencies, at the client level, with key stakeholders, within the project team and with the public at large; and
- Delivering outcomes in a timely and cost effective manner.

The projects that the Consultant may be involved in include, but are not limited to, the following:

- Tom Price Childcare
- Tom Price Tennis Club
- Tom Price New Administration Offices
- Tom Price Emergency Services
- Onslow Waste Management Facility
- Onslow Gym and Childcare

<b>Qualitative Selection Criteria</b>	<b>Weighting</b>
Relevant Experience	15%
Key Personnel	15%
Resources	10%
Methodology	10%
Price	50%

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

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

### **CONFIDENTIAL ATTACHMENT 13.1**

**Consultation**  
Assessment Panel

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## Statutory Environment

*Local Government Act 1995*

3.57. *Tenders for providing goods or services*

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

## **Local Government (Functions and General) Regulation 1996 Pt.2 Div.2**

*Division 2 — Tenders for providing goods or services (s. 3.57)*

11. *When tenders have to be publicly invited*

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.*

## Financial Implications

The budgeted provision for project management is \$750,000 in the 2020/21 budget.

The recommended contractor has submitted a Schedule of Rates for services at \$168.00 per hour.

Utilise the existing 2020/21 budget for Project Management Services to deliver capital works program set by council.

## Strategic Implications

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

Goal 04      Quality Services and Infrastructure

Objective 1    Quality public infrastructure

Objective 2    Accessible and safe towns.

## Risk Management

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

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Reputation	Possible 3	Moderate 3	Moderate (9)	Substantiated, public embarrassment, moderate impact on community trust or moderate media profile	Adopt officer recommended to appoint Project Management Consultancy
Financial Impact	Possible 3	Moderate 3	Moderate (9)	\$100,001 to \$1,000,000	Mitigated by the appointment of a Project Management Consultant with the specialised skills to run

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Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
					multiple projects to deliver Council's adopted Capital Works Program.
Project Time	Major 4	Major 4	High (16)	Exceeds deadline by 20% of project timeline	Mitigated by the appointment of a Project Management Consultant with the specialised skills to run multiple projects to deliver Council's adopted Capital Works Program.

The following Risk Matrix has been applied.

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

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Moderate to High" risk and will be managed by mitigated by the appointment of a Project Management Consultant with the specialised skills to run multiple projects to deliver Council's adopted Capital Works Program.

**Policy Implications**

AMP 01 Asset Management Policy  
FIN12 Purchasing and tender Policy.

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**Voting Requirement**

Simple Majority Required

**Officers Recommendation**

That with respect to the Award of RFT 05.20 Project Management Consultancy Services, Council:

1. Resolve that Report **CONFIDENTIAL ATTACHMENT 13.1** is confidential in accordance with s5.23 (2) of the *Local Government Act 1995* because it deals with matters affecting s5.23 (2) (c);

“A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.”

2. Award RFT Project Management Consultancy Services for the tendered rate of \$168 per hour excl of GST.

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**13.2 SHIRE OF ASHBURTON SWIMMING POOL SEASON AND HOURS**

<b>FILE REFERENCE:</b>	RC25799
<b>AUTHOR'S NAME AND POSITION:</b>	Andrew Price Swimming Pool Coordinator
<b>AUTHORISING OFFICER AND POSITION:</b>	Chantelle McGurk Acting Director Development Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	24 July 2020
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 12.1 (Minute No. 216/2017) Ordinary Meeting of Council 15 August 2017

**Summary**

A recent review of the Swimming Pool operating hours and pool season for all 3 swimming pools across the Shire was presented to Council on 14 July 2020 with 4 options to be considered for the 2020 - 2021 year and beyond.

**Background**

The current pool season and opening hours for all 3 Shire owned and operated swimming pools begins first weekend of the September WA school holidays until April 30 each year. These are 8am to 8pm, 7 days a week excluding Good Friday and Christmas Day.

With the dynamic needs of the shire towns, come changes to the swimming pool open hours. With patron attendance figures collected by pool staff thought-out last swimming pool season, feedback verbal/written from community members and user groups there was a call to review the current swimming pool open hours.

A number of requests have come forward from the general public, local schools, community groups and tourists across all three towns to extend the swimming pool open season. The extension of the current swimming pool season for all pools and adjustment of the current open hours will allow greater level of customer service to all communities and swimming pool users.

Current Shire of Ashburton swimming pool open hours are:

(WA) September School Holidays (normally very late September) to 30 April, daily open times 8:00am-8:00pm, 7 days a week. With the exception of Good Friday and Christmas Day.

On 14 July 2020 Councillors were presented with a review of swimming pool operations **ATTACHMENT 13.2**. This presentation provided information on current operations including usage, feedback from key stakeholders and the community through the Shire's customer request portal, the cost of providing the service and 4 options that sought to address the community's expectations.

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### **Comment**

In reviewing Shire operations, Officers have reviewed similar operations in the North West. Of most relevance is the Exmouth Paltridge Memorial Swimming 2020/2021 pool season opening times commence 14 September 2020 to 7 May 2021:

Monday to Friday	11:00am – 6:00pm
Saturday (5 December 2020 to 27 March 2021)	12:00pm – 6:00pm
Sunday (6 December 2020 to 28 March 2021)	12:00pm – 6:00pm
Public Holidays (see excluded holidays)	12:00pm – 6:00pm

The swimming pool is closed on Christmas Day, Boxing Day, New Year's Day & Good Friday public holidays.

Early morning swimming sessions commence Monday 26 October 2020 continuing to Friday 26 March 2021 scheduled for Monday, Wednesday and Friday mornings 6.00am to 7.30am.

(Shire of East Pilbara, Newman and Marble Bar Swimming Pools as of 24 July are yet to set dates/times for the 2020/2021 swimming pool season).

Unfortunately due to COVID-19 the November 2020 Pilbara Swimming Championships in Broome have been cancelled.

### **Suggested Options**

On 14 July 2020 Councillors were presented with 4 options to manage swimming pool operations, these are summarised below:

#### ***Option 1:***

Continue as normal with 8:00am-8:00pm, 7 days a week. (with the exception of Good Friday and Christmas Day. Sept. School Holidays to 30 April).

#### ***Option 2:***

Continue to open on Sept. School Holidays to 30 April 8:00am-8:00pm, 4 days a week. Close earlier Friday/Saturday 8:00am-6:00pm, Sunday/ Public Holiday 10:00am-6:00pm (with the exception of being closed on Good Friday and Christmas Day.)

Option: During the main pool season early open hours, Monday to Thursday 5:30am. 1 extra Seasonal Duty Manager required.

#### ***Option 3:***

Soft Start/End to pool season during months of September & May

Open pool season: 1st of September, 3 days per week: Tuesday/Thursday 1:00pm- 6:00pm & Saturday 10:00am-5:00pm.

September School Holidays- Open 7 days per week until 30 April: Monday to Friday 8:00am-8:00pm Saturday/Sunday 8:00am-6:00pm Public Holidays 10:00am-5:00pm.

May 1-31 same as September

*Remain closed on Good Friday and Christmas Day.*

#### ***Option 4:***

*During main pool season early open, 2 days per week 6:30am*

Open 1 September to 31 May, 7 days per week 8:00am to 8:00pm. (with the exception of Good Friday & Christmas Day).



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## Consultation

Councillors  
Executive Leadership Team  
Swimming Pool Managers and Pool Duty Managers  
Swim Clubs  
Community Feedback

## Statutory Environment

Not Applicable

## Financial Implications

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

Pool staff are employed full time permanent and would be working at the swimming pools weather open or closed to public during months of September and May unless taking annual leave or during the normal off-season. Given the expected low numbers through the months of May to September, 1 full time Pool/Duty Manager employee with the assistance of 1 casual employee would be sufficient.

## Strategic Implications

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

Goal 1            Vibrant and Active Communities  
Objective 1    Connected, caring and engaged communities  
Objective 2    Sustainable Services, Clubs, Associations and Facilities

## Risk Management

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

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

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The following Risk Matrix has been applied.

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

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

### Policy Implications

There is no current Council policy implications, however the Council, if it adopts the recommendations, would be effectively creating a new policy with respect to the three Swimming Pools across the Shire.

### Voting Requirement

Simple Majority Required

### Officers Recommendation

That with respect to the Shire of Ashburton Swimming Pool Season and Hours, Council approve new open dates and hours:

1. Soft Start / End to pool season during months of September & May;
2. Open pool season:
  - a) 1st of September, 3 days per week: Tuesday/Thursday 1:00pm- 6:00pm & Saturday 10:00am-5:00pm;
  - b) September School Holidays- Open 7 days per week until 30 April: Monday to Friday 8:00am- 8:00pm Saturday/Sunday 8:00am-6:00pm Public Holidays 10:00am-5:00pm; and
  - c) May 1-31 same as September.

*Remain closed on Good Friday and Christmas Day.*

- During the main pool season early open hours, 2 day per week Monday to Thursday in accordance with operational requirements of each swimming pool.

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**13.3 PROPOSED REDEFINITION OF ONSLOW TOWNSITE BOUNDARY**

<b>FILE REFERENCE:</b>	LP07
<b>AUTHOR'S NAME AND POSITION:</b>	Benjamin Leavy Planning Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Chantelle Bryce Acting Director Property and Development Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	22 July 2020
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	Agenda Item 13.14 (Minute No. 679/2019) Ordinary Meeting of Council 22 October 2019

**Summary**

This item seeks consideration of Council to request that the Minister for Lands redefine the Onslow Townsite boundary to accurately reflect the existing established developed lands and designated future urban development areas.

**Background**

The Onslow town site as defined by the meaning of the term within the *Land Administration Act 1997*, was established in 1885 as a portside townsite. In 1923, it was decided following the creation of the new deep water jetty at Beadon Point and gazettal of the new townsite 'Beadon' that a tramway to the now Old Onslow townsite would be impractical. Resulting in the townsite of Onslow being relocated weeks after the gazettal of the then townsite 'Beadon', with 'Beadon' renamed as part of Onslow. The new Onslow townsite wasn't formally gazetted as the townsite of Onslow until 1924, with the old Onslow townsite boundary being cancelled.

The act of amending or redefining a townsite boundary, is not a common occurrence. However, since the relocation and redefinition of the new Onslow townsite, significant development and urban expansion has occurred increasing the amount of urbanized land that the town of Onslow now resides upon. The current townsite boundary for Onslow (shown in blue within Figure 1) is not reflective of the urban expansion of the town, as depicted pink.

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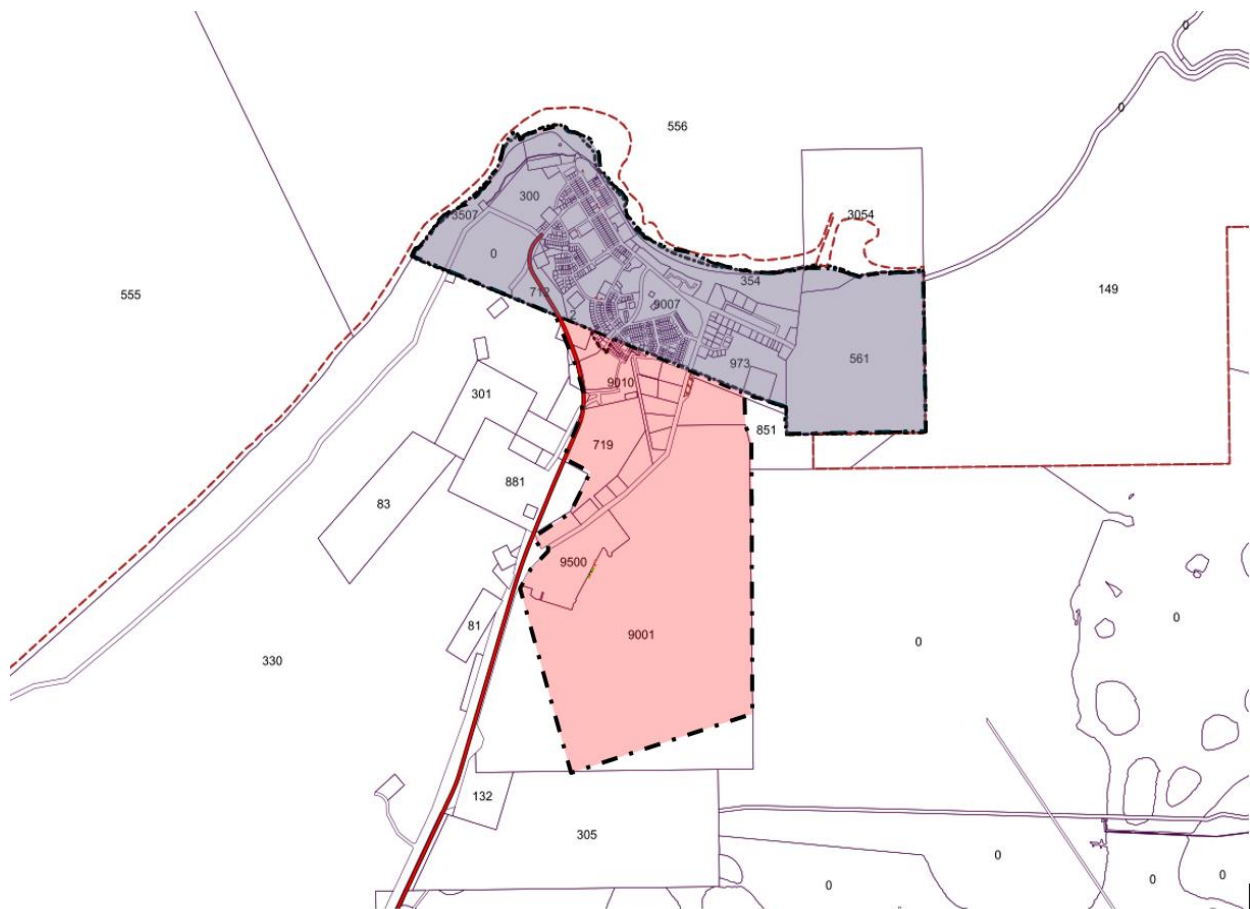


Figure 1: Cadastral view of the current and proposed addition to the Onslow Townsite.

The gazettal of townsites and recognition of townsite boundaries impact upon the application of a number of legislative instruments that Local Government rely upon to facilitate and administer Western Australian Acts and Regulations.

An amendment to a townsite boundary by the Minister in alignment with the *Land Administration Act 1997*, does not automatically confer any rights for the additional land included within that townsite to be developed and used for urban purposes.

A townsite boundary is an administrative tool to identify the extent of existing and future proposed urban areas and has no implications of any future development which is controlled under other legislation. The future development of land within designated townsites is managed and controlled through the Shire's Local Planning Scheme No. 7, *Planning and Development (Local Planning Schemes) Regulations 2015* and other statutory planning instruments.

The task of redefining a townsite boundary is a rare occurrence, as such the proposed redefinition of the Onslow Townsite is unlikely to require further amendment in the foreseeable future.

As illustrated in Table 1, there are a number of regulatory and legislative instruments that utilise a townsite boundary to differentiate application of the instrument. Of the listed legislation, the most significant and commonly utilised for ongoing administrative and statutory tasks are those related to the inspection and regulation of swimming pools and the equitable rating of lands that are currently residing outside of the existing Onslow townsite boundary.

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Ensuring that the townsite boundary is redefined to include the 'Urban Development' designated land and other defined lots, provides a basis of development and rating consistencies across the local government area. The Council previously endorsed **ATTACHMENT 13.3A** from 22 October 2019, Minute No 679/2019, to request the Minister of Lands to amend the Onslow townsite boundary to adequately reflect the town's urban growth.

The proposed redefinition of the Onslow Townsite boundary, as illustrated in **ATTACHMENT 13.3B**, encapsulates the 'Urban Development' designated land identified within the Western Australian Planning Commission approved Onslow Townsite Expansion Structure Plan and the majority of the Onslow Airport (Lot 9001).

The proposed redefined townsite boundary follows the new Onslow Road, and includes all the land zoned 'Urban Development' within the Onslow Townsite Expansion Structure Plan, with the only variations being to:

- Include the whole of Lot 610 that is partially zoned 'Urban Development', with the balance of the lot reserved for 'Conservation, recreation and nature landscape'; and,
- Exclude Lot 602 located within the Structure Plan area, reserved Infrastructure – Water Corp Utilities Site Compatible land uses only.

Lot 610 is included in its entirety as it is not best practice to split lots as this practice creates valuation issues and will not be supported by the Department of Planning, Lands and Heritage.

The entirety of Lot 602 is excluded, as the land is designated 'Public purposes - Waste Disposal and Treatment', and generally is not conducive to being co-located with urban land uses. The noise and odour impacts associated with the use have detrimental impacts on the amenity of the surrounding area and in particular sensitive land uses.

In addition to the Onslow Townsite Expansion Structure Plan area, the proposed new townsite boundary includes:

- The majority of Lot 9001 (Public Purpose - Airport); excluding the lease areas utilised by Onslow Salt located within the south western and south eastern portions of Lot 9001, and
- The entirety of the current Lot 9500 (Mixed Business zone).

These lots are included primarily to make applying Shire rates to this land a more straight forward process.

From the northern eastern boundary corner of Lot 9001, the proposed townsite boundary strikes north across Lot 851 to re-join the existing boundary, with this line adopted following discussion with the land surveyor and DPLH. That land designated outside this section of the proposed town site boundary is not anticipated to be developed or used for urban purposes.

### Implications of redefining Onslow townsite boundary

A townsite boundary is relevant to a wide range of legislation, and a summary of these is listed in the table below. It should be noted that this is not an exhaustive list, and includes only those Acts and Regulations most relevant to the Shire and could possibly impact staff in their duties. The comments should not be considered a legal opinion and are merely a brief assessment of the Officer's understanding and appreciation of the statute.

*Table 1: Legislation that utilise the definition of a townsite to differentiate application of the legislative instrument.*

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<b>Legislation</b>	<b>Reference</b>	<b>Impact</b>	<b>Comment</b>
<i>Bush Fires Act 1954</i>	S. 39(1)(i)	Limits some actions of bushfire officers where there is a Fire brigade or volunteer fire brigade in a town site	This clause primarily relates to the urbanised areas and DFES operated fire and emergency services. As Onslow currently does not have a bushfire brigade, but does have an Emergency Services brigade, this change will have no effect in the foreseeable future.
<i>Dog Act 1976</i>	31(2)(b); 32(1)(b)	Dog control in public places not as strongly regulated outside town sites	Increases powers of rangers on land to be included in the Onslow townsite, but unlikely to have any significant effect.
<i>Mining Act 1978</i>	25 (3A) (3B)	Minister will only grant approval to mine in a town site after consulting Minister for Lands and Local Government	This section may impact any person seeking a mining tenement over the area proposed to be included in the Onslow townsite.  The proposed redefinition is located to exclude any existing and active tenements.
	26A	Minister may require surrender of mining tenement in town site	See above.
Building Regulations 2012		Part 8 Division 2 applies within town sites – relates to swimming pool regulation	Dwellings with swimming pools within the town site boundary are regulated and inspected by the local government. The Shire currently has no statutory authority to inspect those residential swimming pools outside the Town site boundary.
Local Government (Financial Management) Regulations 1996	52A	Allows local government to apply differential general rates	Rates are applied differently for land outside a defined townsite boundary, and this change would allow the Shire to rate all land within the revised boundary on the same basis.

**Comment**

As part of due process to prepare for the redefinition of the townsite boundary for Onslow as endorsed by Council on 22 October 2019, the proposal before the Department of Planning, Lands and Heritage was statutorily referred to other relevant state authorities including the Department of Mines, Industry Regulation and Safety (DMIRS).

The referral to the DMIRS was then relayed to Onslow Salt, as an identified stakeholder within the redefined townsite boundary. Upon the receipt of the referral, Onslow Salt made an objection to the Department of Jobs, Tourism, Science and Innovation due to perceived inconsistencies with the *Onslow Solar Salt Agreement Act 1992*. Onslow Salt objected on the basis that the proposal as previously defined:

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- Encroached into the Mining Lease 273SA; and nine (9) General Purpose Leases (General Purpose Leases), being G08/38, G08/39, G08/40, G08/41, G08/42, G08/43, G08/44, G08/45 and G08/46; all of which are held by Onslow Salt Pty Ltd pursuant to the State Agreement Act.

Following the submission from Onslow Salt, an amendment to the redefinition of the Onslow townsite boundary was undertaken to exclude the afflicted Mining Lease 273SA and nine (9) General Purpose Leases from the townsite area, as illustrated in **ATTACHMENT 13.3B**. The proposed redefinition of the Onslow Townsite is unlikely to require further amendment in the foreseeable future.

### **Consultation**

Executive Leadership Team  
Department of Planning, Lands and Heritage  
Onslow Salt

### **Statutory Environment**

Section 26 of the *Land Administration Act 1997* empowers the Minister for Land to define and redefine boundaries of townsites.

Pursuant to Section 10 of the *Land Administration Act 1997*, the Minister can exercise his powers to redefine a townsite in accordance with Section 26 in Part 2 Division 1 of the *Land Administration Act 1997*.

### **26. Land districts and townsites, constitution etc. of**

(1) *In this section —*

**townsite —**

- (a) *means townsite constituted under subsection (2); and*
- (b) *except in subsection (2)(a), includes land referred to in clause 37 of Schedule 9.3 to the Local Government Act 1995.*
- (2) *Subject to section 206A, the Minister may by order —*
  - (a) *constitute land districts and townsites; and*
  - (b) *define and redefine the boundaries of, name, rename and cancel the names of, and, subject to this section, abolish land districts and townsites; and*
  - (c) *name, rename and cancel the name of any topographical feature, road or reserve.*
- (3) *An order made under subsection (2) may include such matters enabled to be effected under an order made under another provision of this Act as the Minister thinks fit.*

### **Financial Implications**

The expected ongoing revenue associated with the existing lots outside the townsite boundary could be as high as \$37,500, assuming average residential rates in Onslow.

Development of the 'Mixed Business' designated area on Lot 9500 is presently unknown and therefore the financial implications cannot be ascertained.

### **Strategic Implications**

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

Goal 04      Quality Services and Infrastructure  
Objective 3    Well planned towns

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### Risk Management

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

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
<b>Compliance</b>	Likely (4)	Major (4)	High (16)	Jurisdiction for pool inspections.  Current owners have submitted to inspections to mitigate risk of hazards	Endorse Officer's Recommendation
<b>Reputation (Social/ Community)</b>	Likely (4)	Insignificant (1)	Low (4)	Unsubstantiated , localised low impact on community trust, low profile or no media item.	Refuse to Endorse the Officer's Recommendation

The following Risk Matrix has been applied.

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

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

### Policy Implications

The implications of this matter will impact the Shire of Ashburton Local Planning Scheme No. 7 - Scheme Map.



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**Voting Requirement**

Simple Majority Required

**Officers Recommendation**

That with respect to the proposed amendment and redefinition of the Onslow Townsite Boundary, Council request the Minister for Lands to redefine the Onslow townsite boundary to include the addition of lands in accordance with the plan enclosed as **ATTACHMENT 13.3B**.

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**14. COMMUNITY SERVICES REPORTS**

There are no Community Services Reports for this meeting.

**15. INFRASTRUCTURE SERVICES REPORTS**

There are no Infrastructure Services Reports for this meeting.

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

**16.1 NOTICE OF MOTION – IN SUPPORT OF INTRASTATE FIFO TO SUPPORT WESTERN AUSTRALIA ECONOMY**

**COUNCILLOR'S NAME:** Cr Foster

**DATE REPORT WRITTEN:** 27 August 2020

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

Councillor Foster has requested the following:

1. That the Shire of Ashburton supports comments made by the Premier Mark McGowan and others, including neighbouring Pilbara local governments. The Council authorises the Chief Executive Officer to engage with resource companies to encourage moving away from using interstate fly in, fly out (FIFO) workers and towards employing state-based workers.
2. That the Chief Executive Officer is requested to write a letter stating that it is the Shire of Ashburton's preference that the McGowan State Government support our four Ashburton towns becoming more liveable. Encouraging investment through the Pilbara Development Commission and other Government agencies to support a greater residential based workforce, with flow on effects supporting growth of business and jobs in our towns. As this will contribute to better mental health outcomes for workers who will have the opportunity to live closer to their families rather than working away from home.
3. That the State Government commit to investing in Regional Communities that are driving the recovery of our State and Nation and create investment opportunities for companies to invest within the towns of Western Australia where the resources of this State are extracted and produced providing opportunities for economic and social wellbeing of these towns.

**Background**

On 1 April 2020, the WA State Government put into place regional border closures for anything other than essential services, it also announced that from 4 April 2020, Inter-state borders were also closed to all non-essential travel.

On 21 July 2020, Premier Mark McGowan, called upon resource companies to employ more State-based employees as the current levels of Interstate employees was unsustainable in the present environment.

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The resource sector has taken proactive measures to ensure a comprehensive testing regime for workers travelling from outside the Pilbara to their mine sites. However Inter-state workers have been unable to return to their families on 'R & R' due to the state's closed borders which may have detrimental effects on the worker's mental health and wellbeing. The mental health stresses on Fly-In, Fly-Out (FIFO) workers has been long established.

In May 2018, the Medical Journal Australia released a report - 'Psychological distress in remote mining and construction workers in Australia' which detailed the results of a survey held on mine sites in South Australia and Western Australia.

The conclusion of the report was that 'Psychological distress is significantly more prevalent in remote mining and construction workforce than in the overall Australian population'. Of those surveyed, the most frequently reported stressor was 'missing special events' when on-site (86% of respondents) and away from their families.

In its 'Impact of FIFO arrangement on the mental health and wellbeing of FIFO workers' report dated September 2018, the WA Mental Health Commission provided several recommendations to support improved mental health and wellbeing of FIFO workers; *'Recommendation 11: Implement rosters and shift structures that optimize mental health and wellbeing'*.

With the associated strategy;

- *'Options to move or be housed in the regional, local township should be considered and offered where possible.'*

With the impacts of separation from their families being the major stressor for FIFO workers, it makes logical and economic sense for resource companies to invest more into accommodation for their workers and families within towns, potentially reducing the amount of staff turnover and loss of production due to mental health illness.

*"On any 12 hour shift, a person with a mental illness will be unproductive for an average of 2 hours and 42 minutes. Every day, that equates to 2,700 hours of unproductive time – the equivalent of 225 people not turning up to work at all."*

[Source: Australian Centre for Rural & Remote Mental Health, 2011]

Increasing the numbers of people living in towns will stimulate economic activity and support community connectedness through increased participation in sporting and community activities that in turn improve the mental health and wellbeing of the employees of the resources sector.

#### **Planning – Workforce Accommodation**

The Department of Planning, Lands and Heritage released a Position statement in January 2018 for 'Workforce Accommodation'. The position statement outlines that in Western Australia the development requirements for 'Workforce Accommodation' are predominantly covered by three legislative instruments.

The *Planning and Development Act 2005* establishes a general requirement for all development to obtain approval through a development application made under a planning scheme.

However, the jurisdictions of the *Mining Act 1978* and *State Agreement Acts* can vary the application of the *Planning and Development Act 2005*, and this needs to be reflected in local planning instruments.

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The latter two legislative instruments are able to identify the extent of buildings, structure and uses that may be exempt and undertaken without prior planning approval as defined within the *Planning and Development Act 2005*, *Planning and Development (Local Planning Schemes) Regulations 2015* and Shire of Ashburton Local Planning Scheme No. 7. This is a legacy issue within the Shire, as a large percentage of the mining uses within the local government area are acted upon under the *Mining Act 1978* and State Agreements.

To the extent that the mining and industrial uses are not undertaken through the *Mining Act 1978* and *State Agreement Acts*. The Shire does not support “fly-in, fly-out (FIFO)” mining as Council considers that it leads to a loss of economic and social value to the Shire and the regional area as a whole. However, the Council does acknowledge that there are certain circumstances such as remoteness and limited life of a particular mining or industrial activity that result in a need for ‘Transient Workforce Accommodation’. The requirements of this type of land use and development are outlined within Local Planning Policy No. 13 – Transient Workforce Accommodation.

The Pilbara Regional Council also identifies and advocates within the Transient Worker Accommodation – Position Statement that;

1. *That the State Government’s Planning Position Statement reflect the recommended ‘60km rule’ for transient workforce accommodation integration;*
2. *That the State Government apply a premium to payroll tax as applied to workers undertaking FIFO work arrangements in recognition of the additional environmental and social impact on the State;*
3. *That the State Government allow Local Government to set and apply differential rating to transient worker accommodation facilities on a three year approval cycle, amending this from the current annual cycle; and*
4. *That the State Government, through its licensing regime(s), actively preclude transient worker accommodation facilities from offering hotel accommodation and amenities to the general public*

In light of the above, greater policy direction and guidance from the State Government in relation to the move away from FIFO developments within close proximity to an established townsite needs to be established.

#### **Councillor Recommendation**

That with respect to the Notice of Motion – In Support of Intrastate FIFO to Support Western Australia Economy, Council support/not support the request.

**AGENDA - ORDINARY MEETING OF COUNCIL  
11 AUGUST 2020**

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

**18. CONFIDENTIAL MATTERS**

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

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

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

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

*(e) a matter that if disclosed, could be reasonably expected to:*

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

**AGENDA - ORDINARY MEETING OF COUNCIL  
11 AUGUST 2020**

**19. NEXT MEETING**

The next Ordinary Meeting of Council will be held on 8 September 2020, 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 \_\_\_\_ pm.