



Shire of Ashburton
Ordinary Council Meeting
Confirmed Minutes
(Public)

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

8 February 2022

1:00pm



**Shire of Ashburton
Ordinary Council Meeting**

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

K Donohoe
Chief Executive Officer
11 February 2022

These minutes were confirmed by Council as a true and accurate record of proceedings at the Ordinary Council Meeting held on Tuesday 8 February 2022.

Presiding Member

Date

Disclaimer

The Shire of Ashburton warns anyone who has an 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 Council in respect of the application. No responsibility whatsoever is implied, or accepted, by the Shire of Ashburton for any act, omission, statement, or intimation occurring during a Council meeting.

Contents

1	Declaration of opening	5
1.1	Acknowledgement of country	6
2	Announcement of visitors.....	6
3	Attendance.....	6
3.1	Present.....	6
3.2	Apologies	7
3.3	Approved leave of absence.....	7
4	Question time.....	7
4.1	Response to previous questions taken on notice	7
4.2	Public question time	7
5	Applications for leave of absence	7
6	Declaration by members	8
6.1	Due consideration by Councillors to the agenda	8
6.2	Declarations of interest	8
7	Announcements by the Presiding Member and Councillors without discussion	9
8	Petitions / Deputations / Presentations	9
8.1	Petitions	9
8.2	Deputations.....	9
8.3	Presentations	9
9	Confirmation of minutes	9
9.1	Confirmation of Council meetings	9
9.2	Receipt of committee and other minutes.....	10
9.3	Recommendations of committee meetings – En bloc	11
9.4	Recommendations of committees	11
10	En bloc resolutions.....	12
10.1	Agenda items adopted en bloc.....	12
11	Office of the Chief Executive Officer reports.....	13

Confirmed Minutes – Public Ordinary Council Meeting 8 February 2022

12	Corporate Services reports	14
12.1	Monthly Schedule of Accounts Paid.....	14
12.2	Monthly Financial Statements – December 2021	18
13	People and Place reports.....	22
13.1	Pre-Lodgement of Section 91 Application – Mulga Downs – Proposed Rail Investigation Area	22
13.2	Shire of Ashburton 50th Anniversary Celebrations.....	29
14	Infrastructure Services reports.....	43
14.1	Roebourne-Wittenoom Road Management.....	43
14.2	Project update for the Pilbara Regional Waste Management Facility	60
15	Projects and Procurement reports	67
16	Councillor agenda items / notices of motions.....	67
17	New business of an urgent nature introduced by Council decision.....	67
18	Confidential matters.....	68
18.1	Appointment of Director Infrastructure Services.....	68
19	Next meeting.....	69
20	Closure of meeting.....	69

1 Declaration of opening

The Presiding Member declared the meeting open at 1:00pm.

Councillor J Richardson has advised he is unable to physically attend the meeting today due to roads being closed because of flooding. As the Shire President I have conferred with Councillor Richardson and am satisfied he meets the requirements to attend via telephone.

Shire President Recommendation

That with regards to the attendance requirements for Councillor J Richardson to attend the meeting today via telephone, as per *Local Government (Administration) Regulations 1996* Regulation 14B, Council, by an Absolute Majority,

- a Approves the attendance by Councillor J Richardson via telephone, noting he is in instantaneous communication with the meeting, and
- b Acknowledges Councillor J Richardson is in a place that is not open to members of the public.

Council Decision 1/2022

Moved Cr K White
Second Cr A Smith

That with regards to the attendance requirements for Councillor J Richardson to attend the meeting today via telephone, as per *Local Government (Administration) Regulations 1996* Regulation 14B, Council, by an Absolute Majority,

- a Approves the attendance by Councillor J Richardson via telephone, noting he is in instantaneous communication with the meeting, and**
- b Acknowledges Councillor J Richardson is in a place that is not open to members of the public.**

Carried 7/0

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 their elders past, present and emerging.

2 Announcement of visitors

Nil

3 Attendance

3.1 Present

Elected members

Cr K White	Shire President (Presiding Member) Onslow Ward
Cr M Lynch	Deputy Shire President, Tom Price Ward
Cr A Smith	Tom Price Ward
Cr T Mladenovic	Tom Price Ward
Cr L Rumble	Paraburdoo Ward
Cr A Sullivan	Paraburdoo Ward
Cr R de Pledge	Ashburton Ward
Cr J Richardson	Tableland Ward (by telephone)

Employees

K Donohoe	Chief Executive Officer
N Cain	Director Corporate Services
B McKay	Acting Director People and Place
M Fanning	Acting Director Infrastructure Services
C McGurk	Director Projects and Procurement
U Fortescue	Manager Legal and Governance
A Furfaro	Governance Officer
M Barnes	Executive Assistant Projects and Procurement

Guests

Nil

Members of the public

Nil

Members of the media

One (1)

3.2 Apologies

Cr M Gallanagh Pannawonica Ward

3.3 Approved leave of absence

Nil

4 Question time

4.1 Response to previous questions taken on notice

Nil

4.2 Public question time

Nil

5 Applications for leave of absence

Cr M Gallanagh Pannawonica Ward 8 March 2022

Council Decision 2/2022

Moved Cr R de Pledge

Second Cr L Rumble

That with respect to applications for leave of absence, Council grants leave of absence to Cr M Gallanagh from 8 March to 8 March 2022, inclusive.

Carried 8/0

6 Declaration by members

6.1 Due consideration by Councillors to the agenda

Councillors noted they have given due consideration to all matters contained in this agenda.

6.2 Declarations of interest

A member who has an Impartiality, Proximity or Financial interest in any matter to be discussed at this meeting must disclose the nature of the interest either in a written notice, given to the Chief Executive Officer, prior to the meeting, or at the meeting immediately before the matter is discussed.

A member who makes a disclosure in respect to an interest must not preside at the part of the meeting which deals with the matter, or participate in, or be present during any discussion or decision-making process relative to the matter, unless the disclosing member is permitted to do so under Section 5.68 or Section 5.69 of the *Local Government Act 1995*.

13.2 – Shire of Ashburton 50th Anniversary Celebrations

Declarant	Cr M Lynch
Declaration of Interest	Indirect Financial – I am an employee and tenant of Rio Tinto. Rio Tinto are part funding the Shire of Ashburton 50 th Anniversary Events.
Declarant	Cr A Smith
Declaration of Interest	Indirect Financial – Rio Tinto are part funding the Shire of Ashburton 50 th Anniversary Events. My husband is an employee of Rio Tinto and a shareholder. We live in Rio Tinto housing.
Declarant	Cr A Sullivan
Declaration of Interest	Indirect Financial – I own with my husband shares above the prescribed amount. I live in a house provided by Rio Tinto with subsidised rent. I and my husband are employees of Rio Tinto.
Declarant	Cr T Mladenovic
Declaration of Interest	Indirect Financial – My partner is employed by Rio Tinto, and I live in Rio Tinto housing.

18.1 - Appointment of Director Infrastructure Services

Declarant	M Fanning
Declaration of Interest	Financial – Applicant for position.

7 Announcements by the Presiding Member and Councillors without discussion

Nil

8 Petitions / Deputations / Presentations

8.1 Petitions

Nil

8.2 Deputations

Nil

8.3 Presentations

Nil

9 Confirmation of minutes

9.1 Confirmation of Council meetings

- Ordinary Council Meeting – 14 December 2021

Attachment 9.1A

Council Decision **3/2022**

Moved **Cr M Lynch**

Second **Cr T Mladenovic**

That with respect to the confirmation of minutes, Council confirms the following Ordinary Council Meeting minutes held in Council Chambers, Onslow Shire Complex, Second Avenue, Onslow on 14 December 2021 as true and accurate record, as included in Attachment 9.1A.

Carried 8/0

9.2 Receipt of committee and other minutes

That with respect to the receipt of committee and other minutes, Council receives the following, as attached –

- **Audit and Risk Committee – 14 December 2021**
- **Pannawonica Local Emergency Management Committee – 2 December 2021**
- **Onslow Local Emergency Management Committee – 1 December 2021**
- **Inland Local Emergency Management Committee – 30 November 2021**

Attachment 9.2A

Attachment 9.2B

Attachment 9.2C

Attachment 9.2D

Council Decision **4/2022**

Moved **Cr L Rumble**

Second **Cr T Mladenovic**

That with respect to the receipt of committee and other minutes, Council receives the following committee meeting minutes –

- **Audit and Risk Committee – 14 December 2021**
- **Pannawonica Local Emergency Management Committee – 2 December 2021**
- **Onslow Local Emergency Management Committee – 1 December 2021, and**
- **Inland Local Emergency Management Committee – 30 November 2021 as included in Attachment 9.2A, 9.2B, 9.2C and 9.2D.**

Carried 8/0

9.3 Recommendations of committee meetings – En bloc

Council Decision	5/2022
Moved	Cr A Smith
Second	Cr M Lynch

That with respect to recommendation of committee meetings – en bloc, Council approves the following recommendations –

Audit and Risk Management Committee – 14 December 2021

Committee Recommendation 34/2021

That with respect to the Compliance Audit Return status update, the Audit and Risk Management Committee;

- a Receives the status update,
- b Recommends Council receive the Compliance Audit Return status update and
- c Request the Chief Executive Officer provide further updates on the progress of these reviews.

Committee Recommendation 35/2021

That with respect to the Regulation 17 Review – 2020 Program status update, the Audit and Risk Management Committee;

- a Receives the status update; and
- b Recommends Council receive the Regulation 17 Review 2020 Program status update.

Committee Recommendation 36/2021

That with respect to the Internal Audit 2021, Committee recommends Council receive the update and requests the Chief Executive Officer to undertake further review of the Risk Items as identified as “High” in the Internal Audit Report, and how these items are being managed.

Carried 8/0

9.4 Recommendations of committees

Nil

10 En bloc resolutions

10.1 Agenda items adopted en bloc

Nil

11 Office of the Chief Executive Officer reports

Nil

12 Corporate Services reports

12.1 Monthly Schedule of Accounts Paid

File reference	FM03
Author's name	T Dayman
Author's position	Manager Finance and Administration
Author's interest	Nil
Authorising officer's name	N Cain
Authorising officer's position	Director Corporate Services
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	21 January 2021
Previous meeting reference	Not applicable

Summary

Council is required to have produced a Schedule of Accounts Paid each month containing relevant information, as legislated.

The purpose of this Report is to present the –

- Schedule of Creditor Accounts Paid for December 2021,
- Trust Fund Payments for December 2021, and
- Corporate Credit Card Reconciliations for November 2021.

Council is requested to confirm the Monthly Schedule of Accounts Paid, as presented.

Background

The *Local Government (Financial Management) Regulations 1996* require Shire officers, monthly and within a prescribed timeframe, to prepare a schedule of payments made from the Municipal Fund and the Trust Fund and present this to Council for confirmation.

Comment

Shire officers have prepared the Monthly Schedule of Accounts Paid, in accordance with legislative requirements, and this is attached.

Attachment 12.1A

Consultation

Executive Leadership Team
 Middle Management Group
 Finance Team

Statutory environment

Local Government (Financial Management) Regulations 1996

Regulation 13 (Payments from municipal fund or trust fund by Chief Executive Officer, Chief Executive Officer’s duties as to etc.)

Where the Chief Executive Officer has been delegated the exercise of power to make payments from the Municipal Fund or the Trust Fund, a list of accounts authorised for payment by the Chief Executive Officer is to be presented each month to Council.

Financial implications

Payments included on the Schedule of Accounts Paid have been undertaken in accordance with appropriate processes and the Annual Budget.

For the month under review the following summarised details are presented:

Description	Amount \$
<u>Municipal Fund</u>	
Electronic Funds Transfers	8,760,766.02
Superannuation / Payroll (Direct Debits)	97,594.48
Cheques	0.00
Credit Cards	3,533.82
Bank Fees and Charges	1,869.99
<u>Municipal Fund Total</u>	8,863,764.31
<u>Trust Fund</u>	
Electronic Funds Transfers	0.00
<u>Trust Fund Total</u>	0.00

Strategic implications

Shire of Ashburton Strategic Community Plan 2017-2027 Living Life (2019 Desktop Review)

Goal 5 Inspiring Governance
 Objective 4 Exemplary team and work environment
 Desired Outcome Highly functioning Shire team who effectively manages Shire resources to build strong communities.

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Council does not accept the Shire officer recommendation.	Unlikely (2)	Minor (2)	Low (4)	<u>Compliance</u> Some temporary non-compliances	Provide Council with adequate information to make an informed decision.

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 "Low" because of the financial controls in place and the regularity of review of the information contained within these reports.

Policy implications

FIN06 Significant Accounting Policy

This Council Policy provides guidelines for the preparation of financial reports.

ELM10 Financial Sustainability Policy

This Council policy commits Council to ensuring no decisions will be made without considering the long-term financial impact of those decisions.

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to the Monthly Schedule of Accounts Paid, Council, in accordance with *Local Government (Financial Management) Regulations 1996* Regulation 13 confirms the Monthly Schedule of Accounts Paid for December 2021, as included at Attachment 12.1A.

Council Decision	6/2022
Moved	Cr L Rumble
Seconded	Cr R de Pledge
That with respect to the Monthly Schedule of Accounts Paid, Council, in accordance with <i>Local Government (Financial Management) Regulations 1996</i> Regulation 13 confirms the Monthly Schedule of Accounts Paid for December 2021, as included at Attachment 12.1A.	
Carried 8/0	

12.2 Monthly Financial Statements – December 2021

File reference	FM03
Author's name	T Dayman
Author's position	Manager Finance and Administration
Author's interest	Nil
Authorising officer's name	N Cain
Authorising officer's position	Director Corporate Services
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	21 January 2022
Previous meeting reference	Not applicable

Summary

Council is required to have produced a Statement of Financial Activity each month containing relevant information, as legislated.

The purpose of this Report is to present the Statement of Financial Activity for the month ended December 2021 as well as provide budget amendments recommendations.

Council is requested to accept the Statement of Financial Activity and any recommended budget amendments.

Background

The *Local Government (Financial Management) Regulations 1996* require Shire officers, monthly and within a prescribed timeframe, to prepare financial reports covering prescribed information and present these to Council.

Comment

Shire officers have prepared the Statement of Financial Activity, and supporting documentation, in accordance with legislative requirements (as attached).

Attachment 12.2A

Consultation

Executive Leadership Team
Middle Management Group
Finance Team

Statutory environment

Local Government Act 1995

Section 6.4 (Financial report)

Local governments are required to prepare and present financial reports, on an annual basis and at any other time, and in any other format, as prescribed.

Regulation 34 (Financial activity statement required each month (Act s. 6.4))

Shire officers are to prepare each month a statement of financial activity reporting on the revenue and expenditure as set out in the annual budget. Each statement of financial activity is to be accompanied by information explaining the composition of net assets less committed and restricted assets, any material variances and any other supporting information considered relevant.

Financial implications

Commentary on the current financial position is outlined within the body of the attached reports.

Strategic implications

There are no strategic implications for this item.

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Material misstatement or significant error in the financial statements.	Unlikely (2)	Moderate (3)	Moderate (6)	<u>Financial Impact</u> \$100,000 to \$1m	Review of financial position information to be undertaken regularly and by multiple Shire officers.
Council does not accept the Shire officer recommendation.	Unlikely (2)	Minor (2)	Low (4)	<u>Compliance</u> Some temporary non-compliances	Provide Councillors with sufficient information for decision making.

The following Risk Matrix has been applied:

Consequence Likelihood		Risk Matrix				
		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 “Low” because of the financial controls in place and the regularity of review of the information contained within these reports.

Policy implications

FIN06 Significant Accounting Policy

This Council Policy provides guidelines for the preparation of financial reports.

ELM10 Financial Sustainability Policy

This Council policy commits Council to ensuring no decisions will be made without considering the long-term financial impact of those decisions.

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to the Monthly Financial Statements, Council, in accordance with *Local Government (Financial Management) Regulations 1996* regulation 34 accepts the Statement of Financial Activity, and associated documentation, for December 2021, as included at Attachment 12.2A.

Council Decision **7/2022**

Moved **Cr A Sullivan**

Second **Cr A Smith**

That with respect to the Monthly Financial Statements, Council, in accordance with *Local Government (Financial Management) Regulations 1996* regulation 34 accepts the Statement of Financial Activity, and associated documentation, for December 2021, as included at Attachment 12.2A.

Carried 8/0

13 People and Place reports

13.1 Pre-Lodgement of Section 91 Application – Mulga Downs – Proposed Rail Investigation Area

File reference	RV41; ED01
Author's name	B Leavy
Author's position	Statutory Planning Officer
Author's interest	Nil
Authorising officer's name	B McKay
Authorising officer's position	Acting Director People and Place
Authorising officer's interest	Nil
Name of applicant / respondent	Roy Hill Infrastructure
Date report written	14 January 2022
Previous meeting reference	Nil

Summary

Correspondence has been received from Roy Hill Infrastructure (RHI) requesting the support of the Shire of Ashburton by way of a non-exclusive Section 91 (s. 91) Licence.

The request from Roy Hill Infrastructure is for the purposes of allowing RHI to access lands within the Shire's administrative boundary, to facilitate and undertake investigative works for a proposed new rail line within the defined area for a period of two (2) years.

Council is requested to support the 'Consent to Grant of Rail Investigation Licence' and provide Roy Hill Infrastructure a non-exclusive S. 91 Licence.

Background

A request from Roy Hill Infrastructure was received by the Shire of Ashburton on 4 November 2021, seeking the Shire's support prior to the lodgement of a Section 91 Licence Application (under the *Land Administration Act 1997*) to the Department of Planning, Lands and Heritage (DPLH).

Roy Hill Infrastructure is seeking to undertake investigative work in relation to a possible railway line linking the Mulga Downs Mine (Mining Lease - M47/1621) to the

Roy Hill Railway (SRL L4SA).

Attachment 13.1A

Comment

Roy Hill Infrastructure is seeking Council's "in principle" support, for a period of two (2) years, to allow investigative works within the Shire's administrative boundary for the purposes of rail access investigations (defined on the attached plans) pursuant to a Section 91 Licence.

The proposed non-exclusive S. 91 Licence would seek to allow RHI to undertake the following:

- Geophysical, geotechnical, and hydrogeological drilling; and
- Digging test pits and costeans; and
- Taking of borrow (e.g., soil, gravel, or sand); and
- Track clearing; and
- Environmental and Aboriginal heritage survey investigations

The Section 91 Licence application is lodged with the Department of Planning, Lands and Heritage to be formalised.

In assessing the matter, the Department of Planning, Lands and Heritage should be advised the following matters need to be considered, during the investigative works and, if road haulage is to be undertaken, during construction and operational stages:

- The proposed operation of M47/1621 (currently R 47/12-1) does not clearly indicate the impacts of the investigative and operational impacts on the surrounding local road network, including Roebourne-Wittenoom Road and Mulga Downs Road. Utilisation of Shire roads will require a user agreement to ensure these roads are maintained to an adequate safe and trafficable standard considering the additional traffic movements which may occur from this project.
- The location of the proposed mining tenement within proximity of the Wittenoom Asbestos Management Area (WAMA) and subsequent water flows, need to consider the impacts of asbestos spillage emanating from the contaminated site, particularly, utilisation of the Roebourne-Wittenoom Road and Mulga Downs Road.

Attachment 13.1B
Attachment 13.1C

It is noted the application for a Section 91 Licence has not yet been formally lodged with the Department of Planning, Lands and Heritage.

The proposed investigation area is located across the administrative boundaries of the Town of Port Hedland, Shire of East Pilbara, and the Shire of Ashburton.

The proposed investigation area will not directly impact any Shire assets and infrastructure, as the study area is predominantly located within Mulga Downs pastoral lease area (PL N050370).

Consultation

Executive Leadership Team

Statutory environment

Section 91 - Land Administration Act 1997

91. Licences and profits à prendre over Crown land, grant of

- (1) The Minister may grant a licence or profit à prendre in respect of Crown land for any purpose.*
- (2) The Minister may —
 - (a) fix or extend the duration of; or*
 - (b) determine fees and conditions in respect of; or*
 - (c) review; or*
 - (d) with the consent of its holder, amend the provisions of*any licence or profit à prendre granted under subsection (1).*
- (3) The Minister may on the breach of any condition to which a licence granted under subsection (1) is subject, terminate that licence.*
- (4) The Minister may accept the surrender of a profit à prendre granted under subsection (1) from its holder in respect of the whole or any part of the area to which that profit à prendre applies.*
- (5) Nothing in this Act prevents the simultaneous existence on the same area of Crown land of —
 - (a) a licence or profit à prendre granted under subsection (1); and**

(b) a mining, petroleum or geothermal energy right, if the Minister to whom the administration of the relevant Act referred to in the definition of mining, petroleum or geothermal energy right in section 3(1) is for the time being committed by the Governor, or a public service officer of the department that is principally assisting in the administration of the relevant Act, who is authorised in writing by that Minister to do so, approves of that area being used both for the purposes of that licence or profit à prendre and the purposes of the mining, petroleum or geothermal energy right.

- (6) *If a licence granted under subsection (1) is transferable by the licensee, in accordance with the Personal Property Securities Act 2009 (Commonwealth) section 10 the definition of licence paragraph (d), the licence is declared not to be personal property for the purposes of that Act.*
- (7) *The operation of this section is affected by the Land Administration (South West Native Title Settlement) Act 2016 Part 4.*

Financial implications

There are no known significant financial implications for this matter.

Strategic implications

There are no known significant strategic implications for this matter.

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Reputation – External Stakeholder Relationships	Possible (3)	Insignificant (1)	Low (3)	Substantiated, localised impact on community trust or low media item	Adopt the Officers Recommendation
Natural Environment – Occurrence of Asbestos	Possible (3)	Insignificant (1)	Low (3)	Contained, reversible impact managed by on site response	Adopt the Officers Recommendation

The following Risk Matrix has been applied:

Consequence Likelihood		Risk Matrix				
		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 “Low” because the proposed item before Council, has manageable environmental impacts and the reputation risk associated.

Policy implications

There are no known policy implications for this matter.

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to Roy Hill Infrastructure’s request for support of the Section 91 Licence Application, Council –

- a Acknowledge the contents of this report,
- b Authorises the Chief Executive Officer to sign the Consent to Grant of Rail Investigation Licence, as attached (Attachment 13.1A), and
- c Authorises the Chief Executive Officer to advise the Department of Planning, Lands and Heritage of the following ‘Advice Notes’ as part of the attached pre-lodgement of the S. 91 Licence Application –

- i The proponent should be advised the use of any Shire of Ashburton owned roads during the investigative, construction and operational phases of the project will require a road user agreement (between both parties) to ensure the impacted roads are maintained to an adequate, safe, and trafficable standard considering the additional traffic movements which may occur from this project.
- ii The proponent should be advised, given the proximity of the proposed mining lease M47/1621 to the Wittenoom Asbestos Management Area (WAMA), subsequent water flows and Contaminated Site ID No. 20175 and ID No. 73903, consideration of the impacts of asbestos spillage emanating from the contaminated sites shall need to be considered.

Alternate Motion

That with respect to Roy Hill Infrastructure's request for support of the Section 91 Licence Application, Council –

- a Acknowledge the contents of this report,
- b Authorises the Chief Executive Officer to sign the Consent to Grant of Rail Investigation Licence, as attached (Attachment 13.1A), and
- c Authorises the Chief Executive Officer to advise the Department of Planning, Lands and Heritage of the following 'Advice Notes' as part of the attached pre-lodgement of the S. 91 Licence Application –
 - i The proponent should be advised the use of any Shire of Ashburton owned roads during the investigative, construction and operational phases of the project will require a road user agreement (between both parties) to ensure the impacted roads are maintained to an adequate, safe, and trafficable standard considering the additional traffic movements which may occur from this project.
 - ii The proponent should be advised, given the proximity of the proposed mining lease M47/1621 to the Wittenoom Asbestos Management Area (WAMA), subsequent water flows and Contaminated Site ID No. 20175 and ID No. 73903, consideration of the impacts of asbestos spillage emanating from the contaminated sites shall need to be considered.
 - iii The proponent should be advised of the need to monitor and report on the impact of ground water extraction.

Council Decision **8/2022**

Moved **Cr L Rumble**

Second **Cr M Lynch**

That with respect to Roy Hill Infrastructure’s request for support of the Section 91 Licence Application, Council –

- a Acknowledge the contents of this report,**
- b Authorises the Chief Executive Officer to sign the Consent to Grant of Rail Investigation Licence, as attached (Attachment 13.1A), and**
- c Authorises the Chief Executive Officer to advise the Department of Planning, Lands and Heritage of the following ‘Advice Notes’ as part of the attached pre-lodgement of the S. 91 Licence Application –**
 - i The proponent should be advised the use of any Shire of Ashburton owned roads during the investigative, construction and operational phases of the project will require a road user agreement (between both parties) to ensure the impacted roads are maintained to an adequate, safe, and trafficable standard considering the additional traffic movements which may occur from this project.**
 - ii The proponent should be advised, given the proximity of the proposed mining lease M47/1621 to the Wittenoom Asbestos Management Area (WAMA), subsequent water flows and Contaminated Site ID No. 20175 and ID No. 73903, consideration of the impacts of asbestos spillage emanating from the contaminated sites shall need to be considered.**
 - iii The proponent should be advised of the need to monitor and report on the impact of ground water extraction.**

Reason for Change

Council noted the need to monitor ground water extraction given the impact from other mining ventures.

**Carried 7/1
Against - Cr J Richardson**

13.2 Shire of Ashburton 50th Anniversary Celebrations

File reference	RC38
Author's name	B McKay
Author's position	Acting Director People and Place
Author's interest	Nil
Authorising officer's name	B McKay
Authorising officer's position	Acting Director People and Place
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	12 January 2022
Previous meeting reference	Not applicable

Summary

The Shire of Ashburton is commemorating its 50th year anniversary in June 2022 and in celebrating this occasion, several events and projects will take place across the towns located within the Shire.

Council is requested to acknowledge the anniversary date, along with endorsing the proposed events.

Background

The Shire of Ashburton was established on 27 May 1972, originally named the Shire of West Pilbara. The Shire was formed through the amalgamation of the original Shire of Ashburton and the Shire of Tableland.

The name "Shire of West Pilbara" was later changed to "Shire of Ashburton" on December 18, 1987, one hundred years after the establishment of the former Ashburton Road Board. The name was changed to provide more identity to our region and to discriminate from Karratha region, which was also referred to as "West Pilbara".

The 8th of June 2022 marks the 50-year anniversary since the first council meeting for the Shire of Ashburton and as such it is proposed that several events and activities are planned across the Shire to celebrate the occasion.

Comment

Shire officers have been working on developing a program of events that celebrate the 50th year anniversary. To mark this occasion, the Shire will host flagship events in Pannawonica, Paraburdoo, Onslow, and Tom Price that bring together the wider community by tailoring experiences that reflect and showcase the unique and vibrant social tapestry of each town.

The following events are proposed:

Pannawonica Celebration

Event Objectives

The event will meet the following objectives:

- Mark the 50th year Anniversary of the Shire
- Showcase the Pilbara culture, bringing community together to participate in commemorating the occasion and acknowledge their contribution to the town.

Event Elements

To engage a local resident artist in Pannawonica to design and deliver a paint by numbers on six (6) surfaces of the school.

This art installation will tell a story of the Kumera People, Rio Tinto, and the Shire of Ashburton's relationship over 50 years. The opening of this Mural will be a celebration incorporating Traditional Owners, Rio Tinto, and the Shire of Ashburton.

The location of the school has been chosen as the "centre" of Pannawonica and a lasting piece of infrastructure.

The Pannawonica Primary School will also be celebrating 50 years in Pannawonica during 2022.

The 50-year celebration will incorporate the unveiling of the Pannawonica Primary School's time capsule which was buried 25 years ago.

The Mural - the artist will create a design and "paint by numbers" mural on the external walls of the school.

All children will have a piece to paint and be part of history, the project will also be opened to the community to participate in painting a part of Pannawonica history.

The wall space will be equal to 200 sqm.

Shire officers are to confirm if Rio Tinto will fund the artist in residence,

accommodation, meals, paint, and painting supplies.

The Shire will host the unveiling with a special ceremony to acknowledge Traditional Owners, Rio Tinto, Shire of Ashburton, and the Pannawonica Primary School, followed by a Cocktail Event at the Rocks with music, beer, wine, and canapes.

Item Description	Estimated Spend
Artist in resident, including accommodation and meals	\$35,000
Paint and supplies	\$10,000
Canapes	\$5000
Beer and Wine	\$5000
Entertainment at the Rocks	\$15,000
Donations to Clubs and Groups to Support	\$5000
Total estimated spend	\$75,000

Paraburdoo Celebration

Event Objectives

The event will meet the following objectives:

- Mark the 50th year Anniversary of the Shire
- Showcase the Pilbara culture, bringing community together to participate in commemorating the occasion and acknowledge their contribution to the town.

Event Elements

To engage an artist with a connection to Paraburdoo to design and deliver a 50-year celebration mural (in a prominent position in town), incorporating local culture, Hamersley Iron, Rio Tinto, and the essence of the town's development over the last 50 years.

The Shire will host a reception to unveil the mural, celebrating the collaboration of Traditional Owners, Rio Tinto, and the Shire of Ashburton.

A display of artwork and other memorabilia highlighting the town from 1972 – resources from the State Library and the library have pictures from the Royal visit, and there is also an aerial shot of Paraburdoo Mine in 1974 to now, photos of houses from then and now.

A town tour will also be developed showcasing places of significance, including the original day-care, School Principal's 1st house, locality of original swimming pool, the stores Paraburdoo had in the early days etc.

Yinhawangka heritage talks – history of the Yinhawangka people living in this area – will also take place.

Item Description	Estimated Spend
Artist, including accommodation and meals	\$20,000
Paint and supplies	\$10,000
Unveiling Reception	\$37,500
Display of artwork and Town Tour	\$7500
Total estimated spend	\$75,000

Tom Price, VIP Long Table Dinner

Event Objectives

The event will meet the following objectives:

- Mark the 50th year anniversary of the Shire.
- Bring together dignitaries and key stakeholders of the Shire of Ashburton to commemorate the occasion and acknowledge their contribution to the town in an intimate and unique setting.

Event Elements

The event will have the following broad elements to create an elegant and unique experience.

<i>Theme</i>	<ul style="list-style-type: none"> • Celebration of 50 years • Formal affair • Location to be under the stars • Fervor style
<i>Venue</i>	<p>Outside location to be bespoke and highlight the majestic backdrop of the Pilbara landscape.</p> <ul style="list-style-type: none"> • White tablecloth setting • Festoon lighting for atmosphere of elegance • Gas heaters • Music • Portable loos • Temporary bar setup • Temporary kitchen setup

Confirmed Minutes – Public Ordinary Council Meeting 8 February 2022

<i>Date</i>	Friday (night before the Community Concert), June 2022
<i>Guests</i>	<ul style="list-style-type: none"> • Current Councillors • Past Councillors • Local and State Politicians • Other significant members of the community • Key stakeholders including RTIO
<i>Food and drinks</i>	<ul style="list-style-type: none"> • Fervor style dinner • Pop up bar serving Beer, Wine, Champagne, and non-alcohol refreshments, with associated security measures.
<i>Entertainment</i>	<ul style="list-style-type: none"> • Live acoustic or similar background music • Speeches
<i>Transportation</i>	Buses to transport guests to and from venue to minimise risk of drink driving
<i>Ticketing</i>	Invite only event

Item Description	Estimated Spend
Event Management	\$20,000
Equipment	\$30,000
Catering	\$30,000
Entertainment	\$10,000
Memorabilia	\$10,000
Total estimated spend	\$100,000

Tom Price, Community Concert

Event Objectives

The event will meet the following objectives:

- Mark the 50th year Anniversary of the Shire
- Showcase the Pilbara culture, bringing community together to participate in commemorating the occasion and acknowledge their contribution to the town.

Event Elements

The event will have the following broad elements to create an elegant and unique

Confirmed Minutes – Public Ordinary Council Meeting 8 February 2022

experience -

<i>Theme</i>	<ul style="list-style-type: none"> • Celebration of 50 years • Family friendly event
<i>Venue</i>	<p><i>Outdoors Event</i> Option is the space outside the Golf Club (not building). Setup to include:</p> <ul style="list-style-type: none"> • festoon lighting for atmosphere • gas heaters • stage for band and dance area • portable loos • temporary bar setup - garden bar style
<i>Date</i>	Saturday, June 2022
<i>Guests</i>	Tom Price Residents and wider Community
<i>Food and drinks</i>	<ul style="list-style-type: none"> • Food vans • Availability of a bar for guests to purchase refreshments, with associated security measures. • Alcohol to be branded Ashburton Lager/sparkling • wine and / or beer featuring Northern WA suppliers such as Matso's, Spinifex and Moontide Gin etc.
<i>Photography</i>	Professional photography services
<i>Entertainment</i>	<ul style="list-style-type: none"> • A well-known, crowd puller band • Children's activities • Speeches
<i>Ticket pricing</i>	Free Event

Item Description	Estimated Spend
Equipment/Infrastructure	\$40,000
Event Management	\$30,000
Kids Activities	\$20,000
Entertainment	\$40,000

Confirmed Minutes – Public Ordinary Council Meeting 8 February 2022

Food Vendors/Stalls	\$15,000
Pop Up Bar and Refreshments	\$10,000
Miscellaneous	\$5000
Marketing Contribution	\$5000
Total estimated spend	\$165,000

Onslow, Beef on Reef

Event Objectives

- The event will meet the following objectives:
- Mark the 50th year Anniversary of the Shire.
- Bring members of the community together to participate in commemorating the occasion by inspiring, delighting and respecting the Shire’s local cultural identity.
- Acknowledge Pastoralists in the region by showcasing beef produce from the region.
- Acknowledge the Traditional Owners of the land through a bespoke art piece to commemorate the occasion.
- Raise the profile of Onslow and the Shire in the community and the wider Pilbara region.

Event Elements

The event will have the following broad elements to create an elegant and unique experience.

<i>Theme</i>	<ul style="list-style-type: none"> • Celebration of 50 years • Aboriginal art
<i>Venue</i>	Onslow Beachfront Esplanade (Reef concept)
<i>Audience</i>	Onslow community, families, tourists, local and regional businesses, key stakeholders.
<i>Date</i>	Weekend
<i>Entertainment</i>	<ul style="list-style-type: none"> • Live music • Family friendly activities i.e. The Bucking Bull
<i>Food and drink</i>	<ul style="list-style-type: none"> • Cook-off & Tastings – smoking/cooking of the local produce set up on the Esplanade that is then distributed to attendees in free tastings.

	<ul style="list-style-type: none"> • Food vans • Alcohol premise zone with associated security measures
--	---

Item Description	Estimated Spend
Entertainment	\$30,000
Equipment / Infrastructure	\$20,000
Kids Activities	\$10,000
Travel and Accommodation	\$5,000
Food Vendors / Stalls	\$10,000
Event Management	\$30,000
Miscellaneous	\$5,000
Marketing Contribution	\$5,000
Total estimated spend	\$115,000

To complement the flagship events in leaving a cultural legacy which enhances each community, a “Park in a Day” concept is proposed.

This model will bring together members of the community and the Shire, on a single day, to create a space which reflects and responds to each community’s unique identity.

The Chief Executive Officer has had preliminary discussions with funding partners to investigate the “Park in a Day” concept for both Tom Price and Paraburdoo.

These discussions will form the basis of a future report back to Council.

The following options have been proposed for a Park in a Day:

Tom Price

Anzac Memorial Park Precinct

This option provides for the beautification of 2 sections surrounding the existing Anzac memorial park - Stage A and stage B.



Lot 900 – Area W – Passive Recreation Green Space

This option will create a passive recreation space for the Area-W. It is suggested that the walking path can have a Story Board for the Shire and for Rio Tinto throughout the years. A green space and BBQ area will be provided.



Paraburdoo – Anzac Memorial Garden

This proposal includes the redevelopment of the existing ANZAC memorial to incorporate gardens and laser cut sculptures guarding an entrance to this special place of reflection.

The sculptures will be determined in consultation with Western Australia Returned Services League, who are researching the services represented from the local Paraburdoo area.



Onslow

Basin 2 Beautification – This project will improve the streetscape adjacent to Stormwater Basin 2 with turfed verges to tie into the new Basin 2 beautification project.



Consultation

Executive Leadership Team
Rio Tinto

Statutory environment

Nil

Financial implications

The net result of the proposed events to the annual budget is \$nil.

It is, however, proposed to allocate \$125,000 of Rio Tinto Agreement monies (CISP) funding towards these events, as per the following table –

	Projects/Events	Expected Cost	Untied Funding	CISP Funding	Further Funding
Onslow - \$245,000	Beef on Reef community Event	115,000	115,000		
	Marketing contribution	5,000	5,000		

Confirmed Minutes – Public Ordinary Council Meeting 8 February 2022

	Signature event contribution	25,000	25,000		
	Park/Basin 2 verge beautification	75,000	75,000		
Pannawonica \$105,000	Mural	30,000		30,000	
	Community Sundowner	45,000		45,000	
	Marketing contribution	5,000	5,000		
	Signature event contribution	25,000	25,000		
Tom Price - \$195,000	Community Event	165,000	165,000		
	Lot 900 Passive space	TBC			TBC
	Marketing contribution	5,000	5,000		
	Signature event contribution	25,000	25,000		
Paraburdoo - \$105,000	Mural and Sundowner	75,000	25,000	50,000	
	ANZAC memorial redevelopment	TBC			TBC
	Signature event contribution	25,000	25,000		
	Marketing contribution	5,000	5,000		
TOTAL		625,000	500,000	125,000	

Strategic implications

Shire of Ashburton Strategic Community Plan 2017-2027 Living Life (2019 Desktop Review)

Goal 01 Vibrant and Active Communities

Objective 1 Connected, caring, and engaged communities

Strategic Direction Establish a strategic approach to community development planning that focuses on building social capital, developing community capability and addresses social isolation and dislocation all residents across the Shire.

Goal 01 Vibrant and Active Communities

Objective 4 A rich cultural life

Strategic Direction Encourage and support community involvement with and appreciation of arts and culture.

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Council does not proceed, which would mean some community events may not be provided.	Rare (1)	Minor (2)	Low (2)	<u>Reputation</u> Substantiated, localised impact on community trust or low media item.	Provide Council with appropriate information, analysis and assessment for decision making.

The following Risk Matrix has been applied:

Consequence Likelihood		Risk Matrix				
		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 "Low" because of Council's previous support for the celebrations.

Policy implications

There are no known policy implications for this matter.

Voting requirement

Simple majority

Councillor interest declarations

Cr T Mladenovic	-	Indirect Financial
Cr A Smith	-	Indirect Financial
Cr A Sullivan	-	Indirect Financial
Cr M Lynch	-	Indirect Financial

Officer recommendation

That with respect to the 50-year celebrations, Council –

- a Acknowledges the 50th anniversary of the Shire of Ashburton as being 8 June 2022,
- b Endorses the incorporation of a 50th anniversary commemoration within the existing works planned in Onslow to be undertaken as part of the beautification of Stormwater Basin 2,
- c Endorses the establishment of a passive recreation Park in a Day concept for Tom Price at Lot 900 Area W,
- d Endorses the Park in a Day concept for Paraburdoo with the redevelopment of the Paraburdoo Cenotaph within the Village Centre,
- e Authorises the Chief Executive Officer to continue to negotiate suitable funding arrangements with Rio Tinto Iron Ore for the Park in a Day, and other associated events and activities, and present back to council at the March 2022 Ordinary Council Meeting, and
- f Endorses the proposed expenditure model for the celebrations.

Council Decision

The quorum required for the meeting to continue, and consider this item, could not be met (as per Section 5.19 of the Local Government Act 1995). Council proceeded to the next item of business.

14 Infrastructure Services reports

14.1 Roebourne-Wittenoom Road Management

File reference	RD03
Author's name	M Fanning
Author's position	Acting Director Infrastructure Services
Author's interest	Nil
Authorising officer's name	M Fanning
Authorising officer's position	Acting Director Infrastructure Services
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	20 January 2022
Previous meeting reference	Not applicable

Summary

Council is responsible for maintaining approximately 1,453 kilometres of unsealed roads and provides an annual budget allocation of approximately \$1.9 million to these roads.

Sections of the Roebourne-Wittenoom Road (approximately 150 kilometres in length) have been identified as having asbestos contamination which, when combined with necessary Workplace Health and Safety requirements, means the maintenance treatment for this road will cost approximately \$1.2 million each treatment.

This report provides Council with options and recommendations to manage the future of the Roebourne-Wittenoom Road and recommends meeting with the State Government to discuss options to address this issue.

Background

The Shire of Ashburton is responsible for the management of approximately 1,453 kilometres of unsealed roads and 173 kilometres of sealed roads, with the focus of this report being the management of specific unsealed sections of Roebourne-Wittenoom Road (approximately 150 kilometres in length).

Traffic volumes for this road range from 50 to 100 vehicles per day, however, recent counts on the Fortescue River Crossing Road which is accessed by the Roebourne-Wittenoom road have traffic volumes of up to 370 vehicles per day, which suggests increased mining and exploration activity.

The Shire has the ongoing responsibility, under the *Land Administration Act 1997*, for the maintenance of Roebourne-Wittenoom Road and the road continues to be used for a range of purposes, including access to pastoral leases, significant mining activities and tourism.

Shire officer observations during road inspections indicate mining and exploration comprise the single largest user group in recent years, with the road still being a popular tourist route (the ultimate destination being access to the Pilbara's significant National Park attractions) and it is not uncommon for caravans to be observed camping overnight in quarry pits adjacent to the road.

Ongoing access to pastoral leases is an important consideration for the current and future use of this road corridor.

On 13 June 2017, Department of Water and Environment Regulation (DWER) declared parts of the Roebourne-Wittenoom Road contaminated sites requiring remediation as asbestos fibres had been identified in the soil along this road.

These sites have been placed onto the State Contaminated Land Register. A copy of one of the sites contained on the register is attached.

Attachment 14.1A

The basic summary of the entry into the Register made by DWER states, for the Roebourne-Wittenoom Road, such a declaration was determined by the State Government because of asbestos fibres having been identified in several locations along the road.

The entry goes on to state:

“The site was reported because during road widening preparation works, bags of asbestos material / fibres were identified in several locations along the road corridor according to the contamination notification.

The bags of asbestos material are thought to have been lost from trucks which transported products from Wittenoom and the surrounding asbestos mines to the local ports. During investigations at Wittenoom Mine, anecdotal reports of

bags falling off trucks were noted. The location of these bags was unknown at the time. They may have been in place on the road verges since before 1966, when the mines closed.

Given the passage of time since the bags were dropped, the integrity of the bags has failed. The asbestos is now found in piles, though some fibres may have been blown away, some impact areas have been noted to be 60m in length.

A contamination assessment has yet to be carried out.

Given the nature of the impact of distinct piles of asbestos fibres, it is considered free asbestos fibres are likely to be present in soils at quantities in excess of those specified in the 'Guidelines for the Assessment, Remediation and Management of Asbestos-Contaminated Sites in Western Australia' (Department of Health, May 2009) though the quality of the surrounding soils has not been investigated.

As the site has not been investigated a comment cannot be made on the suitability of the site as a whole as a road and / or road verge.

Based on the presence of free asbestos fibres the site is contaminated and remediation is required to reduce risks to human health, the environment, and environmental values to acceptable levels. Therefore, the site is classified as 'contaminated - remediation required'.

Additionally, the entry includes the following –

“Action Required:

This site is considered to be high priority for action to be taken to address contamination.

As remediation of the site is required, remedial options must be assessed, and a remediation action plan developed for the site.

Due to the presence of asbestos in soils, DER recommends that a site-specific health and safety plan be developed to address the health risks associated with asbestos impact at the site.

A Site Management Plan should be developed as other impacted locations may be identified during future works.”

In 2018, the Shire implemented an internal Workplace Health and Safety Policy restricting Shire officers and Shire equipment from using this road.

There are no restrictions which apply to the public or any other road user.

Due to these imposed restrictions, the road cannot be subject to the accepted standard maintenance practices.

Under normal circumstances Roebourne-Wittenoom Road would be graded twice per year.

Over the past three (3) years it has been graded twice, primarily due to the financial commitment required to perform such works and Council's financial capacity.

This has resulted in a decline in road serviceability due to erosion, usage, and reduced maintenance.

The road was wet graded in 2019 by Main Roads Western Australia (MRWA), while Stage Three (3) of the Manuwarra Red Dog Highway was under construction.

This was essentially done as a "one-off" assistance to the Shire and was organised by MRWA with appropriate asbestos management arrangements in place.

Further advice received from MRWA states "... Main Roads will not be undertaking any further maintenance works on the Roebourne-Wittenoom Road within the Shire's remit".

Attachment 14.1B

The road was then graded in early-2021 using the same contractor as in 2019, costing over \$600,000 for a basic grade with no compaction or repairs to the formation and drainage.

It is considered this treatment may, in fact, have accelerated the deterioration of the road over the past ten (10) months.

The Shire has received several complaints from local pastoralists, mining and exploration entities, and the public, regarding the current deteriorating condition of the road.

The cost for the Roebourne-Wittenoom Road for a normal flat blade maintenance grade without water, reforming and compaction is \$60,000 (6 kilometres per day x \$2,400 / day x 150 kilometres of road).

The cost for a normal road of the same length to perform a form, grade, water, and roll is approximately \$450,000, which is the treatment now required for the Roebourne-Wittenoom Road.

The cost of undertaking these works, on the Roebourne-Wittenoom Road, by contract with the required asbestos management controls in place is estimated at \$1.2 million (2.7 times the cost of a normal road), making the cost of employing contractors to do this work, on an ongoing basis, prohibitive.

The two (2) treatments per year, alone, will cost approximately \$2.4 million, which is significantly more than the current unsealed roads maintenance budget.

The sections requiring works are in total 150 kilometres in length, as follows –

Roebourne-Wittenoom Road (Python Pool Rd)

- SLK – 0.00 to 6.35
- SLK – 15.89 to 25.58

Roebourne-Wittenoom Road (Rail Access Road to Wittenoom)

- SLK – 74.00 to 208.00

Comment

Asbestos contamination management for the impacted road sections requires the following to be developed or performed to comply with Work Health and Safety and National Asbestos Management requirements –

1. Detailed assessment of the road corridor (including the area 50-70 m either side of the road) to identify contaminated sites,
2. Establish an Asbestos Contamination Management (ACM) register,
3. Establishment of exclusion Zones around identified sites,
4. Develop an Asbestos Management Plan (AMP),
5. Develop an Asbestos Removal Control Plan,
6. Develop Safe Work Method Statements for each activity / process to be undertaken the requirement for positive pressure cabs and HEPA Filters,
7. Develop an Asbestos containment plan, and
8. Develop a decontamination process for all plant and equipment.

Attachment 14.1C

In addition, from the previous AMP documentation, site monitoring involving air monitoring externally and within each item of plant will be required by WorkSafe WA.

All these works will be required to be undertaken by a suitably qualified and experienced asbestos management contractor.

As can be seen the legislative compliance requirements and safety system needed to be implemented to provide a safe workplace are exhaustive and costly.

The Shire expended over \$600,000 in March 2021 to flat blade the road sections (which was carried out in this manner due to the need to implement an Asbestos Management Plan), which did not involve rolling and was only a grader and water cart, with no reforming, compaction, or drainage works.

To perform a single form, grade, water, and roll maintenance treatment it is estimated this will cost \$1.2 million.

Council is responsible for maintaining 1,453 kilometres of unsealed roads and provides an annual budget allocation of approximately \$1.9 million to these roads.

Additionally, further works have been identified on the road (determined as having resulted from extensive mine activity traffic), which would result in approximately \$1.8 million of works to be undertaken on those sections of Roebourne-Wittenoom Road in just over 12 months.

Given the financial capacity of Council, and existing road maintenance requirements, the ability to perform the necessary works does not seem plausible within current financial means, and without some external financial assistance.

The estimated costs for the proposed works do not include remediation, only maintenance, of existing or newly identified sites.

Action Taken to date

Correspondence was issued by the Shire President (16 November 2018) to the Hon Mark McGowan MLA expressing Council's concerns and need to close the road.

These concerns have been summarised below:

“To date there has been no commitment, responsibility or financial assistance afforded to the Shire to resolve this serious issue. There has been effort placed into the Wittenoom Asbestos Management Area (WAMA) which commences at

SLK 195 but nothing relating to the issues being faced and identified to the State Government by the Shire.”

Identified Current Risks and Potential Liabilities

The following section identifies some of the main risks associated with this matter to assist Council in understanding the potential liability and risk profile:

- Potential exposure to litigation (such as civil or common law claims) arising from persons who may develop an asbestos related disease because of their exposure to contamination to the asbestos bags whilst driving along this road, or otherwise utilising it.
- Potential exposure to a personal injury claim and / or property damage claims from parties who have suffered loss and damage because of an accident which occurs on the Road due to the road condition should the Council not be in a financial position to maintain the road due to the increased costs associated with the management of the asbestos contamination.
- The Shire, as the relevant public authority, has legal obligations (pursuant to both common law and statutory law such as the *Occupiers Liability Act 1985*, *Local Government Act 1995*, *Civil Liability Act 2002*, and the *Contaminated Sites Act 2003*) to protect members of the public from exposure to health hazards such as asbestos, in circumstances where there is a foreseeable and real risk of significant public harm occurring.
- The Shire has an obligation to protect road users from sustaining personal injuries and / or damage to their property / vehicles should the road deteriorate to a state of disrepair.
- The Shire has an obligation to protect itself from any potential personal injury and / or property damage claims which may arise because of the poor condition of the road, due to it being declared a contaminated site and the consequential inability of the Shire to repair and maintain the road in a cost-effective manner.

Realigned sections

It is known certain small sections of the road alignment were changed since the closure of the mine and cessation of the haulage of Blue Asbestos from Wittenoom.

Shire officers are currently attempting to have these sections identified through historical aerial photographs.

If these sections can be established, then these parts of the road can be graded as they did not form part of the original haulage route. These sections, however, are thought not to be significant in length.

Options Analysis

The following options have been considered and are presented to assist Council in determining a path forward in managing this matter –

- *Option 1 – Do nothing*
This option would result in Council not maintaining the road and leaving it in the current condition. This option would increase Council's liability as the road condition would deteriorate and eventually become unpassable for the travelling public.
- *Option 2 – Perform maintenance*
This option would require Council to allocate, as a minimum, an additional \$1.2 million into the unsealed roads maintenance annual budget. This would provide for a single annual treatment.
- *Option 3 – Upgrade and seal the road*
This option would require significant capital investment, estimated at approximately \$30 million, plus remediation. This figure is difficult to determine given no survey or design at this stage. This option could be delivered using the current annual Regional Road Group (RRG) full allocation of \$1.7 million (\$1.31 million RRG, plus a one-third (1/3) Council matching allocation of \$562,000). This approach would take over twenty (20) years to deliver which would be at the expense of the remaining RRG network.

The Pilbara Regional Road Group currently operates on an equal share funding distribution model. Even with the full Pilbara RRG annual allocation of \$4.6 million this would still require significant additional funds from Council and would take over five (5) years to complete, plus remediation.

An alternate solution would be to seek funding from the State Government to seal and remediate the road as a single project.

- *Option 4 – Temporary Closure of the Roebourne-Wittenoom Road until remediated*
The only practically effective way for Council to minimise the liability and risk associated with the known contamination, and the requirements to protect members of the public from potentially serious harm, is to prevent all public access to the Roebourne-Wittenoom Road until it has been remediated.
Under the current situation the Shire, as the local public authority, will have no option but to close the Road to all members of the public, by whatever means are appropriate and possible, for the duration of the contamination problem and until full and proper remediation has been implemented and has removed the

contamination problem, at least to the point where it no longer poses a hazard to human health.

Such a road closure would cause significant commercial disruption and inconvenience to members of the local community who use the road, including pastoralists, tourists, and mining companies.

Any closure of a public road must be enacted under section 3.50 of the *Local Government Act 1995*.

An initial assessment of this option would require the installation of five locked gates under the *Local Government (Uniform Local Provisions) Regulations 1996* Part 9 and 10. In addition, an exception permit would be required to be issued to local pastoralists so that they can maintain legal access. Keys would need to be issued to local pastoralists. A plan showing the proposed gate locations is attached. This option would not only affect the Roebourne-Wittenoom Road pastoralists, but it will also impact those on Mulga Downs Road and Hooley Road.

Upon completion of remediation works the road could be re-opened to all users.

Attachment 14.1D

- *Option 5 – Apply to the State to permanently close the road*
This option would be for the road to be permanently closed and the road reserve amalgamated into surrounding pastoral leases. This option would significantly impact the local pastoralists, which currently require the use of this road for access, as they would need to create and maintain their own access. This would not only affect the Roebourne-Wittenoom Road pastoralists, but also those on Mulga Downs Road and Hooley Road.
- *Option 6 – Advocate for the road to be declared a Main Road and the responsibility of the State Government*
This option would see the road reclassified as a main road and fall under the responsibility of the Western Australia Department of Main Roads. This option has merit as this would complete the main roads network within the area linking other strategic main roads. This is considered the most appropriate cause of action now for Council and, as such, the report recommends this option be actioned through consultation with the State Government.

Consultation

Manager Assets and Programming

Department of Planning Lands and Heritage (DPLH)

Department of Water and Environmental Regulation (DWER)

Worksafe – Department of Mines, Industry Regulations and Safety

Statutory Environment

Asbestos Management

Occupational Safety and Health Regulations 1996

Part 5 Hazardous substances

Division 4 — Further requirements in relation to certain hazardous substances

Subdivision 1 — Asbestos

Requirements Summarised

The persons in control of the workplace have an obligation under the *Occupational Safety and Health Regulation 1996* to protect workers from asbestos hazards. The persons in control of the work must comply with –

- *Occupational Safety and Health Act 1984*
- *Occupational Safety and Health Regulation 1986*
- *Code of Practice for the Safe Removal of Asbestos (NOHSC:2002(2005))*
- *Code of Practice for the Management and Control of Asbestos in Workplaces (NOHSC:2018(2005))*
- *Health (Asbestos) Regulation 1992*
- *Assessment and management of contaminated sites (DER, 2014)*
- *Guideline for the Assessment, Remediation and Management of Asbestos Contaminated sites in Western Australia (DoH 2009)*
- *National Model Regulations for the Control of Workplace Hazardous Substances*
- *National Exposure Standards for Atmospheric Contaminants in the Occupational Environment*
- *Workplace exposure standards for airborne contaminants, Safe Work Australia (2018)*

Road Closure

Extract – Local Government Act 1995, Section 3.50

3.50. *Closing certain thoroughfares to vehicles*

- (1) *A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.*
- (1a) *A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.*
- (2) *The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.*
- [(3) *deleted*]
- (4) *Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to —*
 - (a) *give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission; and*
 - (b) *give written notice to each person who —*
 - (i) *is prescribed for the purposes of this section; or*
 - (ii) *owns land that is prescribed for the purposes of this section;**and*
 - (c) *allow a reasonable time for submissions to be made and consider any submissions made.*
- (5) *The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (4)(a).*
- (6) *An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which local public notice is given.*
- [(7) *deleted*]
- (8) *If, under subsection (1), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.*
- (9) *The requirement in subsection (8) ceases to apply if the thoroughfare is reopened.*

[Section 3.50 amended: No. 1 of 1998 s. 11; No. 64 of 1998 s. 15; No. 49 of 2004 s. 26.]

Gates on Public Roads

Extract - Local Government (Uniform Local Provisions) Regulations 1996

9. *Permission to have gate across public thoroughfare — Sch. 9.1 cl. 5(1)*

- (1) *A person may apply to the local government for permission to have across a public thoroughfare under the control or management of the local government a gate or other device that enables motor traffic to pass across the public thoroughfare and prevents livestock from straying.*
- (2) *The local government may, before dealing with the application, require the applicant to publish notice of the application in such manner as the local government thinks fit.*
- (3) *Permission granted by the local government under this regulation —*
 - (a) *must be in writing; and*
 - (b) *must specify the period for which it is granted; and*
 - (c) *must specify each condition imposed under subregulation (4); and*
 - (d) *may be renewed from time to time; and*
 - (e) *may be cancelled by giving written notice to the person to whom the permission was granted.*
- (4) *The local government may impose such conditions as it thinks fit on granting permission under this regulation including, but not limited to, conditions on the construction, placement and maintenance of the gate or other device across the public thoroughfare.*
- (5) *The local government may, when renewing permission granted under this regulation or at any other time, vary any condition imposed by it under subregulation (4) and the variation takes effect when written notice of it is given to the person to whom the permission was granted.*
- (6) *The local government may at any time, by written notice given to the person to whom permission was granted under this regulation, cancel the permission, and request the person responsible for the gate or other device to remove it within a time specified in the request.*
- (7) *A person to whom a request is made under subregulation (6) must comply with the request.*

Penalty: a fine of \$5 000.
- (8) *A local government must keep a register of gates and other devices constructed in accordance with a permission granted under this regulation.*

Note for this regulation:

This regulation is of a kind prescribed in the Local Government Act 1995 Schedule 3.1 Division 2 item 1A. This means that an offender might be given a notice under section 3.25(1)(b) of the Act and if the notice is not complied with the local government

may, under section 3.26, itself do what the notice required and recover the cost from the offender.

[Regulation 9 amended: Gazette 1 Feb 2013 p. 425-6.]

10. Gate across thoroughfare not to be left open — Sch. 9.1 cl. 5(2)

A person who is responsible for a gate registered under regulation 9(8) must ensure that the gate is not left open.

Penalty: a fine of \$1 000.

[Regulation 10 inserted: Gazette 1 Feb 2013 p. 426.]

Risk of Liability for known road conditions

Civil Liability Act 2002, Part 1C Liability relating to public function

5Z. Special protection for road authorities

(1) In this section —

***carry out road work** means carry out any activity in connection with the construction, erection, installation, maintenance, inspection, repair, removal, or replacement of a road;*

***road** has the meaning given to that term in the Main Roads Act 1930 section 6;*

***roads authority**, in relation to a road, means a public body or officer whose functions include carrying out road work on that road.*

(2) A roads authority is not liable in proceedings to which this Part applies for harm arising from a failure of the authority to carry out road work, or to consider carrying out road work, unless at the time of the failure the authority had actual knowledge of the particular risk that caused the harm.

(3) This section does not operate —

(a) to create a duty of care in respect of a risk merely because a road authority has actual knowledge of the risk; or

(b) to affect any standard of care that would otherwise be applicable in respect of the risk.

[Section 5Z inserted: No. 58 of 2003 s. 8.]

Occupiers Liability Act 1985

This Act prescribes the standard of care owed by occupiers and landlords of premises to persons and property on the premises. Council has a duty of care under this legislation as it has control of land containing the Roebourne-Wittenoom Road.

Contaminated Sites Act 2003

Part 3 — Remediation of contaminated sites

Division 1 — Person responsible for remediation

This section discusses those parties responsible for remediation of contaminated sites – this act clearly states the person who caused the contamination is responsible for its remediation.

Financial Implications

There are significant current and potential future risks imposed on the Shire in the management of the Roebourne-Wittenoom Road. Should Council be required to remediate the contamination, this cost would be \$millions and beyond the financial capacity of the Shire. In addition, any potential future litigation due to not removing the risk to workers and public may also amount to liabilities in the order of \$millions.

By way of example, the Shire, should it be required to grade the road under the current regulatory environment to protect the traveling public and provide a safe road, once per year, would be required to expend over \$1.2 million which exceeds 61% of its total unsealed roads maintenance annual budget on just 150 kilometres or 10% of the unsealed road network. This excludes any costs associated with any remediation costs, which are extensive and beyond the current financial capacity of the Council.

Strategic Implications

Shire of Ashburton Strategic Community Plan 2017-2027 Living Life (2019 Desktop Review).

Goal 04	Quality Services and Infrastructure
Objective 01	Quality Public Infrastructure
Strategic Direction	Provide and maintain affordable infrastructure which serves the current and future needs of the community, environment, industry, and business.

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Injury or Death Inadequate maintenance or renewal of the sealed road network may result in vehicle accidents and death.	Likely (4)	Catastrophic (5)	Extreme (20)	<u>People</u> Fatality, permanent disability	Either maintaining the road to required standard allocating a minimum \$1.2M + remediation budgets or close the road
Reputation Council does not perform the necessary repairs resulting in social media or negative public comment	Possible (3)	Moderate (3)	Moderate (9)	<u>Reputation</u> Substantiated, public embarrassment, moderate impact on community trust or moderate media profile	Either maintaining the road to required standard allocating a minimum \$1.2m + remediation budgets or close the road
Legal Liability Council due to allowing public access to the road is held liable for asbestos related disease	Likely (4)	Catastrophic (5)	Extreme (20)	<u>Financial</u> >\$5 M	Removing the risk of exposure through the closure of the road
Service Interruption The potential closure or further deterioration of the road to a state where it is un-useable	Likely (4)	Catastrophic (5)	Extreme (20)	<u>Financial</u> >\$5 M Significant industry and economic costs	Either Increase expenditure to maintain the road or advocate for the State Government to take over control of the Road
Compliance Action The Government acts against the Council for failing to remediate and address the Asbestos contamination	Likely (4)	Catastrophic (5)	Extreme (20)	<u>Non-compliance</u> results in litigation, criminal charges or significant damages or penalties to Shire/Officers	Either Increase expenditure to maintain the road or advocate for the State Government to take over control of the Road
Reputation Council received poor publicity should it decide to close the road due to health and safety reasons reason.	Possible (3)	Moderate (3)	Moderate (9)	<u>Reputation</u> Substantiated, public embarrassment, moderate impact on community trust or moderate media profile	Either maintaining the road to required standard allocating a minimum \$1.2m + remediation budgets or close the road

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 initial identified level of risk is “Extreme” due to the risk of potential incident from poor road conditions, litigation, or compliance action. The residual risk will be minimal should the road be closed, however will remain extreme should the road remain open.

Policy implications

ENG09 Asset Management Policy

Council agrees to allocate sufficient resources to ensure effective asset management practices, timely maintenance, and renewal of assets so community services are sustained in the long-term.

ENG13 Road Management Policy

The Road Management Policy is a key component of the planning and asset management process, which sits alongside *ENG09 Asset Management Policy*, both supporting the strategic management of Council assets.

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to Roebourne-Wittenoom Road Management, Council –

- a Seeks to reclassify the road as a Main Road which would fall under the responsibility of the State Government, noting this would complete an essential strategic transport link between the Manuwarra Red Dog Highway and Great Northern Highway, and
- b Should the State Government not agree to reclassify the road as a Main Road then the State Government be requested to fully fund the remediation and sealing of the road as –
 - i the necessary works are beyond the financial capacity of Council to undertake,
 - ii the State Government were the Regulator at the time of the mining activity which caused the contamination, and
 - iii as the Regulator, the State Government failed to act in a reasonable manner to rectify known contamination.

Council Decision	9/2022
Moved	Cr M Lynch
Second	Cr R de Pledge
That with respect to Roebourne-Wittenoom Road Management, Council –	
a	Seeks to reclassify the road as a Main Road which would fall under the responsibility of the State Government, noting this would complete an essential strategic transport link between the Manuwarra Red Dog Highway and Great Northern Highway, and
b	Should the State Government not agree to reclassify the road as a Main Road then the State Government be requested to fully fund the remediation and sealing of the road as – <ul style="list-style-type: none">i the necessary works are beyond the financial capacity of Council to undertake,ii the State Government were the Regulator at the time of the mining activity which caused the contamination, andiii as the Regulator, the State Government failed to act in a reasonable manner to rectify known contamination.
Carried 8/0	

14.2 Project update for the Pilbara Regional Waste Management Facility

File reference	WM07
Author's name	H Pickering
Author's position	Manager of Waste Services
Author's interest	Nil
Authorising officer's name	M Fanning
Authorising officer's position	Acting Director Infrastructure
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	20 January 2022
Previous meeting reference	Not applicable

Summary

The Pilbara Regional Waste Management Facility (Onslow) was issued a Class IV Perfluoroalkyl and Polyfluoroalkyl Substances licence in December 2021 allowing the site to operate only in a limited capacity.

The intention and financial viability of the Facility is broader than the current licence allows.

Council is requested to note the status update provided in this report and request the Chief Executive Officer to pursue discussions with State Government to issue a fully functioning licence for the Facility.

Background

In May 2021 Shire officers submitted a licence application under Part V, Division 3 of *Environmental Protection Act 1986* for the operation of the Pilbara Regional Waste Management Facility (PRWMF).

Approval for construction of the premises was granted under a works approval on 9 April 2021, a compliance report was provided to demonstrate the works were carried out in accordance with the works approval.

Several non-conforming items were identified, and additional information was provided to the Department of Water and Environmental Regulations (DWER), enabling the determination of compliance for most of the outstanding items.

Several non-conformances were found to have not been addressed by the works and have been assessed to continue to be non-compliant in accordance with the works approval conditions with these items currently being assessed to determine if compliance action is required.

DWER determined these items were not material to the determination of the current licence and therefore the licence application was formally accepted on 12 October 2021.

Comment

A draft licence was issued by DWER on 25 November 2021, which required comment to be provided to DWER on the draft nature of the licence.

Following consideration of the comments, a final licence was issued on 22 December 2021 allowing the PRWMF to accept waste to the site, subject to conditions.

There are, however, several gaps within the allowable acceptance criteria which will have a significant impact on the operational viability of the facility upon commencement.

A meeting was held with DWER and Shire officers on 25 January 2022, in Perth with the aim of the meeting to review and discuss the licence and the associated conditions which, to date, have been excluded from the licence, these including:

- Putrescible Waste,
- Application for the acceptance / disposal of Class IV Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS),
- Application for a Liquid and Solid Waste Treatment Facility (including Prescribe premises 61, 61A and 85),
- Application for the acceptance / disposal of tyres, and
- Outstanding non-conformances clarification and Management Order amendment.

This meeting identified the most expedient paths for the Shire to take to achieve full compliance and the inclusion of all outstanding waste streams so the facility can reach its full operating potential.

These required steps are outlined below –

Putrescible Waste (domestic household waste)

Studies performed to date have not demonstrated the co-mingling of Putrescible waste into the other Class IV waste streams are acceptable and low risk.

As such it has been discussed the best path for the inclusion of Putrescible Waste into the facility will be for a separate cell to be built which will require a works approval and, following compliance, a licence amendment.

This will involve an additional capital investment which will need to be estimated once design parameters are known and this cell will not have the same liner specifications as the Class IV cell.

In the interim the waste from Onslow will need to continue to be transported to Tom Price.

Application for the acceptance/disposal of Class IV PFAS

The inclusion of this waste stream into the licence will require a separate application for licence amendment and the project team believes there is sufficient material already written to demonstrate the inclusion of this waste stream into the Class IV cell.

The project team will compile and submit a succinct licence amendment application for this stream.

Application for a Liquid and Solid Waste Treatment Facility (including Prescribe premises 61, 61A and 85)

The inclusion of this waste stream into the facility will require a works approval and licence application.

The application will require the full risk assessment of the different potential waste sources to determine any incompatible waste types as the submitted operational procedures were not robust in nature to demonstrate this.

It has been suggested to focus on the main-stream sources in the first instance to achieve early wins.

Application for the acceptance / disposal of tyres

To progress this waste stream approval the project team needs to build the specified mono-cell and then seek a compliance certificate, which will then see this waste stream included into the licence.

The reason it has been excluded from the licence is no infrastructure has been built to demonstrate compliance with the works approval.

Outstanding non-conformances clarification

This item will need to be a watching brief as it is the responsibility of the compliance team, and not the licencing team, which will progress this matter.

Some of the licence conditions, however, have already addressed some of the outstanding compliance matters.

A copy of the current licence has been attached.

Attachment 14.2A

Consultation

Department of Water and Environmental Regulation
Pilbara Environmental Services
Talis Consulting

Statutory environment

The operation of a Waste disposal facility must not commence until a licence under the *Environmental Protection Act 1986* has been granted.

A licence has now been granted, however, not all potential waste streams have been included at this stage.

A licence amendment application is expected to take at least ninety (90) days from the date of lodgement.

Financial implications

The financial impacts / risk will now be determined based on the above steps to achieve full operational potential.

The project team will endeavour to have these costs determined for the March 2022 Ordinary Council Meeting.

Depending on this information the agreed time to commence operation of the facility will need to be considered.

Strategic implications

Shire of Ashburton Strategic Community Plan 2017-2027 Living Life (2019 Desktop Review)

Goal 04 Quality Services and Infrastructure
 Objective 1 Quality public infrastructure
 Strategic Direction Provide and maintain affordable infrastructure which serves the current and future needs of the community, environment, industry, and business.

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Financial implication if agreement cannot be sought between all parties.	Unlikely (2)	Major (4)	Moderate (8)	\$1,000,000 to \$5,000,000	To ensure open communication and expert advice is sourced were necessary.

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 “Moderate” because the financial impact can be significantly high if all parties involved in the negotiation process cannot come to an agreement. The impact of this cannot be determined until after the scheduled meetings.

Policy implications

The are no policy implications.

Voting requirement

Absolute majority.

Councillor interest declarations

Nil

Officer recommendation

That with respect to the progress update of the Pilbara Waste Management Facility, Council –

- a Notes receipt of a limited operational licence for the facility and the proposed steps to achieve full operational status, and
- b Requests the Chief Executive Officer to work closely with the State Government to rectify the outstanding licence and legal matters to allow the Class IV Pilbara Regional Waste Management Facility to reach its full forecast potential as early as possible.

Alternate Motion

That with respect to the progress update of the Pilbara Waste Management Facility, Council –

- a Notes receipt of a limited operational licence for the facility and the proposed steps to achieve full operational status, and
- b Requests the Chief Executive Officer to work closely with the State Government to rectify the outstanding licence and legal matters to allow the Class IV Pilbara Regional Waste Management Facility to reach its full forecast potential as early as possible, and
- c Authorises the Chief Executive Officer to be able to expend funds (up to \$3 million) from Council's Waste Reserve to develop new cells for types of waste the Department of Water and Environmental Regulation have now required to be separated.

Council Decision 10/2022

Moved Cr L Rumble

Second Cr A Sullivan

That with respect to the progress update of the Pilbara Waste Management Facility, Council –

- a Notes receipt of a limited operational licence for the facility and the proposed steps to achieve full operational status, and**
- b Requests the Chief Executive Officer to work closely with the State Government to rectify the outstanding licence and legal matters to allow the Class IV Pilbara Regional Waste Management Facility to reach its full forecast potential as early as possible, and**
- c Authorises the Chief Executive Officer to be able to expend funds (up to \$3 million) from Council’s Waste Reserve to develop new cells for types of waste the Department of Water and Environmental Regulation have now required to be separated.**

Reason for Change

Council requires this matter to be finalised expeditiously and recognises funds will be required to do so.

Carried 8/0

15 Projects and Procurement reports

Nil

16 Councillor agenda items / notices of motions

Nil

17 New business of an urgent nature introduced by Council decision

Nil

Council Decision	11/2022
Moved	Cr A Smith
Second	Cr T Mladenovic
That Council, at 1:38pm, pursuant to Clause 6.2 of the <i>Shire of Ashburton Standing Orders Local Law 2012</i> consider the following confidential items behind closed doors,	
18.1 Appointment of Director Infrastructure Services	Carried 8/0

1:39pm Members of the public and all Shire Officers, except for the Chief Executive Officer and the Governance Officer, left the meeting.

18 Confidential matters

18.1 Appointment of Director Infrastructure Services

File reference	GV05
Author's name	A Heraty
Author's position	Manager Human Resources
Author's interest	Nil
Authorising officer's name	K Donohoe
Authorising officer's position	Chief Executive Officer
Authorising officer's interest	Nil
Name of applicant / respondent	Nil
Date report written	11 November 2021
Previous meeting reference	Nil

Summary

The position for Director Infrastructure Services (a designated senior employee position) was recently advertised, interviews concluded, and the selection of a preferred candidate made.

The Chief Executive Officer is to inform the Council of, and request Council accept, the proposal to appoint a senior employee.

Council is requested to consider the Chief Executive Officer's recommendation to appoint the preferred candidate for the position of Director Infrastructure Services.

Confidentiality

This report is confidential in accordance with section 5.23 of the *Local Government Act 1995* because it deals with matters affecting -

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

"a matter affecting an employee or employees."

Council Decision 12/2022

Moved Cr L Rumble
Second Cr A Sullivan

That with respect to the appointment of the Director Infrastructure Services, Council, in accordance with section 5.37 of the *Local Government Act 1995*, accepts the recommendation by the Chief Executive Officer to appoint Mr Matthew Fanning as Director Infrastructure Services.

Carried 8/0

Council Decision 13/2022

Moved Cr A Smith
Second Cr M Lynch

That Council, at 1:41pm, move out from behind closed doors.

Carried 8/0

1:42pm Members of the public and Shire officers returned to the meeting.

K Donohoe, on behalf of the Presiding Member, read aloud the Council Decision made behind closed doors.

19 Next meeting

The next Ordinary Council Meeting will be held at 1:00pm on Tuesday 8 March 2022 at Ashburton Hall, Ashburton Avenue, Paraburdoo.

20 Closure of meeting

There being no further business, the Presiding Member closed the meeting at 1:45pm.