

Shire of Wiluna

AGENDA



Special Meeting of Council

Tuesday 12 February 2019

In the O'Shaughnessy Council Chambers

Commencing at 10am

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AGENDA

1. **Declaration of Opening and Announcement of Visitors**
2. **Public Question Time**
3. **Record of Attendance**

Present:

Cr Jim Quadrio	President
Cr Graham Harris	
Cr Norma Ward	
Cr Peter Grundy	
Cr Lena Long	

In Attendance:

Colin Bastow	Chief Executive Officer
Warren Olsen	Deputy Chief Executive Officer
Angela Hoy	Executive Manager Technical Services
Katrina Boylan	Administration Assistant

a) Apologies and Leave of Absence Previously Approved

Cr Stacey Petterson
Cr Caroline Thomas

b) Notations of Interest:

i. Financial Interest Local Government Act Section 5.60A

ii. Proximity Interest Local Government Act Section 5.60B

iii. Interest Affecting Impartiality Shire of Wiluna Code of Conduct

4. Reports of Officers

4.1. Executive Manager Technical Services

4.1.1. Road User Agreements

Reporting Officer:	Angela Hoy – Executive Manager Technical Services
Date of Report:	5 February 2019
Date of Meeting:	12 February 2019
Disclosure of Interest:	Nil

Purpose

For Council to be provided with updated information on the Road Access and Maintenance Deed with regards to roading agreements between the Shire of Wiluna and external parties.

Background

Echo Resources contacted the Shire of Wiluna on the 20th March 2017 to discuss the future road haul project for Echo Resources. An e-mail was received on the 15th September 2017 requesting a phone meeting. Subsequently discussions resumed between the Shire and Echo Resources as to the proposed Road Haulage, and draft Road User Agreement. Echo Resources agreed via e-mail to bear all the costs incurred by the Shire to conduct a road assessment and to develop and prepare a Draft Road user Agreement which is now referred to as a Road Access and Maintenance Deed (RAMD).

Rather than engage a lawyer each time a RAMD is required it would seem to be cost-effective to adopt a template which can be individualised to suit all parties, whilst keeping the legal frame work in place.

At the Ordinary Meeting of Council held on 28 March 2018 Council resolved the following:

- 1. Approve the RAMD as presented to become the template for all future Roading agreements***
- 2. Authorise the CEO to negotiate and sign any future Road Access and Maintenance Deed Agreements on behalf of the Shire.***

CARRIED BY EN BLOC RESOLUTION 023/18

Comment:

Subsequently the Shire has received an additional 2 x requests for RAMDs from:

1. Golden West Resources
2. Salt Lake Pot Ash

The draft template and associated forms have been sent to them for their perusal.

To date Echo Resources have not yet signed the agreement, as they are waiting on a RAV assessment from MWRA for the connection to their Private Haul Road and Barwidgee -Yandal. They have also advised they will not sign the agreement until they are ready to begin hauling for processing.

It is imperative that Council require companies to enter into a Road Access and Maintenance Deed (RAMD) to ensure that the Shire's Road networks are maintained and suitable for the road use intended by the users.

Consultation

Colin Bastow, Chief Executive Officer
Councillors
Echo Resources
GWR Resources
Blackham Resources

Statutory Environment

Local Government Act 1995

Risk Assessment

By having a formalised RAMD the Shire is not exposed to having to repair and maintain roads that are used by other parties.

As some mines may not be profitable, and not able to afford the Infrastructure fund contribution the template can allow for lower road users charges to be decided on a case by case basis.

Policy Implications

Nil

Financial Implications

Any future RAMDs will ensure that the Shire does not have to spend monies upgrading mine used roads, and maintaining them whilst a RAMD is in place. A RAMD will also ensure that the road is returned to its original state, or agreed condition at the end of the Business life/activity, or at the termination of the RAMD.

Costs for the preparation of any RAMD will be met by the person/s businesses requesting the RAMD.

Strategic Implications

Nil

Voting Requirements SIMPLE MAJORITY

Officer Recommendation**MOVED CR****SECONDED CR****That the report be received.****CARRIED.../...****4.2. Chief Executive Officer****4.2.1. Goldfields Highway Local Training Opportunities Project**

Reporting Officer:	Colin Bastow, Chief Executive Officer
Date of Report:	5 February 2019
Date of Meeting:	12 February 2019
Disclosure of Interest:	Nil

Purpose

For Council to consider making a donation towards a business plan that focuses on local training opportunities and the sealing of the Wiluna to Meekatharra section of the Goldfields Highway.

Background

Council had received a presentation from Mick Wilson on a concept that was developed by Craig Patterson, that alternative funding opportunities may be sourced from the State and Federal Governments if the focus of the sealing of the Goldfields Highway was on local Indigenous training.

As there is no official name for this project at this stage, this report names the project as the "Goldfields Highway Local Training Opportunities Project".

The Shire President had commented on the need to financially support a business plan for the training project at the December 2018 Council Forum.

Comment

The Shire's Chief Executive Officer had twice requested a meeting with Mick Wilson and Craig Patterson in early January 2019 so the project can be progressed. Unfortunately, due to commercial reasons Crag Patterson believes it would be better if he was not too active with the project whilst Mick Wilson has been busy on other projects. Therefore, no meeting has been held by the time this report had been prepared.

As the responsibility for the management of the Goldfield Highway rests with Main Roads Western Australia (MRWA), they will need to control any works that are being done on their asset. Therefore, MRWA would need to approve any proposal to carry out works on the Goldfields Highway.

There has been discussion that a steering committee (working group) would be setup to progress this project. However, it is not known if the group will have any formal legal structure or just be an unincorporated group of individuals. The structure of the group is important, because if the Shire is going to make a financial

contribution towards the project, then this should only happen if the funds are given to an incorporated body. Otherwise, the Shire would be unable to guarantee that its funds have been spent on the purpose for which it was donated. For this reason, the Shire should not donate any funding to unincorporated groups.

There have been discussions that the Business Plan would need to be completed before the next Federal election, which is expected to be held sometime in May 2019. This will allow the working group to lobby Federal politicians for funding of the project. Currently, the Shire does not have the capacity to progress the Business Plan itself within the required timeframe, unless it engages the services of external consultants.

Council should nominate a representative to the proposed Steering Committee (Working Group).

The Shire should take a supportive role towards this project which includes providing several types of in-kind support as lobbying other levels of government for greater funding opportunities.

MRWA has advised that they still require a heritage approval and agreements to access local materials before the Wiluna section of the Goldfields Highway upgrade can commence. However, the Meekatharra end section is further advanced in the planning and approval process than the Wiluna end.

If successful, this project can lead to further business and training opportunities to local people and therefore worth supporting.

Consultation

Warren Olsen, Deputy Chief Executive Officer
Shane Power, Regional Manager MRWA
Mick Wilson
Craig Patterson
Council

Statutory Environment

Local Government Act 1995

Risk Management Implications

There is a high risk that this project will not get off the ground, as currently there is no Steering Committee (Working Group) and the project may be determined to be unviable at a later date. The Shire of Meekatharra has expressed its concerns over the viability of this project.

The Shire could reduce the risk of its contribution towards a business plan being spent in other areas if it only deals with an incorporated body.

Policy Implications

Nil

Financial Implications

As at the 5 February 2019, the Shire still has \$19,773 available in its Community Financial Assistance Program Account.

Strategic Implications

2.1 Strengthen tourism and local business.

2.2.2 Support local business initiatives in Wiluna

Voting Requirements SIMPLE MAJORITY

Officer Recommendation

MOVED CR**SECONDED CR**

The Shire provides the following support for the Goldfields Highway Local Training Opportunities Project:

1. That Cr _____ be appointed to represent the Shire on the Steering Committee (Working Group).
2. The CEO be authorised to contribute \$19,773 from the Community Financial Development Program Account (E0403250) towards a business plan if the funds can be provided to a suitable incorporated body.
3. The following in-kind support be offered to the Steering Committee (Working Group):
 - a. Secretarial support service (Free),
 - b. Room hire (Free), and
 - c. Lobbying of other levels of Government as to the benefits of this project.

CARRIED.../...

5. Confidential Items

5.1. RFT 2018-06 Wotton Main Street Revitalisation Project

5.2. AGRN 743 Parcel 3, 2018-03 Supply of Plant with Operators, Dean Contracting

Officer Recommendation

MOVED CR

SECONDED CR

Procedural recommendation that the meeting is closed to the public, pursuant to S5.23 (2) subparagraph (e) (iii) to consider Confidential Item 5.1. which contains information about the business, professional, commercial or financial affairs of a person

CARRIED.../...

Officer Recommendation

MOVED CR

SECONDED CR

That the meeting be re-opened to the public.

CARRIED.../...

6. Closure