



**Shire of Ashburton  
Ordinary Council Meeting  
Confirmed Minutes  
(Public)**

**Ashburton Hall, Ashburton Avenue,  
Paraburdoo**

**14 June 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  
15 June 2022

These minutes were confirmed by Council as a true and accurate record of proceedings at the Ordinary Council Meeting held on Tuesday 14 June 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.....	6
	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 .....	8
6	Declaration by members .....	8
	6.1 Due consideration by Councillors to the agenda .....	8
	6.2 Declarations of interest .....	10
7	Announcements by the Presiding Member and Councillors without discussion .....	13
8	Petitions / Deputations / Presentations .....	13
	8.1 Petitions .....	13
	8.2 Deputations.....	13
	8.3 Presentations .....	13
9	Confirmation of minutes .....	13
	9.1 Confirmation of Council meetings .....	13
	9.2 Receipt of committee and other minutes.....	14
	9.3 Recommendations of committee meetings – En bloc .....	14
	9.4 Recommendations of committees .....	15
10	En bloc resolutions.....	15
	10.1 Agenda items adopted en bloc.....	15

Confirmed Minutes – Public Ordinary Council Meeting 14 June 2022

11	Office of the Chief Executive Officer reports .....	16
11.1	New Work Health and Safety Laws Critical Resource Requirement .	16
11.2	Proposed Demolition of Former Police Residence - 944 (3) First Street, Onslow (Reserve 42626).....	24
11.3	Development of Land for Future Industrial Use and Renewal of Lease – Lot 350 on DP049883 Boonderoo Road, Tom Price .....	35
11.4	Proposed Commercial Lease of portion of Lot 201 McAullay Road (Onslow Airport) for Aviation Gasoline .....	48
11.5	Assignment of Community Lease Paraburdoo.....	57
11.6	Onslow Water Tank Mural Commission .....	63
12	Corporate Services reports .....	70
12.1	Monthly Schedule of Accounts Paid.....	70
12.2	Monthly Financial Statements – April 2022 .....	74
13	People and Place reports.....	78
13.1	Endorsement of the Shire of Ashburton’s Local Emergency Management Arrangements and Local Recovery Plan. ....	78
13.2	Agreement-in-Principle for the Realignment of Peedamulla Road, Onslow .....	84
13.3	WAPC Application 246-22 for Survey Strata Subdivision on Lot 905 Pilkena Street, Tom Price.....	89
13.4	WAPC Application 162161 for Amalgamation on Lot 30 and 31 Yungu Road, Onslow.....	103
13.5	WAPC Application 162169 for Amalgamation and Subdivision on Lots 100 - 102 and Lots 116 – 118 Oleander Street, Lot 120 Cedar Street and Lots 172 – 175 Cassia Street, Tom Price.....	114
13.6	Acceptance of Community Support Grant Applications.....	125
14	Infrastructure Services reports.....	130
14.1	Application to Amend Restricted Access Vehicle Network - Hamersley Road, Mt Sheila.....	130
14.2	Award of RFT 07.22 Staircase to the Moon Civil Works, Onslow, WA .....	135
14.3	Application to Install Electric Vehicle Charging Station, Stadium Road, Tom Price.....	142
14.4	Unsealed Roads Annual Maintenance Program .....	147
15	Projects and Procurement reports .....	154

Confirmed Minutes – Public Ordinary Council Meeting 14 June 2022

15.1	Draft Onslow Foreshore Promenade Masterplan .....	154
16	Councillor agenda items / notices of motions.....	160
17	New business of an urgent nature introduced by Council decision .....	160
18	Confidential matters .....	162
18.1	Assignment of Retail Lease Paraburdoo .....	162
18.2	Proposed Retail Lease of vacant portion of Lot 811 (84) Ashburton Court, Paraburdoo.....	164
18.3	Development of Hazardous and Liquid Waste Facility – Pilbara Regional Waste Management Facility (PRWMF), Onslow .....	166
18.4	Pilbara Regional Waste Management Facility – Alliance Board Formation .....	169
19	Next meeting.....	171
20	Closure of meeting.....	171

## 1 Declaration of opening

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

### 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

#### Employees

K Donohoe	Chief Executive Officer
N Cain	Director Corporate Services
T Matson	Director People and Place
M Fanning	Director Infrastructure Services
C McGurk	Director Projects and Procurement
A Lennon	Manager Media and Communications
J Bray	Manager Governance
A Furfaro	Governance Officer
N Jeffrey	Executive Assistant Corporate Services

Guests

Nil

Members of the public

Nil

Members of the media

Nil

**3.2 Apologies**

Nil

**3.3 Approved leave of absence**

Cr J Richardson

Tableland Ward

14 June 2022

**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**

**Council Decision**                    **063/2022**

**Moved**                                    **Cr L Rumble**

**Second**                                  **Cr T Mladenovic**

**That with respect to applications for leave of absence, Council grants leave of absence to -**

- a        Cr M Gallanagh for 14 June 2022,**
- b        Cr M Gallanagh for 12 July 2022, and**
- c        Cr R De Pledge for 12 July 2022.**

**Carried 7/0**

## **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.

The Presiding Member requested the Chief Executive Officer read aloud the following correspondence from the Department of Local Government, Sport and Cultural Industries and noted each Councillor had been provided a copy -





Department of  
**Local Government, Sport  
and Cultural Industries**

Our ref E22053297  
Enquiries Troy Hancock  
Phone (08) 6552 1624  
Email [legislation@dlgsc.wa.gov.au](mailto:legislation@dlgsc.wa.gov.au)

Mr Kenn Donohoe  
Chief Executive Officer  
Shire of Ashburton

E: [Andrea.Furfaro@ashburton.wa.gov.au](mailto:Andrea.Furfaro@ashburton.wa.gov.au)

Dear Mr Donohoe

I refer to your correspondence dated 9 June 2022 and advise that, in accordance with the authority delegated by the Minister for Local Government, I have approved your application, under section 5.69(3) of the *Local Government Act 1995* (the Act).

Approval is granted to Cr Rumble, Cr Mladenovic, Cr Smith, and Cr Lynch to fully participate in the discussion and decision making relating to:

**14.3 - APPLICATION TO INSTALL ELECTRIC VEHICLE CHARGING STATION, STADIUM ROAD, TOM PRICE**

Conditions of approval:

- 1. The approval is only valid for the 14 June 2022 Ordinary Council Meeting when agenda item 14.3 is considered;*
- 2. The abovementioned Councillors must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided;*
- 3. The CEO is to provide a copy of the Department of Local Government, Sport and Cultural Industries (DLGSC) letter of approval to the abovementioned Councillors;*
- 4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;*
- 5. The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to the DLGSC, to allow the DLGSC to verify compliance with the conditions of this approval; and*
- 6. The approval granted is based solely on the interests disclosed by the abovementioned Councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.*

Should you require further information in relation to this matter, please contact Troy Hancock, Senior Legislation Officer, via the details provided above.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tim Fraser'.

TIM FRASER  
EXECUTIVE DIRECTOR – LOCAL GOVERNMENT

10 June 2022

## 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*.

### 13.1 – Endorsement of the Shire of Ashburton’s Local Emergency Management Arrangements and Local Recovery Plan

Declarant	Cr M Lynch
Declaration of Interest	Impartiality – Rio Tinto is a stakeholder in the Shire of Ashburton’s Local Emergency Management Arrangements and Local Recovery Plan. I am an employee and tenant of Rio Tinto Iron Ore and receive a salary from Pilbara Iron.
Declarant	Cr L Rumble
Declaration of Interest	Impartiality – Share holder Rio Tinto greater \$10,000 in value.
Declarant	Cr T Mladenovic
Declaration of Interest	Impartiality – My partner is employed by Rio Tinto and we live in subsidised housing as part of his employment with Rio Tinto.
Declarant	Cr A Sullivan
Declaration of Interest	Impartiality – Rio Tinto is a stakeholder in the Shire of Ashburton’s Local Emergency Management Arrangement and Local Recovery Plan. I and my husband hold shares above the prescribed amount. I and my husband live in subsidised housing provided by Rio Tinto. I and my husband are employees of Rio Tinto.

Confirmed Minutes – Public Ordinary Council Meeting 14 June 2022

Declarant	Cr A Smith
Declaration of Interest	Impartiality – Rio Tinto is a stakeholder in the Shire of Ashburton Local Emergency Management Plan. My husband is an employee with Rio Tinto with shares valued over the prescribed amount. My husband's employment with Rio Tinto provides him with subsidised housing and utilities in which I reside too.

13.5 - WAPC Application 162169 for Amalgamation and Subdivision on Lots 100 - 102 and Lots 116 – 118 Oleander Street, Lot 120 Cedar Street and Lots 172 – 175 Cassia Street, Tom Price

Declarant	Cr M Lynch
Declaration of Interest	Indirect financial – I am an employee and tenant of Rio Tinto. I am paid a salary by Pilbara Iron.

Declarant	Cr T Mladenovic
Declaration of Interest	Financial – My partner is employed by Rio Tinto and we live in subsidised housing as part of his employment with Rio Tinto.

Declarant	Cr L Rumble
Declaration of Interest	Financial – Share holder Rio Tinto greater \$10,000 in value.

Declarant	Cr A Smith
Declaration of Interest	Indirect financial – My husband is an employee with Rio Tinto with shares valued over the prescribed amount. My husband's employment with Rio Tinto provides him with subsidised housing and utilities in which I reside too.

Confirmed Minutes – Public Ordinary Council Meeting 14 June 2022

Declarant Cr A Sullivan  
Declaration of Interest Financial – I and my husband hold shares above the prescribed amount. I and my husband live in subsidised housing provided by Rio Tinto. I and my husband are employees of Rio Tinto.

14.3 – Application to Install Electric Vehicle Charging Station, Stadium Road, Tom Price

Declarant Cr M Lynch  
Declaration of Interest Indirect financial – I am an employee and tenant of Rio Tinto. I am paid a salary by Pilbara Iron.

Declarant Cr T Mladenovic  
Declaration of Interest Financial – My partner is employed by Rio Tinto and we live in subsidised housing as part of his employment with Rio Tinto.

Declarant Cr L Rumble  
Declaration of Interest Financial – Share holder Rio Tinto greater \$10,000 in value.

Declarant Cr A Smith  
Declaration of Interest Indirect financial – My husband is an employee with Rio Tinto with shares valued over the prescribed amount. My husband's employment with Rio Tinto provides him with subsidised housing and utilities in which I reside too.

Declarant Cr A Sullivan  
Declaration of Interest Financial – I and my husband hold shares above the prescribed amount. I and my husband live in subsidised housing provided by Rio Tinto. I and my husband are employees of Rio Tinto.

## **7 Announcements by the Presiding Member and Councillors without discussion**

On Monday the 13 of June 2022, the Shire President made a presentation to Douglas “Ivan” Dias for his contribution to the Council of the Shire of Ashburton from 2007 – 2021 and thanked him for his service.

## **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**

That with respect to the confirmation of minutes, Council confirms the following, as attached –

- Ordinary Council Meeting – 10 May 2022

**Attachment 9.1A**

<b>Council Decision</b>	<b>064/2022</b>
<b>Moved</b>	<b>Cr M Lynch</b>
<b>Second</b>	<b>Cr T Mladenovic</b>
<b>That Council confirm the minutes of the Ordinary Council Meeting held in Council Chambers, Onslow Shire Complex, Second Avenue, Onslow on 10 May 2022 as a true and accurate record, as include in Attachment 9.1A</b>	
<b>Carried 7/0</b>	

## 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 – 10 May 2022

### Attachment 9.2A

<b>Council Decision</b>	<b>065/2022</b>
<b>Moved</b>	<b>Cr M Lynch</b>
<b>Second</b>	<b>Cr T Mladenovic</b>
<b>That with respect to the receipt of committee and other minutes, Council receives the Audit and Risk Committee – 10 May 2022 committee meeting minutes.</b>	
<b>Carried 7/0</b>	

## 9.3 Recommendations of committee meetings – En bloc

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

### Audit and Risk Management Committee – 10 May 2022

Committee Recommendation 006/2022

That, with respect to the Internal Audit and External Review Status and Process Update, Committee recommends Council,

- a Endorse the actions of the Chief Executive Officer in engaging Moore Australia to assist in resolving outstanding Internal Audit and External Review matters, and
- b Accepts the revised process of reporting on the progress of resolving outstanding Internal Audit and External Review matters.

**Council Decision                    066/2022**

**Moved                                    Cr M Lynch**

**Second                                  Cr A Smith**

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

**Audit and Risk Management Committee – 10 May 2022**

**Committee Recommendation    006/2022**

**That, with respect to the Internal Audit and External Review Status and Process Update, Committee recommends Council,**

- a        Endorse the actions of the Chief Executive Officer in engaging Moore Australia to assist in resolving outstanding Internal Audit and External Review matters, and**
- b        Accepts the revised process of reporting on the progress of resolving outstanding Internal Audit and External Review matters.**

**Carried 7/0**

**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

### 11.1 New Work Health and Safety Laws Critical Resource Requirement

<b>File reference</b>	PE.08
<b>Author's name</b>	A Heraty
<b>Author's position</b>	Manager Human Resources
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	K Donohoe
<b>Authorising officer's position</b>	Chief Executive Officer
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Not Applicable
<b>Date report written</b>	7 April 2022
<b>Previous meeting reference</b>	Not Applicable

#### **Summary**

Introduction of new Work Health and Safety (WHS) laws poses significant risks to Councillors and Shire Senior Officers.

Shire Officers have undertaken an assessment of resourcing options relating to managing the requirements under new legislation.

Council is requested to endorse the appointment of a Work Health and Safety Consultant.

#### **Background**

To enable the harmonisation of Australian workplace health and safety (WHS) practices, new laws came into effect on 31 March 2022.

The *Work Health and Safety Act 2020 (WHS Act)* makes provision for:

- Protection of health and safety by minimising risk
- Consultation and cooperation to resolve health and safety issues
- Support organisations and workers to achieve a safer work environment
- Promote health and safety



- Provide compliance and enforcement measures.

Under these new laws, it is a requirement to manage risks to health and safety, by

- Identifying hazards
- Eliminating risks
- Apply and maintain a hierarchy of risk control measures
- Review risk control measures.

Considering the significant importance of this new Act, and the absence of understanding Shire risk, Shire officers can confirm the Shire does not have a dedicated Health and Safety Specialist, neither with the capacity nor competency to undertake this important task.

This audit will allow Managers and the Shire's Executive Leadership Team (ELT) to develop and audit corrective actions and ensure that any remedial actions required are implemented, whilst driving a safety-first culture.

A copy of the new WHS Act can be accessed through the State Law Publisher.

Work Health and Safety (WHS) Audit / Consultant scope of works is attached.

### **Attachment 11.1A**

#### **Comments**

These are the risks Council faces, including all Shire designated Senior Officers:

Under the new WHS Act, there is an expressed legal duty of care on employers (now referred to as "Person conducting a business or undertaking (PCBU)", including new penalties for organisations and senior officers (CEO, CFO, COO, Directors, Company Secretaries and Board Members (remunerated individuals only)) for breaches of this Act.

*Section 30A:* Industrial manslaughter – crime (fine and jail time)

*Section 31:* Failure to comply with health and safety duty – Category 1 (fine and jail time)

*Section 32:* Failure to comply with health and safety duty – Category 2 (fine only)

*Section 33:* Failure to comply with health and safety duty – Category 3 (fine only)

A PCBU or an officer may be subject to an Industrial Manslaughter charge.

If a PCBU fails to comply with their duty of care and this failure causes the death of, or

“serious harm” to an individual, they face a potential penalty of five years’ imprisonment and a \$680,000 fine (individual) or \$3.5m penalty for a body corporate.

**Consultation**

The Shire’s ELT has had robust discussions regarding new WHS laws and acknowledged the significant potential risks of not engaging an external provider to perform the function of WHS Consultant on site. Multiple previous attempts have been made to directly hire a WHS Specialist, without any success due to strong competition with the mining sector for these skills. ELT therefore endorsed the proposed scope of work and recommendation to outsource this service for a 12-month period, after which the Shire will reconsider its approach, which may include the ability to maintain its WHS responsibilities.

The Shire considered several different approaches to this service, including direct hire, which we can confirm is not an option due to multiple previous failed attempts; a recruitment agency contractor (labour hire), which is not a good option as it does not provide for any contingencies; and an outsourced service, which is the Shire’s preferred approach.

<b>40 hours pw / 12 months Onsite resource/across Shire locations</b>	<b>Outsource Consultancy</b>	<b>Labour Hire</b>
<b>Estimated service cost</b>	\$274,560	\$211,200
<b>Other costs / contra</b>	Shire accommodation \$131,035 (transit) Shire vehicle \$15,000  <i>Total cost: \$420,595</i>	Shire accommodation \$131,035 (transit) Shire vehicle \$15,000 Relocation cost \$10,000 <i>Total cost: \$367,235</i>
<b>Benefit comparison</b>	Senior, qualified consultant with at least 7 years' operational experience, including audits, systems, risk, internal controls and legislation.  Team of specialists resulting in resource contingencies – can immediately mobilise another	Recruitment process – level of capability and availability is market dependent, so no guarantee we will source a capable resource.  One person delivering the work.  No resource contingency.

	Resource.  Use company specialist tools, know-how, resources to deliver.	Use individual know-how and Shire tools.
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A Request to Tender (RFT) process, as outlined in the Shire’s Purchasing Policy (Fin12) will be undertaken to ensure value for money and a transparent and fair and equitable process.

**Statutory environment**

*Work Health and Safety Act 2020 (WHS Act)*

The new WHS Act provides a nationally consistent framework to meet the objective of the WHS Act, which is to ensure a safe working environment for all workers (including contractors) within each workplace.

*Section 6.8 of the Local Government Act 1995*

A local government is not to incur expense from the municipal fund for an additional purpose except where the expense is included in the Annual Budget, is authorised in advance by Council resolution or authorised in advance by the Shire President in an emergency.

**Financial implications**

The total cost investment is expected to be \$420,595 for a 12-month onsite service, which will be budgeted for during the 2022/2023 financial year budget process. The cost of inaction may exceed the cost of this program, including, but not limited to individual cost to Senior Officers, CEO, Council, and reputational damage (community and media), which may take many years to recover from.

**Strategic implications**

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	Performance – We will lead the organisation, and create the culture, to deliver demonstrated performance excellence to the community.
Strategic Outcome	Safe, engaged, inclusive, and productive workforce cultures.
Strategy	Provide a high standard of workplace health and safety, including education, coaching and workplace support.

## 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
Industrial manslaughter - Shire	Likely (4)	Extreme (5)	Extreme (20)	<p><u>Reputation</u> Substantiated, public embarrassment and impact on community trust as well as media profile.</p> <p><u>Compliance</u> Non-compliance with significant regulatory requirements imposed.</p> <p><u>Financial</u> \$3.5m penalty.</p> <p><u>Other</u> Jail time.</p>	Engage a WHS Consultant to undertake a desktop audit, educate, coach, report and monitor.
Industrial manslaughter – CEO and/or Senior Officers	Likely (4)	Extreme (5)	Extreme (20)	<p><u>Reputation</u> Substantiated, public embarrassment and impact on community trust as well as media profile.</p> <p><u>Compliance</u> Non-compliance with significant regulatory requirements imposed.</p> <p><u>Financial</u> \$680k fine.</p> <p><u>Other</u> Jail time.</p>	Engage a WHS Consultant to undertake a desktop audit, educate, coach, report and monitor.
Failure to comply with health and safety duty (Cat 1–3)	Likely (4)	Extreme (5)	Extreme (20)	<p><u>Reputation</u> Substantiated, public embarrassment and impact on community trust</p>	Engage a WHS Consultant to undertake a desktop audit,

Confirmed Minutes – Public Ordinary Council Meeting 14 June 2022

				as well as media profile.  <u>Compliance</u> Non-compliance with significant regulatory requirements imposed.  <u>Financial and Other</u> Fine and/or jail time.	educate, coach, report and monitor.
Reputational risk - community	Almost certain (5)	Moderate (3)	High (15)	<u>Reputation</u> Substantiated, public embarrassment and impact on community trust as well as media profile.	Engage a WHS Consultant to undertake a desktop audit, educate, coach, report and monitor.
Reputational risks - media	Almost certain (5)	Moderate (3)	High (15)	<u>Reputation</u> Substantiated, public embarrassment and impact on community trust as well as media profile.	Engage a WHS Consultant to undertake a desktop audit, educate, coach, report and monitor.
Increased workers compensation claims	Likely (4)	Major (4)	High (12)	Increased insurance cost and reputational damage.	Engage a WHS Consultant to undertake a desktop audit, educate, coach, report and monitor.
This proposal not accepted by Council.	Possible (3)	Major (5)	High (16)	<u>Reputation</u> Substantiated, public embarrassment and impact on community trust as well as media profile.	Council accept Officer's recommendation.

				<p><u>Compliance</u> Non-compliance with significant regulatory requirements imposed.</p> <p><u>Financial and Other</u> Fine and/or jail time; increased insurance cost and potential of increased staff turnover.</p>	
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The following Risk Matrix has been applied:

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

Adoption of this item has been evaluated against the Shire of Ashburton’s Risk Management Policy CORP5 Risk Matrix.

The perceived level of risk is “High” given the significant impact of not understanding Shire risk as well as the potential identified risks post audit, especially in the absence of internal capability.

**Policy implications**

*EMP43 Occupational Health and Safety Directive to be reviewed*

The purpose of this directive is to recognise the Shire of Ashburton’s commitment to providing a safe and healthy work environment for all employees, contractors, visitors, volunteers, and people affected by the Shire’s work. This directive aligns with the Shire’s organisational values in being proactive in the improvement of occupational health and safety, embedding a positive safety culture.

Potential for other policies to be reviewed and or developed.

**Voting requirement**

Simple Majority

**Officer recommendation**

That with respect to new Work Health and Safety laws Critical Resource Requirement, Council,

- a Acknowledges their legal obligation under the *Work Health and Safety Act 2020*, and
- b Considers for inclusion in the 2022-2023 Annual Budget an allocation of \$420,595, and
- c Subject to the allocation of funds in the 2022-2023 Annual Budget, endorses Chief Executive Officer to commence the engagement process for a Work Health and Safety Consultant for a period of twelve (12) months from engagement.

**Council Decision 067/2022**

**Moved Cr L Rumble**

**Second Cr R de Pledge**

**That with respect to new Work Health and Safety laws Critical Resource Requirement, Council,**

- a Acknowledges their legal obligation under the *Work Health and Safety Act 2020*, and**
- b Considers for inclusion in the 2022-2023 Annual Budget an allocation of \$420,595, and**
- c Subject to the allocation of funds in the 2022-2023 Annual Budget, endorses Chief Executive Officer to commence the engagement process for a Work Health and Safety Consultant for a period of twelve (12) months from engagement.**

**Carried 7/0**

**11.2 Proposed Demolition of Former Police Residence - 944 (3) First Street, Onslow (Reserve 42626)**

<b>File reference</b>	FIR.0944
<b>Author's name</b>	J Hunter
<b>Author's position</b>	Property Services Officer
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	R Wright
<b>Authorising officer's position</b>	Manager Land and Asset Compliance
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Not applicable
<b>Date report written</b>	25 May 2022
<b>Previous meeting reference</b>	Agenda Item 14.12.18 Ordinary Council Meeting 15 December 2006, Agenda Item 14.05.12 Ordinary Council Meeting 17 June 2008, Agenda Item 14.05.04 Ordinary Council Meeting 19 May 2009, Agenda Item 14.11.16 Ordinary Council Meeting 17 November 2009, Agenda Item 14.04.06 Ordinary Council Meeting 21 April 2010

**Summary**

The subject property, Lot 944 (3) First Street, Onslow known as the Former Police Residence under the Shire of Ashburton Local Government Heritage Inventory or “the Pink House” by locals; has been the subject of conjecture over the years by both the community and the Council, with no endorsed strategy.

This report outlines and summarises the past decisions made in relation to the property to date, the options available, and recommends demolition of the buildings and outbuildings on the land.

Council is requested to endorse the demolition of the subject property, Lot 944 (3) First Street, Onslow.



## Background

Lot 944 (3) First Street, Onslow on Deposited Plan 191012 (Lot 944), being Reserve 42626 has a current management order for the purpose of “Staff Housing” issued in the favour of the Shire of Ashburton.

The former residence of the police constable stationed in Onslow has been part of the streetscape of Onslow since its erection by the Public Works Department in 1925 soon after the Onslow townsite was relocated to its present location of Beadon Point.

The management order of the property was changed from the purpose of “Preservation of historical building” to “Staff Housing” in 2008-2009 and was presented to Council recommending removal of the property from the Shire’s Municipal Inventory of Heritage Places and Buildings to allow demolition of the former police residence for the redevelopment of the site for staff housing.

The Council meeting was held on June 17, 2008, with the Shire officer recommendation being:

*“That Council instruct the Chief Executive Officer to commence the process of removing the property at Lot 944 First Street, Onslow from the Shire's Inventory of Heritage Places and Buildings in accordance with the process outlined within the Shire of Ashburton's Town Planning Scheme No.7.”*

This recommendation was lost 7/0 and an alternative recommendation resolved the following:

*“That Council instruct the Chief Executive Officer to call for public comment in relation to the possible demolition of Lot 944 First Street, Onslow and report back to Council.”*

The reason for change to the Shire officer’s recommendation was:

*“Council was of the opinion that community members may wish to voice an opinion on the matter under consideration.”*

A call for community feedback on the future of this property was made via the June 2008 edition of the Onslow Times, plus several posters within the town of Onslow. Two (2) comments from members of the public were received during September 2008, one in favour of retention and restoration and the other in favour of demolition and redevelopment. At about the same time, a petition was also received with 22 signatures in favour of the retention and restoration of the building.

The matter was presented in May 2009 to which the Council resolved to:

*“... following their scheduled inspection of the property 944 First Street Onslow, resolve to contract a heritage architect to assess the property and provide a report to Council outlining future options and costs and include the cost in the draft 2009/10 Budget.”*

From a review of the past budgets, it is unclear whether a budget was ever allocated to the restoration of the property.

In October 2009, Philip Griffiths Architects (PGA) prepared a “Preliminary Assessment of Conservation and Re-Use” report regarding Lot 944 to review the heritage significance of the place, advise on the proposed removal of the building from the Municipal Inventory, assess the condition of the existing fabric and provide an initial consideration of the re-use of the building, as well as to better understand the required works and associated costs for restoring the building. Two options at two different price points were provided: one low-cost option and one more comprehensive and more costly.

The two conservation scenarios from PGA are summarised below:

Option A – minor conservation and maintenance works (an indicative cost of \$170,000):

- Removal of existing bathroom, laundry and WC and provision of these facilities in a new detached amenities building
- Repainting internally and externally
- Reinstatement and refinishing of floorboards throughout
- Provision of a new electrical board and rewiring throughout
- Insulating of the underside of the roof
- Refurbishment of the existing kitchen

Option B – additional conservation works, in addition to Option A, (an additional \$30,000, total indicative cost of \$200,000):

- Interpretation signage
- Verandahs and roof ventilator reinstated

The report notes:

*“All of these indicative costings exclude GST and district loadings... Professional fees, other than an allowance for initial advice from a Quantity surveyor and Structural Engineer, have also been excluded. These indicative costings are not exhaustive and are very broad-brush in nature. We recommend that a quantity surveyor be appointed to provide more informed advice on costings.”*

A further Council meeting held on November 17, 2009, resolved the following:

*“That Council*

- (a) refer the report of heritage architect Mr Philip Griffiths to the Onslow Townscape Advisory Group for their ideas on alternative uses for this property and to*
- (b) make arrangements for an “open day” to be held at the property for the general public to view and make suggestions as to the end-use for the property and to*
- (c) report the results back to Council.”*

The PGA report was tabled at the February 2010 Onslow Townscape Advisory Group which proffered no firm, end-use ideas, preferring instead to hold the “open day” and receive broader advice from community members attending this event.

The open day was well publicised, however, only attracted six (6) adults and one (1) child. A summary of the comments received from the attendees and others are summarised below:

- (Email response) knock it down and build some multi storey accommodation, we never have enough accommodation in Onslow;
- Nice feel vibe, art centre plus;
- A huge undertaking, would like to see it done as per posters ie; open verandah/shops etc. Would be great for the future of Onslow;
- Community use, visitor centre to suit new road into town, coffee shop, public toilets, incorporate a collection of police memorabilia to show previous use; Artists’ colony for locals, also musos so they do not annoy their neighbours; one could teach another; talks on music, art, gardening, fishing seminars; general purpose mature-age, learn anything hang-out “if there’s anything to be learnt, you could learn it at the Pink House”. I would be willing to teach.

Other use ideas included: Public Library, Visitor Centre, Council Chambers, Resource company officers/shopfront, DVD shop, chemist.

The outcomes of the “open day” were presented to Council in April 2010 with Council resolving the following:

*“That Council*

- (a) call for expressions of interest from the Onslow community to establish an arts and culturally based use for the property 944 First Street, and*
- (b) that Council list the appropriate budget funding for the upkeep and progressive restoration of the property 944 First Street.”*

It is unclear from Shire records if the property was allocated budget funding or whether the item was actioned further.

In 2011 a request to rent the property was received and subsequently a tenancy agreement was entered into with the proponent and the Shire in 2012, on the basis the tenants would look after the building and undertake small improvements. This lease ended in late 2021.

## **Comment**

An excerpt below from the Shire’s Heritage Inventory outlines the significance of the building:

*The former Police Residence, a single-storey timber and iron building, designed by the Public Works Department, has cultural heritage significance for the following reasons:*

- the building is a good example of the Northwest Vernacular Bungalow with its large simple roof planes, deep shady verandahs and unpretentious homely quality;*
- the place is one of the few early buildings, built soon after the relocation of the town to Beadon Point, that has survived the harsh climatic conditions of the Northwest, as cyclones and floods have destroyed many of the structures from the pre-1920s period;*
- the place is a good representative example of the type of housing for civil servants built when Onslow was formed at its new site at Beadon Point.*

Below is another excerpt from the Shire’s Heritage Inventory that outlines the current management recommendations and category:

*Management Category: Category 3: Some significance.*

*Management Recommendation:*

- *Contributes to the heritage of the locality.*
- *Inclusion on Heritage List.*
- *Encouragement should be given to the retention and conservation of the place.*
- *Photographically record prior to major development or demolition. Recognise and interpret the site if possible.*

The definition of ‘Category 3: some significance’ under the Shire’s Heritage Inventory is:

*“Contributes to the heritage of the locality. May have some altered or modified elements, not necessarily detracting from the overall significance of the item.”*

The building is representative of a housing type that was once common in Onslow but has become less so over time and provides an opportunity to reveal and present the story of the early settlement of Onslow. Lot 944 is one of a small number of residences designed in this style to survive the harsh climate in Onslow.

#### Demolition

Due to age of the building, poor quality additions / extensions and the limited maintenance the building has received, the building has deteriorated over time. Although the full extent of the building’s state is not fully known due to it not having been inspected by a Structural Engineer or Building Surveyor in recent years, it is evident from visiting the property, and the past assessment by PGA, the building is in a deteriorating, dilapidated state and is not currently suitable for habitation. If the building was to be used in future, it would require significant restoration works.

It should be noted that asbestos is present within the residential building.

At the Council Briefing session on 10 May 2022, the history, heritage significance, current state of the building and options for the future of the building were discussed. The option to demolish the property, given its deteriorated state, was generally supported.

Shire officers have since requested quotes for demolition. Demolition of the existing house as well as small outbuildings is estimated to be approximately \$60,000 - \$65,000 (inc GST).

### Restoration

As no cost estimates have been undertaken since 2008 and to compare the restoration to the demolition, Shire officers requested quotes for restoration via desktop assessment using the previous PGA report. Restoration is considered to be in the vicinity of \$502,096.29 as per the estimates undertaken.

To be eligible to receive any grants and funding to help facilitate the restoration works of the building, it would be likely that the Management Order would need to relate to conservation and heritage of the building.

Given the significant cost of restoration in comparison to demolition, it is considered cost prohibitive to restore the buildings at Lot 944.

### **Consultation**

Extensive consultation with the Onslow community was undertaken throughout 2009 and 2010 and summarised in the body of this report.

### **Statutory environment**

State Planning Policy 3.5 - Historic Heritage Conservation.

Shire of Ashburton Town Planning Scheme No. 7.

Management Order Reserve 42626.

Due to the heritage listing, a Development Application would be required for the demolition of the building which would further require consultation with the Heritage Council, the Department of Lands, Planning and Heritage, and other relevant departments. It would further be necessary to remove Lot 944 from the Shire's Inventory of Heritage Places and Buildings.

Section 6.14.5 of the Town Planning Scheme outlines that the local government may amend, add to, or delete entries of buildings, objects, structures, or places in the Inventory in accordance with the procedures for adoption in subclause 6.14.6.

Section 6.14.6

*The Local Government, before adopting a proposal to establish or amend the Inventory, shall:*

- a) notify in writing the owner(s) and the occupier(s) of the land and any other persons whose names appear on the Certificate of Title of the land as having an interest in the land,*
- b) advertise the proposal by way of a notice in a newspaper circulating in the district, by the erection of a sign or signs displaying notice of the proposal, adequately describing and illustrating the proposal, to be erected in a conspicuous position on the land for a period of twenty-eight days from the date of publication of the notice in the newspaper, and use such other methods as the Local Government considers appropriate to ensure widespread notice of the proposal,*
- c) invite submissions on the proposal within a period of not less than 28 days of the date specified on the notice under (b) of this clause,*
- d) carry out such other consultations as it thinks fit,*
- e) consider any submissions made and resolve to adopt the proposal with or without modification or reject the proposal, and*
- f) forward notice of its decision to the Heritage Local Government of WA and Western Australian Planning Commission.*

**Financial implications**

Options for both demolition and restoration are highlighted within the body of this report. Demolition is recommended at a cost to the Shire of approximately \$60,000 - \$65,000. This amount has been proposed in the draft budget for next financial year.

**Strategic implications**

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	Place – We will provide sustainable, purposeful, and valued built and natural environment opportunities for the community.
Strategic Outcome	Effective, compliant, and sustainable management of community assets and infrastructure.
Strategy	Implementation of cost-effective contemporary Asset Management Practices aligned to international standards.

**Risk management**

Risk has been assessed based on the Officer Recommendation.

Confirmed Minutes – Public Ordinary Council Meeting 14 June 2022

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Cost of Demolition	Possible (3)	Moderate (3)	Moderate (9)	<u>Financial Impact</u> \$10,000 - \$100,000.	Adopt Officers Recommendation to mitigate any further risk associated with further deterioration of the building.
Objection from Community	Possible (3)	Minor (2)	Moderate (6)	<u>Reputation</u> Substantiated, localised impact on community trust or low media item.	Follow correct process and ensure community consultation and transparency.

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” due to financial impact and possible community objection.

**Policy implications**

There are no known policy implications.

**Voting requirement**

Simple majority

**Councillor interest declarations**

Nil



**Officer recommendation**

That with respect to the proposed demolition of former Police Residence - 944 (3) First Street, Onslow (Reserve 42626), Council,

- a Authorises the removal of all current assets at Lot 944 First Street, Onslow from the Shire's Inventory of Heritage Places and Buildings in accordance with the process outlined within the Shire of Ashburton's Town Planning Scheme No.7,
- b Authorises the demolition of the residential house and outbuildings on Lot 944 (3) First Street Onslow, with the required funds considered as part of the 2022-2023 Annual Budget deliberations,
- c Authorises the Chief Executive Officer to sign a Development Application, Demolition Permit, and any other associated documentation to undertake demolition works in accordance with item b, and
- d Retains management of Lot 944 (3) First Street Onslow for future staff housing.

**Council Decision                    068/2022**

**Moved                                    Cr L Rumble**

**Second                                  Cr A Smith**

**That with respect to the proposed demolition of former Police Residence - 944 (3) First Street, Onslow (Reserve 42626), Council,**

- a        Authorises the removal of all current assets at Lot 944 First Street, Onslow from the Shire's Inventory of Heritage Places and Buildings in accordance with the process outlined within the Shire of Ashburton's Town Planning Scheme No.7,**
- b        Authorises the demolition of the residential house and outbuildings on Lot 944 (3) First Street Onslow, with the required funds considered as part of the 2022-2023 Annual Budget deliberations,**
- c        Authorises the Chief Executive Officer to sign a Development Application, Demolition Permit, and any other associated documentation to undertake demolition works in accordance with item b,**
- d        Retains management of Lot 944 (3) First Street Onslow for future staff housing, and**
- e        Instructs the Chief Executive Officer to ensure photographic records are maintained.**

**Reason for change**

**To ensure the history of the Residence - 944 (3) First Street, Onslow (Reserve 42626) is recorded.**

**Carried 7/0**

**11.3 Development of Land for Future Industrial Use and Renewal of Lease – Lot 350 on DP049883 Boonderoo Road, Tom Price**

<b>File reference</b>	BOO.0350
<b>Author's name</b>	J Hunter
<b>Author's position</b>	Property Services Officer
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	R Wright
<b>Authorising officer's position</b>	Manager Land and Asset Compliance
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Not applicable
<b>Date report written</b>	25 May 2022
<b>Previous meeting reference</b>	Agenda item 13.1 (Minute 456/2018) Ordinary Council November 20 November 2018

**Summary**

Council has a lease with the Department of Planning, Lands and Heritage to develop Lot 350 Boonderoo Road, Tom Price, which is due to expire. As part of the lease agreement, there is an obligation to develop and subdivide the lot for Light Industrial Use.

Council needs to consider if it wishes to proceed with renewing the lease and pursue the development, taking into consideration the significant cost implications, or allow the lease to lapse and exploring other options for industrial development within Tom Price.

Council is requested to allow the lease to lapse.

**Background**

There is currently a draft subdivision for the development of eight (8) light industrial lots over Lot 350 on DP049883 Boonderoo Road, Tom Price. Council currently holds a lease (K718211) with the Department of Planning, Lands and Heritage (DPLH) over the subject land for \$500 per year, plus CPI. The lease was first entered into for ten (10) years and was subsequently extended for a further three (3) years expiring 31 March 2019. The lease now runs with 'holding over' provisions until 30 June 2022.

The lease requires the land to be developed for Light Industrial Use, subdivide the land, and construct the services on the land. Once developed, the Shire would then be required to notify the Minister that the Shire has complied with, and performed all its obligations under the lease to then purchase the land.

DPLH is currently investigating the option of a lease extension over the subject land for a new five (5) – ten (10) year term, however, has requested some details regarding the Shire’s timeframes associated with the subdivision and development of the subject land in accordance with the lease agreement and when the Shire intends to commence development.

There is currently a limited supply of available industrial / mixed business land within the town of Tom Price. The Shire entered into a development lease agreement with DPLH (then Department of Lands) over the subject land Lot 350 Boonderoo Road, Tom Price in September 2008. This type of agreement enabled the Shire to commence investigative, development (servicing, etc.) and subdivision works, without requiring the Shire to purchase the land up front.

Lot 350 forms Stage Two of the Boonderoo Road subdivision, connecting Boonderoo Road to Mine Road and proposes to deliver eight (8) mixed business lots ranging in size from 2,002m<sup>2</sup> to 8,869m<sup>2</sup>. Stage 1 of this development was completed in 2011, delivering seven (7) light industrial and mixed-use business lots.

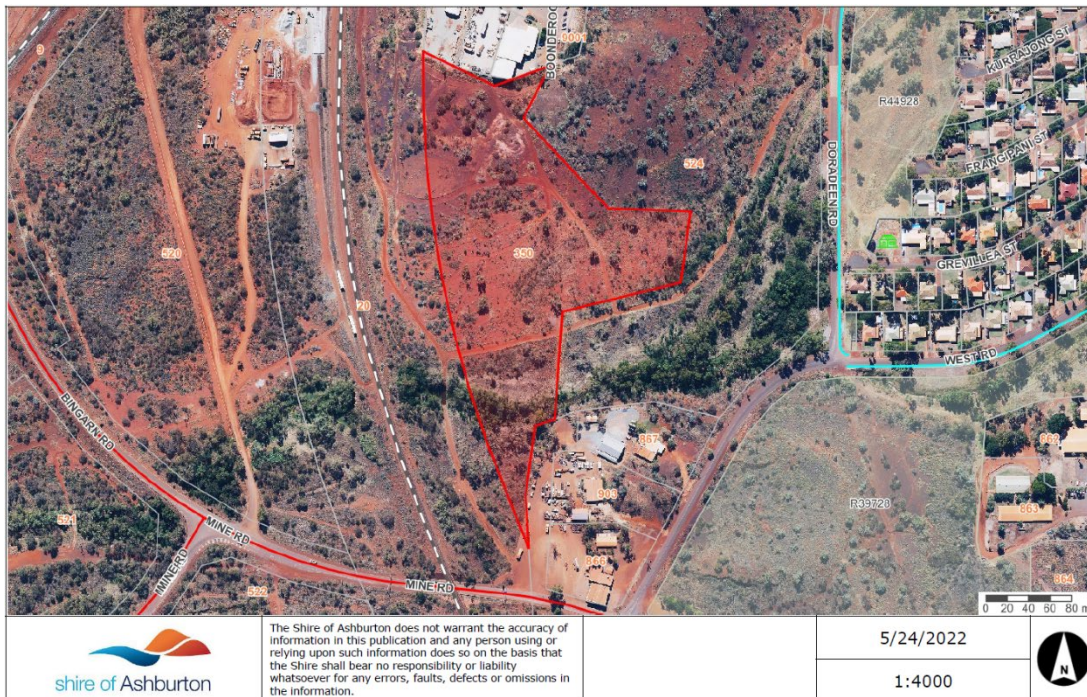


Figure 1: Aerial view of the Lot 350 Nameless Valley Drive Boonderoo Road.

Confirmed Minutes – Public Ordinary Council Meeting 14 June 2022

Detailed within the development lease agreement are the conditions of the lease. Some conditions of particular importance are:

Clause 1 Rent Payable	An annual rent of \$500.00, payable by half-yearly instalments in advance, until varied in accordance with this Lease.
Clause 4 Permitted Use	Subdivision and the production of Light Industrial lots and construction of Services and other works necessary for or ancillary to that development and subdivision.
Clause 6.1 Development of Land for Light Industrial Use	<p>By the end of the Term, the Lessee must develop and subdivide the Land and construct the Services on the Land, and do all things necessary so that on registration of the Transfer:</p> <p>(a) all Planning Conditions will have been compiled with (or will be on registration of the Transfer and any supporting or accompanying documents), including the conditions of the Services; and</p> <p>(b) all Minister's Conditions will have been compiled with (or will be on registration of the Transfer and any supporting or accompanying documents).</p> <p>This clause 6.1 and any other relevant provisions of this Lease is to apply and be read in all respects as if the TP&amp;D Act did apply, including the compliance with all subdivision conditions that the WAPC would impose on such a subdivision and development application if that Act did apply.</p>
Clause 10.1 Lessee's Notice	(c) has offered one lot to the Eastern Guruma People for purchase at that lot's current unimproved market value as determined by the Minister;
10.3 Transfer of Fee Simple in Land	(a) On the issue of the Minister's Notice and payment of the Purchase Price, the Lessee is entitled to a transfer of, and the Minister agrees to do all things necessary to transfer to the Lessee an interest in fee simple of the Land (including all buildings, fixtures, and other improvements on the Stage Land Lots at the Commencement Date).

Upon completion of the subdivision and compliance with the transfer conditions, which include development to Western Australian Planning Commission standards, rent paid, one lot offered to the Eastern Guruma people for purchase at the unimproved market value as determined by the Minister and complied with and performed all obligations under the Lease, the Shire can purchase the unimproved land for an amount determined by the Valuer General.

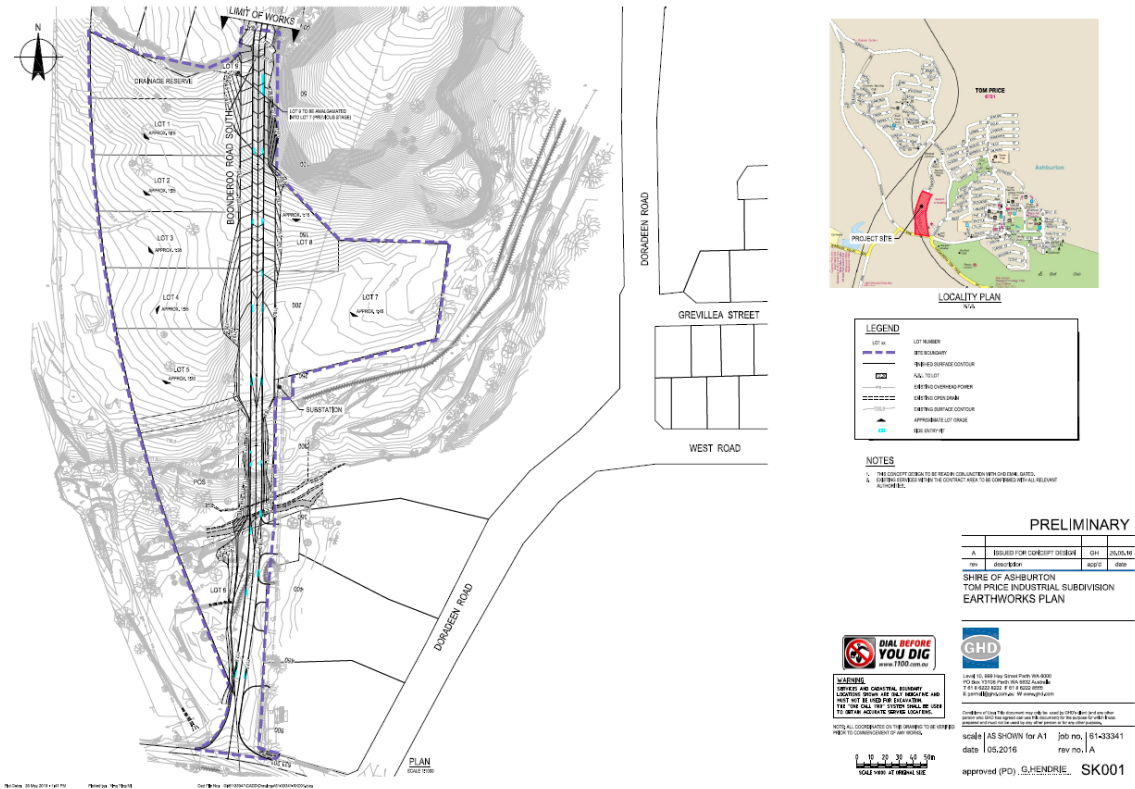


Figure 2: Preliminary Subdivision Plan.

**GHD Cost estimates:**

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

Indicative costs for the development, including road network, Public Open Space and Drainage Reserve requirements was assessed at \$8,163,980 (including 33kV powerline relocation and new transformer, as the current Boonderoo Road supply is near capacity). These costs were an estimate only and did not include costs required for reticulated sewer (use of septic's was suggested), retaining walls and fencing, pressure main, landscaping costs or bushfire management.

As a rough guide \$8,163,980 indicates development costs around \$165.60 per m<sup>2</sup>. It is likely these development costs have increased significantly since this estimate was undertaken in 2016.

Around the same time as this cost estimate, a similar estimate of lot sale prices was undertaken with the sale of the lots estimated at approximately \$195 per m<sup>2</sup>. If created lots are sold at this price (circa \$780,000 for a 4,000m<sup>2</sup> lot) with a total development cost of \$8,163,980, this results in a total loss of \$1,557,965. However, the price of industrial land per m<sup>2</sup> may have also increased since the time of this estimate in 2016.

This indicative loss does not consider the Shire's further obligation to purchase the land from the DPLH for an amount determined by the Valuer General. It is anticipated the land would be discounted on presentation of a Business Case but is a risk to the Shire with any initial outlay for the development.

Possible costs savings have been identified such as transformer alternatives, screening material for fill and a reduction in earthwork rates via a tendering process, however, it is believed that this development will still result in a financial loss for the Shire.

#### Past Council Decision

In 2018, the item was presented to Council to request direction regarding the property, the lease, and the proposed subdivision, with consideration of the estimated development costs, current constraints, proposed further 'de-constraining' activities and authorisation for the Chief Executive Officer to negotiate a new lease.

Council resolved the following:

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

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

5. *Request the Chief Executive Officer report to Council for further consideration, when all de-constraining activities and investigations have been completed.*

No joint development ventures have been found or agreed, and no lease agreement has been negotiated since that time.

Further activities undertaken are as follows:

<b>ACTIVITY - 2018</b>	<b>AMOUNT (\$)</b>
Planning and Preliminary Design	19,773.63
Desktop Appraisal	500.00
Urban Water Management Plan	5,678.00
Geotechnical Investigations	7,988.00
Biological Assessment	10,625.00
Total (\$)	44,564.63

Further requirements include the below, noting these figures are estimates and quotes are yet to be requested.

<b>ACTIVITY - 2018</b>	<b>AMOUNT (\$)</b>
Intersection Traffic Impact Assessment	15,000
Water Reticulation Hydraulic Capacity Study	5,000
Heritage Research and Report	60,000
Detailed Design and Tender Documents	40,000
WAPC Subdivision	15,000
Total (\$)	135,000

## **Comment**

### Intersection on Mine Road and Boonderoo Road

The current preliminary subdivision design proposes an extension of Boonderoo Road, through to Mine Road. Main Roads WA (MRWA) has indicated they are not supportive of a new intersection on Mine Road and Boonderoo Road and highlighted that the design constraints for this intersection onto Mine Road are complex, with the rail bridge and service station nearby. MRWA believes it is unlikely the intersection will be able to be designed to an appropriate standard within the current lot boundaries.



Given the MRWA feedback, it is anticipated part of the intersection may be required to be constructed within the adjacent rail reserve, currently under care and control of Rio Tinto. Consultation with MRWA and Rio Tinto will be required prior to, and during, preparation of detailed design drawings and would need to be supported by a Traffic Impact Assessment (TIA). Even if negotiation was successful, it is still uncertain the intersection would be able to meet the required standards. No TIA has been undertaken to date.

#### Sewerage Infrastructure and Servicing

The 2016 cost estimates assumed that the subdivision would be serviced by on site sewerage disposal system. This option may no longer be viable due to the recent *Government Sewerage Policy* adopted in 2019 which generally requires connection of new subdivision and development to reticulated sewerage unless a connection cannot be reasonably provided. There is an existing reticulated sewerage connection at the northern end of Boonderoo Road, as well as one that runs through the existing lot. Feedback received from the DPLH is that it will be unlikely to support the use of on-site sewerage disposal in this area. If on-site sewerage disposal is not an option, this will likely cause a further increase to the development cost estimates.

#### Environmental Protection Authority's Guidance for the Assessment of Environmental Factors No 3 Separation distances between industrial and sensitive land uses 2005

The Environmental Protection Authority's *Guidance for the Assessment of Environmental Factors No 3* sets out guidelines for the recommended separation distances between industrial and sensitive land uses. At the closest point, the proposed industrial/mixed business development is within about 150m from residential dwellings (sensitive land use) to the east of the development area. Most of the industrial land uses within these guidelines require separation distances of 200-500 metres (some further). Given this aspect, it will prohibit and limit the siting of many industrial uses within the proposed subdivision. Most commercial and industrial land uses are discretionary within the Industrial/Mixed Business Zone under TPS7 and therefore planning approval will be subject to consideration of proposals based on an assessment against the *Guidance for the Assessment of Environmental Factors No 3 Separation Distances Between Industrial and Land Uses 2005*.

#### Renewal of lease and continuation of project

Tom Price is currently lacking in land for industrial and mixed business purposes. Diversification of industry and commerce is considered essential for the town's future growth.

Council may have a perceived obligation to provide or facilitate adequate and high-quality land for light industrial and mixed business development and the provision and development of this land will have ongoing benefits for the community, the local economy, and the wider Shire region.

It is clear from cost estimates that the Shire will endure a financial loss from undertaking the development, however, may be prepared to offset this loss to enable the long-term growth of the town. A Business Plan would need to be released to the Shire's community and advertised for comment in this regard under Section 3.59 of the *Local Government Act 1995* as it would be defined as a major land transaction.

*The Pilbara Planning and Infrastructure Framework (PIIF)* was published by the Western Australian Planning Commission in February 2012. The PPIF defines a strategic direction for the future development of the Pilbara region over the next 25 years. The document identifies the need for a significant amount of industrial land and facilities to support both the resource economy and the diversified economy and sets an objective to provide for an adequate supply of industrial land in the region to meet the expanding demands of industry and its associated services and transport requirements. The subject site is included in the area identified for industrial land uses in the PPIF. See the Figure below.

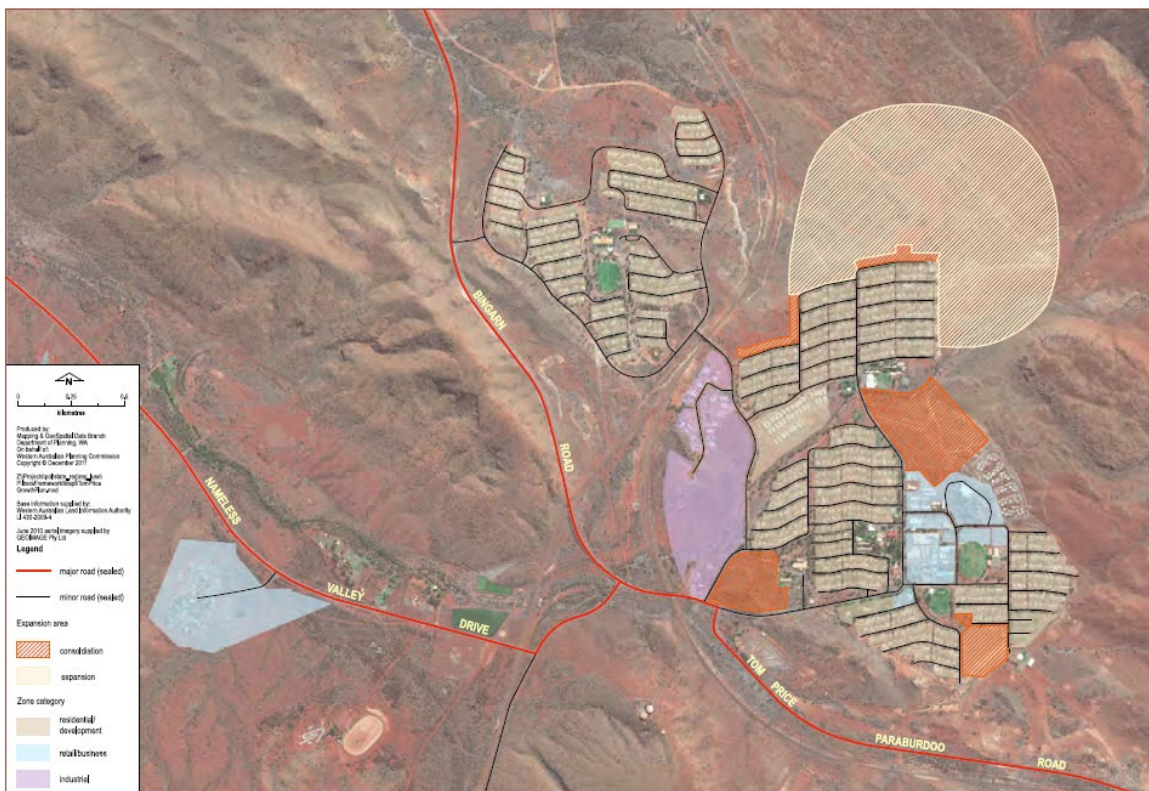


Figure 3: Excerpt from *The Pilbara Planning and Infrastructure Framework*.

Further considerations

If a new lease is negotiated, staged development options could be scoped to proportion the significant funds required across the development lease. DPLH has advised a new (up to ten (10) year) lease is possible. It is important to keep in mind that the Shire has had this lease agreement since 2008 with several lease extensions and has made little progress toward the subdivision development due to financial and other constraints such as staff turnover and development obstacles. Furthermore, it is expected that the price to develop the land will increase over time.

Further consideration could be given to investigating a partial development/ subdivision of the property, i.e., identifying the land that will be the most cost effective to develop and further negotiating a new lease with the DPLH to this effect.

It should be noted that if the lease is not renewed and the decision to not pursue the development, the Shire must notify the Eastern Guruma People of this decision due their interest in the least as per Clause 10.1 of the lease agreement – Lessee’s Notice:

- (c) *has offered one lot to the Eastern Guruma People for purchase at that lot’s current unimproved market value as determined by the Minister.*

The newly adopted Council strategic project, the Community Lifestyle, and Infrastructure Plan (CLIP) considers the town of Tom Price’s community needs and it is not recommended that this project is dealt with in isolation.

Given the extensive costs to date and development restrictions, Shire officers recommend the lease is allowed to lapse, and exploration of alternative land is undertaken as part of the CLIP. Should the Shire wish to enter a new lease, this can be done as a future incentive once all other options are exhausted. There is a minor risk that the land may be sold or leased to an alternate developer, however if it is for the future use of industrial land this would be beneficial to the community overall and would remove the Shire’s obligation to undertake this task.

**Consultation**

Manager of Land and Asset Compliance  
Planning and Development Services  
Department of Planning, Lands and Heritage

## **Statutory environment**

### *Land Administration Act 1997*

#### *Section 51 – Cancelling, changing etc. reserves, Minister's power as to*

...the Minister may by order cancel, change the purpose of or amend the boundaries of, or the locations or lots comprising, a reserve.

### *Land Administration Act 1997*

#### *Section 85 – Sale etc. of Crown land subject to condition etc. it be subdivided*

(1) The Minister may —

(a) sell the fee simple in; or

(b) lease with option to purchase,

Crown land subject to conditions, or to any regulations, requiring the purchaser to subdivide and develop the land concerned.

(2) If the relevant conditions or regulations referred to in subsection (1) have been complied with or, in the case of those conditions, security has been given to the satisfaction of the Minister for the purpose of ensuring compliance with those conditions, the Minister may, with the approval of the Planning Commission, permit the staged transfer in fee simple of Crown land sold under that subsection.

## **Financial implications**

2016 estimates indicate \$8,163,980 to subdivide and develop Lot 350 into eight (8) serviced lots. As this estimate is from six (6) years ago, it can be assumed this estimated cost would now be higher due to the current costs of development and materials. Using the cost estimate of \$8 million, and a rough assumption the created lots are sold at around \$195 per m<sup>2</sup> (around \$780,000 for a 4000m<sup>2</sup> lot), this would result in a loss of \$1,557,965. As the estimated cost of development is now likely to be significantly higher and assuming the price of unimproved land has not increased significantly, this loss is now likely to be even greater.

Once the land is developed, the Shire would still be required to purchase the land from DPLH before it could sell the lots in freehold, adding further financial loss if the land is not heavily discounted by the DPLH.

Although provision and development of this land will have ongoing benefits for the community, the local economy, and the wider region, it is unlikely the Shire will fully recuperate the financial loss.

Current expenses to date are approximately \$44,564.63 for the GHD report and other consulting expenses. Should this project recommence, these reports will need to be revisited to provide updated cost estimates.

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

### Strategic implications

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective Place – We will provide sustainable, purposeful, and valued built and natural environment opportunities for the community.

Strategic Outcome Land use opportunities to benefit current and future 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 pursues the development of Lot 350	Likely (5)	Major (4)	High (16)	Financial Impact – \$1 million - \$5 million.	Adopt Officer's Recommendation to mitigate any further risk.
Council makes a significant financial loss on the development	Possible (3)	Minor (2)	Moderate (6)	Reputation – Substantiated, localised impact on community trust or low media item.	Adopt Officer's Recommendation to mitigate any further risk.

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 “High” due to the likely financial impact if development is pursued.

### **Policy implications**

#### *ELM10 – Financial Sustainability Policy*

This policy establishes the financial sustainability framework for the Council. The policy is based on the Council’s desire to plan for on-going financial sustainability to provide appropriate services and infrastructure for the community now and into the future. It provides the framework within which Council will achieve the aims set out in its long-term financial plan.

*Note: Council has not included this project in its 10-year long term financial plan.*

### **Voting requirement**

Simple majority

### **Councillor interest declarations**

Nil

### **Officer recommendation**

That with respect to the development of land for future industrial use and renewal of lease – Lot 350 on DP049883 Boonderoo Road, Tom Price, Council,

- a Allows the lease (K718211) to lapse, and
- b Requests the Chief Executive Officer to explore alternative industrial land sites as part of the Community Lifestyle and Infrastructure Plan, and
- c Requests the Shire President to write to the Minister for Lands and the Minister for Mining and Industry advocating for Development WA to undertake the industrial subdivision of the land located at Lot 350 Boonderoo Road, Tom Price.

**Council Decision                    069/2022**

**Moved                                    Cr M Lynch**

**Second                                  Cr T Mladenovic**

**That with respect to the development of land for future industrial use and renewal of lease – Lot 350 on DP049883 Boonderoo Road, Tom Price, Council,**

- a        Allows the lease (K718211) to lapse, and**
- b        Requests the Chief Executive Officer to explore alternative industrial land sites as part of the Community Lifestyle and Infrastructure Plan, and**
- c        Requests the Shire President to write to the Minister for Lands and the Minister for Mining and Industry advocating for Development WA to undertake the industrial subdivision of the land located at Lot 350 Boonderoo Road, Tom Price.**

**Carried 7/0**

**11.4 Proposed Commercial Lease of portion of Lot 201 McAullay Road (Onslow Airport) for Aviation Gasoline**

<b>File reference</b>	ONS.0016
<b>Author's name</b>	B Church
<b>Author's position</b>	Lease and Accommodation Officer
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	R Wright
<b>Authorising officer's position</b>	Manager Land and Asset Compliance
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	World Fuel Services (Australia) Pty. Ltd
<b>Date report written</b>	20 May 2022
<b>Previous meeting reference</b>	Not applicable

**Summary**

For Council to consider a commercial lease of portion of Lot 201 McAullay Road, Onslow (Onslow Airport). The town of Onslow has a current lack of fuel options for commercial airport purposes and World Fuel Services (Australia) Pty Ltd has recently discussed the possibility of constructing a fully functional Aviation Gasoline (AvGas) fuel facility in this location. This would provide an opportunity for Onslow to provide AvGas to the general aviation community.

**Background**

The town of Onslow currently has one aviation fuel provider located at the airport on McAullay Road, namely Sky Fuel. Sky Fuel do not do supply Aviation Gasoline (AvGas). Onslow Airport is in the process of developing and improving general aviation infrastructure, and this would provide an opportunity to diversify fuel offerings within the premises.

In Australia there are generally two types of aviation gas used, Jet A-1 and AvGas. AvGas is refined to a much higher standard than pump gas and is considered to be much cleaner.



Confirmed Minutes – Public Ordinary Council Meeting 14 June 2022

In March, World Fuel Services (WFS) (the Proponent) met with the Manager Land and Asset Compliance and Chief Operating Officer - Airport and Tourism. The Proponent discussed the prospect of a commercial land lease to supply an aviation fuel service in Onslow. It was agreed that the facility would be in line with the Shire's ultimate vision shown as Figure 1 below.

Portion of Lot 201 on Figure 2 has been proposed as a suitable location for the facility. The proposed lease space is approximately 910sqm to allow for further expansion. The AvGas fuel facility will provide un-manned refueling (i.e. fuel tank/facility, pipework, pumps etc.), connected to an airside bowser for pilot self-serve. There is future potential to make the facility capable of truck refueling.

Essential terms discussed to date with the Proponent are outlined below and Shire Officers are seeking Council's in principle approval to a Ground Lease, on the basis that the Chief Executive Officer is authorised to progress with negotiations to finalise the document, subject to *Local Government Act 1995* requirements.

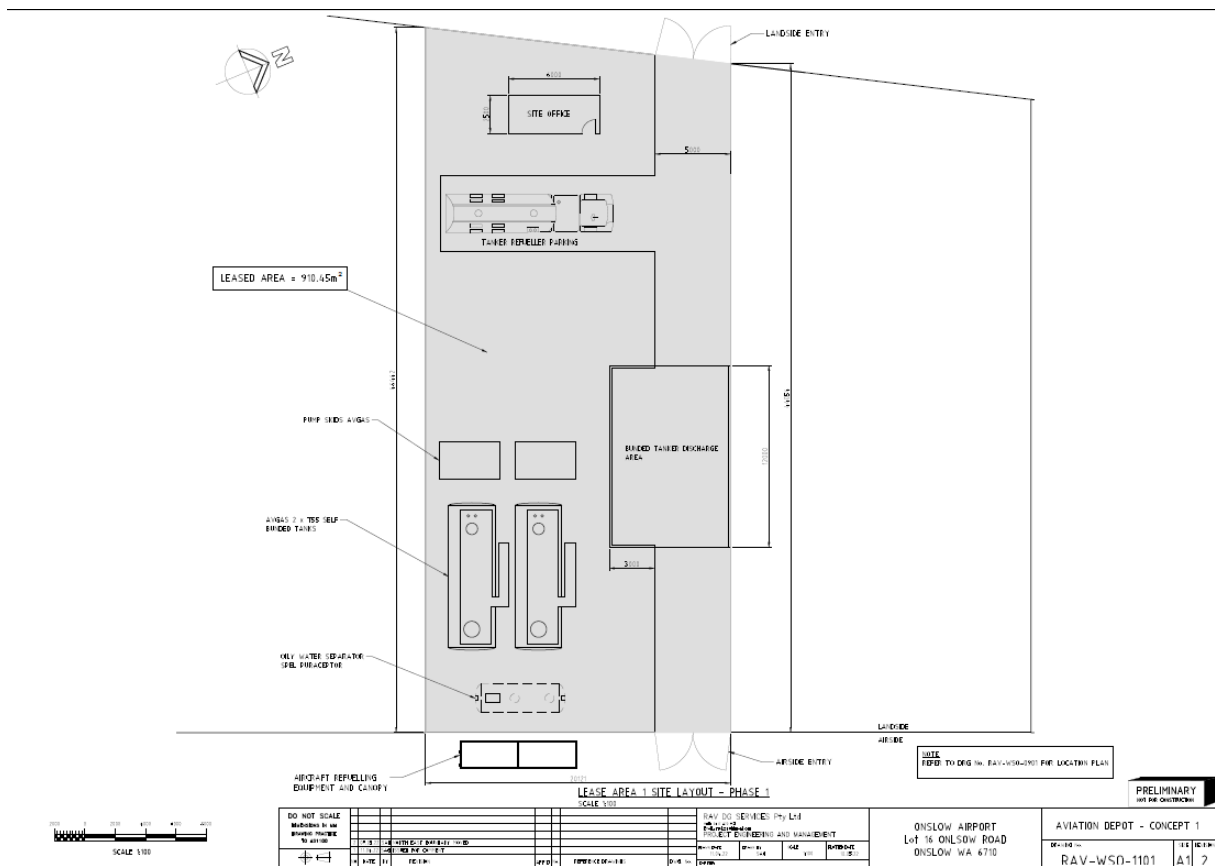


Figure 1: Design and Layout of Proposed Premises



Figure 2: Location of Proposed Premises

Ground Lease:

The Proponent has provided preliminary approval of the proposed terms, but the terms are subject to negotiation. The Ground Lease may require further design plans for the proposed development.

<b>Proponent</b>	World Fuel Services (Australia) Pty. Ltd
<b>Location</b>	Portion of Lot 201 McAullay Road, Onslow WA (Onslow Airport)
<b>Basis of lease</b>	Ground lease
<b>Term</b>	5 years
<b>Optional Term</b>	5 years
<b>Initial Rent</b>	Peppercorn until site operational (practical completion)
<b>Approximate area</b>	910sqm
<b>Permitted purpose</b>	Aviation Gas and ancillary use
<b>Rent (Option 1)</b>	\$10 per square meter per annum for first two years then \$15 per square meter per annum (subject to GST).
<b>Commencement date</b>	On execution by all parties
<b>Ownership of Improvements to the Land:</b>	Ownership of all improvements to the Land erected or constructed on the Land by the Lessee shall remain the property of the Lessee and will revert to the Shire at the expiration of the Ground Lease unless otherwise agreed.
<b>Demolition:</b>	At the expiration of the Ground Lease, the Shire reserves the right to request the Lessee to demolish/remove the improvements to the Land and leave the Land flat, level

	and free of waste and rubbish at the Lessee's sole cost as applicable.
<b>Assignment:</b>	Any approved assignment of the Ground Lease will not result in the building and improvements reverting to Shire ownership with the assignee responsible for the cost of ongoing maintenance and repairs.
<b>Sub Leasing:</b>	With Shire approval. Not to be unreasonably withheld.
<b>Practical Completion:</b>	Practical Completion of the development will result in the immediate commencement of rent. Date of Practical Completion will be the date certified by the Lessee's architect as the date on which the development of the building is practically complete and has been accepted by the Shire.
<b>Security Bond</b>	Nil.
<b>Outgoings/Services:</b>	All outgoings associated with the Premises, including electricity, water and gas, telephone, broadband etc. shall be payable by the Lessee.
<b>Rates &amp; Taxes:</b>	All rates and taxes assessed on the Premises (Council rates ('commercial') and Emergency Services Levy and any other rates, taxes, assessments and impositions) are payable by the Lessee.
<b>HVAC/Mechanical Services:</b>	The Lessee will be responsible for all maintenance of the Premises and all improvements thereon, including any items of a structural nature.
<b>Insurance</b>	All required insurances to be arranged by Lessee at its sole cost (including, but not limited to) Contractors all risk (CAR), Public Liability (minimum \$20 million) and adequate Workers Compensation. The Lessee will take out and keep in force appropriate insurances for workers compensation, all buildings and improvements, fixtures and fittings and the like. The Ground Lease will also include an indemnity from the Lessee to the Shire in relation to any damage, loss, injury or death arising from the development and occupation by the Lessee.
<b>Public Liability Insurance</b>	Lessee responsibility, subject to increase where required by the Shire.
<b>Cleaning</b>	Lessee responsibility
<b>Consumables</b>	Lessee responsibility
<b>Signage</b>	Lessee responsibility subject to relevant approvals
<b>Fencing</b>	Lessee responsibility subject to relevant approvals and at lessees cost

<b>Legal Costs</b>	Each party to pay their respective costs incurred
<b>Earthworks</b>	By lessee at its sole cost
<b>Provision of or upgrade to service/utilities if required</b>	By lessee at its cost
<b>Compliance</b>	Lessee responsibility
<b>Conditions precedent</b>	Statutory approvals (subdivision, building, planning, legislative compliance)
<b>Special Conditions</b>	<ul style="list-style-type: none"> <li>• The Shire cannot guarantee against interruptions to Quiet Enjoyment. It has the care, control and management of the Premises along with other property, roads and reserves in the vicinity of the Premises including the Onslow Airport that may require essential works to be undertaken from time to time that may impact on the Lessee's business. Restrictions (not limited to):</li> <li>• disruption or closure of roads, reserves and road reserves;</li> <li>• pedestrian movement and access;</li> <li>• vehicle/aeroplane movement, access and parking;</li> <li>• vibration and noise; and</li> <li>• dust and dirt.</li> </ul> <p>As a result, the Shire or its agents and contractor works will not be considered as having breached the Lessee's "quiet enjoyment" of the Premises and the Shire will not be liable to compensate the Lessee</p> <ul style="list-style-type: none"> <li>• Further special conditions to be discussed such as those pertaining to the proximity to airport and any land contamination due to fuel storage/spills/contamination etc</li> </ul>
<b>Indemnity</b>	The Lessee indemnifies the Shire against all losses which the Shire suffers or incurs in connection with any damage, loss, injury or death arising directly or indirectly from the construction, installation or carrying out of the development/works.

The land is currently valued at \$13,000 per annum, noting that incentives have been recommended to enable the facility to be developed and operational.

The Proponent anticipates the construction of this project to start as soon as the development is approved, and the lease executed.

### **Comment**

The provision of supplying AvGas has been explored previously with existing operators as well as an advertised expression of interest in recent years, however these past attempts were unsuccessful. The general aviation market is growing momentum and to attract this type of business Onslow airport needs to have the necessary infrastructure, such as AvGas, to support commercial and tourism operations. AvGas will play a key role in working towards a strong, efficient, and sustainable aviation industry as well as provide an income stream to the Shire.

Any lease with a new commercial operator should not compete with Sky Fuel as the services provided are of a different offering and this will provide diversity at Onslow Airport.

### **Consultation**

Manager Airport Services  
World Fuel Services (Australia) Pty. Ltd  
Sky Fuel

### **Statutory environment**

*Local Government Act 1995*

*Section 3.58 – Disposing of Property*

Any private treaty negotiations to lease with the Proponent will be required to comply with section 3.58 *Disposing of Property* under the *Local Government Act 1995*.

### **Financial implications**

The Proponent has suggested a rent-free period during the practical completion phase (AFL period) and a two-year discounted lease period to enable further activation of the area and to recoup some of the initial outlay.

The lease will provide an income to the Shire of approximately \$13,000 per annum for the next five to ten years, inclusive of options.

## Strategic implications

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective Place – We will provide sustainable, purposeful, and valued built and natural environment opportunities for the community.

Outcome Appropriate, inviting, and diverse employee accommodation and land management opportunities.

Strategy Manage and oversee compliance of land assembly and development.

## 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
Level of Service remains with existing general aviation fuel infrastructure	Possible (3)	Moderate (3)	Moderate (9)	Community unable to access AvGas and only able to access Jet A-1 Fuel.	Enter into a lease with the Proponent at the proposed location.

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 "Moderate" due to similar services being provided in Onslow, however not entering into this lease would not allow for diversity and development of infrastructure in the future. The risk of not proceeding may see the general aviation development impeded.

### **Policy implications**

#### *REC07 – Tourism policy for the Shire of Ashburton*

In recognition that tourism is a major employer and contributor to the local economy, the Shire will identify support for tourism industry.

### **Voting requirement**

Simple majority

### **Councillor interest declarations**

Nil

### **Officer recommendation**

That with respect to Proposed Commercial Lease of portion of Lot 201 McAullay Road (Onslow Airport) for Aviation Gasoline, Council,

- a Subject to section 3.58 of the *Local Government Act 1995* supports in principle the Ground Lease between the Shire of Ashburton and the Proponent for portion of Lot 201 McAullay Road, Onslow shown as Figure 2 within the parameters outlined in this report,
- b Authorises the Chief Executive Officer to negotiate the commercial terms of the Ground Lease between the Shire of Ashburton and the Proponent to effect Item a above,
- c Authorises the publication of a local public notice of the intention to dispose of Lot 201 in accordance with Section 3.58 of the *Local Government Act 1995*,
- d Authorises the Chief Executive Officer to -
  - i consider any public submissions regarding Item c, noting that that Elected Members will be provided with a briefing by Administration in relation to the responses (if any) to the local public notice,
  - ii execute any Development Application and / or Building Application to enable the commercial development at Lot 201,
  - iii execute all documentation and comply with all applicable legislation as is required to effect Items a and b, and
- e Authorises the Shire President and Chief Executive Officer to execute and affix the Common Seal of the Shire of Ashburton to the Ground Lease and any other associated documents.

**Council Decision                    070/2022**

**Moved                                    Cr R de Pledge**

**Second                                   Cr L Rumble**

**That with respect to Proposed Commercial Lease of portion of Lot 201 McAullay Road (Onslow Airport) for Aviation Gasoline, Council,**

- a     Subject to section 3.58 of the *Local Government Act 1995* supports in principle the Ground Lease between the Shire of Ashburton and the Proponent for portion of Lot 201 McAullay Road, Onslow shown as Figure 2 within the parameters outlined in this report,**
- b     Authorises the Chief Executive Officer to negotiate the commercial terms of the Ground Lease between the Shire of Ashburton and the Proponent to effect Item a above,**
- c     Authorises the publication of a local public notice of the intention to dispose of Lot 201 in accordance with Section 3.58 of the *Local Government Act 1995*,**
- d     Authorises the Chief Executive Officer to -**
  - i            consider any public submissions regarding Item c, noting that that Elected Members will be provided with a briefing by Administration in relation to the responses (if any) to the local public notice,**
  - ii          execute any Development Application and / or Building Application to enable the commercial development at Lot 201,**
  - iii        execute all documentation and comply with all applicable legislation as is required to effect Items a and b, and**
- e     Authorises the Shire President and Chief Executive Officer to execute and affix the Common Seal of the Shire of Ashburton to the Ground Lease and any other associated documents.**

**Carried 7/0**



## 11.5 Assignment of Community Lease Paraburdoo

<b>File reference</b>	RC39572
<b>Author's name</b>	B Church
<b>Author's position</b>	Lease and Accommodation Officer
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	R Wright
<b>Authorising officer's position</b>	Manager Land and Asset Compliance
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Paraburdoo Soccer Club Incorporated
<b>Date report written</b>	24 May 2022
<b>Previous meeting reference</b>	Not Applicable

### Summary

Council can approve the lease of facilities to private users and community groups.

The purpose of this report is to consider the assignment of a community lease over a storage cage currently leased from the Paraburdoo Soccer Club Inc to the Paraburdoo Taipan Cricket Club. The lease is over Part Lot 555 on Deposited Plan 411246. This premises is located within the Community Hub in Paraburdoo, used for sports, fitness, community complex and storage purposes.

Council is requested to assign a lease under clause 16.1 of the Lease Agreement.

### Background

The Paraburdoo Community Hub (known as the CHUB) is situated on Reserve 39572 comprised in Lot 555 on Deposited Plan 411246. The subject lease is located within the CHUB having an area of approximately ten (10) square meters towards the eastern side of the building to Paraburdoo Soccer Club Incorporated (PSC) (Figure 1 refers).

The Shire manages Reserve 39572 under Management Order N845388.

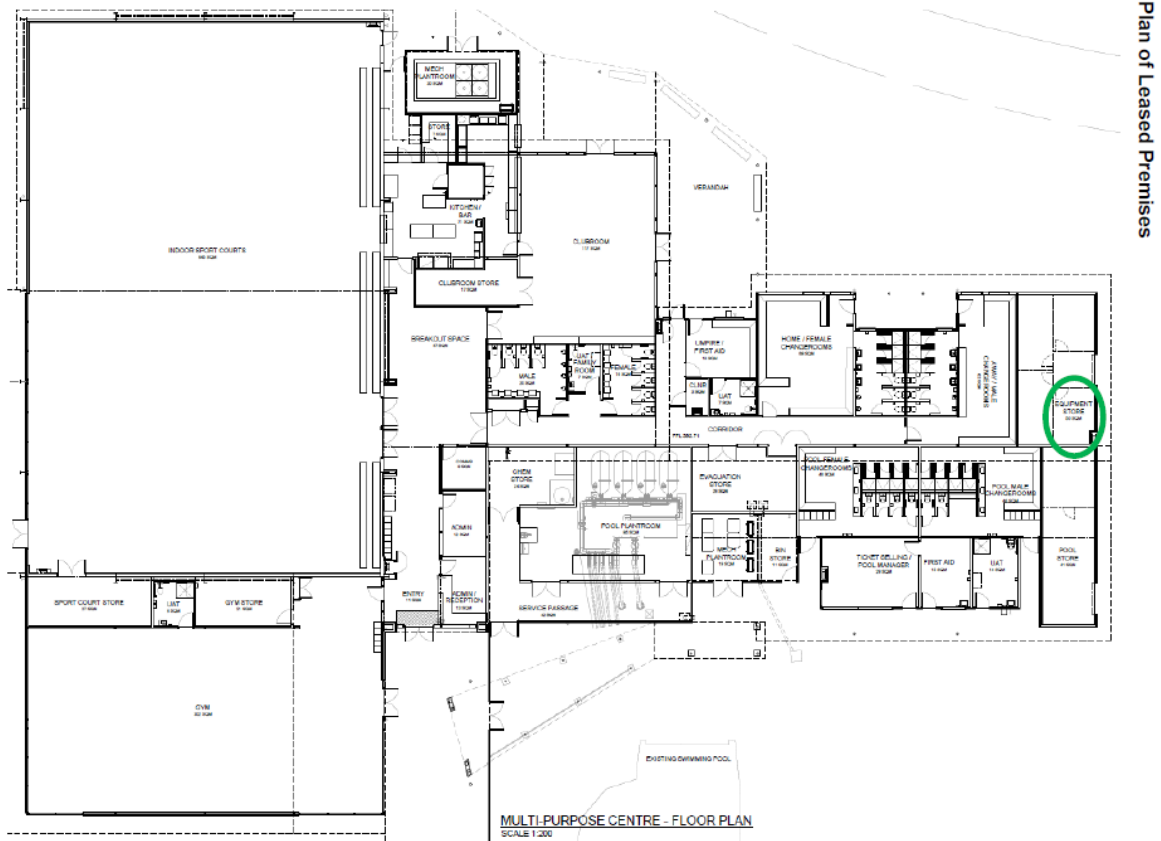


Figure 1: Plan of Leased Premises

The PSC ceased using this storage facility known as Storage Cage 1 at the CHUB on 13 December 2021 due to the club disbanding. The key was subsequently returned for Storage Cage 1.

PSC has recently elected to assign their lease for Storage Cage 1 in accordance with clause 16.1 which requires both written consent of the Shire and the Minister for Lands. The lease has an expiry of 30 June 2024, with an option to renew the lease for a further term of five years.

In principle agreement has been facilitated by Shire officers between Paraburdoo Taipan Cricket Club and Paraburdoo Soccer Club regarding taking over responsibility for the lease through assignment.

Assigning the lease is subject to Council approval and would be subject to a Deed of Assignment (Deed) being finalised and executed by all parties.

A draft Deed has been prepared to formalise the assignment and the Paraburdoo Taipan Cricket Club has indicated that it is prepared to sign the Deed to take on all obligations of the current lease arrangement.

### **Comment**

Internal discussions between the relevant parties have resulted in the proposal being supported, subject to Council approval.

Shire officers further support the proposal of assignment of lease to the Paraburdoo Taipan Cricket Club as the current lease is no longer being met by the PSC as they have disbanded, with no annual rental income received. If the assignment is not supported, the space would need to be repurposed for Shire usage or relet to another organisation and the lease formally surrendered by the PSC.

### **Consultation**

Paraburdoo Soccer Club Inc  
Paraburdoo Taipan Cricket Club  
Community Development  
Paraburdoo Community Hub

### **Statutory environment**

*Local Government Act 1995*

*Section 3.58 Disposing of Property*

This section does not apply through assignment of lease as the adopted existing lease allows for assignment and as the assignee is a not-for-profit community organisation it would be an exempt disposition.

### **Financial implications**

The Paraburdoo Taipan Cricket Club will be responsible to pay \$100 per annum, plus GST, as per the current lease arrangement. This fee is no longer being paid by the PSC, although it is still an obligation as the existing lease has not formally been assigned or surrendered.

## Strategic implications

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective Place – We will provide sustainable, purposeful, and valued built and natural environment opportunities for the community.

Outcome Appropriate, inviting, and diverse employee accommodation and land management opportunities.

Strategy Manage and oversee compliance of land assembly and development.

## 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
Lease not assigned to new lessee	Unlikely (2)	Minor (2)	Low (4)	Financial less than \$10,000	Enter into an assignment of lease with the community group at the proposed location

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” due to the minimal financial risk, and benefit to the community sporting group. The risk of not proceeding may see the Paraburdoo Taipan Cricket Club not having a beneficial storage cage in Paraburdoo.

**Policy implications**

*REC05 – Community Lease and License Agreements of Shire Assets (Facilities, Buildings and Land)*

To provide a structured, equitable and consistent approach to the management of the Council's community lease and licence agreements with local community groups for the use of Shire of Ashburton owned and controlled facilities, building and land.

**Voting requirement**

Simple majority

**Councillor interest declarations**

Nil

**Officer recommendation**

That with respect to the assignment of lease from the Paraburdoo Soccer Club Inc to the Paraburdoo Taipan Cricket Club, Council,

- a Approves the assignment of lease of the Paraburdoo Community Chub storage area known as Storage Cage 1, comprising approximately 10 square metres, located on Reserve 39572 comprised in Lot 555 on Deposited Plan 411246 to the Paraburdoo Taipan Cricket Club, and
- b Authorises the Chief Executive Officer to execute the Deed of Assignment and any other associated documents.

**Council Decision                      071/2022**

**Moved                                      Cr L Rumble**

**Second                                      Cr A Sullivan**

**That with respect to the assignment of lease from the Paraburdoo Soccer Club Inc to the Paraburdoo Taipan Cricket Club, Council,**

- a       Approves the assignment of lease of the Paraburdoo Community Chub storage area known as Storage Cage 1, comprising approximately 10 square metres, located on Reserve 39572 comprised in Lot 555 on Deposited Plan 411246 to the Paraburdoo Taipan Cricket Club, and**
- b       Authorises the Chief Executive Officer to execute the Deed of Assignment and any other associated documents.**

**Carried 7/0**

## 11.6 Onslow Water Tank Mural Commission

<b>File reference</b>	RC34
<b>Author's name</b>	M Walsh
<b>Author's position</b>	Manager Airport Services
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	K Donohoe
<b>Authorising officer's position</b>	Chief Executive Officer
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Not Applicable
<b>Date report written</b>	25 May 2022
<b>Previous meeting reference</b>	Agenda item 11.3 (Minute 27/2021) Ordinary Council Meeting 16 March 2021

### Summary

At the June 2021 Ordinary Council Meeting Council supported the continuation of the delivery of the Onslow Water Tank Mural project and requested the formalisation of Artwork Selection Working Group (AWSG).

The purpose of this report is to present the concept design for the Onslow Water Tank Mural.

Council is requested to endorse the concept design recommended by the AWSG and authorise the Chief Executive Officer to execute the contractual documentation.

### Confidentiality

An attachment to this report is confidential in accordance with section 5.23 (2) of the *Local Government Act 1995* because it deals with –

- (c) *“a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.”*
- (e) *“Information that has a commercial value to a person”*

## **Background**

Following the Ashburton Tourism Development Committee recommendation and then Council support in February 2019, the Shire commenced the procurement process to engage an artist to undertake the art project on the Onslow water tanks in partnership with Water Corporation, as the asset owner with Regional Arts WA.

Water Corporation subsequently contributed \$50,000 to this project and Regional Arts WA \$30,000. The original procurement process was abandoned by mutual agreement between the Shire and the preferred artist at the time.

At the June 2021 Ordinary Council Meeting, Council supported the continuation of the project and requested an Artwork Selection Working Group (ASWG) be established. Following Council's decision, Shire officers engaged a professional curatorial service for the coordination and management of an ASWG and to prepare the relevant documents and facilitate the procurement process on behalf of the Shire.

## **Comment**

The Shire released an Expression of Interest calling for nominations from the Onslow Community for representatives for an ASWG. Successful nominees would assist in reviewing artist submissions and provide a recommendation to Council for the preferred artwork for the Onslow Water Tank. The ASWG intention was to represent the interests of Onslow's local community, residents, and businesses.

The Confidential Evaluation and Recommendation Report details the process undertaken by the ASWG to reach an endorsement including the scope, submissions, evaluations, and recommendations.

**Confidential Attachment 11.6A**

## **Consultation**

Chief Executive Officer  
Manager Airport Services  
Element Advisory  
Water Corporation WA  
Regional Arts WA  
Procurement

## **Statutory environment**

Nil



## Financial implications

The budget for this project has already been approved by Council in the 2020-2021 Annual Budget and was rolled over into the 2021-2022 budget. Shire officers propose rolling the budget over again to the next financial year (2022-2023) as the project will not be completed until then.

Water Corporation are contributing \$50,000 to the funding of this project. The Shire of Ashburton received a successful grant application from Regional Arts WA, valued at \$30,000.

## Strategic implications

Shire of Ashburton Strategic Community Plan 2022-2032

**Strategic Objective** Prosperity – We will advocate and drive opportunities for the community to be economically desirable, resilient, and prosperous.

**Strategic Outcome** Sustainable commerce and tourism opportunities.

**Strategy** Partner with the Pilbara Development Commission, key recourse industry partners and State Government to target investment opportunities designed at stimulating more diversified business and economic development to benefit the community.

## 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 agree with the Working Group recommendation.	Possible (3)	Major (4)	High (12)	<u>Reputation</u> Substantiated, public embarrassment widespread high impact on community trust, high media profile, third party actions.	Council is thoroughly briefed on the design.  Revised scope which clearly stated Council's vision and expectation.  In-depth consultation with working group.

Confirmed Minutes – Public Ordinary Council Meeting 14 June 2022

<b>Risk</b>	<b>Risk Likelihood</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan</b>
This will be a highly visible piece of art for residents and visitors and a piece that is of poor quality may reflect on the town and Shire.	Unlikely (2)	Extreme (5)	High (10)	<u>Reputation</u> Substantiated, public embarrassment, widespread loss of community trust, high widespread multiple media profile, third party actions.	Working Group Engagement.  Engagement of specialised consultant.  Revised and more comprehensive scope.
Negative Media If the project has any more delays.	Likely (4)	Major (4)	High (16)	<u>Reputation</u> Substantiated, public embarrassment, widespread high impact on community trust, high media profile, third party Actions.	Media is monitored and managed by Manager of Media and Communities.
Community backlash if anymore delays on the project.	Likely (4)	Major (4)	High (16)	<u>Reputation</u> Substantiated, public embarrassment, widespread high impact on community trust, high media profile, third party Actions.	Regular engagement and updates.
Risk of losing funding due to project not progressing.	Unlikely (2)	Moderate (3)	Moderate (6)	<u>Financial Impact</u> \$100,000 to \$1 million	Engagement of ASWG and specialised consultant.
Loss of income already spent on the project if project does not go ahead.	Almost Certain (5)	Moderate (3)	High (15)	<u>Financial Impact</u> \$100,000 to \$1 million	Thorough consideration of all risks. Undertake insurance purchase.

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 “high” due to the elevated level of community and media interest.

### Policy implications

#### *FIN12 Purchasing Policy*

The Shire of Ashburton is committed to delivering best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance whereby establishing efficient, effective, economical, and sustainable procedures in all purchasing activities.

### Voting requirement

Simple Majority

### Councillor interest declarations

Nil

**Officer recommendation**

That with respect to the Onslow Water Tank Public Art Project Commission, Council,

- a Approve and endorse the design and artist for the Onslow Water Tank Mural as recommended by the Artwork Selection Working Group as included in Confidential Attachment 11.6A,
- b Authorise the Chief Executive Officer to award the Contract,
- c Authorise the Chief Executive Officer to approve any variation within 10% of the proposed funding amount of \$150,000, to cover any shortfalls in the purchase price,
- d Authorise the Chief Executive Officer to enter a contract with the successful artist to complete the contracted works within the next twelve (12) months, and
- e Authorises the Shire President and Chief Executive Officer to engross contract documentation.

**Council Decision            072/2022**

**Moved                        Cr A Sullivan**

**Second                      Cr L Rumble**

**That with respect to the Onslow Water Tank Public Art Project Commission, Council,**

- a        Approve and endorse the design and artist for the Onslow Water Tank Mural as recommended by the Artwork Selection Working Group as included in Confidential Attachment 11.6A,**
- b        Authorise the Chief Executive Officer to award the Contract,**
- c        Authorise the Chief Executive Officer to approve any variation within 10% of the proposed funding amount of \$150,000, to cover any shortfalls in the purchase price,**
- d        Authorise the Chief Executive Officer to enter a contract with the successful artist to complete the contracted works within the next twelve (12) months, and**
- e        Authorises the Shire President and Chief Executive Officer to engross contract documentation.**

**Carried 7/0**

## 12 Corporate Services reports

### 12.1 Monthly Schedule of Accounts Paid

<b>File reference</b>	FM03
<b>Author's name</b>	T Dayman
<b>Author's position</b>	Manager Finance and Administration
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	N Cain
<b>Authorising officer's position</b>	Director Corporate Services
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Not applicable
<b>Date report written</b>	21 April 2022
<b>Previous meeting reference</b>	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 March 2022,
- Trust Fund Payments for March 2022, and
- Corporate Credit Card Reconciliations for February 2022.

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	3,973,437.22
Superannuation / Payroll (Direct Debits)	184,518.04
Cheques	7,205
Credit Cards	10,539.69
Bank Fees and Charges	1,386.93
<u>Municipal Fund Total</u>	4,177,344.14
<u>Trust Fund</u>	
Electronic Funds Transfers	0.00
<u>Trust Fund Total</u>	0.00

**Strategic implications**

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective            Performance – We will lead the organisation, and create the culture, to deliver demonstrated performance excellence to the community.

Strategic Outcome            Appropriate, sustainable, and transparent management of community funds.

Strategy                            Ensure financial transactions are accurate and timely.

**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 March 2022, as included at Attachment 12.1A.

<b>Council Decision</b>	<b>073/2022</b>
<b>Moved</b>	<b>Cr T Mladenovic</b>
<b>Second</b>	<b>Cr M Lynch</b>
<b>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 March 2022, as included at Attachment 12.1A.</b>	
<b>Carried 7/0</b>	

## 12.2 Monthly Financial Statements – April 2022

<b>File reference</b>	FM03
<b>Author's name</b>	T Dayman
<b>Author's position</b>	Manager Finance and Administration
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	N Cain
<b>Authorising officer's position</b>	Director Corporate Services
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Not applicable
<b>Date report written</b>	29 May 2022
<b>Previous meeting reference</b>	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 April 2022 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.

Amendments to the 2021-2022 Annual Budget, with an overall effect of \$nil.

## 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

Absolute 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 April 2022, as included at Attachment 12.2A.

**Council Decision            074/2022**

**Moved                            Cr M Lynch**

**Second                          Cr T Mladenovic**

**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 April 2022, as included at Attachment 12.2A.**

**Carried 7/0**

## 13 People and Place reports

Cr M Lynch, Cr A Smith, Cr A Sullivan, Cr T Mladenovic, and Cr L Rumble declared an impartiality interest.

### 13.1 Endorsement of the Shire of Ashburton’s Local Emergency Management Arrangements and Local Recovery Plan.

<b>File reference</b>	ES03.0 / 22102039
<b>Author’s name</b>	K Cameron
<b>Author’s position</b>	Coordinator Ranger and Emergency Services
<b>Author’s interest</b>	Nil
<b>Authorising officer’s name</b>	T Matson
<b>Authorising officer’s position</b>	Director People and Place
<b>Authorising officer’s interest</b>	Nil
<b>Name of applicant / respondent</b>	Not applicable
<b>Date report written</b>	23 March 2022
<b>Previous meeting reference</b>	Not applicable

#### Summary

Under Section 41(1) of the *Emergency Management Act 2005*, which states, ‘A local government is to ensure that arrangements (local emergency management arrangements) for emergency management in the local government’s district are prepared’. Section 41(5) states that; ‘A local government is to deliver a copy of its local emergency management arrangements, and any amendment to the arrangements, to the SEMC as soon as practicable after they are prepared’.

The purpose of this report is to seek Council’s endorsement of the revised and amended Shire of Ashburton Local Emergency Management Arrangements and Local Recovery Plan.

Council is requested to review and consider the adoption of the Shire of Ashburton’s Local Emergency Management Arrangements and Local Recovery Plan, as the final endorsement process required before the “plans” are submitted to the State Emergency Management Committee.

## **Background**

The *Emergency Management Act 2005* requires local governments to prepare and maintain Local Emergency Management Arrangements (LEMA) for their Shire. The LEMA sets out the arrangements for the preparation, management of and recovery from disaster events within the Shire.

Local governments are responsible to ensure the community is prepared for and recovers from the impact of disasters. To aid in the effective management of recovery operations local governments prepare Local Recovery Plans (LRP). LRPs set out roles, responsibilities and arrangements for managing a recovery operation. Incident specific recovery plans are drafted as needed during a recovery and will draw heavily on the LRP.

The current Shire of Ashburton LEMA and LRP were last reviewed in 2014.

The proposed update LEMA and LRP are attached.

**Attachment 13.1A**

**Attachment 13.1B**

They were originally scheduled to be reviewed and endorsed in 2019. Whilst the reviews were delayed due to several factors, predominantly the Covid-19 pandemic; they have now been completed.

Previously there has been a LEMA and LRP for each Local Emergency Management Committee (LEMC). The Shire has three LEMCs sub committees (Inland / Onslow / Pannawonica). The LEMA and LRP were revised and amended in 2021 and are now single documents which cover the entire Shire. The LEMC subcommittees have each endorsed the LEMA.

Once Council has adopted the LEMA and LRP they will be forwarded to the State Emergency Management Committee (SEMC) for final review and approval.

## **Comment**

The SEMC provided the Shire of Ashburton an extension for the date of the scheduled review (2019) and for the endorsement process to be completed. This extension was provided to most local governments due to the Covid-19 pandemic.

Council endorsement of the LEMA and the LRP will ensure that the Shire meets its obligations under the *Emergency Management Act 2005*, and meets the agreed timeframe of review, consultation, and endorsement as set out by SEMC.

## Consultation

The LEMA has been developed in consultation with the member agencies of the Inland/Onslow/Pannawonica LEMC. Membership of the LEMC includes the following agencies:

- Shire of Ashburton Volunteer Bush Fire Brigades
- Rio Tinto Private Fire and Rescue Services
- Rio Tinto Emergency Services
- Rio Tinto Utilities
- FMG Eliwana Emergency services
- FMG Solomon Emergency services
- FMG Exploration Emergency services
- FMG Environmental Monitoring
- BBI Group Mine
- Sodexo
- Onslow Volunteer Fire and Emergency Service Unit
- Onslow Volunteer Marine and Rescue
- Chevron
- Pilbara Port Authority
- Onslow local supermarket
- Peedamulla Station
- Tom Price Nintirri centre
- WA Police
- Department of Fire and Emergency Services
- Department Of Biodiversity, Conservation and Attractions
- Department of Communities
- Department of Health
- Department of Education
- Department of Transport
- Onslow Hospital
- Tom Price Hospital
- Paraburdoo Hospital
- Pannawonica Medical Centre - Sonic HealthPlus
- State Emergency Services
- Water Corporation
- Horizon Power
- Main Roads Western Australian
- St John Ambulance Australia (Onslow/Tom Price/Paraburdoo).



**Statutory environment**

*Emergency Management Act (2005)*

*S41 Emergency management arrangements in local government district*

A local government is to ensure that arrangements (*local emergency management arrangements*) for emergency management in the local government’s district are prepared.

**Financial implications**

Nil

**Strategic implications**

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective Prosperity - We will advocate and drive opportunities for the community to be economically desirable, resilient, and prosperous.

Strategic Outcome Clean, safe, and accessible communities.

Strategy Review and maintain Local Emergency Management Arrangement for the community.

**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
Noncompliance with section 41(1) of the Emergency Management Act by not having Emergency Management Arrangements.	Possible (3)	Minor (2)	Moderate (6)	Compliance Some temporary non-compliances.	To date the SoA has met all the milestone set by SEMC with the final process being Council endorsement before being forwarded to SEMC for final review and endorsement.

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 “Moderate” as both the LRP and LEMA have previously undergone review by, and endorsed by, the District Emergency Management Advisor, SoA LEMC’s, stakeholders, and the Pilbara District Emergency Management Committee.

### Policy implications

There are no policy implications for this matter.

### Voting requirement

Simple majority

### Councillor interest declarations

Cr M Lynch	-	Impartiality
Cr A Smith	-	Impartiality
Cr A Sullivan	-	Impartiality
Cr T Mladenovic	-	Impartiality
Cr L Rumble	-	Impartiality

**Officer recommendation**

That with respect to the Shire of Ashburton Local Emergency Management Arrangements and Local Recovery Plan, Council,

- a In accordance with s 41(1) of the *Emergency Management Act 2005* adopts the Shire of Ashburton Local Emergency Management Arrangement and Local Recovery Plan, as included in Attachment 13.1A and Attachment 13.1B, and
- b Authorises the Chief Executive Officer to forward these documents to the State Emergency Management Committee.

**Council Decision                      075/2022**

**Moved                                      Cr A Smith**

**Second                                      Cr T Mladenovic**

**That with respect to the Shire of Ashburton Local Emergency Management Arrangements and Local Recovery Plan, Council,**

- a                      In accordance with s 41(1) of the *Emergency Management Act 2005* adopts the Shire of Ashburton Local Emergency Management Arrangement and Local Recovery Plan, as included in Attachment 13.1A and Attachment 13.1B, and**
- b                      Authorises the Chief Executive Officer to forward these documents to the State Emergency Management Committee.**

**Carried 7/0**

### 13.2 Agreement-in-Principle for the Realignment of Peedamulla Road, Onslow

<b>File reference</b>	ED01
<b>Author's name</b>	B McKay
<b>Author's position</b>	Manager Town Planning
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	T Matson
<b>Authorising officer's position</b>	Director People and Place
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Mineral Resources Limited
<b>Date report written</b>	24 May 2022
<b>Previous meeting reference</b>	Not Applicable

#### **Summary**

Council is responsible for the care, control, and management of local roads within the Shire.

The purpose of this report is to consider a request by Mineral Resources Limited for agreement-in-principle to the realignment of Peedamulla Road, Onslow.

Council is requested not to provide in-principle support and advise Mineral Resources Limited the road realignment will be considered as part of the statutory process.

#### **Background**

Since August 2021, several meetings have been had with Mineral Resources Limited (MRL) to discuss their proposal to develop a new haul road for the transport of iron ore from the Ken's Bore area to the Port of Ashburton. Throughout all conversations, Shire officers have requested detail design of the full alignment of Peedamulla Road.

A meeting was held on 21 March 2022, with MRL to discuss their proposal to develop a new haul road for the transport of iron ore and proposed realignment of a section of Peedamulla Road, Onslow. Shire officers again requested detailed engineering plans before further discussions could take place.

## Comment

Following the meeting in March 2022, the Shire received a letter from MRL on 8 April 2022, advising they are unable to provide the detailed engineering plans due to tenure constraints. To progress the realignment, MRL are seeking support to a staged approval approach as follows -

- Stage 1) Agreement-in-Principle for the preliminary road realignment.*
- Stage 2) Shire of Ashburton provide to MRL standard road designs, applicable to this proposed section of road in the agreed alignment. MRL to ensure any future design meets or exceeds minimum requirements.*
- Stage 3) Shire review and final approval of the detailed road design package, once completed.*

## Attachment 13.2A

The letter provided a map indicating the general arrangements for the proposed road realignment only.

To formalise the proposed new alignment, a dedication will need to be undertaken and, the then redundant section of Peedamulla Road, Onslow, will need to be closed. These are formal statutory processes that need to be executed in accordance with the *Land Administration Act 1997*.

Prior to this formal process being undertaken, MRL are requesting support for the new alignment. Without detailed designs however, it is impossible to understand the implications the new alignment will have on the Shire, these impacts include:

- Maintenance costs
- Benefits of new alignment
- Community impact
- Impacts on existing Peedamulla Road (flooding, traffic, and environmental impacts).

These impacts will not be fully understood until detail designs of the proposed new alignment can be assessed. With this in mind and considering road dedications and closures are a formal statutory process, until a request has been submitted and lodged for formal consideration, in-principle support should not be considered.

## Consultation

Executive Leadership Team

### Statutory environment

There are no statutory implications for providing an agreement-in-principle. Once a formal request for realignment is submitted the statutory process through the *Land Administration Act 1997* will need to be complied with.

### Financial implications

Financial implications for this matter cannot be understood until such time as detailed engineered drawings are assessed.

### Strategic implications

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective            Place – We will provide sustainable, purposeful, and valued built and natural environment opportunities for the community.

Strategic Outcome            Land use opportunities to benefit current and future communities

Strategy                            Incorporate appropriate planning controls for land use planning and development.

### 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
The proposed realignment will increase maintenance costs of Peedamulla Rd.	Possible (3)	Moderate (3)	Moderate (9)	Financial Impact \$100,001 to \$1,000,000	Wait for a formal submission prior to determining the suitability of the road realignment

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 “Moderate” because the proposed realignment may increase maintenance costs of Peedamulla Road, Onslow.

### 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 the request for in-principle support for the realignment of Peedamulla road, Council, advise Mineral Resources Limited that it is unable to provide in-principle support and requests the company to make an application for the road realignment as per the statutory process through the *Land Administration Act 1997*.

**Council Decision                    076/2022**

**Moved                                    Cr M Lynch**

**Second                                   Cr R de Pledge**

**That with respect to the request for in-principle support for the realignment of Peedamulla road, Council, advise Mineral Resources Limited that it is unable to provide in-principle support and requests the company to make an application for the road realignment as per the statutory process through the *Land Administration Act 1997*.**

**Carried 7/0**



**13.3 WAPC Application 246-22 for Survey Strata Subdivision on Lot 905  
Pilkena Street, Tom Price**

<b>File reference</b>	PIL.0905
<b>Author's name</b>	B Leavy
<b>Author's position</b>	Statutory Planning Officer
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	B McKay
<b>Authorising officer's position</b>	Manager Town Planning
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Western Australian Planning Commission
<b>Date report written</b>	10 May 2022
<b>Previous meeting reference</b>	Not Applicable

**Summary**

An application for subdivision has been received by the Shire from the Western Australian Planning Commission (WAPC) for a five (5) lot survey strata subdivision at Lot 905 Pilkena Street, Tom Price.

The subdivision application from the WAPC seeks comments and conditions for the proposed subdivision.

Council is requested to provide support for the subdivision application, with conditions.

**Background**

Development Application

Prior to the lodgement of the subdivision application, a development application was lodged and approved by the Shire under delegated authority. The development application (DA 21-75) approved the development of four (4) grouped dwellings on the site, subject to conditions of approval and advice notes.

The proposed subdivision application is generally in accordance with the development approval and will be required to comply with the conditions approved by the WAPC, the subject of this application.

**Attachment 13.3A**

## Comment

### Proposal

The application for survey strata subdivision seeks to subdivide the 1539m<sup>2</sup> lot into five (5) lots, as defined below:

Lot 1 – 332m<sup>2</sup> and 20m<sup>2</sup> (Total = 352m<sup>2</sup>)

Lot 2 – 281m<sup>2</sup>

Lot 3 – 298m<sup>2</sup>

Lot 4 – 316m<sup>2</sup> and 17m<sup>2</sup> (Total = 333m<sup>2</sup>)

Common Property – 275m<sup>2</sup>

## Attachment 13.3B

### Subject Site and Locality

The subject land is currently vacant cleared land. The lot is serviced by reticulated water, sewerage, telecommunications and below ground power.

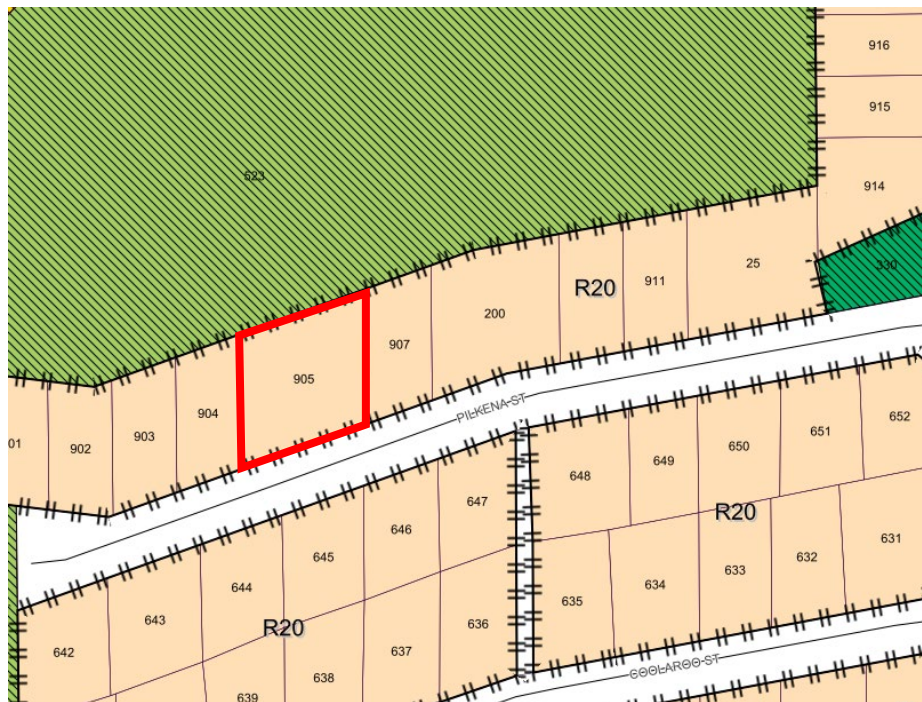


Figure 1: zoning of the site (in red) and adjoining lots



Figure 2: Aerial view of the subject site (in red) and adjoining lots

The subdivision application is assessed against the requirements of the Residential Design Codes (R-Codes), Shire of Ashburton Local Planning Scheme No. 7 (LPS7), State Planning Policies and Liveable Neighbourhoods.

Residential Design Code (R-Codes) Assessment

The land is currently zoned as ‘Residential’ with a residential density coding of ‘R20’. The proposed lot sizes are in accordance with the minimum requirements of the Residential Design Codes (R-Codes).

<b>5.1.1 Site area</b>			
<b>R-Codes Vol. 1 deemed to comply</b>	<b>Required (Table 1)</b>	<b>Proposed</b>	<b>Compliance</b>
C1.1 and C1.2 – Site area requirements	Minimum lot area (R30) 260 square metres (m <sup>2</sup> )	Lot 1: 352m <sup>2</sup> Lot 2: 281m <sup>2</sup> Lot 3: 298m <sup>2</sup> Lot 4: 333m <sup>2</sup>  Common Property: 275m <sup>2</sup>	Yes
	Average lot area 300 square metres (m <sup>2</sup> )	Average = 307.8m <sup>2</sup>	Yes
	Minimum frontage N/A m	40.506m	N/A

Model Subdivision Conditions

All subdivision applications are required to utilise the Model Subdivision Conditions provided and approved by the WAPC. Any condition that is non-standard, is required to provide a succinct and reasonable justification for the variation from the standard conditions.

The proposed subdivision generally complies with the requirements of the Residential Design Codes, Shire of Ashburton Local Planning Scheme No. 7, State Planning Policies and Liveable Neighbourhoods, and as such should be supported by way of providing model conditions in relation to the subdivision.

**Attachment 13.3C**

**Consultation**

Development Control Unit  
Manager Town Planning  
Director People and Place

The application was formally advertised for a period of 15 days (9 November 2021 – 24 November 2021), in accordance with Clause 6.6.2 (d) of the Local Planning Scheme No. 7. No submissions were received during this period.

**Statutory environment**

*Planning and Development Act 2005*

*138. Commission's functions when approving subdivision etc.*

- (1) The Commission may give its approval under section 135 or 136 subject to conditions which are to be carried out before the approval becomes effective.*
- (2) Subject to subsection (3), in giving its approval under section 135 or 136 the Commission is to have due regard to the provisions of any local planning scheme that applies to the land under consideration and is not to give an approval that conflicts with the provisions of a local planning scheme.*
- (3) The Commission may give an approval under section 135 or 136 that conflicts with the provisions of a local planning scheme if —*

- (a) *the local planning scheme was not first published, or a consolidation of the local planning scheme has not been published, in the preceding 5 years and the approval is consistent with a State planning policy that deals with substantially the same matter; or*
- (b) *the approval is consistent with a region planning scheme that deals with substantially the same matter; or*
- (c) *in the opinion of the Commission —*
  - (i). *the conflict is of a minor nature; or*
  - (ii). *the approval is consistent with the general intent of the local planning scheme;**or*
- (d) *the local planning scheme includes provisions permitting a variation of the local planning scheme that would remove the conflict; or*
- (e) *in the case of an application under section 135, the local government responsible for the enforcement of the observance of the scheme has been given the plan of subdivision, or a copy, under section 142 and has not made any objection under that section; or*
- (f) *the approval is given in circumstances set out in the regulations.*

(4) *Despite subsection (3), the Commission is to ensure that an approval under section 135 or 136 complies with the provisions of a local planning scheme to the extent necessary for compliance with an environmental condition relevant to the land under consideration.*

142. *Consultation requirements as to proposed subdivision*

- (1) *When, in the opinion of the Commission, a plan of subdivision may affect the functions of a local government, a public authority, or a utility services provider, the Commission is to forward the plan or a copy of the plan to that local government, public authority or utility services provider for objections and recommendations.*
- (2) *A local government, public body or utility services provider receiving such a plan or copy is to, within 42 days of receipt of the plan or copy or within such longer period as the Commission allows, forward it to the Commission with —*

(a) a memorandum in writing containing any objections to, or recommendations in respect of, the whole or part of that plan; and

(b) in the case of a local government receiving a plan or copy relating to land within the area to which an assessed scheme (as defined in the EP Act) applies, advice of any relevant environmental condition to which the assessed scheme is subject.

(3) If a local government, public authority or utility services provider does not forward a memorandum within the time allowed under subsection (2), the Commission may determine that it is to be taken to have no objections or recommendations to make or advice to give.

### Financial implications

There are no known significant financial implications in relation to this matter.

### Strategic implications

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	Place – We will provide sustainable, purposeful, and valued built and natural environment opportunities for the community.
Strategic Outcome	Land use opportunities to benefit current and future communities
Strategy	Incorporate appropriate planning controls for land use planning and development.

### 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 supports the subdivision application	Possible (3)	Insignificant (1)	Low (3)	Compliance  No noticeable regulatory or statutory impact	Endorse Officers Recommendation
Council does not support the subdivision application	Possible (3)	Minor (2)	Moderate (6)	Financial Impact  \$10,000 - \$100,000	Endorse Officers Recommendation
	Possible (3)	Insignificant (1)	Low (3)	Reputation - (Social/Community)	Endorse Officers Recommendation

				Unsubstantiated, localised low impact on community trust, low profile or no media item.	
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The following Risk Matrix has been applied:

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

Adoption of this item has been evaluated against the Shire of Ashburton’s Risk Management Policy CORP5 Risk Matrix.

The perceived level of risk is “Low-Moderate” because failure to support the subdivision application has associated risks that may result in legal proceedings.

**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 Western Australian Planning Commission Application 246-22 | Lot 905 Pilkena Street, Tom Price –Five (5) Lot Survey Strata Subdivision, Council,

- a Supports the subdivision application (WAPC 246-22) subject to the Western Australian Planning Commission conditions and advice notes, as included at Attachment 13.3C, and as follows:

*D1 - Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:*

- a) lots can accommodate their intended use; and  
b) finished ground levels at the boundaries of the lot(s) the subject of this*

*approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting. (Local Government)*

*D3 -Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Western Australian Planning Commission. (Local Government)*

*E3 - Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of [DELETE / INSERT LICENSED SERVICE PROVIDER AS APPLICABLE], for the provision of an electricity supply to the survey-/vacant [DELETE AS APPLICABLE] strata lots shown on the approved plan of subdivision, which may include the provision of necessary service access rights either as an easement under Section 136C and Schedule 9A of the Transfer of Land Act 1893 for the transmission of electricity by underground cable, or (in the case of approvals containing common property) via a portion of the common property suitable for consumer mains. [DELETE / INSERT LICENSED SERVICE PROVIDER AS APPLICABLE]*



*F1 - Information is to be provided to demonstrate that the measures contained in Section 6; Table X (INSERT TABLE NUMBER THAT RELATES TO DEVELOPER IMPLEMENTATION RESPONSIBILITIES) of the bushfire management plan [RENAME/ INSERT VERSION/ DATE] have been implemented during subdivisional works. This information should include a completed 'Certification by Bushfire Consultant' from the bushfire management plan. (Local Government)*

Or

*Information is to be provided to demonstrate that the measures contained in the bushfire management plan (insert version/date) [RENAME/DELETE AS APPLICABLE] that address the following:*

- (a)*
- (b)*
- (c)*

*Have been implemented during subdivisional works. This information should include a notice of 'Certification by Bushfire Consultant'.*

*F2 - A notification, pursuant to Section 165 of the Planning and Development Act 2005, is to be placed on the certificate(s) of title of the proposed lot(s) with a Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor.*

*Notice of this notification is to be included on the diagram or plan of survey (deposited plan).*

*The notification is to state as follows:*

*"This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is/ may be subject to a Bushfire Management Plan [RENAME/DELETE AS APPLICABLE]. Additional planning and building requirements may apply to development on this land"*  
*(Western Australian Planning Commission)*

*T20 - Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government)*

*T24 - A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:*

*This lot is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise. Additional planning and building requirements may apply to development on this land to achieve an acceptable level of noise reduction. (Western Australian Planning Commission)*

*W1 - For all lots apply a):*

*a) Arrangements being made with a licensed water provider for the provision of a suitable water supply service to each lot shown on the approved plan of subdivision. (Water Corporation/ Aqwest/ Busselton Water) [DELETE / INSERT LICENSED SERVICE PROVIDER AS APPLICABLE]*

*For applications for survey strata or vacant strata schemes also include b):*

*b) Additionally, arrangements are to include the provisions of a suitable water supply service to each lot in the scheme (plan) (Western Australian Planning Commission)*

*W3 - The provision of easements for existing or planned future water, sewerage and/or drainage infrastructure as may be required by [ INSERT SERVICE PROVIDER] being granted free of cost to that body. [INSERT SERVICE PROVIDER]*

#### Standard Advice

*Ea1 In regard to Condition E1, [DELETE /INSERT LICENSED SERVICE PROVIDER AS APPLICABLE] provides only one underground point of electricity supply per freehold lot.*

*Ta2. The landowner/applicant and the local government are advised to refer to the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development (current edition). The guidelines set out the minimum best practice requirements recommended for subdivision construction and granting clearance of engineering conditions imposed.*

*Ta3. In regard to Condition (T1), the landowner/applicant is advised that the road reserves, including the constructed carriageways, laneways, truncations, footpaths/dual use paths and car embayments, are to be generally consistent with the approved plan of subdivision.*

*Tea1. The applicant/landowner is advised that pursuant to the Commonwealth Telecommunications Act 1997 there will generally be a requirement for the installation of fibre-ready telecommunications infrastructure. Exemptions can be sought for certain types of development. Further information is available from the Australian Government Department of Infrastructure, Transport, Regional Development and Communications website at [www.infrastructure.gov.au](http://www.infrastructure.gov.au)*

- b Authorises the Statutory Planning Officer to forward a letter of support for the subdivision application (WAPC 246-22) to the Western Australian Planning Commission regarding point (a) above.

**Council Decision 077/2022**

**Moved Cr M Lynch**  
**Second Cr R de Pledge**

**That with respect to Western Australian Planning Commission Application 246-22 | Lot 905 Pilkena Street, Tom Price –Five (5) Lot Survey Strata Subdivision, Council,**

- a Supports the subdivision application (WAPC 246-22) subject to the Western Australian Planning Commission conditions and advice notes, as included at Attachment 13.3C, and as follows:**

***D1 - Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:***

- a) lots can accommodate their intended use; and***  
***b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting. (Local Government)***

***D3 -Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring***

*that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Western Australian Planning Commission. (Local Government)*

*E3 - Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of [DELETE / INSERT LICENSED SERVICE PROVIDER AS APPLICABLE], for the provision of an electricity supply to the survey-/vacant [DELETE AS APPLICABLE] strata lots shown on the approved plan of subdivision, which may include the provision of necessary service access rights either as an easement under Section 136C and Schedule 9A of the Transfer of Land Act 1893 for the transmission of electricity by underground cable, or (in the case of approvals containing common property) via a portion of the common property suitable for consumer mains. [DELETE / INSERT LICENSED SERVICE PROVIDER AS APPLICABLE]*

*F1 - Information is to be provided to demonstrate that the measures contained in Section 6; Table X (INSERT TABLE NUMBER THAT RELATES TO DEVELOPER IMPLEMENTATION RESPONSIBILITIES) of the bushfire management plan [RENAME/ INSERT VERSION/ DATE] have been implemented during subdivisional works. This information should include a completed 'Certification by Bushfire Consultant' from the bushfire management plan. (Local Government)*

*Or*

*Information is to be provided to demonstrate that the measures contained in the bushfire management plan (insert version/date) [RENAME/DELETE AS APPLICABLE] that address the following:*

- (a)*
- (b)*
- (c)*

*Have been implemented during subdivisional works. This information should include a notice of 'Certification by Bushfire Consultant'.*

*F2 - A notification, pursuant to Section 165 of the Planning and Development Act 2005, is to be placed on the certificate(s) of title of the*

**proposed lot(s) with a Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor.**

**Notice of this notification is to be included on the diagram or plan of survey (deposited plan).**

**The notification is to state as follows:**

**“This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is/ may be subject to a Bushfire Management Plan [RENAME/DELETE AS APPLICABLE]. Additional planning and building requirements may apply to development on this land” (Western Australian Planning Commission)**

**T20 - Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government)**

**T24 - A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:**

**This lot is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise. Additional planning and building requirements may apply to development on this land to achieve an acceptable level of noise reduction. (Western Australian Planning Commission)**

**W1 - For all lots apply a):**

**a) Arrangements being made with a licensed water provider for the provision of a suitable water supply service to each lot shown on the approved plan of subdivision. (Water Corporation/ Aqwest/ Busselton Water) [DELETE / INSERT LICENSED SERVICE PROVIDER AS APPLICABLE]**

**For applications for survey strata or vacant strata schemes also include b):**

**b) Additionally, arrangements are to include the provisions of a suitable water supply service to each lot in the scheme (plan) (Western Australian Planning Commission)**

***W3 - The provision of easements for existing or planned future water, sewerage and/or drainage infrastructure as may be required by [ INSERT SERVICE PROVIDER] being granted free of cost to that body. [INSERT SERVICE PROVIDER]***

**Standard Advice**

***Ea1 In regard to Condition E1, [DELETE /INSERT LICENSED SERVICE PROVIDER AS APPLICABLE] provides only one underground point of electricity supply per freehold lot.***

***Ta2. The landowner/applicant and the local government are advised to refer to the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development (current edition). The guidelines set out the minimum best practice requirements recommended for subdivision construction and granting clearance of engineering conditions imposed.***

***Ta3. In regard to Condition (T1), the landowner/applicant is advised that the road reserves, including the constructed carriageways, laneways, truncations, footpaths/dual use paths and car embayments, are to be generally consistent with the approved plan of subdivision.***

***Tea1. The applicant/landowner is advised that pursuant to the Commonwealth Telecommunications Act 1997 there will generally be a requirement for the installation of fibre-ready telecommunications infrastructure. Exemptions can be sought for certain types of development. Further information is available from the Australian Government Department of Infrastructure, Transport, Regional Development and Communications website at [www.infrastructure.gov.au](http://www.infrastructure.gov.au)***

- b Authorises the Statutory Planning Officer to forward a letter of support for the subdivision application (WAPC 246-22) to the Western Australian Planning Commission regarding point (a) above.**

**Carried 7/0**

**13.4 WAPC Application 162161 for Amalgamation on Lot 30 and 31 Yungu Road, Onslow**

<b>File reference</b>	YUN.0030; YUN.0031
<b>Author's name</b>	B Leavy
<b>Author's position</b>	Statutory Planning Officer
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	B McKay
<b>Authorising officer's position</b>	Manager Town Planning
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Western Australian Planning Commission
<b>Date report written</b>	11 May 2022
<b>Previous meeting reference</b>	Not Applicable

**Summary**

An application for subdivision has been received by the Shire from the Western Australian Planning Commission (WAPC) for a two (2) lot amalgamation of Lot 30 and Lot 31 Yungu Road, Onslow.

The subdivision application (WAPC 162161) seeks comments and conditions for the proposed amalgamation.

Council is requested to provide support for the amalgamation application in accordance with the Officer's Recommendation.

**Background**

An application for subdivision has been received by the Shire of Ashburton from the Western Australian Planning Commission (WAPC) for a two (2) lot amalgamation of Lot 30 and Lot 31 Yungu Road, Onslow.

**Comment**

Proposal

The application for amalgamation of two lots seeks to combine the follow lots as defined below:

Lot 30 – 443m<sup>2</sup>

Lot 31 – 435m<sup>2</sup>

Amalgamated total lot area (Lot 301 in Attachment 1.1A) = 878m<sup>2</sup>

**Attachment 13.4A**

Subject Site and Locality

The subject land is currently vacant cleared land. The lot is not internally serviced by reticulated water, sewerage, telecommunications and below ground power. However, all applicable servicing is available to the site, subject to the applicable approvals.

The adjoining allotments within the Barrada Estate - Stage 1 development are predominantly occupied by single storey houses.



*Figure 1: Aerial view of the subject site (in red) and adjoining lots*



The subdivision application is assessed against the requirements of the Residential Design Codes (R-Codes), Shire of Ashburton Local Planning Scheme No. 7 (LPS7), State Planning Policies and Liveable Neighbourhoods.

#### Model Subdivision Conditions

All subdivision applications are required to utilise the Model Subdivision Conditions provided and approved by the WAPC. Any condition that is non-standard, is required to provide a succinct and reasonable justification for the variation from the standard conditions.

The proposed subdivision generally complies with the requirements of the Residential Design Codes, Shire of Ashburton Local Planning Scheme No. 7, State Planning Policies and Liveable Neighbourhoods, and as such should be supported by way of providing model conditions in relation to the subdivision.

#### **Attachment 13.4B**

#### **Consultation**

Development Control Unit  
Manager Town Planning  
Director People and Place

#### **Statutory environment**

*Planning and Development Act 2005*

139. *Commission's functions when approving subdivision etc.*

(5) *The Commission may give its approval under section 135 or 136 subject to conditions which are to be carried out before the approval becomes effective.*

(6) *Subject to subsection (3), in giving its approval under section 135 or 136 the Commission is to have due regard to the provisions of any local planning scheme that applies to the land under consideration and is not to give an approval that conflicts with the provisions of a local planning scheme.*

(7) *The Commission may give an approval under section 135 or 136 that conflicts with the provisions of a local planning scheme if —*

- (a) *the local planning scheme was not first published, or a consolidation of the local planning scheme has not been published, in the preceding 5 years and the approval is consistent with a State planning policy that deals with substantially the same matter; or*
- (b) *the approval is consistent with a region planning scheme that deals with substantially the same matter; or*
- (c) *in the opinion of the Commission —*
  - (i). *the conflict is of a minor nature; or*
  - (ii). *the approval is consistent with the general intent of the local planning scheme;**or*
- (d) *the local planning scheme includes provisions permitting a variation of the local planning scheme that would remove the conflict; or*
- (e) *in the case of an application under section 135, the local government responsible for the enforcement of the observance of the scheme has been given the plan of subdivision, or a copy, under section 142 and has not made any objection under that section; or*
- (f) *the approval is given in circumstances set out in the regulations.*

(8) *Despite subsection (3), the Commission is to ensure that an approval under section 135 or 136 complies with the provisions of a local planning scheme to the extent necessary for compliance with an environmental condition relevant to the land under consideration.*

143. *Consultation requirements as to proposed subdivision*

- (4) *When, in the opinion of the Commission, a plan of subdivision may affect the functions of a local government, a public authority, or a utility services provider, the Commission is to forward the plan or a copy of the plan to that local government, public authority or utility services provider for objections and recommendations.*
- (5) *A local government, public body or utility services provider receiving such a plan or copy is to, within 42 days of receipt of the plan or copy or within such longer period as the Commission allows, forward it to the Commission with —*

(a) a memorandum in writing containing any objections to, or recommendations in respect of, the whole or part of that plan; and

(b) in the case of a local government receiving a plan or copy relating to land within the area to which an assessed scheme (as defined in the EP Act) applies, advice of any relevant environmental condition to which the assessed scheme is subject.

(6) If a local government, public authority or utility services provider does not forward a memorandum within the time allowed under subsection (2), the Commission may determine that it is to be taken to have no objections or recommendations to make or advice to give.

### Financial implications

There are no known significant financial implications in relation to this matter.

### Strategic implications

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	Place – We will provide sustainable, purposeful, and valued built and natural environment opportunities for the community.
Strategic Outcome	Land use opportunities to benefit current and future communities
Strategy	Incorporate appropriate planning controls for land use planning and development.

### 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 supports the subdivision application.	Possible (3)	Insignificant (1)	Low (3)	Compliance  No noticeable regulatory or statutory impact.	Endorse Officer Recommendation
Council does not support the subdivision application.	Possible (3)	Minor (2)	Moderate (6)	Financial Impact \$10,000 - \$100,000	Endorse Officer Recommendation
	Possible (3)	Insignificant (1)	Low (3)	Reputation - (Social/Community)  Unsubstantiated,	Endorse Officer Recommendation

				localised low impact on community trust, low profile or no media item.	
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The following Risk Matrix has been applied:

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

Adoption of this item has been evaluated against the Shire of Ashburton’s Risk Management Policy CORP5 Risk Matrix.

The perceived level of risk is “Low-Moderate” because failure to support the subdivision application has associated risks that may result in legal proceedings.

**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 Western Australian Planning Commission Application 162161 | Lot 30 and Lot 31 Yungu Road, Onslow – Two (2) Lot Amalgamation, Council,

- a Supports the amalgamation application (WAPC 162161) subject to Western Australian Planning Commission conditions and advice notes, as included at Attachment 13.4B, and as follows:

*F1 - Information is to be provided to demonstrate that the measures contained in Section 6; Table X (INSERT TABLE NUMBER THAT RELATES TO DEVELOPER IMPLEMENTATION RESPONSIBILITIES) of the bushfire management plan [RENAME/ INSERT VERSION/ DATE] have been implemented during subdivisional works. This information should include a completed 'Certification by Bushfire Consultant' from the bushfire management plan. (Local Government)*

Or

*Information is to be provided to demonstrate that the measures contained in the bushfire management plan (insert version/date) [RENAME/DELETE AS APPLICABLE] that address the following:*

- (a)*
- (b)*
- (c)*

*Have been implemented during subdivisional works. This information should include a notice of 'Certification by Bushfire Consultant'.*

*F2 - A notification, pursuant to Section 165 of the Planning and Development Act 2005, is to be placed on the certificate(s) of title of the proposed lot(s) with a Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor.*

*Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:*

*"This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is/ may be subject to a Bushfire Management Plan [RENAME/DELETE AS APPLICABLE]. Additional planning and building requirements may apply to development on this land"*  
*(Western Australian Planning Commission)*

*T20 - Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government)*

*W1 - For all lots apply a):*

*a) Arrangements being made with a licensed water provider for the provision of a suitable water supply service to each lot shown on the approved plan of subdivision. (Water Corporation/ Aqwest/ Busselton Water) [DELETE / INSERT LICENSED SERVICE PROVIDER AS APPLICABLE]*

*For applications for survey strata or vacant strata schemes also include b):*

*b) Additionally, arrangements are to include the provisions of a suitable water supply service to each lot in the scheme (plan) (Western Australian Planning Commission)*

*The provision of easements for existing or planned future water, sewerage and/or drainage infrastructure as may be required by [ INSERT SERVICE PROVIDER] being granted free of cost to that body. [INSERT SERVICE PROVIDER]*

*Standard Advice*

*Ta2. The landowner/applicant and the local government are advised to refer to the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development (current edition). The guidelines set out the minimum best practice requirements recommended for subdivision construction and granting clearance of engineering conditions imposed.*

*Ta3. In regard to Condition (T1), the landowner/applicant is advised that the road reserves, including the constructed carriageways, laneways, truncations, footpaths/dual use paths and car embayments, are to be generally consistent with the approved plan of subdivision.*

*Tea1. The applicant/landowner is advised that pursuant to the Commonwealth Telecommunications Act 1997 there will generally be a requirement for the installation of fibre-ready telecommunications infrastructure. Exemptions can be sought for certain types of development. Further information is available from the Australian Government Department of Infrastructure, Transport, Regional Development and Communications website at [www.infrastructure.gov.au](http://www.infrastructure.gov.au)*

- b** Authorises the Statutory Planning Officer to forward a letter of support for the amalgamation application (WAPC 162161) to the Western Australian Planning Commission regarding point (a) above.

**Council Decision                    078/2022**

**Moved                                    Cr L Rumble**

**Second                                  Cr T Mladenovic**

**That with respect to Western Australian Planning Commission Application 162161 | Lot 30 and Lot 31 Yungu Road, Onslow – Two (2) Lot Amalgamation, Council,**

**a       Supports the amalgamation application (WAPC 162161) subject to Western Australian Planning Commission conditions and advice notes, as included at Attachment 13.4B, and as follows:**

***F1 - Information is to be provided to demonstrate that the measures contained in Section 6; Table X (INSERT TABLE NUMBER THAT RELATES TO DEVELOPER IMPLEMENTATION RESPONSIBILITIES] of the bushfire management plan [RENAME/ INSERT VERSION/ DATE] have been implemented during subdivisional works. This information should include a completed ‘Certification by Bushfire Consultant’ from the bushfire management plan. (Local Government)***

***Or***

***Information is to be provided to demonstrate that the measures contained in the bushfire management plan (insert version/date) [RENAME/DELETE AS APPLICABLE] that address the following:***

***(a)***

***(b)***

***(c)***

***Have been implemented during subdivisional works. This information should include a notice of ‘Certification by Bushfire Consultant’.***

***F2 - A notification, pursuant to Section 165 of the Planning and Development Act 2005, is to be placed on the certificate(s) of title of the proposed lot(s) with a Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor.***

***Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:***

***“This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is/ may be subject to a Bushfire Management Plan [RENAME/DELETE AS APPLICABLE]. Additional planning and building requirements may apply to development on this land” (Western Australian Planning Commission)***

***T20 - Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government)***

***W1 - For all lots apply a):***

***a) Arrangements being made with a licensed water provider for the provision of a suitable water supply service to each lot shown on the approved plan of subdivision. (Water Corporation/ Aqwest/ Busselton Water) [DELETE / INSERT LICENSED SERVICE PROVIDER AS APPLICABLE]***

***For applications for survey strata or vacant strata schemes also include b):***

***b) Additionally, arrangements are to include the provisions of a suitable water supply service to each lot in the scheme (plan) (Western Australian Planning Commission)***

***The provision of easements for existing or planned future water, sewerage and/or drainage infrastructure as may be required by [ INSERT SERVICE PROVIDER] being granted free of cost to that body. [INSERT SERVICE PROVIDER]***

**Standard Advice**

***Ta2. The landowner/applicant and the local government are advised to refer to the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development (current edition). The guidelines set out the minimum best practice requirements recommended for subdivision construction and granting clearance of engineering conditions imposed.***

***Ta3. In regard to Condition (T1), the landowner/applicant is advised that the road reserves, including the constructed carriageways, laneways, truncations, footpaths/dual use paths and car embayments, are to be generally consistent with the approved plan of subdivision.***



***Tea1. The applicant/landowner is advised that pursuant to the Commonwealth Telecommunications Act 1997 there will generally be a requirement for the installation of fibre-ready telecommunications infrastructure. Exemptions can be sought for certain types of development. Further information is available from the Australian Government Department of Infrastructure, Transport, Regional Development and Communications website at [www.infrastructure.gov.au](http://www.infrastructure.gov.au)***

- b Authorises the Statutory Planning Officer to forward a letter of support for the amalgamation application (WAPC 162161) to the Western Australian Planning Commission regarding point (a) above.**

**Carried 7/0**

Cr T Mladenovic, Cr A Smith and Cr M Lynch declared an indirect financial interest in this matter.

Cr L Rumble and Cr A Sullivan declared a financial interest in this matter.

**13.5 WAPC Application 162169 for Amalgamation and Subdivision on Lots 100 - 102 and Lots 116 – 118 Oleander Street, Lot 120 Cedar Street and Lots 172 – 175 Cassia Street, Tom Price**

**File reference** OLE.0100; OLE.0101; OLE.0102; OLE.0116; OLE.0117; OLE.0118; CED.0120; CAS.0172; CAS.0173; CAS.0174; CAS.0175

**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** Manager Town Planning  
**Authorising officer's interest** Nil

**Name of applicant / respondent** Western Australian Planning Commission

**Date report written** 11 May 2022

**Previous meeting reference** Not Applicable

**Summary**

An application for subdivision has been received by the Shire from the Western Australian Planning Commission (WAPC) for the amalgamation of eleven (11) lots and subdivision into fourteen (14) lots at subdivision at Lot 100 -102 and Lot 116 -118 Oleander Street, Lot 120 Cedar Street and Lot 172-175 Cassia Street, Tom Price.

The subdivision application from the WAPC seeks comments and conditions for the proposed subdivision.

Council is requested to provide support for the subdivision application, subject to conditions.

## Background

An application for subdivision has been received by the Shire of Ashburton from the Western Australian Planning Commission (WAPC) for the amalgamation of eleven (11) lots and subdivision into fourteen (14) lots at subdivision at Lot 100 -102 and Lot 116 - 118 Oleander Street, Lot 120 Cedar Street and Lot 172-175 Cassia Street, Tom Price.

## Comment

### Proposal

The application for subdivision seeks to subdivide the following noted eleven (11) lots into fourteen (14) lots, as defined below:

<b>Current Lots</b>	<b>Lot on Deposited Plan</b>	<b>Lot Area (m<sup>2</sup>)</b>
Lot 100 Oleander Street, Tom Price	Lot 100 on Plan 15339	757
Lot 101 Oleander Street, Tom Price	Lot 101 on Plan 15339	913
Lot 102 Oleander Street, Tom Price	Lot 102 on Plan 15339	919
Lot 116 Oleander Street, Tom Price	Lot 116 on Plan 15206	691
Lot 117 Oleander Street, Tom Price	Lot 117 on Plan 15206	768
Lot 118 Oleander Street, Tom Price	Lot 118 on Plan 15206	1023
Lot 120 Cedar Street, Tom Price	Lot 120 on Plan 15206	863
Lot 172 Cassia Street, Tom Price	Lot 172 on Plan 15210	950
Lot 173 Cassia Street, Tom Price	Lot 173 on Plan 15210	851
Lot 174 Cassia Street, Tom Price	Lot 174 on Plan 15210	826
Lot 175 Cassia Street, Tom Price	Lot 175 on Plan 15210	850

<b>Proposed Lots</b>	<b>Lot Area (m<sup>2</sup>)</b>
Lot 1	724
Lot 2	684
Lot 3	684
Lot 4	694
Lot 5	691
Lot 6	734
Lot 7	691
Lot 8	637
Lot 9	641
Lot 10	652
Lot 11	652
Lot 12	647
Lot 13	647
Lot 14	642

Subject Site and Locality

The subject land is currently located within a low-density residential area, with the noted sites each housing a single dwelling per lot. The lots are serviced by reticulated water, sewerage, telecommunications and below ground power.



Figure 1: Zoning of the site (in red) and adjoining lots

Adjoining allotments are predominantly occupied by single storey houses (refer to Figure 2).



Figure 2: Aerial view of the subject site (in red) and adjoining lots

Residential Design Code (R-Codes) Assessment

The land is currently zoned as ‘Residential’ with a residential density coding of ‘R20’. The proposed lot sizes are in accordance with the minimum requirements of the Residential Design Codes (R-Codes).

5.1.1 Site area				
R-Codes Vol. 1 deemed to comply	Required (Table 1)	Proposed	Compliance	
C1.1 and C1.2 – Site area requirements	Minimum lot area (R20) 350 square metres (m <sup>2</sup> )	Lot 1	724m <sup>2</sup>	Yes
		Lot 2	684m <sup>2</sup>	
		Lot 3	684m <sup>2</sup>	
		Lot 4	694m <sup>2</sup>	
		Lot 5	691m <sup>2</sup>	
		Lot 6	734m <sup>2</sup>	
		Lot 7	691m <sup>2</sup>	
		Lot 8	637m <sup>2</sup>	
		Lot 9	641m <sup>2</sup>	
		Lot 10	652m <sup>2</sup>	
		Lot 11	652m <sup>2</sup>	
		Lot 12	647m <sup>2</sup>	

		Lot 13      647m <sup>2</sup> Lot 14      642m <sup>2</sup>	
	Average lot area 450 square metres (m <sup>2</sup> )	Average = 672.85m <sup>2</sup>	Yes

*Comment:* The proposed average site area is equivalent to a residential density of approximately R15, which generally aligns with the requirements for new development densities.

As noted above, the density applied to the land by virtue of LPS7 (Local Planning Scheme 7) (R20) is a maximum density and is defined within the R-Codes as a rudimentary guide to neighbourhood or district density, because it cannot be assumed that all types of dwellings may be built according to the standards of each density code. That is, landowners may elect to develop below the assigned density code, usually to create larger dwellings or lots with greater amenity at the expense of the number of dwellings.

*Model Subdivision Conditions*

All subdivision applications are required to utilise the Model Subdivision Conditions provided and approved by the WAPC. Any condition that is non-standard, is required to provide a succinct and reasonable justification for the variation from the standard conditions.

The proposed subdivision complies with the requirements of the Residential Design Codes, Shire of Ashburton Local Planning Scheme No. 7, State Planning Policies and Liveable Neighbourhoods, and as such should be supported by way of providing model conditions in relation to the subdivision.

**Attachment 13.5B**

**Consultation**

Development Control Unit  
Manager Town Planning  
Director People and Place

**Statutory environment**

*Planning and Development Act 2005*

140. *Commission’s functions when approving subdivision etc.*

- (9) *The Commission may give its approval under section 135 or 136 subject to conditions which are to be carried out before the approval becomes effective.*
- (10) *Subject to subsection (3), in giving its approval under section 135 or 136 the Commission is to have due regard to the provisions of any local planning scheme that applies to the land under consideration and is not to give an approval that conflicts with the provisions of a local planning scheme.*
- (11) *The Commission may give an approval under section 135 or 136 that conflicts with the provisions of a local planning scheme if —*
- (a) *the local planning scheme was not first published, or a consolidation of the local planning scheme has not been published, in the preceding 5 years and the approval is consistent with a State planning policy that deals with the same matter; or*
  - (b) *the approval is consistent with a region planning scheme that deals with the same matter; or*
  - (c) *in the opinion of the Commission —*
    - (i). *the conflict is of a minor nature; or*
    - (ii). *the approval is consistent with the general intent of the local planning scheme;**or*
  - (d) *the local planning scheme includes provisions permitting a variation of the local planning scheme that would remove the conflict; or*
  - (e) *in the case of an application under section 135, the local government responsible for the enforcement of the observance of the scheme has been given the plan of subdivision, or a copy, under section 142 and has not made any objection under that section; or*
  - (f) *the approval is given in circumstances set out in the regulations.*
- (12) *Despite subsection (3), the Commission is to ensure that an approval under section 135 or 136 complies with the provisions of a local planning scheme to the extent necessary for compliance with an environmental condition relevant to the land under consideration.*

144. *Consultation requirements as to proposed subdivision*

*(7) When, in the opinion of the Commission, a plan of subdivision may affect the functions of a local government, a public authority, or a utility services provider, the Commission is to forward the plan or a copy of the plan to that local government, public authority or utility services provider for objections and recommendations.*

*(8) A local government, public body or utility services provider receiving such a plan or copy is to, within 42 days of receipt of the plan or copy or within such longer period as the Commission allows, forward it to the Commission with —*

*(a) a memorandum in writing containing any objections to, or recommendations in respect of, the whole or part of that plan; and*

*(b) in the case of a local government receiving a plan or copy relating to land within the area to which an assessed scheme (as defined in the EP Act) applies, advice of any relevant environmental condition to which the assessed scheme is subject.*

*(9) If a local government, public authority, or utility services provider does not forward a memorandum within the time allowed under subsection (2), the Commission may determine that it is to be taken to have no objections or recommendations to make or advice to give.*

**Financial implications**

There are no known significant financial implications in relation to this matter.

**Strategic implications**

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	Place – We will provide sustainable, purposeful, and valued built and natural environment opportunities for the community.
Strategic Outcome	Land use opportunities to benefit current and future communities
Strategy	Incorporate appropriate planning controls for land use planning and development.



## 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 supports the subdivision application.	Possible (3)	Insignificant (1)	Low (3)	Compliance  No noticeable regulatory or statutory impact.	Endorse the Officer's Recommendation.
Council does not support the subdivision application.	Possible (3)	Minor (2)	Moderate (6)	Financial Impact  \$10,000 - \$100,000	Endorse the Officer's Recommendation.
	Possible (3)	Insignificant (1)	Low (3)	Reputation - (Social/Community)  Unsubstantiated, localised low impact on community trust, low profile or no media item.	Endorse the Officer's Recommendation.

The following Risk Matrix has been applied:

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix.

The perceived level of risk is "Low-Moderate" because failure to support the subdivision application has associated risks that may result in legal proceedings.

## 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 M Lynch	-	Indirect Financial
Cr A Sullivan	-	Financial
Cr L Rumble	-	Financial

**Officer recommendation**

That with respect to Western Australian Planning Commission application 162169 | Lot 100 - 102 and Lot 116 - 118 Oleander Street, Lot 120 Cedar Street and Lot 172 - 175 Cassia Street, Tom Price – Amalgamation and Subdivision, Council –

- a Support the subdivision application (WAPC 162169) subject to Western Australian Planning Commission conditions and advice notes, as included at Attachment 13.5B, and as follows:

*B5 - Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on lot(s) [INSERT VALUE] at the time of subdivision approval being demolished and materials removed from the lot(s). (Local Government)*

*D1 - Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:*

*a) lots can accommodate their intended use; and*

*b) finished ground levels at the boundaries of the lot(s) the subject of this*

*approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting. (Local Government)*

*D3 - Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Western Australian Planning Commission. (Local Government)*

*E1 - Arrangements being made with a licensed electricity network operator for the provision of an underground electricity distribution system that can supply electricity to each lot shown on the approved plan of subdivision. (Western Power / Horizon Power) [DELETE / INSERT LICENSED SERVICE PROVIDER AS APPLICABLE]*

*T20 - Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government)*

*W1 - For all lots apply a):*

*a) Arrangements being made with a licensed water provider for the provision of a suitable water supply service to each lot shown on the approved plan of subdivision. (Water Corporation/ Aqwest/ Busselton Water) [DELETE / INSERT LICENSED SERVICE PROVIDER AS APPLICABLE]*

*W3 - The provision of easements for existing or planned future water, sewerage and/or drainage infrastructure as may be required by [ INSERT SERVICE PROVIDER] being granted free of cost to that body. [INSERT SERVICE PROVIDER]*

*Standard Advice*

*Ba2. In regard to Condition [INSERT VALUE], a demolition permit may be required to be obtained from the local government prior to the commencement of demolition works.*

*Ea1 In regard to Condition E1, [DELETE /INSERT LICENSED SERVICE PROVIDER AS APPLICABLE] provides only one underground point of electricity supply per freehold lot.*

*Ta2. The landowner/applicant and the local government are advised to refer to the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development (current edition). The guidelines set out the minimum best practice requirements recommended for subdivision construction and granting clearance of engineering conditions imposed.*

*Ta3. In regard to Condition (T1), the landowner/applicant is advised that the road reserves, including the constructed carriageways, laneways, truncations, footpaths/dual use paths and car embayments, are to be generally consistent with the approved plan of subdivision.*

*Tea1. The applicant/landowner is advised that pursuant to the Commonwealth Telecommunications Act 1997 there will generally be a requirement for the installation of fibre-ready telecommunications infrastructure. Exemptions can be sought for certain types of development. Further information is available from the Australian Government Department of Infrastructure, Transport, Regional Development and Communications website at [www.infrastructure.gov.au](http://www.infrastructure.gov.au)*

- b Authorise the Statutory Planning Officer to forward a letter of support for the subdivision application (WAPC 162169) to the Western Australian Planning Commission regarding (a) above.

**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.*

### 13.6 Acceptance of Community Support Grant Applications

<b>File reference</b>	GS01
<b>Author's name</b>	C Galliers
<b>Author's position</b>	Manager Communities
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	T Matson
<b>Authorising officer's position</b>	Director People and Place
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Various
<b>Date report written</b>	25 May 2022
<b>Previous meeting reference</b>	Agenda Item 13.2 (Minute 059/2022) Ordinary Council Meeting 10 May 2022

#### **Summary**

The Shire recently promoted and invited applications for Community Support Grants, Signature Event Grants, and Major Event Grants, in accordance with Council Policy, with applications closing 31 March 2022.

These grants are provided as in-kind and / or financial assistance to enable community groups to deliver quality programs, community events and services.

At the close of the application period thirteen (13) applications were received for Community Support Grants. An additional grant was received by the Shire but, due to an administrative error, was not submitted to Council for consideration.

Council is requested to consider this grant application in addition to the adoption of the applications at the May Ordinary Council Meeting.

#### **Background**

The Shire supports the following grants under its REC08 *Community Donations, Grants and Funding Policy* (Policy) –

- Small Assistance Donations  
These grants are available all year round. They offer up to \$500 per financial year to applicants. They are intended to assist residents and local organisations to participate in community-based activities or programs, sporting events, participation in regional or State championships or for community development type courses or events. These grants are determined under delegation by Officers.
- Community Support Grant  
Offered in two funding rounds each year in July and February these grants are similar in purpose to Small Assistance Donations however they offer a value up to \$2,500 and applications are considered by Council.
- Signature Event Grants  
Are available to incorporated or unincorporated organisations up to \$10,000. They are only available during the February round and require Council approval.
- Major Event Grants are available for unincorporated organisations and are for major events with a value greater than \$10,000 and require Council approval.

At the May 2022 Ordinary Council Meeting, thirteen (13) Community Support Grant applications were submitted for approval, as follows –

- Onslow – One (1) application,
- Pannawonica – One (1) application,
- Paraburdoo – Three (3) applications, and
- Tom Price – Eight (8) applications.

Council's *REC08 Community Donations, Grants and Funding Policy* requires, as a minimum, to be a successful application the following must always be met –

- Applicant is to reside or operate within the Shire of Ashburton, or be able to show a direct and substantial benefit to residents within the Shire,
- Assistance is not available retrospectively,
- Funds are to be used only for the purpose for which they are given or via agreed variations,
- Successful applicants are required to complete an acquittal report and submit this to the Shire within three (3) months on the agreed completion date, and
- Applicants who do not submit an acquittal will not be considered for future funding and may be requested to return unused funds.

Council may wish to provide funding to applications which did not / do not comply.

## Comment

The Community Support Grant funding was promoted directly to clubs and organisations via email, public notice boards, the Shire of Ashburton website, and social media platforms.

All known applications had been assessed and adopted by Council in May 2022 as per

-

- the criteria outlined in Council Policy (*REC08 – Community Donations, Grants and Funding*),
- the general conditions, and
- the criteria and compliance information provided.

Due to an administrative error when the applications were collated, there was one application that did not get included, the summary of this application is as follows –

### Onslow

#### *Ashburton Anglers Inc*

- Project MACK10K 2021
- Project estimate \$20,000
- Funding sought \$2,500
- In-Kind requested \$ zero
- Compliant? Yes
- Suggested action: Approve Application

## Consultation

Relevant Clubs and Associations

## Statutory environment

### *Local Government Act 1995*

#### *Section 6.7 – Municipal fund*

Money held in the municipal fund may be applied towards the performance of functions and the exercise of the powers conferred on the local government by the *Local Government Act 1995* or any other written law.

## Financial implications

The adopted budget provides \$120,000 for both rounds of funding and the preapproved Signature event grants.

The total funding sought for this project which has a suggested action to support is \$2,500 in direct funding, in addition to the combined total for Community Support Grants of \$33,232, adopted by Council in May 2022.

Should Council adopt the recommended resolution the General Ledger Account 111224 will be overspent by \$2,500.00 (\$8,744.49 was authorised in May 2022).

### Strategic implications

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective            People - We will support opportunities for the community to be safe, socially active, and connected.

Outcome                            Communities connected with opportunities

Strategy                            Support and develop sustainable clubs and groups, providing opportunities for meaningful participation in acts, culture, sport, and recreation.

### 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
Unsuccessful applicant publicly criticise the Shire.	Possible (3)	Insignificant (1)	Low (4)	<u>Reputation</u> Unsubstantiated, localised minimal impact on community trust, low profile, or no media item.	Ensure appropriate Policy procedures are in place and followed.  Officers to collaborate with Clubs to improve future applications.

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” as the relevant Council Policy, which clearly articulates the requirements for successful applications, has been followed and adhered to.

**Policy implications**

*REC08 Community Donations, Grants and Funding*

This policy outlines the criteria for offering financial assistance to individuals, groups and associations limited in-kind and / or financial assistance to deliver programs, community events, facilities and / or services to directly benefit the residents of the district.

**Voting requirement**

Simple majority

**Councillor interest declarations**

Nil

**Officer recommendation**

That with respect to the acceptance of Community Support Grant Applications, and in accordance with Council Policy *REC08 Community Donations, Grants and Funding*, Council, approves the application from Ashburton Anglers Inc to the value of \$2,500.

<b>Council Decision</b>	<b>079/2022</b>
<b>Moved</b>	<b>Cr A Smith</b>
<b>Second</b>	<b>Cr M Lynch</b>
<b>That with respect to the acceptance of Community Support Grant Applications, and in accordance with Council Policy <i>REC08 Community Donations, Grants and Funding</i>, Council, approves the application from Ashburton Anglers Inc to the value of \$2,500.</b>	
<b>Carried 7/0</b>	

## 14 Infrastructure Services reports

### 14.1 Application to Amend Restricted Access Vehicle Network - Hamersley Road, Mt Sheila

<b>File reference</b>	ROAD0038
<b>Author's name</b>	C Hurstfield
<b>Author's position</b>	Manager Town Maintenance
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	M Fanning
<b>Authorising officer's position</b>	Director Infrastructure Services
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Toll Group – Dangerous Goods Division
<b>Date report written</b>	25 May 2022
<b>Previous meeting reference</b>	Nil

#### Summary

Main Roads Western Australia (MRWA) have forwarded an application to have Hamersley Road added to the Tri-Drive Restricted Access Vehicle (RAV) network to cater for access by tri-drive road trains between Nanutarra-Munjina Road and the Solomon Mine turnoff (SLK 16.10km).

This item is for Council to consider adding Hamersley Road, Mt Sheila, to the Main Roads Western Australia Tri-Drive Restricted Access Vehicle network and increase the tandem drive RAV network from Level 10.2 to Level 10.3.

Council is requested to support the application by Toll Group as it will improve road freight efficiency into the Solomon Mine from the Hamersley Road which is under the care of Fortescue Mining Group (FMG).

#### Background

Toll Group's Dangerous Goods Division applied to Main Roads Western Australia (MRWA) to extend the Tri-Drive Restricted Access Vehicle (RAV) network to include Hamersley Road, Mt Sheila, as well as amend the tandem drive RAV rating from Level 10.2 to 10.3. This application is to support access by road trains up to 53.5m long to Solomon Mine.

A copy of the application and current approved configuration map is attached.

**Attachment 14.1A**

**Attachment 14.1B**

### **Comment**

Hamersley Road is currently rated as RAV Class 10.2 (tandem drive up to 53.5m long). The requested upgrade from Level 10.2 to 10.3 will result in an additional 1 tonne capacity per triaxle group in each configuration and improve road freight efficiency.

Hamersley Road is currently restricted for access by tri-drive combinations to maximum single unit semitrailer (no B-Doubles or road trains). In addition, the road is under the Care of FMG through a road use agreement, requiring FMG to maintain the 16.1km of road between the Nanutarra-Munjina Road and Solomon Mine entrance.

The application from Toll Group has been assessed against the MRWA Standard Restricted Access Vehicle Route Assessment Guidelines (Attachment 14.1C) by Infrastructure Services personnel. Amendments to the road alignment will not be required to enable access by tri-drive RAVs of any configuration.

**Attachment 14.1C**

### **Consultation**

A telephone discussion regarding this application was held with a team member from MRWA Heavy Vehicle Services who agreed that the application should be supported based on no change of configuration of the RAVs using Hamersley Road.

### **Statutory environment**

*Road Traffic (Vehicles) Act 2012*

*Division 3 - Access restrictions on certain vehicles that comply with mass or dimension requirements.*

*The ability for Government to approve routes for vehicle which are over size or mass.*

### **Financial implications**

Expenditure – Hamersley Road is maintained by FMG between Nanutarra-Munjina Road and the turnoff to the Solomon Mine at SLK 16.10km.

Income – all RAV operators wishing to travel on Hamersley Road are required to carry current written approval from the Shire of Ashburton to travel on the road. Current cost per “Heavy Vehicle Road Use Permit” application is \$60.50 under the adopted Fees & Charges.

### Strategic implications

Shire of Ashburton Strategic Community Plan 2022-2032 (Major Review).

Strategic Objective Place - We will provide sustainable, purposeful, and valued built and natural environment opportunities for the community.

Strategic Outcome Safe and interconnected transport networks for the community.

Strategy Manage roads, pathways, and other transport infrastructure according to need and use.

### 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
Other vehicle(s) colliding with turning RAV.	Unlikely (2)	Catastrophic (5)	High (10)	<u>People</u> Fatality, permanent disability.	Road is existing RAV 10.2 route. Condition can be placed on operators to restrict speed on RAVs travelling on Hamersley Road to 60km/hr.
	Possible (2)	Moderate (3)	Moderate (6)	<u>Reputation</u> Substantiated, public embarrassment, moderate impact on community trust or moderate media profile.	
Damage to road associated infrastructure by RAVs travelling in either direction between Nanutarra-Munjina Road and the Solomon Mine turnoff.	Almost Certain (5)	Moderate (3)	High (15)	<u>Property</u> Localised damage requiring external resources to rectify.	Road to be closed by Shire of Ashburton following rainfall. Condition can be placed on operators to include no travel by RAVs on road following wet weather. FMG maintain Hamersley Road between Nanutarra-Munjina Road and the Solomon Mine

					turnoff at SLK 16.10km.
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The following Risk Matrix has been applied:

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

Adoption of this item has been evaluated against the Shire of Ashburton’s Risk Management Policy CORP5 Risk Matrix.

The perceived level of risk is “Moderate to High” in accordance with the likelihood and consequences if an incident involving a turning RAV occurs at the intersections of Hamersley Road with Nanutarra-Munjina Road (MRWA controlled road) and the Solomon Mine Site turnoff.

### Policy implications

#### *ENG13 Road Management Policy*

It is vital that the Shire of Ashburton manages its road network to minimise preventable expenditure. This will at times include maximising efficiencies such as allowing access by Restricted Access Vehicles to reduce overall road freight movements.

### Voting requirement

Simple majority

### Councillor interest declarations

Nil

**Officer recommendation**

That with respect to the application to add or amend the Restricted Access Vehicle (RAV) restrictions on Hamersley Road, Council,

- a Support the application to add Hamersley Road to the Tri-Drive Restricted Access Vehicle network; and
- b Support the application to increase the tandem drive Restricted Access Vehicle rating from Level 2 to Level 3.

<b>Council Decision</b>	<b>080/2022</b>
<b>Moved</b>	<b>Cr M Lynch</b>
<b>Second</b>	<b>Cr L Rumble</b>
<b>That with respect to the application to add or amend the Restricted Access Vehicle (RAV) restrictions on Hamersley Road, Council,</b>	
<b>a</b>	<b>Support the application to add Hamersley Road to the Tri-Drive Restricted Access Vehicle network; and</b>
<b>b</b>	<b>Support the application to increase the tandem drive Restricted Access Vehicle rating from Level 2 to Level 3.</b>
<b>Carried 7/0</b>	

**14.2 Award of RFT 07.22 Staircase to the Moon Civil Works, Onslow, WA**

<b>File reference</b>	CM07.22
<b>Author's name</b>	S Kane
<b>Author's position</b>	Manager Assets and Programming
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	M Fanning
<b>Authorising officer's position</b>	Director Infrastructure Services
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Not Applicable
<b>Date report written</b>	25 May 2022
<b>Previous meeting reference</b>	Nil

**Summary**

Council has included in the 2021-2022 Annual Budget the beautification and redesign of Basins 1, 2 and 3 in Onslow and the construction of a Staircase to the Moon Sculpture / Water Feature (Sculpture under separate contract).

Following a Tender process one (1) tenderer submission was received including one conforming submission (\$5.4 million) and one alternate submission (negotiated pricing), in response to Request for Tender (RFT) 07.22 Staircase to the Moon Civil Works, Onslow, WA. The evaluation panel has completed the assessment of all submissions and provided a recommendation.

Council is requested to not accept the tender and authorise the Chief Executive Officer to go out to the open market and finalise a contract for the successful delivery of the project subject to the satisfaction of Council.

**Confidentiality**

An attachment to this report is confidential in accordance with section 5.23 (2) of the *Local Government Act 1995* because it deals with –

- (c) *“a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.”*
- (e) *“Information that has a commercial value to a person”*

## Background

RFT 07.22 Staircase to the Moon Civil Works, Onslow, WA was issued via the Shire's e-tendering portal (Tenderlink) on Saturday 16 April 2022 and closed on Tuesday 17 May 2022 at 2:00 pm which included a one-week extension of time due to the Tender period including several public holidays.

The Tender included civil, electrical, and landscaping components split into separable portions.

## Comment

This Tender was assessed by the panel and probity advisor based on the below Qualitative Criteria:

Criteria		Weighting
(a)	Relevant Company Experience	10%
(b)	Key Personnel	5%
(c)	Past Company Performance	5%
(d)	Resources	15%
(e)	Plant, Equipment and Materials	5%
(f)	Methodology / Programme / Quality and OHS Systems / Risk Management	10%
(g)	Price	50%

Each Panel Member individually assessed the Qualitative Criteria responses of the Tender submissions.

The submissions were assessed against the Qualitative Criteria and each Criterion was given a score in accordance with the Evaluation Guide contained within the Evaluation Spreadsheets.

A rating scale of zero-to-ten (0 - 10) was used for evaluating the Tender submissions in accordance with the Qualitative Criteria (a) to (f), with 0 being lowest and 10 being highest. For the Price Criteria a rating scale of zero-to-five (0 – 5) was used.

The evaluation and recommendation report, including the overall evaluation scores and rankings, are provided under separate confidential cover.

## Confidential Attachment 14.2A

Only one (1) submission was received which included a conforming and an alternate offer.



The evaluation of this submission received against the quantitative and qualitative criteria resulted in the rankings (in order of priority) as shown below –

<b>Ranking</b>	<b>Tenderer</b>
1	Ertech Pty Ltd - Alternate
2	Ertech Pty Ltd - Conforming

Of noting is that the conforming offer from Ertech Pty Ltd significantly exceeded the approved budget however an alternate offer was also presented which included an offer to negotiated pricing for various sections of the work.

It is recommended that the CEO go out to the open market and negotiate in order to enter into a contract for these works which represents value for money.

### **Consultation**

Executive Leadership Team  
Team Assessment Panel  
Procurement Department

### **Statutory Environment**

*Local Government Act 1995*

*Section 3.57 – Tenders for providing goods or services*

A local government is required to invite tenders before it enters a contract of a prescribed kind under which another person is to supply goods or services.

*Local Government (Functions and General) Regulations 1996*

*Regulation 11 – When tenders must be publicly invited — Tenders for providing goods or services (s. 3.57)*

Tenders do not have to be publicly invited according to the requirements of this Division if within the last 6 months the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment.

*Local Government (Functions and General) Regulations 1996*

*Regulation 18 – Rejecting and accepting tenders*

Tenders that have not been rejected under sub regulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them (if any) it thinks it would be most advantageous to the local government to accept.

**Financial Implications**

The 2021-2022 Annual Budget provision is \$1,200,000 for the tender works based on budget quantity surveying estimates. The conforming Tender submitted was not considered value for money. In addition, the alternate submission also could not demonstrate value for money as it offered a negotiation to establish such and could not therefore be quantified.

It would appear from the market response that additional fund will be needed to complete these works even after further negotiation. It is recommended that an additional \$1,000,000 be included into the project budget to deliver the full scope of works.

**Strategic Implications**

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective                      Place - We will provide sustainable, purposeful, and valued built and natural environment opportunities for the community.

Strategic Outcome                      Quality, well-maintained, and purposeful community facilities.

Strategy                                      Look beyond the facility itself ensuring spaces link with other land uses, both on-site and surrounding areas.

**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 approve the recommendation to go to the open	Possible (3)	Moderate (3)	Moderate (9)	Reputation Substantiated, public embarrassment, moderate impact	Provide sufficient information for informed decision making.

Confirmed Minutes – Public Ordinary Council Meeting 14 June 2022

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
market to negotiate a contract.				on community trust or moderate media profile.	
Council approves the recommendation to go to the open market and the Contractor cannot complete the works due to financial matters.	Possible (3)	Major (4)	High (12)	Financial Impact \$1million to \$5 million.	Form of Contract is Lump Sum minimising the financial risk to the Council. Council's Infrastructure Services staff will project manage the works.
Council approves the recommendation to go to the open market and the Contractor cannot complete the works to time.	Possible (3)	Moderate (3)	Moderate (9)	Exceeds deadline by 15% of project timeline.	Mitigated through the placement of Liquidated Damages as part of the Contract.

The following Risk Matrix has been applied:

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix.

The initial perceived level of risk is "Moderate to High" risk and will be reduced through the form of contract and ensuring suitable supervision.

### Policy Implications

#### *ENG09 Asset Management Policy*

*The purpose of this policy is to demonstrate the Shire of Ashburton's commitment to the responsible management of its assets and to establish a framework to ensure that these Assets are acquired, maintained, and disposed of in such a manner that the agreed level of service delivery is achieved within the constraints of Asset life, cost effectiveness and financial environmental sustainability.*

*FIN12 Purchasing Policy*

*The Shire of Ashburton is committed to delivering best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance whereby establishing efficient, effective, economical and sustainable procedures in all purchasing activities.*

**Voting Requirement**

Simple majority

**Councillor Interest Declarations**

Nil

**Officer Recommendation**

That with respect to the award of RFT 07.22 Staircase to the Moon Civil Works, Onslow, Council,

- a Notes the Evaluation Report, as included in Confidential Attachment 14.2A,
- b In accordance with the *Local Government (Functions and General) Regulations 1996* Regulation 18, declines to accept any tenders as it was considered the conforming submission received does not represent value for money,
- c In accordance with the *Local Government (Functions and General) Regulations 1996* Regulation 11, authorises the Chief Executive Officer to undertake a tender exempt procurement process to obtain quotations from suitable contractors and successfully negotiate a Contract for the delivery of the Onslow Staircase to the Moon Civil Works, and
- d Include in its 2022-2023 Annual Budget deliberations an additional allocation of \$1.5 million for the completion of these works.

**Council Decision                    081/2022**

**Moved                                    Cr T Mladenovic**

**Second                                  Cr L Rumble**

**That with respect to the award of RFT 07.22 Staircase to the Moon Civil Works, Onslow, Council,**

- a        Notes the Evaluation Report, as included in Confidential Attachment 14.2A,**
- b        In accordance with the *Local Government (Functions and General) Regulations 1996* Regulation 18, declines to accept any tenders as it was considered the conforming submission received does not represent value for money,**
- c        In accordance with the *Local Government (Functions and General) Regulations 1996* Regulation 11, authorises the Chief Executive Officer to undertake a tender exempt procurement process to obtain quotations from suitable contractors and successfully negotiate a Contract for the delivery of the Onslow Staircase to the Moon Civil Works, and**
- d        Include in its 2022-2023 Annual Budget deliberations an allocation of no more than \$2 million for this project.**

**Reason for change**

**Council is concerned cost blow outs may occur in the current economic climate.**

**Carried 7/0**

Cr M Lynch and Cr A Smith declared an indirect financial in this matter.

Cr L Rumble, Cr A Sullivan and Cr T Mladenovic declared a financial interest in this matter.

The Minister for Local Government permitted Cr M Lynch, Cr A Smith, Cr L Rumble, Cr T Mladenovic to fully participate and have voting rights in this matter.

Cr A Sullivan and Cr M Lynch left the meeting at 1:57pm.

### **14.3 Application to Install Electric Vehicle Charging Station, Stadium Road, Tom Price**

<b>File reference</b>	RD0171
<b>Author's name</b>	C Hurstfield
<b>Author's position</b>	Manager Town Maintenance
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	M Fanning
<b>Authorising officer's position</b>	Director Infrastructure Services
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Rio Tinto Utilities
<b>Date report written</b>	25 May 2022
<b>Previous meeting reference</b>	Nil

#### **Summary**

This item is for Council to consider a location for the installation of a new charging station for Electric Vehicles in Tom Price.

Rio Tinto Utilities has forwarded an application to install a new charging station for Electric Vehicles beside the substation outside the entrance to Clem Thompson Pavilion.

Council is requested to refuse this location and propose an alternative location at the substation beside the Village Green on Stadium Road.

## Background

Rio Tinto Utilities have been investigating the installation of charging stations for electric vehicles (EV) since 2021. One has already been installed in Fortescue Place in Paraburdoo with one now purchased for installation in Tom Price.

## Comment

Rio Tinto Utilities initially proposed installing the EV charger beside the substation at Village Green on Stadium Road (SoA Preferred Location). Recent correspondence from Rio Tinto Utilities has advised that they now wish to install the EV charger beside the substation at Clem Thompson Pavilion (Rio Utilities Nominated Location). Both of these locations are identified on the diagram below.

Infrastructure Services personnel are not in favour of the amended location due to the reduced size of the parking bay available to be utilised potentially impeding the entry / exit for the drive in plus the proximity to the Clem Thompson Pavilion.

The area beside Village Green proposed initially offers a protected parking area that can accommodate substantially larger vehicles and considering that the charger being installed is not a fast charger, vehicles may be parked for up to three (3) hours to be fully charged.



## Consultation

Rio Tinto Utilities have provided the details of the proposed installation for Shire of Ashburton comment.

## Statutory environment

*All statutory compliances are the responsibility of Rio Tinto as the local power supply authority.*

## Financial implications

Expenditure – Rio Tinto shall be responsible for costs associated with the installation and maintenance of the EV charger.

## Strategic implications

Shire of Ashburton Strategic Community Plan 2022-2032.

Strategic Objection	Place - We will provide sustainable, purposeful, and valued built and natural environment opportunities for the community.
Strategic Outcome	Safe and interconnected transport networks for the community.
Strategy	Manage roads, pathways, and other transport infrastructure according to need and use.

## 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
Vehicles utilising EV charger located beside Clem Thompson Pavilion being hit by vehicles accessing / egressing drive in or impeding access to Clem Thompson Pavilion.	Possible (3)	Moderate (3)	Moderate (9)	<u>People</u> Medical treatment. <u>Reputation</u> Substantiated, public embarrassment, moderate impact on community trust or moderate media profile. <u>Property</u> Localised damage requiring external resources to rectify.	EV charger to be installed beside Village Green substation to provide protected area for vehicles using EV charger.



## Confirmed Minutes – Public Ordinary Council Meeting 14 June 2022

Damage to road associated infrastructure by vehicles using EV charger.	Possible (3)	Moderate (3)	Moderate (9)	<u>Property</u> Localised damage requiring external resources to rectify.	EV charger to be installed at location to minimise likelihood of damage being caused to Shire of Ashburton infrastructure.
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The following Risk Matrix has been applied:

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix.

The perceived level of risk is "Moderate" in accordance with the likelihood and consequences if an incident occurs with a vehicle utilising the EV charger.

### Policy implications

#### *ENG13 Road Management Policy*

It is vital that the Shire of Ashburton manages its road network to minimise preventable expenditure and provide a safe environment for road users.

### Voting requirement

Simple majority

### Councillor interest declarations

Cr M Lynch	-	Indirect financial
Cr A Smith	-	Indirect financial
Cr L Rumble	-	Financial
Cr A Sullivan	-	Financial
Cr T Mladenovic	-	Financial

**Officer recommendation**

That with respect to the installation of the Electric Vehicle (EV) charger in Tom Price, Council requests the Chief Executive Officer to advise Rio Tinto Utilities –

- a The proposed location at the substation beside Clem Thompson Pavilion is not supported,
- b The preferred location is at the substation beside the Village Green on Stadium Road, and
- c The Shire of Ashburton will not be responsible for any costs associated with the installation or maintenance of the Electric Vehicle (EV) charger.

**Council Decision                      082/2022**

**Moved                                      Cr R de Pledge**

**Second                                      Cr A Smith**

**That with respect to the installation of the Electric Vehicle (EV) charger in Tom Price, Council requests the Chief Executive Officer to advise Rio Tinto Utilities –**

- a            The proposed location at the substation beside Clem Thompson Pavilion is not supported,**
- b            The preferred location is at the substation beside the Village Green on Stadium Road, and**
- c            The Shire of Ashburton will not be responsible for any costs associated with the installation or maintenance of the Electric Vehicle (EV) charger.**

**Carried 5/0**

Cr A Sullivan and Cr M Lynch returned to the meeting at 1:59pm.

#### 14.4 Unsealed Roads Annual Maintenance Program

<b>File reference</b>	RD03
<b>Author's name</b>	M Fanning
<b>Author's position</b>	Director Infrastructure Services
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	M Fanning
<b>Authorising officer's position</b>	Director Infrastructure Services
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Shire of Ashburton – Internal
<b>Date report written</b>	26 May 2022
<b>Previous meeting reference</b>	Nil

##### **Summary**

This item is for Council to consider the implementation of an unsealed roads annual maintenance program.

Council is responsible for ~662km Unsealed Local Regional Roads and ~791km of Unsealed Local Roads, which have previously all been maintained using dry grading which has resulted in the roads losing their formation over many years.

Council is requested to support the establishment of a level of service which results in unsealed regional roads receiving one grade, water and roll per year and local roads receiving a single dry grade per year.

##### **Background**

Council is responsible for the maintenance and management of ~1,453km of unsealed roads which are made up of:

- 662km – Unsealed Regional Roads
- 791km – Unsealed Local Roads

The current maintenance practices of only employing dry grading techniques have resulted in the formation of these roads to be removed resulting in a flat surface often lying below natural surface causing drainage issues and on many occasions being heavily corrugated. A map displaying the Council unsealed roads network is attached.

#### **Attachment 14.4A**

#### **Comment**

To restore the Shire's unsealed roads formation, which will result in a longer lasting surface, it is proposed to change the current maintenance practices. It is proposed to establish a more appropriate fit for purpose maintenance program which requires that unsealed regional roads are wet graded once per year and unsealed local roads remain to be dry graded once per year.

Wet grading of the unsealed regional roads network will require significantly more resources than currently being employed, and an increased cost on average of \$4,200 per km made up of the following resources and working on a production rate of 3km per day:

- Two (2) Graders
- Two (2) Water Carts
- One (1) Smooth Drum Roller
- Two (2) Pad Foot Rollers
- Accommodation

This method of maintenance will restore the road formation over time which will improve drainage, compaction, rideability (roughness) and life between treatments. The total proposed budget for the wet grading of the unsealed regional roads network is ~ \$2,786,000 per year and will basically fully utilise both of Council's two (2) main graders for the full year. It is proposed that these works are delivered using a mix of Council and local contract resources.

It is still however proposed to dry grade local roads at present which only requires the use of a single grader. This proposal will not change the level of service for these roads and will cost in the order of \$380,000 or \$480 per km at a production rate of 5km per day.

It is intended to grade every road once per year, with only additional grades being employed because of flood events and the restoration of essential public assets as part of a flood damage repair program. These works will need to be contracted out as the Council has insufficient resources to perform these works in house.

A program of works is attached as Attachment 14.4B and detailed costing sheet as Attachment 14.4C for Regional Roads and Attachment 14.4D for Local Roads.

It needs to be noted that the Reobourne – Wittenoom Road is included in the Regional Roads Wet Grading program, however, these works are subject to the requirements of an Asbestos Management Plan and investigation and these costs or tasks are not included or priced within this proposed program.

**Attachment 14.4B**

**Attachment 14.4C**

**Attachment 14.4D**

## **Consultation**

Manage Assets

Executive Leadership Team

## **Statutory environment**

*Local Government Act 1995*

*Section 3.53 Control of certain unvested facilities*

(1) In this section —

**former section 300** means section 300 of the *Local Government Act 1960*<sup>4</sup> as in force before the commencement of this Act;

**otherwise unvested facility** means a thoroughfare, bridge, jetty, drain, or watercourse belonging to the Crown, the responsibility for controlling or managing which is not vested in any person other than under this section.

- (2) A local government is responsible for controlling and managing every otherwise unvested facility within its district unless subsection (5) states that this section does not apply.
- (3) If the facility is partially within each of 2 or more districts, it is to be controlled and managed as the local governments for the districts concerned agree or, if they do not agree, as the Minister directs.
- (4) An agreement or direction under subsection (3) has effect according to its terms.

(5) This section does not apply if any person was, immediately before the commencement of this Act, responsible for controlling or managing the facility unless —

- (a) the responsibility arose under the former section 300; or
- (b) the Governor, by order, declares that the facility is to be controlled and managed under this section.

Council is currently seeking legal advice regarding the roads it is legally responsible to maintain in order to review its roads asset register. Some of the roads listed on the local roads grading program have previously been resolved by the Council to be removed from the Councils roads asset register. This legal advice will hopefully determine whether these previous actions are possible given the different layers of legislation relating to the care and control of roads within Western Australia. A subsequent report will be provided to the Council once this advice is received and assessed against our current roads register which may result in roads added or removed from the current presented program.

### **Financial implications**

For Council to deliver a level of service as described below the total annual budget allocation required will be \$3,166,000.

#### Level of Service – Unsealed Rural Roads

- Unsealed Regional Roads – grade, water, and roll, one (1) treatment per year - \$2,786,000 (this figure excludes Asbestos Management costs for the Roebourne-Wittenoom Road).
- Local Roads – dry grade, one (1) treatment per year - \$380,000.

### **Strategic implications**

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective Place - We will provide sustainable, purposeful, and valued built and natural environment opportunities for the community.

Strategic Outcome Safe and interconnected transport networks for the community.

Strategy Manage roads, pathways, and other transport infrastructure according to need and use.

## 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
Roads are not maintained to a safe standard.	Unlikely (2)	Catastrophic (5)	High (10)	<u>People</u> Fatality, permanent disability.	By establishing an annual grading program the safety risks are reduced.
	Possible (2)	Moderate (3)	Moderate (6)	<u>Reputation</u> Substantiated, public embarrassment, moderate impact on community trust or moderate media profile.	
Roads are not maintained to a satisfactory standard.	Possible (3)	Moderate (3)	Moderate (9)	<u>Financial</u> Poor road conditions can affect external industries and prevent goods getting to markets.	By establishing an annual grading program the safety risks are reduced. By establishing an annual grading program the safety risks are reduced.

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 "Moderate to High" in accordance with the likelihood and consequences of failing to adequately maintain the Shires unsealed road network. By having an annual maintenance grading program, the inherent risk is reduced to moderate.

## **Policy implications**

### *ENG09 Asset Management Policy*

*The purpose of this policy is to demonstrate the Shire of Ashburton's commitment to the responsible management of its assets and to establish a framework to ensure that these Assets are acquired, maintained, and disposed of in such a manner that the agreed level of service delivery is achieved within the constraints of Asset life, cost effectiveness and financial environmental sustainability.*

### *ENG13 Road Management Policy*

It is vital the Shire of Ashburton manages its road network to minimise preventable expenditure and maximise useful lives through the most appropriate maintenance strategies.

## **Voting requirement**

Simple majority

## **Councillor interest declarations**

Nil

## **Officer recommendation**

That with respect to the proposed unsealed roads annual maintenance program, Council,

- a Supports a level of service of one (1) dry grade per year for Unsealed Local Roads (2022-2023 estimated value of \$380,000 per year), and
- b Supports a level of service of one (1) wet grade (grade, water, and roll) per year for all Unsealed Regional Roads (2022-2023 estimated value of \$2,786,000 per year).



**Council Decision                      083/2022**

**Moved                                      Cr R de Pledge**

**Second                                     Cr L Rumble**

**That with respect to the proposed unsealed roads annual maintenance program, Council,**

- a        Supports a level of service of one (1) dry grade per year for Unsealed Local Roads (2022-2023 estimated value of \$380,000 per year), and**
- b        Supports a level of service of one (1) wet grade (grade, water, and roll) per year for all Unsealed Regional Roads (2022-2023 estimated value of \$2,786,000 per year).**

**Carried 7/0**

## 15 Projects and Procurement reports

### 15.1 Draft Onslow Foreshore Promenade Masterplan

<b>File reference</b>	SEC.0381
<b>Author's name</b>	C McGurk
<b>Author's position</b>	Director Projects & Procurement
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	K Donohoe
<b>Authorising officer's position</b>	Chief Executive Officer
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Not applicable
<b>Date report written</b>	30 May 2022
<b>Previous meeting reference</b>	Not applicable

#### Summary

The Onslow Foreshore Promenade Masterplan details the vision for Onslow in the Shire of Ashburton.

This report requests Council endorsement to advertise the Onslow Foreshore Promenade Masterplan for a 21-day public comment period (although not legislatively required).

The final Foreshore Promenade Masterplan will then be presented to Council for consideration for final adoption at the July 2022 Ordinary Meeting of Council.

#### Background

In 2021 Council adopted the Chief Executive Officer's Key Performance Indicators (KPI's) one being to complete an Onslow Foreshore Promenade Masterplan with the intent of developing an overarching staged construction timeline / program, future budget allocation and request any Unclaimed Crown Land (UCL) through the Department of Planning, Lands and Heritage (DPLH) if required to complete the overall masterplan.

All UCL in Onslow marked in 'orange' on the Attachment.

### **Attachment 15.1A**

The Shire has requested Management Orders over all UCL in Onslow that is not affected by Native Title or Mining Lease. Security of this land is essential for long term strategic planning for the town of Onslow.

Listed below are the UCL parcels required from DPLH as a priority for the Onslow Foreshore Promenade Master Plan and the Ocean View Caravan Park Stage Three (3) -

- Lot 3504 Second Ave Onslow Plan Number 408853
- Lot 3503, Onslow Plan Number 408853
- Lot 353 First Avenue Onslow Plan Number P072965
- Lot 354 Onslow Plan Number 072965
- Lot 551, 552, 553 and 559 Beadon Creek Road Onslow Plan Number P181876.

Following a Request for Tender process in September 2021, Place Laboratory were engaged to produce a concept masterplan for Onslow Foreshore Promenade from ANZAC Memorial to Beadon Creek. The full scope is attached.

### **Attachment 15.1B**

#### **Comment**

The Onslow Foreshore Promenade Masterplan will play an important role for the future of Onslow and the community. The masterplan has been developed to complement future projects for the townsite of Onslow including, but not limited to, the Oceanview Caravan Park Stage Three (3), Onslow Convention Centre, Onslow Community Boating Precinct and Onslow Jetty Redevelopment.

The masterplan was developed following extensive work including:

- Review of existing Shire Coastal Footpath Masterplan and feature survey
- Review of existing Tourism Strategy ([https://www.ashburton.wa.gov.au/Profiles/ashburton/Assets/ClientData/Documents/Live/SOA Economic Tourism Development Strategy Final Sept 2019.pdf](https://www.ashburton.wa.gov.au/Profiles/ashburton/Assets/ClientData/Documents/Live/SOA_Economic_Tourism_Development_Strategy_Final_Sept_2019.pdf)),
- Review of the Strategic Community Plan ([https://www.ashburton.wa.gov.au/Profiles/ashburton/Assets/ClientData/ASH12448 Shire-of-Ashburton SCP V4 5 LR SPREADS.pdf](https://www.ashburton.wa.gov.au/Profiles/ashburton/Assets/ClientData/ASH12448_Shire-of-Ashburton_SCP_V4_5_LR_SPREADS.pdf)), and

- Review of existing concept plans of future projects.

The concept masterplan attached describes -

- The future vision for Onslow including concept designs for the North Node, Central Node and Southern Node
- Concept design for three (3) path sections
- All nodes and paths are linked by a common theme, relating to Onslow's heritage, possibly pearling, Pastoralist / Aboriginal Heritage and wartime shipwrecks, this theme is to be continuous and repeated throughout the concept design.

The Onslow Foreshore Promenade Masterplan is Attached.

### **Attachment 15.1C**

Management Orders have been requested over several portions of UCL in Onslow through DPLH. It is worth noting, without the management orders for the UCL portions from DPLH, the overall masterplan and vision for Onslow will be in jeopardy.

When, and if, the Shire has confirmed management orders and community feedback compiled and presented, a priority projects plan, funding opportunities and budget can be compiled for Council endorsement.

Onslow Foreshore Promenade Masterplan will need to be well advocated by the Shire including Council. This will then support funding requests from external government agencies and the future vision for Onslow.

The budget estimate for the entire Onslow Foreshore Promenade Masterplan is attached.

### **Attachment 15.1D**

#### **Consultation**

Chief Executive Officer

#### **Statutory environment**

*Local Government Act 1995*

*Section 2.7 Role of Council*

The council governs the local government's affairs and is responsible for the performance of the local government's functions.

*Local Government Act 1995*

*5.56 Planning for the future*

A local government is to plan for the future of the district.

**Financial implications**

A cost estimate has been prepared by Ralph and Beattie Bosworth Pty Ltd for the construction of the entire Onslow Promenade Foreshore Masterplan and equates to \$30 million.

It is difficult to gauge if this would be a true cost for the entire development until the final concept design is adopted and a further detailed design can be undertaken, and development strategy prepared. Quantity Surveys will be reengaged for final costings, which will be presented to Council.

The Shire needs to continue advocating for the overall development of all projects and promoting the Shire of Ashburton Priority Projects 2022 document, seeking support from State agencies such as Pilbara Development Commission, Development WA and consider partnerships with industry stakeholders.

**Strategic implications**

Shire of Ashburton Strategic Community Plan 2022-2032

Strategic Objective	Prosperity – We will advocate and drive opportunities for the community to be economically desirable, resilient, and prosperous.
Strategic Outcome	Coordinated delivery of economic services and projects for the community.
Strategy	Develop and maintain key economic services partnerships, both internally and externally, to support Council’s vision.

**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
Master Plan not adopted will not support advocacy arrangements.	Unlikely (2)	Moderate (3)	Moderate (6)	Financial \$100,000 to \$1 million	Supply sufficient information for Council to make an informed decision.
Ineffective and inefficient planning leads to waste of funds.	Unlikely (2)	Moderate (3)	Moderate (6)	Financial \$100,000 to \$1 million	Supply sufficient information for Council to make an informed decision.

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 “moderate” because of the financial implications due to ineffective and inefficient future planning. Also, possible conflicts with State Government Agencies considering planning matters in Onslow without consideration nor direction from the Shire of Ashburton.

### Policy implications

*Community Engagement Policy*

### Voting requirement

Simple majority

### Councillor interest declarations

Nil

**Officer recommendation**

That with respect to the Onslow Foreshore Promenade Masterplan Council,

- a Accepts the draft Onslow Foreshore Promenade Masterplan, in principle, as the guiding document for the future development of the Onslow Foreshore Promenade and requests the Chief Executive Officer advertise for local public comment the Onslow Foreshore Promenade Masterplan for a period of 21-days and presents any submissions to Council,
- b Authorises the Chief Executive Officer to continue to advocate to Department of Planning, Lands and Heritage to have several UCL reserves vested to the Shire of Ashburton as these portions of Unallocated Crown Land are critical to the success of the future development, and
- c Consider for inclusion \$500,000 in the 2022 - 2023 Annual Budget to undertake compilation of reports to support the masterplan and inform future budgets.

**Council Decision                      084/2022**

**Moved                                      Cr T Mladenovic**

**Second                                      Cr M Lynch**

**That with respect to the Onslow Foreshore Promenade Masterplan Council,**

- a                      Accepts the draft Onslow Foreshore Promenade Masterplan, in principle, as the guiding document for the future development of the Onslow Foreshore Promenade and requests the Chief Executive Officer advertise for local public comment the Onslow Foreshore Promenade Masterplan for a period of 21-days and presents any submissions to Council,**
- b                      Authorises the Chief Executive Officer to continue to advocate to Department of Planning, Lands and Heritage to have several UCL reserves vested to the Shire of Ashburton as these portions of Unallocated Crown Land are critical to the success of the future development, and**
- c                      Consider for inclusion \$500,000 in the 2022 - 2023 Annual Budget to undertake compilation of reports to support the masterplan and inform future budgets.**

**Carried 7/0**

**16 Councillor agenda items / notices of motions**

Nil

**17 New business of an urgent nature introduced by Council decision**

Nil

**Procedural motion**

**Moved** Cr R de Pledge  
**Second** Cr T Mladenovic

**That Council, at 2:15pm, adjourn the meeting for a break until 2:25pm.**

**Carried 7/0**

The Presiding Member resumed the meeting at 2:29pm.





## 18 Confidential matters

### 18.1 Assignment of Retail Lease Paraburdoo

<b>File reference</b>	ASH.0811
<b>Author's name</b>	B Church
<b>Author's position</b>	Lease and Accommodation Officer
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	R Wright
<b>Authorising officer's position</b>	Manager Land and Asset Compliance
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Katherine Helen Coates
<b>Date report written</b>	25 May 2022
<b>Previous meeting reference</b>	Nil

#### Summary

Council has been requested to assign a lease in Paraburdoo. The purpose of this report is to consider the assignment of a lease for a retail premises.

Council is requested to consider the future tenancy of the premises as the remaining term for assignment is less than twelve (12) months.

#### Confidentiality

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

*“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 that if disclosed, would reveal information that has a commercial value to a person ”*

**Council Decision                      085/2022**

**Moved                                      Cr L Rumble**

**Second                                     Cr T Mladenovic**

**That with respect to the assignment of lease of an approximate 93m2 portion of Lot 811 (84) Ashburton Avenue, Paraburdoo, “The Vault”, Council,**

- a            Authorises the assignment of lease of portion of Lot 811 (84) Ashburton Avenue, Paraburdoo, to Ms Olivia Halliday and Ms Symone Fitzgerald trading as LS and SF Pty Ltd,**
- b            Authorises the Chief Executive Officer to execute the Deed of Assignment between the Shire of Ashburton and Ms Olivia Halliday and Ms Symone Fitzgerald trading as LS and SF Pty Ltd and any other associated documents to effect item a) above,**
- c            Authorises the Chief Executive Officer to negotiate a new five (5) year lease between the Shire of Ashburton and Ms Olivia Halliday and Ms Symone Fitzgerald trading as LS and SF Pty Ltd subject to a minimum of 6 months successful operation of the retail premises and requirements under the *Local Government Act 1995*,**
- d            Authorises the publication of a local public notice of the intention to dispose of a portion of Lot 811 in accordance with Section 3.58 of the *Local Government Act 1995*, and**
- e            Authorises the Chief Executive officer to –**
  - i            consider and reject any public submissions regarding Item d), noting Elected Members will be provided with a briefing by Administration in relation to the responses (if any) to the local public notice, and**
  - ii           execute all documentation and comply with all applicable legislation as is required to effect item c).**

**Carried 7/0**

**18.2 Proposed Retail Lease of vacant portion of Lot 811 (84) Ashburton Court, Paraboradoo**

<b>File reference</b>	ASH.0811
<b>Author's name</b>	N Niven
<b>Author's position</b>	Lease and Accommodation Officer
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	R Wright
<b>Authorising officer's position</b>	Manager of Land and Asset Compliance
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Leah McManus t/a Scorched Retina Photography
<b>Date report written</b>	24 March 2022
<b>Previous meeting reference</b>	Not applicable

**Summary**

Council is required to consider a new retail lease of a portion of Lot 811 (84) Ashburton Court, Paraboradoo. Previously leased to Kader Boots Co.

The purpose of this report is to present the two expressions of interest and to accept one as the successful applicant to lease the premises.

**Confidentiality**

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

*“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 that if disclosed, would reveal information that has a commercial value to a person ”*

**Council Decision                    086/2022**

**Moved                                    Cr L Rumble**

**Second                                  Cr M Lynch**

**With respect to proposed retail lease of vacant portion of Lot 811 (84) Ashburton Court, Paraburdoo that Council:**

- a     Supports in principle the lease of a portion of approximately 105m<sup>2</sup> of Lot 811 (84) Ashburton Court, Paraburdoo, shown as Lease Area ‘B’ to Leah McManus t/a Scorched Retina Photography for a term of up to 5 years inclusive of options, commencing on execution of the lease, and in accordance with the essential lease terms described in the report;**
- b     Authorises the Chief Executive Officer to negotiate further commercial terms including a discounted rent of 50% for the initial term of 12 months and first 6 months of the second term (18 months discount in total),**
- c     Authorises the publication of a local public notice of the intention to dispose of portion of Lot 801 in accordance with Section 3.58 of *the Local Government Act 1995 (WA)*;**
- d     Authorises the Chief Executive officer to:**
  - i)    consider and reject any public submissions with regard to item c) above, noting that that Elected Members will be provided with a briefing by Administration in relation to the responses (if any) to the local public notice; and**
  - ii)   execute all documentation and comply with all applicable legislation as is required to effect item a. above**

**Carried 7/0**

**18.3 Development of Hazardous and Liquid Waste Facility – Pilbara Regional Waste Management Facility (PRWMF), Onslow**

<b>File reference</b>	WM09.01
<b>Author's name</b>	M Fanning
<b>Author's position</b>	Director Infrastructure Services
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	M Fanning
<b>Authorising officer's position</b>	Director Infrastructure Services
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Shire of Ashburton - Internal
<b>Date report written</b>	25 May 2022
<b>Previous meeting reference</b>	Nil

**Summary**

This item is for Council to consider a Business Case for the development of Hazardous and Liquid Waste Infrastructure at the Pilbara Regional Waste Management Facility, Onslow.

The Business Case demonstrates that there is sufficient need for such a facility and that the estimated capital investment of \$10.4 million will be recovered within a 30-month period based on product supply projections.

Council is requested to support the Business Case for the development of Hazardous and Liquid Waste Infrastructure and seek financial support from industry and government for the timely delivery of this project.

**Confidentiality**

This report is confidential in accordance with section 5.23 (2) of the *Local Government Act 1995* because it deals with –

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



**Council Decision                    087/2022**

**Moved                                    Cr R de Pledge**

**Second                                   Cr L Rumble**

**That with respect to the Business Case for the development of a Hazardous and Liquid Waste treatment facility at the Pilbara Regional Waste Management Facility (PRWMF), Onslow, Council,**

- a       Supports in-principle proposal to develop a Hazardous and Liquid Waste treatment facility at the Pilbara Regional Waste Management Facility, Onslow,**
- b       Instruct the Chief Executive Officer to commence the preparation of detailed designs and works approval documentation for submission to the Department of Water and Environmental Regulations,**
- c       Instruct the Chief Executive officer to issue the Business Case to the Pilbara Development Commission seeking financial support for the delivery of the project,**
- d       Instruct the Chief Executive Officer to investigate commercial market opportunities before commissioning of capital expenditure and assess the technical specialist and infrastructure required to run and operate a liquid waste site and present this to the Waste Committee, and**
- e       Include in the 2022-2023 Annual Budget deliberations, 2023-2024 Capital Works program, and Long-Term Financial Plan, \$10.05 million to deliver this project over the next two (2) financial years, with an initial \$5.025 million in the first year.**

**Carried 5/2**



#### 18.4 Pilbara Regional Waste Management Facility – Alliance Board Formation

<b>File reference</b>	WM07
<b>Author's name</b>	M Fanning
<b>Author's position</b>	Director Infrastructure Services
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	M Fanning
<b>Authorising officer's position</b>	Director Infrastructure Services
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Not applicable
<b>Date report written</b>	3 June 2022
<b>Previous meeting reference</b>	Not applicable

##### **Summary**

The Pilbara Regional Waste Management Facility, Onslow, was issued a Class IV licence in December 2021 allowing the site to operate in a limited capacity with limited approved waste streams.

The adopted operational model requires an Alliance Board to be established to create an operational and decision-making platform between the Asset Owner (Shire of Ashburton) and Operator (Pilbara Environmental Services).

Council is requested to authorise the Chief Executive Officer to negotiate an amendment to the existing Letter of Intent and Waste Services Agreement (Contract) to include a Councillor representative as the Chair of the to be formed Pilbara Regional Waste Management Facility Alliance Board.

##### **Confidentiality**

This report is confidential in accordance with section 5.23 (2) of the *Local Government Act 1995* because it deals with –

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

**Council Decision                    088/2022**

**Moved                                    Cr L Rumble**

**Second                                  Cr T Mladenovic**

**That with respect to the establishment of the Pilbara Regional Waste Management Facility Alliance Board, Council –**

- a        Instructs the Chief Executive to negotiate an amendment to the existing Letter of Intent and Waste Services Agreement (Contract) to include a Councillor representative as the Chairperson of the Alliance Board, and**
- b        Nominates the Shire President as its representative and Chairperson of the Alliance Board.**

**Carried 7/0**

**Procedural motion**

**Moved                                    Cr L Rumble**

**Second                                  Cr R de Pledge**

**That Council, at 3:45pm, move out from behind closed doors.**

**Carried 7/0**

## **19 Next meeting**

The next Ordinary Council Meeting will be held at 1:00pm on Tuesday 12 July 2022 at Clem Thompson Sports Pavilion, Stadium Road, Tom Price.

## **20 Closure of meeting**

There being no further business, the Presiding Member closed the meeting at 3:47pm.