



MINUTES

ORDINARY COUNCIL MEETING

held on Thursday 19th of December 2019
in the Gascoyne Junction Shire Offices commencing at 8.45am





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No responsibility whatsoever is implied or accepted by the Shire of Upper Gascoyne for any act, omission or statement or intimation occurring during Council Meeting. The Shire of Upper Gascoyne disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee Meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council Meeting does so at that person's or legal entity's own risk.

The Shire of Upper Gascoyne warns that anyone who has any application or request with the Shire of Upper Gascoyne must obtain and should rely on WRITTEN CONFIRMATION of the outcome of the application or request of the decision made by the Shire of Upper Gascoyne.

A handwritten signature in black ink, appearing to read "Ian Fitzgerald", is positioned above the printed name.

Ian Fitzgerald, JP
ACTING CHIEF EXECUTIVE OFFICER

SHIRE OF UPPER GASCOYNE
MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT GASCOYNE JUNCTION SHIRE
OFFICES ON THURSDAY 19TH DECEMBER 2019 AT 8.45am

1. DECLARATION OF OPENING / ANNOUNCEMENTS OF VISITORS

The President welcomed those present and declared the meeting open at 8.45am.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

2.1 Councillors

Cr D. Hammarquist OAM JP	Councillor
Cr J. Caunt	Councillor
Cr H. McTaggart	Councillor
Cr A. McKeough	Councillor
Cr R. Hoseason-Smith	Councillor
Cr B. Walker	Councillor

Staff

Ian Fitzgerald JP	Acting Chief Executive Officer
Jarrod Walker	Manager of Works & Services
Peter Hutchinson	Manager of Finance & Corporate Services

Visitors

Matt Barnes	Greenfield Technical Services
Nigel Good	Greenfield Technical Services
Mitch Garbutt	Junction Tourist Park
Nick Holthouse	Hastings Technology Metals
John King	Talis Engineering

2.2 Absentees

Cr Watters

2.3 Leave of Absence previously approved

3. APPLICATION FOR LEAVE OF ABSENCE

4. PUBLIC QUESTION TIME

4.1 Questions on Notice

Nil

4.2 Questions without Notice

Nil

5. DISCLOSURE OF INTEREST

Cr Hammarquist – Item 13.1 Planning Application Mt Augustus Tourist Park

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

7. ANNOUNCEMENTS BY THE PERSON PRESCIDING WITHOUT DISCUSSION

8. MATTERS FOR WHICH THE MEETING MAY GO BEHIND CLOSED DOORS

9. CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

9.1 Ordinary Meeting of Council held on 27th November 2019.

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

Resolution No. 01122019

MOVED: CR H MCTAGGART

SECONDED: CR R HOSEASON-SMITH

That the Unconfirmed Minutes from the Audit Meeting and Ordinary Meeting of Council held on the 27th of November 2019 be confirmed as a true and correct record of proceedings.

CARRIED: 6/0

John King – 8.50am

Mr King gave a presentation on the current state of play in relation to the use of shire roads for Hasting Technology Metals to access to Yangibana Mine Site including discussions with the Shires of Meekatharra and Carnarvon. At this point in time the Shire of Meekatharra were not open to discussing the use of their road network by Hastings but their newly elected Shire President had agreed to attend a meeting of the Shires of Carnarvon, Upper Gascoyne and Meekatharra with Hastings to open up dialogue.

There was considerable discussion by Council on this matter.

MOVED: CR J CAUNT

SECONDED: CR A MCKEOUGH

That the Council resolves to:

1. Seek immediate payment from Hastings Technology Metals of outstanding moneys owed to the Shire;
2. Seek confirmation from Hastings Technology Metals of its commitment to meet the costs incurred by the Shire associated with road access to the Yangibana Mine site;
3. Agree to meet with the Shires of Meekatharra and Carnarvon to discuss the Yangibana Mine access route options;
4. Subject to 1, 2 and 3 above, meet with Hastings Technology Metals, the Shires of Meekatharra and Carnarvon and Vince Catania MLC, to resolve the Yangibana Mine access route and associated road use agreements with affected local governments; and
5. Authorise the Chief Executive Officer to:
 - a. Advise the Shires of Meekatharra and Carnarvon and Vince Catania, MLC, of the above resolutions, and
 - b. Advise Hastings Technology Metals of the above resolutions and confirm that further road access approvals will not be issued by the Shire to Hastings Technology Metals for the Yangibana Mine until the route has been selected and adequate progress made, to the satisfaction of the Shire, in developing a road use agreement covering access arrangements including arrangements during periods when the approved route is closed due to road conditions and/or weather events.

CARRIED: 6/0

Council adjourned for morning tea – 9.35 – 10.05am

Mr Nick Holthouse

Nick Holthouse of Hastings Technology Metals gave a presentation to Council to update them on the progress of their mine at Yangibana.

The presentation included an update on approvals received to date, mineral resources that had been determined, proposed mine life, capital cost estimates and a proposed mine construction timeline.

The timeline sees the further development of the accommodation camp in the first quarter of 2020 and mine construction commencing in quarter 2 2020 through to quarter 2 2022.

It was pleasing to Council to note \$6m had been budgeted for road maintenance during the 2 year construction period and \$30m grant applied for road upgrades.

Mr Holthouse withdrew from the meeting at 11.21am

Mr John King withdrew from the meeting at 11.39am.

11.40am Mr Nigel Goode and Mr Matt Barnes Greenfield Technical Services joined the meeting

Mr Goode presented the December update on flood damage repairs for WANDRRA AGRN 821 and NDRRA AGRN 863 events. Both contracts are progressing well with no major issues. Both contractors will be taking a break over the Christmas/New Year period – returning to site in early January 2020.

Mr Barnes presented Council with further modelling that has been undertaken on the possible realignment of the Landor – Mt Augustus Road around the Landor Homestead following on from the presentation and discussions at the November 2019 meeting.

Council was generally supportive on the latest proposal and requested Greenfield Technical Services further develop the modelling and plans for Council consideration.

Mr Goode and Mr Barnes withdrew from the meeting at 12.28pm.

Council adjourned for lunch from 12.29 pm to 2.00pm

10. REPORTS OF OFFICERS

10.1 CRC Report



Printed at: 09/12/19 SHIRE OF UPPER GASCOYNE
 Page No : 1 General Ledger Detail Trial Balance (frmGLTrialBalance)
 Options : Year 19/20,From Month 05,To Month 05,By Responsible Officer (CRC INCOME CRC INCOME ACCOUNTS - MONTHLY REPORTING),1 GENERAL FUND

RespOf	Account	Description	Opening Bal	Movement	Balance
Division	GEN				
	CRC INCI 10841310	Commission Centrelink : CRC	-5,103.73	0.00	-5,103.73
	CRC INCI 10841330	Transport Commission: CRC	-281.52	-145.10	-426.62
	CRC INCI 10841340	Postal Agency Commission: CRC	-2,230.20	-675.11	-2,905.31
	CRC INCI 10841360	Income from Events Held	105.00	-262.50	-157.50
	CRC INCI 10841380	Postal Agency Sales	-323.10	-9.37	-332.47
	CRC INCI 10841390	Sales: Books/Maps/Souvenirs/Sundries	-1,158.25	-55.50	-1,213.75
	CRC INCI 10841500	Grant: CRC Operating	0.00	-48,000.00	-48,000.00
	CRC INCI 10842600	CRC Income Misc.	-252.10	0.00	-252.10
Total	CRC INCOME		<u>-9,243.90</u>	<u>-49,147.58</u>	<u>-58,391.48</u>
Total for division	GEN		<u>-9,243.90</u>	<u>-49,147.58</u>	<u>-58,391.48</u>
Grand Total			<u>-9,243.90</u>	<u>-49,147.58</u>	<u>-58,391.48</u>

	2019.2020 TOTAL	2018.2019 TOTAL	Nov- 19	Nov- 18	November Difference
Aus Government Info/Roads	911	4391	7	54	-47
Government Access Point	13	46	4	14	-10
Department of Human Services	30	104	2	11	-9
Department of Transport	42	83	6	7	-1
Computer/Internet Access	23	33	4	1	3
Faxes	0	10	0	1	-1
General Tourism Information	208	148	8	10	-2
Phonebook Purchases	0	5	0	0	0
Community Seminars	1	0	0	0	0
Gassy Gossip yearly subscription	3	1	0	0	0
Training/Courses	4	0	0	0	0
Hot Office Bookings	4	13	0	1	-1
Library	24	61	6	5	1
Video Conference/Telehealth	3	5	0	0	0
Book Sales	44	73	2	3	-1
Photocopying/Printing/Scanning/Emailing	17	19	2	1	1
Laminating/Binding	1	0	1	0	1
CRC Merchandise Sales	201	359	5	16	-11
Community Events	7	10	1	1	0
Gassy Gossip Advertisement	27	9	0	0	0

Things have quietened right down now in the CRC. It's mainly the locals and the odd tourists coming through now mostly European tourists heading out the Kennedy Range or Mt Augustus.

I would like to take this opportunity to wish all of you and your families a happy and safe Christmas and a great New Year, and look forward to seeing you all next year.



10.2 Manager of Works and Services Report

General:

The silly season is upon us and we are gearing down for Christmas. Nat has been busy ensuring reticulation and pumps are all in order before the break. As usual we have had a few pump issues as soon as the hot weather started but we are now back on top of things.

The new depot maintenance shed has been erected by local contractors. We will begin moving into the new sheds next year once racking and shelving has been sorted. We plan to reorganise the whole depot yard and improve use of space and efficiency.



The Shire was successful in receiving funding through Department of Communities to host a structured disco night as part of the 2019 International Day of People with Disabilities at the pavilion for all of the Gascoyne kids. The night was enjoyed by all with great food music and entrainment by the kids. Thank you to Liz Newton for coming out to Gascoyne Junction to give the kids dance lessons. Well done to Amanda and Cherie for organising a great night. Staff have also been busy planning and preparing for the town Christmas function on the 19th December.

I have spent a fair bit of time on the roads this month planning our next project on the Landor Mt Augustus Road. While out and about I caught up with THEM Earthmoving on the Carnarvon Mullewa Road. They are progressing well and are doing a great job. Quadrio are completing works on Cobra Mt Augustus Road before moving onto Wanna Rd. They continue to do a great job and remain on track.

The Alternative Water Source project is still in its infancy stage. Greenfields have pump tested the existing Munger's bore with a flow/replenishment rate of 280,000L/24hr. They have drafted a report with estimated costs and design so we can submit an application for funding through the Building Better Regions Drought Assistance program. Submissions close on the 19th December.

Maintenance Grading:

Ian and Thomas have been patch grading Ullawarra, Pimbee, Winderie Callagiddy and Cobra Dairy Creek Roads. They concentrated on the rougher sections and left areas that needed to wait until we have some sub soil moisture back in the ground so we did not cause more harm than good. I will carry out a road inspection in the New Year before planning where they take off from when they return from break.

Construction Crew:

The team has de-mobed for the Christmas shutdown. All equipment has been washed up for service and repairs. The Ullawarra Rd re-sheeting is coming along nicely. Material from both pits have performed better than expected and will provide a much safer and reliable road into the future. We are approximately half way through the project and will complete the remainder of works when they return from their Christmas break.

Our next project will be our R2R Indigenous Access on Landor Mt Augustus Road. We initially had planned on three separate smaller projects due to uncertainty and timing of funding allocations. However I am working with R2R to combine funding and reallocate to one larger project including 7-

10km of re-sheeting just north of Burringurrah and the possibility of sealing in front of the community and Police station.

Equipment:

Max from Diesel and Dust will carry out repairs and servicing of plant and equipment over the Christmas break. At this stage there are no major defects and this will give us a chance to carry out preventative maintenance and put us in good stead for next year.

Merry Christmas:

I would like to take this opportunity to thank all of my works crew for the efforts and devotion throughout the year. They do an amazing job and are a great bunch of people to work with. Thank you also to Ian and John, Council and Office Staff who make a great team and coming to work enjoyable.

Merry Christmas to all of the people in the Shire of Upper Gascoyne and I look forward to seeing you all next year.

10.3 ACEO Report

January Program of Tasks

January is traditionally a quiet month as far as meetings and visitors go and with the works crew on their annual shutdown.

This will allow the administration team to concentrate on completing annual tasks including the budget review, the Compliance Audit Return, Regulation 17 risk review as well as commencing the budget process for 2020/21 as well as any general catch up projects.

In addition staff will begin the process of reviewing the Community Strategic Plan and other integrated planning documents. This year a desktop review is required and provision has been made in the budget for RSM to provide assistance with the reviews.

Finance Manager

At the time of preparing this report we have received 8 enquiries for the Finance Manager position and 2 formal applications have been received. Applications close on the 10th January and will be reviewed and interviews arranged as soon as possible after the closing date. Steps have been taken to have backups in place for maintaining our rating processes and general accounting needs until we have a replacement that has settled into the role.

CA07 Working Group

At the recent WALGA Zone meeting I was made the Zone's delegate to the CA07 Working Group until John McCleary is fit to return to work.

The first meeting of the group was recently held by teleconference and it is pleasing that all the WALGA Zones that were represented at that meeting were opposed to the withdrawal of the CA07 until a workable replacement was in place.

There is some difference in opinion between metro and rural/remote shires as to the level of impact and requirements going forward so much so I have suggested the metro and rural be separated to ensure any new guidelines adequately address the needs of all local governments across the state. A further meeting should be held early in 2020 to further progress this matter.

WALGA Zone and Regional Road Group

Cr Cheryl Cowell was elected Chair of the Gascoyne Country Zone for the next 2 years with Cr Eddie Smith as Deputy. The Zone's opposition to the removal of the CA07 was re-affirmed.

The Zone adopted the recommendations of the WALGA Executive and set the dates for meetings in 2020.

The next Zone meeting is set for Friday 28th February in Carnarvon. The June meeting will be held in Exmouth.

Cr Burke Maslen was elected as Chair of the Gascoyne Regional Road Group with Cr Don Hammarquist as Deputy Chair.

There was a presentation from Heavy Vehicle Services (HVS) which generated some discussion. It appears the CA07 will remain in place until a suitable alternative is agreed upon. The HVS representative mentioned to me in private that Hastings would not get their review of the RAV Assessment as requested until they had some level of agreement with the Shires of Upper Gascoyne and Meekatharra.

It is possible some additional road grants may be available and shires are to advise the Main Roads Office by no later than mid-January.

CRBA

I attended the CRBA Committee meeting in Carnarvon on the 10th December. There was some discussion of the reporting requirements of the doggers and a fair bit of time was dedicated to the finances and up and coming budget for the CRBA.

The CRBA only receives around 85% of the rates levied and therefore the matching amount from the state government is also at the 85% mark as one is based on the other. In the past the CRBA has budgeted on receiving 100% of the rates and has subsequently been drawing down on their savings.

This is not a sustainable position going forward and therefore budgets and projects to be funded will be under close scrutiny.

It is likely the CRBA will be in communication with the Shire of Upper Gascoyne to discuss the level of funding available for 2020/21 and years beyond.

Junction Tourist Park - Pool

With the assistance from documents from Cr McKeough some progress has been made on trying to get the pool up and running at the Tourist Park. Under the Department of Health's Code of Practice for management of aquatic facilities the pool could/should be classified as a Group 3 facility – this group includes facilities such as caravan parks, mine sites and hotel/motels. There would need to be adequate signage in place, a first aid area with some mandatory facilities and equipment that should be easily obtained and does not necessarily require a dedicated room. There would need to be testing of the water twice a day and those results recorded. Once a month a water sample would need to be sent to the state laboratory for testing. The facility would not need to be manned.

Royal Life Saving WA run a 2-day pool operators course for owners/managers of Group 3 facilities each month which a least one person responsible for managing the facility should attend – cost of \$473.

I will discuss this with Mitch Garbutt at a meeting scheduled for Wednesday 18th December.

General

The building inspections of the Junction Pub and Tourist Park and the shire owned residences have been completed. The formal reports should be received early in 2020.

Staff have busy planning and preparing for the Community Christmas Party. A number of new sponsors have come on-board this year and with the work put in by Amanda and Cherie I am sure the community will be in for a great evening.

The staff had their annual Christmas Party at the Junction Pub and whilst numbers were down a bit a good night was had by all with a great meal a, a small gift from the shire, a few giveaways from donations during the year (caps and stubby holders) and a door prize raffle draw. Again thanks to Amanda and Cherie for their planning and organisation of the night. We also took the opportunity to make a small presentation to Peter to thank him for his 3 and a half years' service to the shire.

I will be attending the official Native Title Determination for the Gnulli Native Title Consent by the Federal Court in Carnarvon on 17th December.

Season's Greetings

I would like to take this opportunity to thank Council and all of the staff for their support during my time with the shire. The staff do a great job and definitely punch above their weight and are dedicated to doing the best they can for both the shire and the community. There is a real sense of teamwork which helps make the job both appealing and rewarding.

Merry Christmas and a Happy and Prosperous New Year to Councillors, Staff, their families and to all the people in the Shire of Upper Gascoyne.



Grants

Submitted	Close Date	Project	Grant	Provider	Grant Amount	Project Cost	Result
22/10/2019	12/11/2019	Gascoyne Junction airport runway reseal	Remote Airstrip Upgrade Program	Federal – Dept. Infrastructure, Transport, Cities & regional Development	\$65,453	\$130,907	Pending
06/12/2019	11/12/2019	2021 Country Music Festival & Gymkhana	2020-21 Regional Events Scheme	Tourism WA	\$40,000	\$131,500	Pending

OFFICERS RECOMMENDATION / COUNCIL RESOLUTION – 02122019

MOVED: CR B WALKER

SECONDED: CR H MCTAGGART

That Council receive the CRC Report, Manager of Works and Acting Chief Executive Officers Reports.

CARRIED: 6/0

10.4 ACCOUNTS & STATEMENTS OF ACCOUNTS

APPLICANT: Shire of Upper Gascoyne

DISCLOSURE OF INTEREST: None

AUTHOR: Amanda Leighton - SCSO

DATE: 2nd December 2019

Matters for Consideration:

To receive the List of Accounts Due & Submitted to Ordinary Council Meeting on Thursday 19th December as attached – see [Appendix 1](#)

Comments:

The list of accounts is for the month of November 2019.

Background:

The local government under its delegated authority to the CEO to make payments from the municipal and trust funds is required to prepare a list of accounts each month showing each account paid and presented to Council at the next ordinary Council meeting. The list of accounts prepared and presented to Council must form part of the minutes of that meeting.

Statutory Environment:

Local Government (Financial Management Regulations) 1996

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) the payee's name; and
 - (b) the amount of the payment; and
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
 - (a) for each account which requires council authorisation in that month —
 - (i) the payee's name; and
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction; and
 - (b) the date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub regulation (1) or (2) is to be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

Policy Implications:														
Nil														
Financial Implications:														
2019/20 Budget														
Strategic Implications:														
Civic Leadership – To responsibly manage Council’s financial resources to ensure optimum value for money and sustainable asset management.														
Risk:														
Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk	Risk Action Plan (Controls or Treatment proposed)									
Not meeting Statutory Compliance	Rare (1)	Moderate (3)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation									
Consultation:														
Nil														
Officer’s Recommendation:			Voting requirement: Simple Majority											
<p><i>That Council endorse the payments for the period 1st of November 2019 through to the 30th of November 2019 as listed, which have been made in accordance with delegated authority per LGA 1995 s5.42.</i></p> <table> <tr> <td><i>Municipal Fund Bank EFTs (11345 to 11555)</i></td> <td><i>\$1,647,659.81</i></td> </tr> <tr> <td><i>Payroll</i></td> <td><i>\$119,243.53</i></td> </tr> <tr> <td><i>BPAY/Direct Debit</i></td> <td><i>\$20,767.73</i></td> </tr> <tr> <td>Total</td> <td>\$1,787,671.07</td> </tr> </table>							<i>Municipal Fund Bank EFTs (11345 to 11555)</i>	<i>\$1,647,659.81</i>	<i>Payroll</i>	<i>\$119,243.53</i>	<i>BPAY/Direct Debit</i>	<i>\$20,767.73</i>	Total	\$1,787,671.07
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Total	\$1,787,671.07													
Council Decision:03122019														
MOVED: CR H MCTAGGART			SECONDED: CR J CAUNT											
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Total	\$1,787,671.07													

10.5 MONTHLY FINANCIAL STATEMENT

APPLICANT:	Shire of Upper Gascoyne
DISCLOSURE OF INTEREST:	None
AUTHOR:	Peter Hutchinson – Manager of Finance & Corporate Services
DATE:	10 th December 2019
Matters for consideration:	
<p>The Statement of Financial Activity for the period ended 30th of November 2019, include the following reports:</p> <ul style="list-style-type: none">• Statement of Financial Activity• Significant Accounting Policies• Graphical Representation – Source Statement of Financial Activity• Net Current Funding Position• Cash and Investments• Major Variances• Budget Amendments• Receivables• Grants and Contributions• Cash Backed Reserve• Capital Disposals and Acquisitions• Trust Fund <p>see Appendix 2</p>	
Comments:	
The Statement of Financial Activity is for the month of November 2019.	
Background:	
<p>Under the Local Government (Financial Management Regulations 1996), a monthly Statement of Financial Activity must be submitted to an Ordinary Council meeting within 2 months after the end of the month to which the statement relates. The statement of financial activity is a complex document but presents a complete overview of the financial position of the local government at the end of each month. The Statement of Financial Activity for each month must be adopted by Council and form part of the minutes.</p>	
Statutory Environment:	
Local Government Act 1995 – Section 6.4 Local Government (Financial Management Regulations) 1996 – Sub-regulation 34.	
Policy Implications:	
Nil	
Financial Implications:	
Nil	

Strategic Implications:					
Civic Leadership – To responsibly manage Council’s financial resources to ensure optimum value for money and sustainable asset management.					
Risk:					
Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk	Risk Action Plan (Controls or Treatment proposed)
Not meeting Statutory Compliance	Rare (1)	Moderate (3)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation
Consultation:					
Nil					
Officer’s Recommendation:		Voting requirement: Simple Majority			
<i>That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the period ended the 30th of November 2019.</i>					
Council Decision: 04122019					
MOVED: B WALKER		SECONDED: CR H MCTAGGART			
<i>That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the period ended the 30th of November 2019.</i>					
CARRIED: 6/0					

Council wished Peter Hutchinson all the best in his move to the Department of Finance and noted their thanks and appreciation for his work whilst with the shire.

10.6 DELEGATION REVIEW

APPLICANT: Shire of Upper Gascoyne

DISCLOSURE OF INTEREST: Nil

AUTHOR: Ian Fitzgerald – A/Chief Executive Officer

DATE: 12 December 2019

Matters for Consideration:

To review the existing delegations register as provided in [Appendix 3](#).

Background:

Section 5.42 of the Local Government Act 1995 provides that a local government may delegate the exercise of some of its powers and duties to the Chief Executive Officer. Section 5.43 sets out those powers and duties which may not be delegated. Section 5.46(1) requires the CEO to keep a register of all delegations and section 5.46 (2) of the Act provides that delegations be reviewed at least once every financial year.

The Department of Local Government has put out guidelines to try and help Councils in determining which powers and duties to delegate. The Act is unfortunately a bit vague in the determination of the difference in the use of the term 'the local government' and the Council.

The guidelines list various sections of the Act and recommend whether the power or duty should not be delegated, be carried out by 'acting through' its officer/s, or delegated to the CEO who may then on delegate to an officer.

The local government may set conditions or limits on any delegation.

Where a local government adopts policy which in fact delegates any power or duty to the CEO, these delegations must be listed in the register of delegations.

Comments:

The previous Delegation Register was adopted by Council at the June 2018 meeting, therefore the delegations require review this calendar year.

Following discussions at the November Council meeting the previous delegation register has been reformatted and reviewed to ensure that the correct statutory references are noted in the delegations. There has been some amalgamation of delegations covered by a single piece of legislation rather than listing each item separately. In addition where delegations are covered in the act itself they have been removed.

As a part of the review of the delegations any sub-delegation has been identified in a separate register, but included at the end of the actual delegations section, to help inform Council and to also ensure that there is only one overall document that requires review reducing potential for any oversight. Staff with delegations will be advised of their delegations and responsibilities associated with such delegation.

Statutory Environment:

Delegation of some powers and duties to CEO

5.42. (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43 and this power of delegation.

*Absolute majority required.

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

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

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Risk:

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk	Risk Action Plan (Controls or Treatment proposed)
Not meeting Statutory Compliance	Rare (1)	Moderate (3)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officers Recommendation

Consultation:

Department of Local Government

Officer's Recommendation:

Voting requirement: Absolute Majority

That Council endorse the Delegation Review Register of the Shire of Upper Gascoyne as listed in the document contained in [Appendix 3](#) of this Agenda.

Council Decision 05122019

MOVED: CR A MCKEOUGH

SECONDED: CR R HOSEASON-SMITH

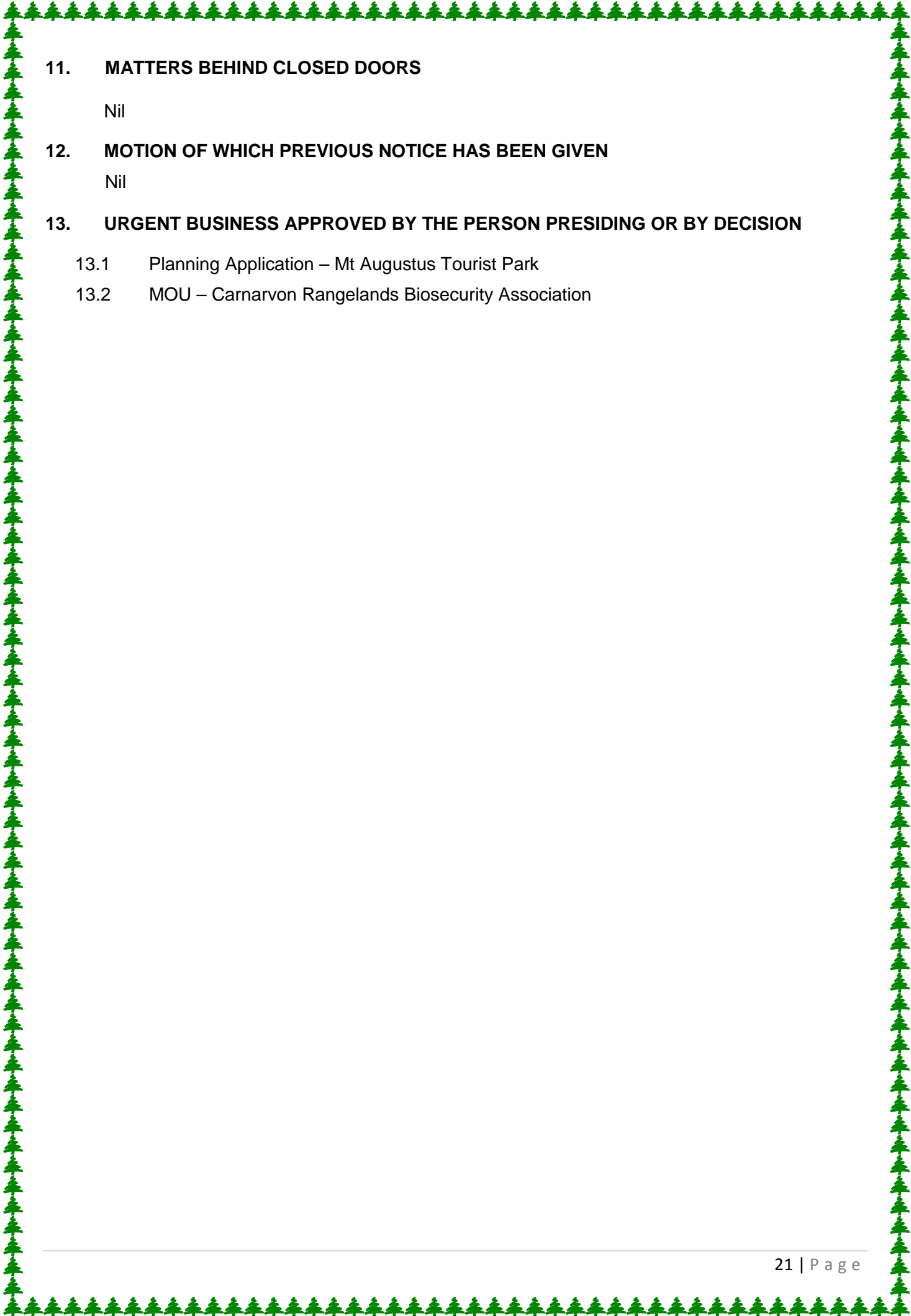
That Council endorse the Delegation Review Register of the Shire of Upper Gascoyne as listed in the document contained in [Appendix 3](#) of this Agenda.

CARRIED: 6/0

10.7 REPORT FOR 2019 AERIAL BAITING PROGRAM

APPLICANT:	Shire of Upper Gascoyne
DISCLOSURE OF INTEREST:	None
AUTHOR:	Dave Higgs
DATE:	12 th December 2019
Matters for Consideration:	
To receive the report for the 2019 Aerial Baiting Program– see Appendix 4	
Comments:	
Aerial baiting took place in October 2019	
Background:	
Each year the Shire has undertaken Aerial Baiting within our Shire Boundary. This item has been created to submit to council a report of the events and to review of the effectiveness of this program.	
Statutory Environment:	
Dog Act 1976: Division 3 - Protection of stock; vermin disease and parasite control	
Policy Implications:	
<p>(4) Where it is reasonably necessary for the protection of livestock confined or de-pasturing on any land the owner or occupier of that land or a person acting under his authority may lay poison on that land in baits likely to be taken by dogs wandering at large if —</p> <p>(a) the poison is not laid within 20 metres of any road, reserve or public place;</p> <p>(b) the laying of that poison is authorised in the material circumstances by or under any Act relating to the prevention, destruction or eradication of specific kinds of animal or of animals in specified circumstances; and</p> <p>(c) the poison is not so laid as to endanger children or indigenous birds or animals,</p>	
Financial Implications:	
2020/21 Budget	
Strategic Implications:	
Nil	

Risk:						
Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk	Risk Action Plan (Controls or Treatment proposed)	
Not meeting Statutory Compliance	Rare (1)	Moderate (3)	Low (1-4)	Failure to meet Statutory, Regulatory or Compliance Requirements	Accept Officer Recommendation	
Consultation:						
Nil						
Officer's Recommendation:			Voting requirement: Simple Majority			
<i>That Council receive the Report for the 2019 Aerial Baiting Program as prepared by Works Supervisor Dave Higgs.</i>						
Council Decision:06122019						
MOVED: CR H MCTAGGART			SECONDED: CR R HOSEASON-SMITH			
<i>That Council receive the Report for the 2019 Aerial Baiting Program as prepared by Works Supervisor Dave Higgs.</i>						
CARRIED: 6/0						



11. MATTERS BEHIND CLOSED DOORS

Nil

12. MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

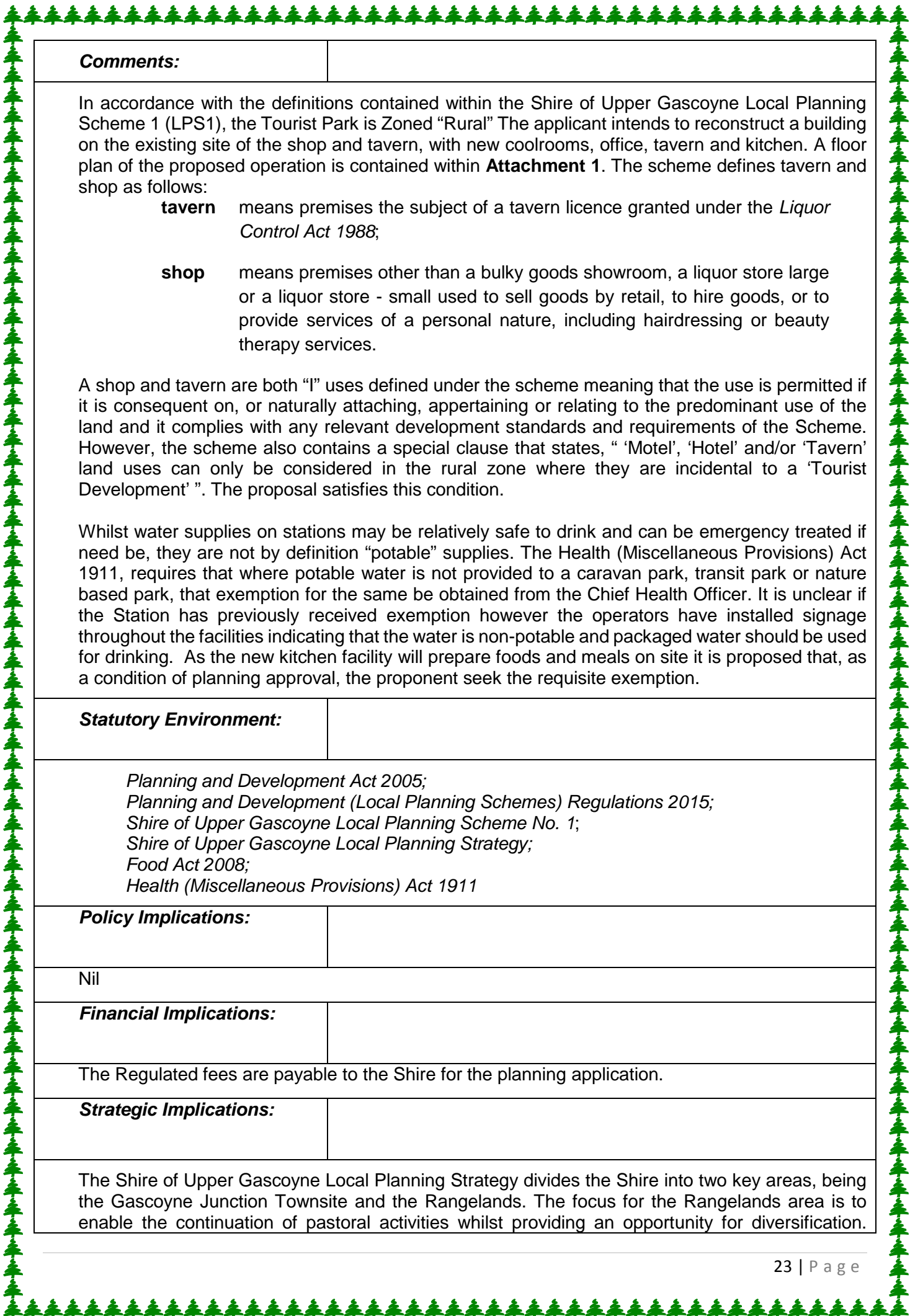
13. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

- 13.1 Planning Application – Mt Augustus Tourist Park
- 13.2 MOU – Carnarvon Rangelands Biosecurity Association

CR HAMMARQUIST DECLARED AN IMPARTIALITY INTEREST IN THIS ITEM AND WITHDREW FROM THE CHAIR

CR CAUNT ASSUMED THE CHAIR.

13.1 LATE ITEM – MT AUGUSTUS STATION PROPOSED RECONSTRUCTION OF TAVERN & SHOP FACILITY	
APPLICANT:	Don Hammarquist, Mt Augustus Tourist Park, Mt Augustus Station
DISCLOSURE OF INTEREST:	Cr D. Hammarquist - proponent
AUTHOR:	Philip Swain – Health/Building Officer
DATE:	16 December 2019
Matters for Consideration:	
The Shire of Upper Gascoyne has received an application for planning approval from the Lessee of Mt Augustus Station, for a proposed shop and tavern facility to be located on the existing site at Mt Augustus Station. Appendix 5 refers.	
Background:	
Property Location:	Mt Augustus Tourist Park, Mt Augustus Station
Application Details:	Reconstruction of the Shop and Tavern Facility at the Existing Tourist Park
Applicants:	Mr Don Hammarquist
Owner:	Pastoral Lease
Value of Development:	\$460,000
LG Reference:	Development Application 01/2019
Application Receipt Date:	19 th November 2019
<p>Mt Augustus Tourist Park is a privately-owned accommodation facility adjacent to the Mt Augustus National Park. The park was gazetted on 22 September 1989 and is made up of former parts of Mount Augustus and Cobra Stations. During 1999-2000, the State purchased nearby pastoral leases Cobra and Waldburg and part leases of Mount Philip and Dalgety Downs, with the aim of managing the whole area, including the National Park, for conservation. The total area is now 607,603ha.</p> <p>The Tourist Park has operated for many years and reopened after some upgrading by the current owner in 2012. The current owner has continued to improve and upgrade the tourist facility since that time and the park provides a variety of accommodation options and is frequented by thousands of visitors each year. The Tourist Park sits within the existing pastoral lease of the Mt Augustus station, which has a total area of 398,389 hectares. Mt Augustus Station is also listed on the Shire’s Municipal Heritage Inventory.</p>	



Comments:	
<p>In accordance with the definitions contained within the Shire of Upper Gascoyne Local Planning Scheme 1 (LPS1), the Tourist Park is Zoned “Rural” The applicant intends to reconstruct a building on the existing site of the shop and tavern, with new coolrooms, office, tavern and kitchen. A floor plan of the proposed operation is contained within Attachment 1. The scheme defines tavern and shop as follows:</p> <p>tavern means premises the subject of a tavern licence granted under the <i>Liquor Control Act 1988</i>;</p> <p>shop means premises other than a bulky goods showroom, a liquor store large or a liquor store - small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services.</p> <p>A shop and tavern are both “I” uses defined under the scheme meaning that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of the Scheme. However, the scheme also contains a special clause that states, “ ‘Motel’, ‘Hotel’ and/or ‘Tavern’ land uses can only be considered in the rural zone where they are incidental to a ‘Tourist Development’ ”. The proposal satisfies this condition.</p> <p>Whilst water supplies on stations may be relatively safe to drink and can be emergency treated if need be, they are not by definition “potable” supplies. The Health (Miscellaneous Provisions) Act 1911, requires that where potable water is not provided to a caravan park, transit park or nature based park, that exemption for the same be obtained from the Chief Health Officer. It is unclear if the Station has previously received exemption however the operators have installed signage throughout the facilities indicating that the water is non-potable and packaged water should be used for drinking. As the new kitchen facility will prepare foods and meals on site it is proposed that, as a condition of planning approval, the proponent seek the requisite exemption.</p>	
Statutory Environment:	
<p><i>Planning and Development Act 2005;</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015;</i> <i>Shire of Upper Gascoyne Local Planning Scheme No. 1;</i> <i>Shire of Upper Gascoyne Local Planning Strategy;</i> <i>Food Act 2008;</i> <i>Health (Miscellaneous Provisions) Act 1911</i></p>	
Policy Implications:	
<p>Nil</p>	
Financial Implications:	
<p>The Regulated fees are payable to the Shire for the planning application.</p>	
Strategic Implications:	
<p>The Shire of Upper Gascoyne Local Planning Strategy divides the Shire into two key areas, being the Gascoyne Junction Townsite and the Rangelands. The focus for the Rangelands area is to enable the continuation of pastoral activities whilst providing an opportunity for diversification.</p>	

Tourism has been recognised as a key opportunity for the Rangelands, particularly with the presence of the Mount Augustus and Kennedy Range National Parks.

Sustainability Implications:

- **Environmental**
Environmental impacts will exist but will be managed within the development area by the proponents.
- **Economic**
The proposal will support local tourism and business within the Shire
- **Social**
The social considerations in relation to alcohol consumption and the nearby Aboriginal Community of Burringurrah are relevant to this decision, but have been addressed previously with respect to the issue of the existing tavern Licence for the tourist facility.

Consultation:

The Shire is not obligated to consult where development applications are an “I” use within the Rural Zone and hence no further consultation has been undertaken in relation to the application. The proponent is obligated to liaise with the State in relation to the proposed use and the requirements of the existing pastoral lease.

Officer’s Recommendation:

Voting requirement: Simple Majority

That Council approve the application, subject to the following conditions;

1. The applicant obtaining a licence for the tavern operation in accordance with the Liquor Control Act 1988;
2. The applicant demonstrating that the proposed uses are in conformity with the requirements of the current pastoral lease, in accordance with the requirements of the Department of Planning Lands and Heritage;
3. The applicant obtaining a Building Permit for the building, in accordance with the requirements of the Building Act and Regulations;
4. The finishes fittings and fixtures to be installed in the food preparation and bar areas satisfying the requirements of the Food Act 2008 the Food Regulations 2009 and the requirements of the Australia New Zealand Food Standards Code;
5. The applicant obtaining a Food Business Registration for the operation of the facility upon completion;
6. The applicant obtaining an exemption from the Chief Health Officer to provide a potable water supply at the premises.

Notes:

- a) That the proponents be advised that they are required to obtain a septic installation approval for any new, or additional septic installation, required as a result of the development;
- b) The proponents are advised that fees for the project are payable to the Construction Training Fund and need to be paid directly to that agency;
- c) This approval relates only to those facilities outlined in the application and it is recommended that, before any future expansion of the facilities is considered, that the proponents undertake an overall assessment of the accommodation facilities for compliance with the Building Code of Australia and the Premises Standards.

MOVED: CR H MCTAGGART

SECONDED: CR B WALKER

That Council approve the application, subject to the following conditions;

1. The applicant obtaining a licence for the tavern operation in accordance with the Liquor Control Act 1988;
2. The applicant demonstrating that the proposed uses are in conformity with the requirements of the current pastoral lease, in accordance with the requirements of the Department of Planning Lands and Heritage;
3. The applicant obtaining a Building Permit for the building, in accordance with the requirements of the Building Act and Regulations;
4. The finishes fittings and fixtures to be installed in the food preparation and bar areas satisfying the requirements of the Food Act 2008 the Food Regulations 2009 and the requirements of the Australia New Zealand Food Standards Code;
5. The applicant obtaining a Food Business Registration for the operation of the facility upon completion;
6. The applicant obtaining an exemption from the Chief Health Officer to provide a potable water supply at the premises.

Notes:

- d) That the proponents be advised that they are required to obtain a septic installation approval for any new, or additional septic installation, required as a result of the development;
- e) The proponents are advised that fees for the project are payable to the Construction Training Fund and need to be paid directly to that agency;
- f) This approval relates only to those facilities outlined in the application and it is recommended that, before any future expansion of the facilities is considered, that the proponents undertake an overall assessment of the accommodation facilities for compliance with the Building Code of Australia and the Premises Standards.

CARRIED: 5/0

CR HAMMARQUIST RESUMED THE CHAIR

13.2 LATE ITEM – CARNARVON RANGELANDS BIOSECURITY ASSOCIATION - MOU

APPLICANT:	Shire of Upper Gascoyne
DISCLOSURE INTEREST:	OF NIL
AUTHOR:	Ian Fitzgerald – A/CEO
DATE:	16 December 2019
Matters for Consideration:	
<p>Council to consider an amendment to the MOU currently in place with the Carnarvon Rangelands Biosecurity Association that outlines the roles and responsibilities of each organisation and the financial implications of the MOU. Appendix 6 refers.</p>	
Background:	
<p>The MOU was adopted by Council in 2019 and whilst it does not have an end date either party can request a change to the agreement.</p>	
Comments:	
<p>The Shire of Upper Gascoyne is heavily involved in the biosecurity of the district and dedicates considerable resources to this activity.</p> <p>At present funding comes from a Council budget provision with funds also coming from the Carnarvon Rangelands Biosecurity Association (CRBA).</p> <p>The CRBA works with the Department of Primary Industries and Regional Development to raise revenue by way of a declared pest rate which is collected by the Office of State Revenue (Treasury). The State Government matches the rates levied as their contribution to the biosecurity of the region.</p> <p>The CRBA receives 100% of the matching contribution which it then uses to fund its activities and contributes to the Shire of Upper Gascoyne.</p> <p>In relation to the declared pest rate notices issued the CRBA only receives those moneys that are actually paid – not those levied. The Office of State Revenue is responsible for the follow up debt collection of any outstanding amounts and once collected are passed on to the CRBA. The unpaid rates remain a charge against the land and if not paid prior are recovered at the time the property is sold and changes hands.</p> <p>At present the payment rate for the declared pest rate is averaging 85% per year. The Office of State Revenue will not provide details on the unpaid rates, either individually or by shire.</p> <p>The CRBA has been budgeting to receive 100% of the declared pest rates each year and with only 85% actually being received there is a shortfall which has been coming out of a reserve fund. If this process continues the reserve fund will be depleted and the CRBA will be left where they can no longer fully fund their program of activities – no longer sustainable as an organisation.</p> <p>This all has come to light with the CRBA working to set their budget for 2020/21. The CRBA Committee has looked at a range of options to overcome their projected shortfall including raising the level of rates, reducing activities and possibly reducing the number of days allocated to the various doggers.</p>	

The Committee has requested Council consider an amendment to the current MOU which would see the CRBA pay the Shire of Upper Gascoyne 85% of the rates levied – the amount that is being received on average each year.

This will obviously reduce the income received by Council for biosecurity activities and will Council to either fund the shortfall or review the program to see what, if any, savings can be achieved to offset the reduced income

Statutory Environment:

Local Government Act 1995
Biosecurity and Agriculture Management Act 2007.

Policy Implications:

Nil

Financial Implications:

2020/21 Budget. Based on the projected rate increase less the 15% the impact would be ~\$15,000

Strategic Implications:

Environment

Objective 2:

Attempt to protect and retain the regions native vegetation and animals to support indigenous culture and the pastoral industry :

- Continue the dogging program
- Work with the local LCDC to manage feral animals and invasive species.

Consultation:

Carnarvon Rangelands Biosecurity Association

Officer's Recommendation:

Voting requirement: Simple Majority

That Council consider the proposed change to the Memorandum of Understanding and direct the administration as to what action to take.

Council Decision 08122019

MOVED: CR H MCTAGGART

SECONDED: CR R HOSEASON-SMITH

That Council advise the Carnarvon Biosecurity Association it does not support the proposed new Memorandum of Understanding forwarded and:

- a) Requests the CBRA seek payment by Treasury of 100% of any pest rates raised by the group
- b) Lobby to have the state government take stronger action to recover any outstanding pest rates with the state to carry as a debt any unpaid pest rates rather than individual biosecurity groups being penalised
- c) Seeks the support of other biosecurity groups in achieving payment of 100% of any pest levy raised

Carried: 6/0

14. ELECTED MEMBERS REPORTS

14.1 Councillor D. Hammarquist

Attended WALGA Zone Meeting and Regional Road Group Meetings in Carnarvon

14.2 Councillor J. Caunt

Nil

14.3 Councillor B. Walker

Attended the Gassy Groovers dance event for the school children

Showed Council the book developed by the Pia Wadjarri Remote Community School CR
WALKER WITHDREW FROM THE MEETING AT 4.42pm AND DID NOT RETURN

14.4 Councillor H. McTaggart

Pleased with efforts of new contract mechanic engaged by the shire

14.5 Councillor A. McKeough

Attended GDC Meetings

14.6 Councillor R. Hoseason-Smith

THEM contractors had camped nearing shearing shed on his property

Has been contacted regarding a possible hay run to the area

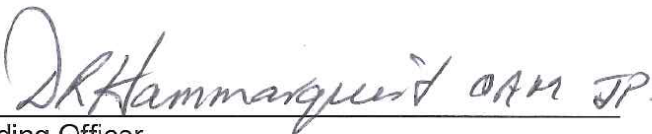
15. STATUS OF COUNCIL RESOLUTIONS

Resolution N°	Subject	Status	Open / Close	Responsible Officer
10042019	Formation of a Tourism Working Group	This is still being worked on, I need to establish the terms of reference prior to advertising for members.	Open	CEO
10082019	Asset Preservation Model	Letter forwarded to Minister for Local Government and Grants Commission. Invited to attend Commission meeting on 3 February 2020.	Open	CEO

16. MEETING CLOSURE

The President thanked those present for attending the meeting and declared the meeting closed at 4.54pm.

To be confirmed at the Ordinary Council meeting on 12th February 2020.


Presiding Officer