



Shire of Ashburton
Ordinary Council Meeting
Confirmed Minutes
(Public)

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

9 August 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
12 August 2022

These minutes were confirmed by Council as a true and accurate record of proceedings at the Ordinary Council Meeting held on Tuesday 9 August 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.

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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 T Mladenovic	Tom Price Ward
Cr L Rumble	Paraburdoo Ward
Cr A Sullivan	Paraburdoo Ward
Cr M Gallanagh	Pannawonica Ward

Employees

K Donohoe	Chief Executive Officer
T Dayman	A / Director Corporate Services
T Matson	Director People and Place
A Sheridan	A / Director Infrastructure Services
C McGurk	Director Projects and Procurement
J Bray	Manager Governance
A Furfaro	Governance Officer
M Barnes	Executive Assistant Projects and Procurement

Guests

Nil

Members of the public

Nil

Members of the media

Nil

3.2 Apologies

Cr R De Pledge	Ashburton Ward	9 August 2022
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3.3 Approved leave of absence

Cr J Richardson	Tableland Ward	9 August 2022
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4 Question time

4.1 Response to previous questions taken on notice

Nil

4.2 Public question time

Nil

5 Declaration by members

5.1 Due consideration by Councillors to the agenda

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

5.2 Declarations of interest

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

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

13.2 – DAP Application – DAP/21/02078 -DA 22-40 | L300 Back Beach Road, Onslow - Amendment to Transient Workforce Accommodation (500 Persons)

Declarant	Cr K White
Declaration of Interest	Proximity

18.1 – Consideration of letter of offer by Rio Tinto regarding Housing and community funding

Declarant	Cr M Gallanagh
Declaration of Interest	Financial – Myself and my husband work for Rio Tinto, in company owned housing, with share collectively and individually to a value greater than \$10,000.

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	Indirect Financial – My partner is an employee of Rio Tinto, and we live in subsidised Rio Tinto housing provided as part of his employment.

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

Declarant	Cr A Smith
Declaration of Interest	Indirect Financial – My husband is an employee with Rio Tinto. My husband is a Rio Tinto shareholder 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.

6 Announcements by the Presiding Member and Councillors without discussion

The Presiding Member announced the Chief Executive Officer met with Finn Resources in relation to a proposed new Solar Salt Mine near Onslow. The proposal includes the development of a new salt mine adjacent to Onslow and a proposed Port facility that will see the export of salt and bulk ores should this project progress.

7 Petitions / Deputations / Presentations

7.1 Petitions

Nil

7.2 Deputations

Nil

7.3 Presentations

Nil

8 Applications for leave of absence

Cr A Smith

Tom Price Ward

9 August 2022

Council Decision

098/2022

Moved

Cr L Rumble

Second

Cr A Sullivan

That with respect to applications for leave of absence, Council grants leave of absence to Cr A Smith for 9 August 2022.

Carried 6/0

9 Confirmation of minutes

9.1 Confirmation of Council meetings

That with respect to the confirmation of minutes, Council confirms the minutes of the:

- Ordinary Council Meeting held 12 July 2022, as attached in 9.1A, and
- Special Council Meeting held 28 July 2022, as attached in 9.1B.

Attachment 9.1A

Attachment 9.1B

Council Decision

099/2022

Moved

Cr A Sullivan

Second

Cr T Mladenovic

That with respect to the confirmation of minutes, Council confirms the minutes of the:

- Ordinary Council Meeting held 12 July 2022, as attached in 9.1A, and
- Special Council Meeting held 28 July 2022, as attached in 9.1B.

Carried 6/0

9.2 Receipt of committee and other minutes

That with respect to the receipt of committee and other minutes, Council receives the Audit and Risk Committee minutes held 12 July 2022, as attached.

Attachment 9.2A

Council Decision	100/2022
Moved	Cr L Rumble
Second	Cr A Sullivan
That with respect to the receipt of committee and other minutes, Council receives the Audit and Risk Committee minutes held 12 July 2022, as attached.	
Carried 6/0	

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 – 12 July 2022

Committee Recommendation 008/2022

That, with respect to the Audit Log Status Update, Committee recommends Council receives the updated Audit Log.

Committee Recommendation 009/2022

That with respect to the Wittenoom Claims Update to 30 June 2022, Council receives the update as contained in this Report.

Council Decision 101/2022

Moved Cr M Gallanagh

Second Cr M Lynch

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

Audit and Risk Management Committee – 12 July 2022

Committee Recommendation 008/2022

That, with respect to the Audit Log Status Update, Committee recommends Council receives the updated Audit Log.

Committee Recommendation 009/2022

That with respect to the Wittenoom Claims Update to 30 June 2022, Council receives the update as contained in this Report.

Carried 6/0

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 Proposed Reserve For Port Purposes, Portion Urala Pastoral Lease

File reference	ED02
Author's name	J Hunter
Author's position	Property Services Officer
Author's interest	Nil
Authorising officer's name	R Wright
Authorising officer's position	Manager Land and Asset Compliance
Authorising officer's interest	Nil
Name of applicant / respondent	K+S Salt Australia Pty Ltd
Date report written	15 July 2022
Previous meeting reference	Nil

Summary

The Shire of Ashburton has received a request from the Department of Planning, Lands and Heritage (DPLH) to provide any advice/comments the Shire may have regarding a proposal from Pilbara Ports Authority (On behalf of K+S Salt Australia Pty Ltd) involving the creation of a Crown Reserve for 'Port Purposes'. The Reserve would subsequently be vested pursuant to the *Ports Authority Act 1999* (PAA) in favour of the Pilbara Ports Authority, to enable further development and operation of a port facility and related salt operations.

Council is requested to endorse the proposed response to the request.

Background

The DPLH is considering a proposal involving the creation of a Crown Reserve for 'Port Purposes'.

This request comes from an ongoing project that is being pursued by K+S Salt Australia Pty Ltd (K+S) to develop a new salt operation in Onslow.

As the Shire has not yet received any formal proposal for the project, the background and project details have been extracted from the K+S Salt Australia Pty Ltd – Ashburton Salt Project – draft Environmental Review Document (ERD).

Proposal Description

K+S is proposing to construct and operate a 4.7 million tonne per annum solar salt farm consisting of solar salt evaporation and crystallisation ponds and associated infrastructure/activities, approximately 40 km southwest of Onslow within the Shire of Ashburton (Attachment 11.1A). The development envelope and layout of the proposal is provided in Attachment 11.1B. The anticipated life of the project is 50 years.



The figure above shows the proposed Port Reserve area.

Attachment 11.1A
Attachment 11.1B

Key Components

The proposed project includes the following key components:

- a seawater intake (comprising an intake sump, pipelines, pumps and channel)
- concentration and crystallisation ponds
- salt wash plant
- stockpiles and conveyors
- bitterns discharge infrastructure (including a dilution pond, pipeline and diffuser)
- jetty and product loading infrastructure
- access road and internal site roads

- borrow pits for extraction of clay and other construction materials
- drainage diversions
- dredging and onshore placement of dredged material
- buildings such as offices, storage and workshops
- possibly accommodation
- sewage treatment
- water monitoring bores
- small desalination plant
- electricity and natural gas distribution
- equipment parking and laydown areas
- fuel storage and a refuelling station
- helipad.

The proposed creation of a Crown Reserve for ‘Port Purposes’ is to facilitate the future development and operation of a port facility to service the proposal outlined above.

Comment

Land Tenure

Three types of land tenure are proposed by the DPLH:

- A “Port Reserve” to be vested with the Pilbara Port Authority, will house infrastructure associated with the Port, including a conveyor, jetty, berthing pocket, and dredge spoil disposal.
- The seawater intake, salt ponds, wash plant, stockyard and associated infrastructure to be located on a Proposed Mining Tenement in accordance with the *Mining Act 1978*.
- A portion of the access road not covered by Mining Tenure or Port Tenure will become a Public Road under the *Land Administration Act 1997*. The road reserve will be vested in either the Shire of Ashburton or Main Roads as appropriate. This point is still unresolved and requires further negotiation between the Shire, DPLH, K+S and Pilbara Port Authority. It is the view of the Shire that any road and bridge infrastructure required for this project should be vested in the State.

The proposed Port Reserve would subsequently be vested pursuant to the PAA in favour of the Pilbara Ports Authority, to enable future development and operation of a port facility. It is understood that the port facility will require use of the adjacent coastal waters, however investigations are still ongoing in relation to proposed offshore boundaries or tenure.

The existing affected tenure includes:

- portion Lot 163 on Deposited Plan 220110 being Pastoral Lease N049393 (Urala Station);
- portion unsurveyed UCL PIN 1018873 (dedicated unconstructed road);
- portion unsurveyed UCL below the low water mark; and
- portion dedicated road PIN 1242704.

It is noted that the dedicated unconstructed road (PIN 1018873) and dedicated road (PIN 1242704) traverses the proposed Reserve area which will need to be addressed prior to reservation and vesting.

The Port Reserve is intended to be comprised of two separate lots; one comprising the land below the low water mark and the second being the balance of land (see Attachments 11.1C – 11.1F).

The DPLH is awaiting further advice regarding the provision of legal access to the proposed Reserve and will engage with the Shire on this matter at the earliest opportunity.

Past Meetings

The Shire previously held a meeting on 24 July 2020 with representatives from the Shire, Pilbara Ports Authority, Department of Jobs, Tourism Science, and Innovation, Australian Gas Infrastructure Group and K+S regarding the future salt operations project.

The meeting was a general open discussion around the future project at an early development stage of the project and outlined K+S's concept to develop a new salt operation in Onslow.

Several questions remain outstanding in relation to road responsibilities, configuration, and details in relation to development of housing to support the project in Onslow.

Following the meeting, the Shire submitted a series of questions and requests for further detail to K+S, outlined in a letter dated 27 July 2020 (Attachment 11.1G refers). These questions are summarised below, including but not limited to:

- Who is to fund the proposed road construction and how will the road be maintained into the future?
- What are the design standards that the road is to be built to in the short and long term?

- Further detail regarding the construction of a bridge to accommodate a 150-tonne working load as discussed by Pilbara Ports Authority (agreed by all parties).
- Further detail regarding an advocacy position being undertaken to lobby both State and Commonwealth Governments for stimulus funding to fund the bridge.
- Further detail regarding the protection of public access to environmental and recreational opportunities for the community (i.e. ensure public road access to Locker Point for the community).
- Further detail regarding the access route in general (detailed map illustrating location of the access route).
- Further detail regarding development of 90 houses in Onslow (if not K+S directly then through its future partners). Details of a housing development plan for the Shire to consider, assisting with future planning of the town and so the Shire could assess the economic and social benefits of the wider project in a statutory planning sense.

For full detail of the questions and concerns raised by the Shire previously, please refer to Attachment 11.1G.

At the time of this meeting, K+S did not have Financial Investment Decision. It is still unknown whether this has now been granted.

The Shire received an acknowledgement of receipt of the letter on 15 September 2020, advising the request for clarification on the matters raised would be forthcoming in due course. No records of a further response have been located.

The Shire understands that this request for comment/advice is only in relation to the creation of the Port Reserve, however, would like these points addressed and further detail provided in the interest of transparency and forward planning.

Attachment 11.1C

Attachment 11.1D

Attachment 11.1E

Attachment 11.1F

Attachment 11.1G

Consultation

Development Control Unit
Town Planning
Infrastructure Services
Projects and Procurement
People and Place

Internal referral:

After internal referral and consultation within the relevant Shire departments there were no objections raised, however, further detail will be required regarding roads and bridges, and that these would need to remain the responsibility of the State and/or Ports Authority. Further detail is required to understand the traffic management, transport volumes and linkages to the site, to understand the impacts on existing infrastructure.

It was also highlighted that public access to Locker Point for environmental and recreational opportunities for the community and visitors, should be addressed/ensured.

The Shire's proposed response is that of no objections, however, that further detail must be provided prior to Council providing formal support.

Statutory environment

Ports Authority Act 1999

Section 25

Outlines provisions regarding properties vested in a Port Authority.

Land Administration Act 1997

Section 14

Provisions regarding the Minister's requirement to consult with local government before exercising certain powers in relation to Crown Land.

Land Administration Act 1997

Section 56

Outlines provisions regarding how land for roads is dedicated.

Financial implications

There are no direct financial implications as the applicant is responsible for all associated costs with the project and reserve.

There will be some indirect positive financial implications for the Shire, due to the additional employment and economic driver that the overall project is likely to create.

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

Strategy Assess mining and resource tenure and agreements to ensure the community is not negatively impacted.

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
That the proposed Port Reserve is approved/granted before Shire's concerns have been addressed.	Possible (3)	Moderate (3)	Moderate (9)	<u>Compliance</u> Short term noncompliance but with significant regulatory requirements imposed.	Adopt Officer's Recommendation to provide advice and general comment.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is "Moderate" because, although the Shire is not the decision maker regarding the proposal, there are some significant points that must be clarified/addressed prior to Council providing its formal support. If these points are not addressed, the outcome may be undesirable for the Shire and the community.

Policy implications

There are no policy implications.

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to the proposed Crown Reserve for 'Port Purposes' – invitation to comment, Council, endorse the following response:

- a Council has no objections in principle, to the proposed Crown Reserve for 'Port Purposes', however, requests further detail and clarification is provided on the following matters as previously raised in the Shire's letter (Attachment 11.1G - K + S Ashburton Salt Project), noting that:
- The Shire will not provide any funding towards the proposed road construction, or future road maintenance and any future roads as part of the project, as the reserve will not be vested with the Shire or become the responsibility of the Shire.
 - Details are to be provided of the design standards that the road is to be constructed to, in the short and long term.
 - Details are to be provided regarding the access route in general (detailed map illustrating location of access route).
 - Further detail is required to understand the transport volumes and linkages to the site, to understand the impacts on existing infrastructure.
 - Further detail regarding the construction of a bridge to accommodate a 150-tonne working load as discussed by Pilbara Ports Authority.
 - Further detail regarding an advocacy position to be undertaken to lobby both State and Commonwealth Governments for stimulus funding to fund the bridge, noting the Shire will not contribute to the cost of construction or maintaining this infrastructure in future.
 - Further detail regarding the protection of public access to environmental and recreational opportunities for the community (i.e. ensure public road access to Locker Point for the community).
 - Further detail regarding development of circa 90 houses in Onslow. Details of a housing development plan for the Shire to consider, assisting with future planning of the town and so the Shire could assess the economic and social benefits of the wider project.

Council Decision 102/2022

Moved Cr L Rumble

Second Cr M Lynch

That with respect to the proposed Crown Reserve for ‘Port Purposes’ – invitation to comment, Council, endorse the following response:

a Council has no objections in principle, to the proposed Crown Reserve for ‘Port Purposes’, however, requests further detail and clarification is provided on the following matters as previously raised in the Shire’s letter (Attachment 11.1G - K + S Ashburton Salt Project), noting that:

- The Shire will not provide any funding towards the proposed road construction, or future road maintenance and any future roads as part of the project, as the reserve will not be vested with the Shire or become the responsibility of the Shire.**
- Details are to be provided of the design standards that the road is to be constructed to, in the short and long term.**
- Details are to be provided regarding the access route in general (detailed map illustrating location of access route).**
- Further detail is required to understand the transport volumes and linkages to the site, to understand the impacts on existing infrastructure.**
- Further detail regarding the construction of a bridge to accommodate a 150-tonne working load as discussed by Pilbara Ports Authority.**
- Further detail regarding an advocacy position to be undertaken to lobby both State and Commonwealth Governments for stimulus funding to fund the bridge, noting the Shire will not contribute to the cost of construction or maintaining this infrastructure in future.**
- Further detail regarding the protection of public access to environmental and recreational opportunities for the community (i.e. ensure public road access to Locker Point for the community).**
- Further detail regarding development of circa 90 houses in Onslow. Details of a housing development plan for the Shire to consider, assisting with future planning of the town and so the Shire could assess the economic and social benefits of the wider project.**

Carried 6/0

**11.2 Major Land Transaction - Ocean View Caravan Park (Stage Three)
Business Plan Submission**

File reference	SEC.0381
Author's name	R Wright
Author's position	Manager Land and Asset Compliance
Author's interest	Nil
Authorising officer's name	K Donohoe
Authorising officer's position	Chief Executive Officer
Authorising officer's interest	Nil
Name of applicant / respondent	Mineral Resources Limited
Date report written	25 July 2022
Previous meeting reference	Confidential Agenda item 8.1 (Minute 211/2020) Special Meeting of Council 26 November 2020 Confidential Agenda item 19.3 (Minute 18/2021) Ordinary Meeting of Council 16 February 2021 Agenda item 15.1 (Minute 062/2022) Ordinary Meeting of Council 10 May 2022

Summary

At the Special Meeting of Council on 26 November 2020, Council endorsed the acquisition of Lot 381 on Deposited Plan 205462, Second Avenue, Onslow.

The Chief Executive Officer was delegated authority to undertake concept designs for Lot 381 Second Avenue, Onslow for expansion of the existing Ocean View Caravan Park (OVCP).

Council endorsed the concept design, cost estimate and Business Plan required under section 3.59 of the *Local Government Act 1995* for the OVCP expansion in April 2022.

The Business Plan was advertised in May 2022 requesting submissions. There has been one (1) late submission for Council to consider.

Background

Lot 381 Second Avenue, Onslow, is owned in freehold by the Shire of Ashburton after purchasing it in early February 2021. The site (outlined in the below aerial image) comprises 2.3666 hectares, is relatively flat and boasts ocean and townsite views.



Lot 381 Second Avenue Onslow is recognised as a strategic site for tourism and related development within the Onslow Townsite with the site being zoned appropriately “Tourism” under the Shire of Ashburton Town Planning Scheme No.7.

Stage Three of this project entails the design and construction of a third phase of the successful OVCP, to satisfy the ever-increasing demand for holiday accommodation in Onslow. The key project driver is to have the new facility open to cater for the surge in demand for accommodation for the Solar Eclipse in April 2023 and increased visitation. This is a unique opportunity to highlight Onslow as the hidden gem in the regional holiday destinations.

Access to this Lot will be via a gravel road, constructed over Unallocated Crown Land (UCL) at adjoining Lot 3504. Discussions with the Department of Lands, Planning and Heritage on 27 July 2022 confirmed that the Management Order in favour of the Shire for the UCL parcel is anticipated imminently, with the proposal supported by relevant agencies.

An assessment of the Development Application is now complete and is presented to Council at this Ordinary Council Meeting as a separate item.

Council at its Ordinary Meeting in April 2022 resolved the following: -

“That with respect to endorsement of the Ocean View Caravan Park Concept Design, Cost Estimate and Business Plan, Council,

- a Endorses the Concept Design, Cost Estimate, and Business Plan, as included at Attachment 15.1A,*
- b In accordance with Section 3.59 of the Local Government Act 1995, requests the Chief Executive Officer seek submissions on the Business Plan, via Statewide public notice, for a period not less than six (6) weeks after the notice is given,*
- c Requests the Chief Executive Officer report to Council, after the close of the submission period, for Council to consider any submissions made and determine whether to proceed or not with the proposal, and*
- d Authorises the Chief Executive Officer to continue with preliminary works on Lot 381 on Deposited Plan 205462, Second Avenue, Onslow, in preparation of the expansion of the Ocean View Caravan Park”*

Comment

The Business Plan (Attachment 11.2A) was advertised on 25 May 2022 and closed on Monday 11 July 2022. One (1) submission was received from Mineral Resources Limited (MRL) dated 13 July 2022 (Attachment 11.2B).

Attachment 11.2A
Attachment 11.2B

Whilst the submission was received two (2) days after the closing date, Shire officers agreed to consider the submission.

It should be noted that the submission from MRL appears to be supportive of the Shire’s Stage Three OVCP Business Plan proposal, suggesting potential synergies regarding vehicle access between the Shire’s project and Mineral Resources proposed development at an adjoining property.

Following receipt of the letter, a meeting was held between the Shire and MRL and alternative access routes were discussed, with the proposed joint access request no longer being pursued by MRL. Given the submission is not objecting to the Business Plan and there were no other submissions received, Shire officers recommend continuation of the project in line with current project timelines to enable the accommodation to be ready in time for the April 2023 deadline.

Consultation

Chief Executive Officer
Executive Leadership Team
Mineral Resources Limited

Statutory environment

Local Government Act 1995

Section 3.59 Commercial enterprises by local governments

Before a local government commences a major trading undertaking, or enters a major land transaction, or enters a land transaction that is preparatory to entry into a major land transaction, it is to prepare a business plan.

The business plan is to include an overall assessment of the undertaking or transaction and other details, as legislated.

Following adoption of the business plan, State-wide public notice is required inviting submissions about the proposed undertaking or transaction be for a period not less than six (6) weeks after the notice is given.

After the last day for submissions, the local government is to consider any submissions made and may decide, by an absolute majority decision, to proceed with the undertaking or transaction as proposed, if it is not significantly different from what was proposed.

Local Government (Functions and General) 1996

Regulation 8A Amount prescribed for major land transactions; exempt land transactions prescribed (Act s. 3.59)

A major land transaction, as defined and applicable to the Shire of Ashburton, is \$2 million or more.

Financial implications

The estimated value for the construction of the items outlined in the Business Plan equate to \$8.6 million.

The construction works will be tendered on approval of the Shire 2022/2023 Annual Budget with siteworks anticipated to start by October 2022 to achieve practical completion by the end of March 2023.

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
Project not completed by April 2023 for the Solar Eclipse event.	Possible (3)	Major (4)	High (12)	<u>Reputation</u> Substantiated, public embarrassment, high impact on community trust, high media profile	Consider submission and proceed with the project

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 "High" because there is community expectation for the Shire to provide tourist facilities to capitalise on the local economy for such an influx of visitors to the region for the Solar Eclipse in April 2023, which will also showcase Onslow for future visits.

Policy implications

There are no known policy implications in relation to this matter.

Voting requirement

Absolute majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to Major Land Transaction - Ocean View Caravan Park (Stage Three) Business Plan Submission, Council,

- a Notes there was one (1) late submission from Mineral Resources Limited which did not object to the proposal; and
- b Proceeds with the major land transaction.

Council Decision	103/2022
Moved	Cr M Lynch
Second	Cr T Mladenovic
That with respect to Major Land Transaction - Ocean View Caravan Park (Stage Three) Business Plan Submission, Council,	
a	Notes there was one (1) late submission from Mineral Resources Limited which did not object to the proposal; and
b	Proceeds with the major land transaction.
Carried 6/0	

11.3 Onslow - Water Corporation - Desalination Plant – Request For In Principle Support

File reference	WS05
Author's name	J Hunter
Author's position	Property Services Officer
Author's interest	Nil
Authorising officer's name	R Wright
Authorising officer's position	Manager Land and Asset Compliance
Authorising officer's interest	Nil
Name of applicant / respondent	Water Corporation
Date report written	2 August 2022
Previous meeting reference	Nil

Summary

The Shire has received a letter from the Water Corporation requesting a letter of 'in principle' support for the future desalination plant proposed on Lots 551, 552, 553 and 354 Beadon Creek Road and Reserve 48859, Onslow.

Water Corporation has commenced discussions with the Buurabalayji Thalanyji Aboriginal Corporation and will soon initiate the necessary Crown Land process through the Department of Planning, Lands and Heritage (DPLH), to provide tenure for the planned desalination plant.

Council is requested to endorse the proposed response to the request.

Background

To secure Onslow's long-term future and provide a secure source of drinking water for the town to support future growth, Water Corporation plans to construct a seawater desalination plant in Onslow.

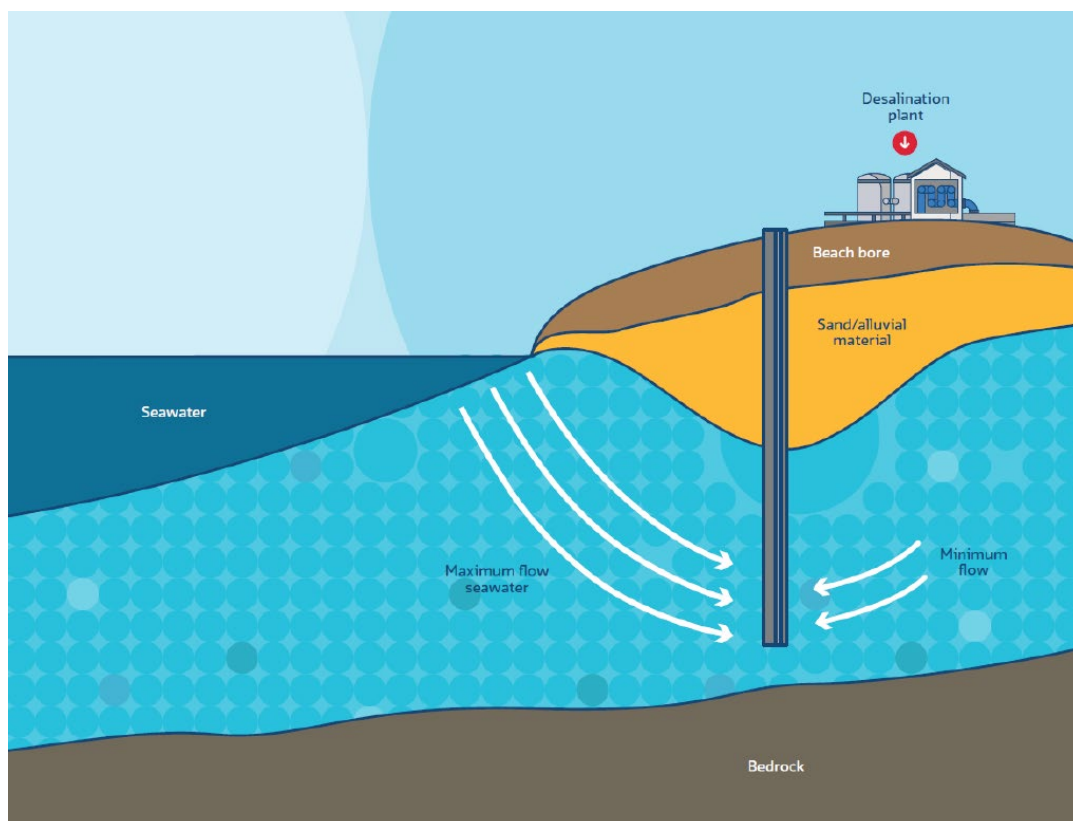
An additional water source of 1.5 million litres per day is required to meet Onslow's demand for the next 20 years. The proposed seawater desalination plant will result in the town having an additional source of water that is climate independent.

Under the Wheatstone Project State Development Agreement (SDA) 2011, Chevron Australia was required to build a water treatment plant and associated infrastructure for Onslow. In December 2017, Water Corporation replaced Chevron Australia as the responsible agency for the delivery of the infrastructure due to this being Water Corporation's core business and role. The project will still be financed by Chevron Australia under the State Development Agreement, with funds administered by the Department of Jobs, Tourism, Science and Innovation.

There have been several options explored for the delivery of this project since 2011, with Water Corporation now confirming the best model for the towns water supply includes a seawater desalination plant, sourcing raw seawater from several beach bores.

Comment

Due to the highly variable levels of suspended particles in Beadon Bay, a large and complex plant would be required to treat the water if the water is sourced directly from the ocean. Water Corporation is investigating an alternative water intake using beach bores to source the seawater component of groundwater, instead of taking water from Beadon Bay via a pipeline. Beach bores are commonly used for small seawater desalination plants as the suspended particles are naturally filtered by the sand, and the water would not require the same degree of treatment. The below diagram illustrates the beach bore concept.



The proposed plant will include:

- Reverse osmosis seawater desalination plant
- Several intake beach bores
- Brine outfall pipeline(s) at Beadon Bay
- Water tank and pumping station
- A 2.9 kilometre below-ground pipeline to tanks, where the water will be connected to Onslow water supply.

Water Corporation has now confirmed the proposed project footprint will impact the following land parcels at Beadon Creek Road:

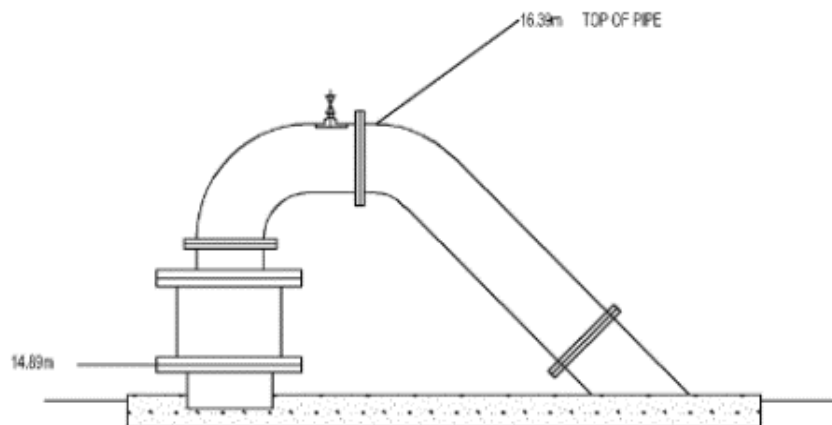
- Lot 551 on Plan 181876 (Vacant Crown Land)
- Lot 552 on Plan 181876 (Vacant Crown Land)
- Lot 553 on Plan 181876 (Vacant Crown Land)
- Lot 354 on Plan 72965 (Vacant Crown Land)
- Reserve 48859 (Management Order Minister for Transport)
- The road reserve heading from the desalination plant to Water Corporation's existing tank site.

Lots 551 – 553 will be tenured under management order between Water Corporation and the DPLH. The brine and bore pipelines, bores and other associated infrastructure within Lot 354 and Reserve 48859 will be under service corridor easements, as well as the 2.9 kilometre below-ground pipeline to the existing water tanks (R47957) within the McAullay Road Reserve.

Although detailed design and engineering is still in development, Attachments 11.3A and 11.3B illustrate the latest indicative layout and concept plan on the above subject properties.

Attachment 11.3A
Attachment 11.3B

The majority of visible infrastructure for the desalination plant will be contained within Lots 551, 552 and 553, under the Water Corporation's proposed management however, some bore headworks located at each of the costal bore sites (example shown in image below) and a switchboard cubicle, will likely be visible within Reserve 48859 (foreshore area).



At the Ordinary Council Meeting held on 14 June 2022, Council accepted the draft Onslow Foreshore Promenade Masterplan, in principle, as the guiding document for the future development of the Onslow Foreshore Promenade and will shortly be advertised for local public comment. The Shire and Water Corporation must ensure there is collaboration between the projects as to avoid land use conflicts. Recent conversations with the Water Corporation indicates this is also their preferred approach to ensure cohesion of the two major projects for Onslow.

As the final designs and layouts are yet to be confirmed, it is recommended, should Water Corporation obtain the three subject land parcels (551, 552 and 553), and the land is found to be surplus to their requirements, it would be in the Shire's interest to request management of these proposed reserves for its foreshore project.

Consultation

Water Corporation is currently undertaking preliminary consultation with the Shire and all relevant stakeholders, including but not limited, to Buurabalayji Thalanyji Aboriginal Corporation, nearby landowners and the community, with additional referrals and consultation to be undertaken in accordance with section 14 of the *Land Administration Act 1997*.

The formal Crown land process will commence with the DPLH once the preliminary consultation process is complete and further detailed plans are finalised. The Shire will have further opportunity to provide comments at that stage.

Statutory environment

Land Administration Act 1997

Section 14.

Minister to consult local governments before exercising certain powers in relation to Crown land

“Before exercising in relation to Crown land any power conferred by this Act, the Minister must, unless it is impracticable to do so, consult the local government within the district of which the Crown land is situated concerning that exercise.”

Land Administration Act 1997

Section 41.

Reserving Crown land, Minister’s powers as to

“Subject to section 45(6), the Minister may by order reserve Crown land to the Crown for one or more purposes in the public interest.”

Financial implications

There are no financial implications for the Shire as the project is fully funded by Chevron Australia and the assets will be owned and managed by Water Corporation.

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	Appropriate, inviting, and diverse employee accommodation and land management opportunities.
Strategy	Assess mining and resource tenure and agreements to ensure the community is not negatively impacted.

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
That the proposed desalination plant and associated land tenure is approved and formalised before Shire's comments have been considered.	Rare (1)	Moderate (3)	Low (3)	<u>Compliance</u> Short term non-compliance but with significant regulatory requirements Imposed.	That the Shire provides 'in principle' support for the future desalination plans, subject to detailed plans, further consultation, and consideration of the Shire's comments.

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" as the Shire will have opportunity to provide further comment as the project progresses.

The request from Water Corporation is for 'in principle' support and the project will be subject to further consultation, planning and detailed design.

Policy implications

There are no known policy implications.

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to the Water Corporation's future Onslow Desalination Plant, Council,

- a Acknowledges Water Corporation's future plans to develop a desalination plant and associated infrastructure via management orders for Lots 551, 552, 553 and easements on Lot 354 Beadon Creek Road and Reserve 48859, Onslow,
- b Provides in principle support, subject to further consultation, detailed design and required approvals and permits, and
- c Confirms the Shire's future aspirations relating to the Onslow Foreshore Promenade project and highlights the need to ensure there is collaboration between the projects.

Council Decision 104/2022

Moved Cr L Rumble

Second Cr T Mladenovic

That with respect to the Water Corporation's future Onslow Desalination Plant, Council,

- a Acknowledges Water Corporation's future plans to develop a desalination plant and associated infrastructure via management orders for Lots 551, 552, 553 and easements on Lot 354 Beadon Creek Road and Reserve 48859, Onslow,**
- b Provides in principle support, subject to further consultation, detailed design and required approvals and permits, and**
- c Confirms the Shire's future aspirations relating to the Onslow Foreshore Promenade project and highlights the need to ensure there is collaboration between the projects.**

Carried 6/0

12 Corporate Services reports

12.1 Monthly Schedule of Accounts Paid

File reference	FM03
Author's name	T Dayman
Author's position	Manager Finance and Administration
Author's interest	Nil
Authorising officer's name	N Cain
Authorising officer's position	Director Corporate Services
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	27 July 2022
Previous meeting reference	Not applicable

Summary

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

The purpose of this Report is to present the –

- Schedule of Creditor Accounts Paid for June 2022,
- Trust Fund Payments for June 2022, and
- Corporate Credit Card Reconciliations for June 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	9,346,320.68
Superannuation / Payroll (Direct Debits)	289,510.42
Cheques	0
Credit Cards	11,774.81
Bank Fees and Charges	2275.61
<u>Municipal Fund Total</u>	9,649,422.52
<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 June 2022, as included at Attachment 12.1A.

Council Decision	105/2022
Moved	Cr T Mladenovic
Second	Cr A Sullivan
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 June 2022, as included at Attachment 12.1A.	
Carried 6/0	

12.2 Monthly Financial Statements – May 2022

File reference	FM03
Author's name	T Dayman
Author's position	Manager Finance and Administration
Author's interest	Nil
Authorising officer's name	N Cain
Authorising officer's position	Director Corporate Services
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	27 July 2022
Previous meeting reference	Not applicable

Summary

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

The purpose of this Report is to present the Statement of Financial Activity for the month ended June 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

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
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:

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

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 June 2022, as included at Attachment 12.2A.

Council Decision	106/2022
Moved	Cr T Mladenovic
Second	Cr L Rumble
That with respect to the Monthly Financial Statements, Council, in accordance with <i>Local Government (Financial Management) Regulations 1996</i> regulation 34 accepts the Statement of Financial Activity, and associated documentation, for June 2022, as included at Attachment 12.2A.	
Carried 6/0	

12.3 Interest on money owing to the Shire

File reference	GV.04
Author's name	T Dayman
Author's position	Acting Director Corporate Services
Author's interest	Nil
Authorising officer's name	T Dayman
Authorising officer's position	Acting Director Corporate Services
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	2 August 2022
Previous meeting reference	Agenda item 6.1 (Minute 099/2022) Special Council Meeting 28 July 2022

Summary

Council may, each year, resolve to require a person to pay interest at a rate set in the annual budget on any amount of money owing to it after a period up to a maximum rate, as prescribed.

In recent years, the State Government has imposed a lesser maximum rate because of the adverse impact on ratepayers and the community from COVID-19, with the 2021-2022 budget year set to be the last of these restrictions.

The legislation was recently amended to extend the lesser maximum rate a further year. Council is requested to amend the 2022-2023 Annual Budget to meet this legislative change.

Background

The *Local Government (COVID-19 Response) Order 2020* enables the Minister for Local Government to make an order which modifies or suspends provisions of the *Local Government Act 1995* (the Act) and Regulations while a state of emergency declaration regarding the COVID-19 pandemic is in force and the Minister considers the order is necessary to deal with the consequences of the pandemic.

The key provisions of the *Local Government (COVID-19 Response) Amendment Order 2022* (the Order) are in effect from 25 June 2022.

The Order aims to assist people experiencing financial difficulty due to the ongoing effects of the COVID-19 pandemic through the provision of assistance for the 2022-2023 financial year.

The Order extends requirements of the *Local Government (COVID-19 Response) Order 2020* which deal with -

- interest on money owing to local governments,
- options for payment of rates or service charges, and
- accrual of interest on overdue rates or service charges.

For all other provisions, the ordinary requirements of the Act, and all relevant legislation, apply.

Comment

Council adopted the 2022-2023 Annual Budget on 28 July 2022.

At the time of presenting the Annual Budget for adoption Shire officers were unaware of the recently gazetted *Local Government (COVID-19 Response) Amendment Order 2022* and, subsequently, recommended a rate of interest on money owing to the Shire outside the legislative limit.

Council adopted a rate of interest of 11.0% for all money owing to it (debts, rates, and recovery proceedings) after the prescribed period, which would otherwise normally be acceptable in a non-COVID arrangement. The Order sets the upper rate of interest to 7.0%.

Council is requested to amend the previously adopted rate of interest of 11.0% to the legislatively required rate of 7.0%.

Consultation

Department of Local Government, Sport and Cultural Industries

Statutory environment

Local Government Act 1995

Section 6.13 – Interest on money owing to local governments

Council may resolve to require a person to pay interest at the rate set in its annual budget on any amount of money which is owed to the Shire and has been owed for the period outside the prescribed time.

Local Government Act 1995

Section 6.51 – Accrual of interest on overdue rates or service charges

A local government may, at the time of imposing a rate or service charge, resolve to impose interest at a rate set in the annual budget on a rate or service charge (or any instalment of a rate or service charge) and any costs of proceedings to recover any such charge, which remains unpaid after becoming due and payable.

Local Government Act 1995

Local Government (COVID-19 Response) Amendment Order 2022

A local government, when setting the interest rate on money owing to it for the purpose of Section 6.13 and Section 6.51 of the *Local Government Act 1995*, is not to exceed 7.0%.

Financial implications

Included in the 2022-2023 Annual Budget is penalty interest earnings of \$71,500. The reduction in earnings is estimated at \$26,000 and is considered immaterial.

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	Visionary community leadership with sound, diligent and accountable governance
Strategy	Provide, and lead in the development of, meaningful policies and processes to ensure sound and compliant delivery of services to 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
Failing to apply the legislatively required interest rate will result in the need to refund monies.	Almost Certain (5)	Minor (2)	High (10)	<u>Financial Impact</u> \$10,000 – \$100,000	Change the applicable interest rate to comply with the recent legislative changes.

Confirmed Minutes – Public Ordinary Council Meeting 9 August 2022

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Failing to apply the legislatively required interest rate will result in non-compliance and, possibly, a revoking of Council's budget by the Minister.	Almost Certain (5)	Moderate (3)	High (15)	<u>Compliance</u> Short term non-compliance with significant regulatory requirements imposed	Change the applicable interest rate to comply with the recent legislative changes.

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 "High" because the legislative changes have been made and there are expectations local governments follow legislation. If Council were to have the Budget revoked this would be significantly detrimental to the delivery of services by the Shire as well as provide significant reputational damage.

Policy implications

There are no known policy implications.

Voting requirement

Absolute majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to interest on money owing to the Shire, Council,

- a In accordance with section 6.13 of the *Local Government Act 1995* and the *Local Government (COVID-19 Response) Amendment Order 2022* amends and sets the interest rate for money owing to it to 7.0% for the 2022-2023 budget year,
- b In accordance with section 6.51 of the *Local Government Act 1995* and the *Local Government (COVID-19 Response) Amendment Order 2022* amends and sets the interest rate for overdue rates and charges, and any costs of proceedings to recover any such rate or charge, to 7.0% for the 2022-2023 budget year, and
- c Requests the Chief Executive Officer amend the 2022-2023 Annual Budget to reflect the newly adopted interest rates outlined above.

Council Decision 107/2022

Moved Cr L Rumble
Second Cr A Sullivan

That with respect to interest on money owing to the Shire, Council,

- a In accordance with section 6.13 of the *Local Government Act 1995* and the *Local Government (COVID-19 Response) Amendment Order 2022* amends and sets the interest rate for money owing to it to 7.0% for the 2022-2023 budget year,**
- b In accordance with section 6.51 of the *Local Government Act 1995* and the *Local Government (COVID-19 Response) Amendment Order 2022* amends and sets the interest rate for overdue rates and charges, and any costs of proceedings to recover any such rate or charge, to 7.0% for the 2022-2023 budget year, and**
- c Requests the Chief Executive Officer amend the 2022-2023 Annual Budget to reflect the newly adopted interest rates outlined above.**

Carried 6/0

13 People and Place reports

13.1 Proposed renewal of the Memorandum of Understanding for control of the Volunteer Bushfire Brigade to the Department of Fire and Emergency Services

File reference	ES04
Author's name	Ty Matson
Author's position	Director People and Place
Author's interest	Nil
Authorising officer's name	Kenn Donohoe
Authorising officer's position	Chief Executive Officer
Authorising officer's interest	Nil
Name of applicant / respondent	Not Applicable
Date report written	15 July 2022
Previous meeting reference	Agenda Item 14.1 (Minute 457/2018) – Ordinary Council 20 November 2018 Agenda item 14.1 - Ordinary Meeting of Council 18 July 2018 Agenda item 14.1 – Ordinary Meeting of Council 19 July 2016

Summary

On 20 November 2018, Council resolved to enter a Memorandum of Understanding (MOU) with the Department of Fire and Emergency Services (DFES) for a period of three (3) years with a review after 12 months. The Chief Executive Officer subsequently re-signed the MOU for a period of three (3) years from 13 June 2019.

The purpose of the MOU was for DFES to assist the Shire in fulfilling its obligations under the *Bush Fires Act 1954* to manage fire response outside of gazetted fire districts. The main effect of the MOU is to transfer control of the Shire's Tom Price Volunteer Bushfire Brigade (TPVBFB) to DFES. The Shire retains the responsibility for the mitigation of, preparation for, and recovery from bush fires.

The purpose of this report is for Council to consider renewing the MOU with DFES for the ongoing management and control of Bush Fire Brigades and bush fire response.

Background

At the Ordinary Meeting of Council held on 19 July 2016, the TPVBFB and other stakeholder members of the Shire of Ashburton Bush Fire Advisory Committee, recommended to Council that the Shire not become a signatory of the DFES MOU as at the time there was perceived to be no apparent benefit of the MOU to the operation of the TPVBFB.

After further consideration, the TPVBFB held a general meeting on 27 May 2018 and moved a motion recommending that the Shire's Bush Fire Advisory Committee recommend to Council that discussions with DFES be reopened in regards to becoming a signatory to the MOU and if appropriate, sign the MOU for an initial period of 12 months. Council accepted this recommendation and subsequently resolved on 20 November 2019 to enter into the MOU with a review to be held after 12 months. On 13 June 2020, the Chief Executive Officer re-signed the MOU for a period of three (3) years.

Attachment 13.1A

By the time the Shire entered the MOU, other Pilbara local governments had signed a similar MOU. All MOUs have, or will soon, expire and DFES are seeking to align all Pilbara local governments with a single MOU. DFES has therefore requested Council endorse the new MOU. There is no expiry date stipulated however, it will be reviewed every five (5) years.

The new MOU is not significantly different from the original MOU. The changes have been to modernise the terminology and the acknowledgement of an additional document being the *Pilbara Region Bush Fire MOU Operational Guidelines* dated May 2022. The guidelines seek to provide operational context to the MOU and therefore forms part of the MOU.

Attachment 13.1B

Attachment 13.1C

Comment

The operational control of Volunteer Bush Fire Brigades (VBFB) in Australia has largely moved to State agencies with the exception in Western Australia (WA). This move is in acknowledgement of the increasing complexity in fire response along with larger and more prevalent fires in some regions.

Local governments in WA have a legislated responsibility under the *Bush Fires Act 1954* to manage bush fires that occur outside of Gazetted Fire Districts (GFD) within their municipality. GFDs are set by the State and typically included townsites and population centres. DFES are however, deemed the overarching Hazard Management Agency for all fires within WA, including bushfires as stipulated by the *Emergency Management Act 2005*.

In WA, DFES manages the Local Government Grant Scheme (LGGS) which is sourced from the Emergency Services Levy. Local governments are eligible to receive costs associated with the running of VBFBs from the LGGS, although all conditions are set by DFES. DFES allocate firefighting appliances and stipulate what equipment is provided to the VBFBs under the LGGS.

In 2018 the State Government, in response to several enquiries, created a Rural Fire Division (RFD) within DFES. The RFD is responsible for the creation, management and training of doctrine governing bush fire suppression in WA. The RFD teach these doctrines via a standardised training framework, to all firefighting units such as VBFBs around the State.

Bushfires in WA are categorised into three levels. Level one is the responsibility of local governments (outside of GFDs). Level one incidents are typically smaller fires that are within the capability of the local VBFB without additional support.

Level two incidents are larger and where the VBFB is not capable of controlling the incident utilising only local resources. In these incidents, a request may be made to DFES to take over the incident. If accepted the incident is managed by DFES utilising resources from within the region such as VBFBs from other shires, DFES brigades and any other resources believed required by the Incident Controller.

The last category is level three incidents. These are large complex fires that require a whole of State response. Examples include large fires such as the Waroona or Yanchep fires. In these incidents, VBFBs are also used for suppression and operate under the DFES command structure with a wide array of units from other agencies.

In all incident levels including level one fires, VBFBs utilise the standardised fire suppression doctrines, practices and policies created by DFES. This ensures a safe and efficient response to the incident and allows the interoperability of firefighting units from different organisations.

Given that DFES trains and equips VBFBs, has overall responsibility for fire suppression in WA, it is a logical arrangement for DFES to have operational control of all rural fire fighting resources including the TPVBFB.

Under the MOU, the Shire continues to manage all other emergency management functions required of it by the *Bush Fires Act 1954* and the *Emergency Management Act 2005*, including the preparation of, prevention for, and recovery from fires. In a practical sense this includes:

- maintenance and updating of all fire management plans;
- firebreak inspections;
- firebreak installation and maintenance on Shire managed lands;
- responding to complaints such as non-compliance with the Shire's Firebreak Notice. This includes illegal fires and fire hazards on properties;
- maintenance of policies and local laws relating to bushfires;
- permits to burn.

Overall, the operation of the TPVBFB under the MOU has been extremely effective. The TPVBFB members have benefited from the experience and resources provided by DFES. It has also resulted in a decreased burden on the Shire in an area that it may not always have expertise in.

Consultation

Shire of Ashburton Inland Local Emergency Management Committee (LEMC)
Onslow LEMC
Pannawonica LEMC
Tom Price Volunteer Bushfire Brigade

Statutory environment

Bush Fires Act 1954

Local governments have responsibility for the prevention, control and extinguishment of bush fires within the local government area.

Bush Fires Act 1954

Enables the local government to establish and maintain a Bush Fire Brigade. The Act also allows the local government to request the Fire and Emergency Services Commissioner (DFES Commissioner) to designate a person employed by the Department as the Chief Bush Fire Control Officer for that local government.

Work Health and Safety Act 2020

The operation of the VFB constitutes the undertaking of a business undertaking. Despite DFES having operational, financial, and developmental control of the VFB the obligation on the Shire is not transferable.

Financial implications

There are no known financial implications should Council enter the new MOU. The requirement for Council to fund insurance for the brigade remains.

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 Lead, and partner with other agencies on community wellbeing.

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
There is a risk to Council that the brigade will be mismanaged if it does not enter the MOU.	Unlikely (2)	Moderate (3)	Moderate (6)	Natural Environment - Contained reversable impact managed by external agency.	Enter into the MOU with DFES and surrounding local governments.

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” should Council decide to manage the Brigade. If the MOU is endorsed, the risk to Council will be considered to be low as any risk will be borne by DFES.

Policy implications

There are no known policy implications.

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to Proposed renewal of the Memorandum of Understanding for control of the Volunteer Bushfire Brigade to the Department of Fire and Emergency Services, Council,

- a Instruct the Chief Executive Officer to sign the new Memorandum of Understanding with the Department of Fire and Emergency Services, for the ongoing management and control of Bush Fire Brigades and bush fire response, and
- b Instruct the Chief Executive Officer to negotiate a clause in the agreement to note that the Shire of Ashburton will have no involvement in the operation of the business undertaking for the purposes of the *Work Health and Safety Act 2020*, noting that Council cannot transfer its obligations under that Act.

Council Decision 108/2022

Moved Cr M Lynch

Second Cr T Mladenovic

That with respect to Proposed renewal of the Memorandum of Understanding for control of the Volunteer Bushfire Brigade to the Department of Fire and Emergency Services, Council,

- a Instruct the Chief Executive Officer to sign the new Memorandum of Understanding with the Department of Fire and Emergency Services, for the ongoing management and control of Bush Fire Brigades and bush fire response, and**
- b Instruct the Chief Executive Officer to negotiate a clause in the agreement to note that the Shire of Ashburton will have no involvement in the operation of the business undertaking for the purposes of the *Work Health and Safety Act 2020*, noting that Council cannot transfer its obligations under that Act.**

Carried 6/0

Cr K White declared a Proximity Interest and left the meeting at 1:20pm.

Cr M Lynch assumed the position of Presiding Member.

13.2 DAP Application – DAP/21/02078 -DA 22-40 | L300 Back Beach Road, Onslow - Amendment to Transient Workforce Accommodation (500 Persons)

File reference	BAC.0300
Author's name	B McKay
Author's position	Manager Town Planning
Author's interest	Nil
Authorising officer's name	T Matson
Authorising officer's position	Director People and Place
Authorising officer's interest	Nil
Name of applicant / respondent	Rowe Group/ Mineral Resources Limited
Date report written	20 July 2022
Previous meeting reference	Agenda item 13.2 (203/2021) Ordinary Council Meeting 14 December 2021

Summary

The Shire has received a Development Assessment Panel (DAP) Form 2 Amendment Application for the previously determined Development Approval from Rowe Group on behalf of their client Mineral Resources Limited.

The applicant is proposing to amend and modify the conditions and seeks minor building modifications to the plans of the previously approved development - the construction of 253 Transient Workforce Accommodation pods (totalling 500 bedrooms), restaurant, tavern, recreational facilities, administration facilities and other minor structures on Lot 300 on Deposited Plan 67927 (Attachment 13.2A).

The application is required to be submitted to the Regional Joint Development Assessment Panel (JDAP) for assessment and determination. As part of the process the Responsible Authority Report is required to be undertaken by the Shire of Ashburton (Attachment 13.2B).

This item is presented to Council for consideration and support, due to the ongoing focus on matters relating to Transient Workforce Accommodation development throughout the Shire.

Background

Lot 300 Back Beach Road, Onslow (formally known as Lot 300 on Deposited Plan 422325, Certificate of Title Volume 4014 Folio 669) has a site area of 20.45 hectares, with a frontage of 467m to Back Beach Road and 114.17m to Third Avenue.

The site was formerly Unallocated Crown land, owned by the State of Western Australia, but recently converted to freehold land tenure to the Buurabalayji Thalanyji Aboriginal Corporation RNTBC.

Previous Development Application - DA 21-67 | DAP/21/02078

This application for Development Approval, was approved by the Regional Joint Development Assessment Panel (JDAP) on 23 December 2021 for the development of a transient workers accommodation resort (500 bedrooms), herein referred to as the 'Onslow Village'.

Historical Uses

The site has not historically been utilised for any other uses. The adjoining properties to the north and east of the site are noted to have been utilised for fuel storage.

Surrounding Land Uses

The site is situated approximately 300m due west of the centre of the Onslow townsite and is surrounded by the following land uses:

North

- Lot 3503, 3504, 3506, 3507 and 3509 on DP 408853 (Unallocated Crown Land) reserved for 'Conservation, Recreation and Natural Landscape' (the subject lots form Sunrise and Sunset Beaches); and,
- Lot 381 on DP 205462, designated for tourism purposes; it should be noted that the site has an adopted Local Planning Policy that dictates the provisions and design for future development on the site; and,
- Lot 574 on DP 180574, vested to the Shire of Ashburton under Management Order (R 32702 – Recreation) and is designated Public Purpose – Water and Drainage under Local Planning Scheme 7 (LPS7).

South

- Back Beach Road bounds the site to the south-west; and,
- Several smaller lots designated for residential purposes with R-Codes varying from R 12.5 to R30 (site dependant); and,

- Lot 383 on DP 205462, vested to the Shire of Ashburton under Management Order (R 29117 – Tourist Information Bay') and is designated Public Purpose – Water and Drainage under LPS7.
- First Street along a portion of the southern boundary. The road reserve for First Street extends west beyond the intersection with Third Avenue. No formal infrastructure is in place for the extension of First Street at this current time.
- The site is also within close proximity (approximately 82 metres) to the Onslow Primary School.

East

- Lot 594 on DP 183922, reserved for Public Purposes – Community (the Onslow Police Station); and,
- Several smaller lots designated for residential purposes with an R-Code of R20; and,
- Third Avenue along the eastern cadastral boundary. The road reserve for Third Avenue extends north beyond the intersection with First Street. No formal road infrastructure is in place for the extension of Third Avenue at this current time.

West

- A portion of Lot 3507 on DP 408853 and Unallocated Crown Land to the west of Back Beach Road is designated Other Purposes – Infrastructure (utilised by Onslow Salt).

Proposal

This application for amendment to a Development Approval are summarised as follows:

Attachment 13.2A

Building Changes

- Amendments to in-situ buildings to generally improve the function, flow and operation of the development – changes include adjustment to orientation, site location, size and access; and
- Change in roofing strategy to storage facility buildings and sports centre.

Accommodation Pods

- Changes to improve and maintain consistent accommodation pods across the Site (consistent pod typology); and
- Reclassification of several accommodation pod typologies to suit building certifier requirements (i.e. universal accessible pods).

Masterplan

- Amendments to outdoor facilities to improve function, flow and operation – changes include adjustment to orientation, site location, size and access; and
- Reorientation of accommodation pods, pathways and circulation routes to suit various site conditions.

Approved DA and DA Amendment Brief Comparison		
	Approved	Proposed Amendments
Transient Workforce Accommodation	<p>Total type A pods (Sleeps 2) = 39</p> <p>Total type B pods (Sleeps 4) = 104</p> <p>Total type C pods (Accessible – Sleeps 2) = 3</p> <p>Total No. Pods = 146</p> <p>Total No. Rooms = 500</p>	<p>Total type A (Sleeps 2) = 247</p> <p>Total type C (Accessible - Sleeps 2) = 3</p> <p>Total No. Pods = 253</p> <p>Total No. Rooms = 500</p>
Restaurant	<p>Dining area = 786 m²</p> <p>Outdoor area = 245.5 m²</p>	<p>Dining area= 599m²</p> <p>Outdoor area = 225m²</p>
Tavern	<p>Dining area = 331 m2</p> <p>Outdoor area = 181.5 m2</p>	<p>Dining = 304.5m²</p> <p>Outdoor area = 290.5m²</p>
Recreation Facilities	<ul style="list-style-type: none"> • Gymnasium with cardio /weight and other fitness equipment; • Swimming Pool; • Multi-purpose sports court; • Indoor / Outdoor Cricket facilities; • Golf putting green and indoor driving range; • Locker and change rooms; and • Other recreation facilities. 	<p>Reconfiguration and relocation of recreational facilities</p> <p>Removal of playground area locate on the eastern portion of the site.</p>
Administration Facilities	<p>Administration office to service the day-to-day needs of the facility;</p> <ul style="list-style-type: none"> • Resort retail facility selling daily goods and services to residents; • Barista coffee shop / juice bar; • Meeting and Training Rooms; • Communications room; • Medical Centre with first aid and emergency response team with 	<p>Reconfiguration and relocation of administrative facilities</p>

	suitable access for ambulance / fire truck service; and <ul style="list-style-type: none"> • Ablution facilities 	
Other Minor Structures	<ul style="list-style-type: none"> • Storage and maintenance sheds; • Cleaners laundry; • Residents laundry; • Wastewater treatment plants; and • Car parking and access roads for light vehicles, coaches / buses. 	Reconfiguration and relocation of laundry facilities and removal of gatehouse

Comment

The proposed amendment application has been assessed against all the relevant legislative requirements of the Scheme, State and Local Planning Policies, and Onslow Townsite Expansion Structure Plan outlined in the Legislation and Policy section of this report.

A detailed assessment of the proposed amendments and modifications to the conditions are provided in the Attachment.

Attachment 13.2B

The proposed amendments to the development application approved by the JDAP on 23 December 2021, are identified as being minor in nature and capable of being supported as valid justifications or additional information have been provided. Several conditions proposed to be removed have been retained and reworded to better reflect the intent of the condition.

The overall extent and typology of the development as proposed within this application is deemed to be substantially the same development as the application originally approved in DA 21-67.

Consultation

The development application amendment - DA 22-40 was advertised in accordance with cl. 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for an 'application that is not a complex application'. The development application was publicly advertised in the following ways:

- The development application was publicly advertised on the Shire's website from 30 June 2022 to 14 July 2022 (15 days) for public comment and submissions; and,

- A letter drop was undertaken for all 87 properties located within a 200m radius of the site (excluding Shire owned property); and,
- A Public Notice was placed within the local newspaper 'Pilbara News/ West Australian' on Saturday 2 July 2022, advising of the proposed development application; and,
- Three (3) A3 sized signs placed in conspicuous places on the land the subject of the application giving notice of the proposed development; and
- The development application advertisement was circulated via the Shire's Facebook page.

A total of one (1) submission was received during the advertising period, the one (1) submission was an objection. Attachment 13.2C provides the full compiled submission list and the Applicant's and Shire's response to the issues raised.

Attachment 13.2C

Statutory environment

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 (Deemed Provisions)

Clause 64 – Advertising Applications

Clause 66 – Consultation with other authorities

Clause 67 – Consideration of application by local government:

The *Planning and Development (Local Planning Schemes) Regulations 2015* stipulate how development application are to be made, advertised, and assessed by the relevant responsible authority.

Planning and Development (Development Assessment Panel) Regulations 2011

Regulation 12 - Responsible authority must report to DAP

Regulation 17 – Amendment or cancellation of development approval by DAP

The *Planning and Development (Development Assessment Panel) Regulations 2011* stipulate the types of applications that are to be assessed and determined by the relevant Development Assessment Panel.

Financial implications

There are no known financial implications for 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
Reputation	Possible (3)	Minor (2)	Moderate (6)	Substantiated, localised impact on community trust or low media item	Adopt the Officers Recommendation

The following Risk Matrix has been applied:

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

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

The perceived level of risk is "Moderate" because of the reputation risk associated. Noting, that the development application has been previously approved by the Joint Regional Development Assessment Panel on 23 December 2021 and is subject only to the amendments received by Shire officers received by virtue of the DAP Form 2 application.

Policy implications

There are no known policy implications for this matter.

Voting requirement

Simple Majority

Councillor interest declarations

Cr K White - Proximity

Officer recommendation

That with respect to DA 22-40 and the amendments to DA 21-67 | DAP/21/02078 - Transient Workforce Accommodation (500 Persons), as previously approved by the Joint Regional Development Panel for Lot 300 Back Beach Road, Onslow, Council,

- a Supports the Responsible Authority Recommendation to the Regional Joint Development Assessment Panel included in Attachment 13.2B; and
- b Authorises the Director People and Place to forward a Responsible Authority Report on the amendment application (DA 22-40) to the Regional Joint Development Assessment Panel.

Council Decision	109/2022
Moved	Cr L Rumble
Second	Cr M Gallanagh
That with respect to DA 22-40 and the amendments to DA 21-67 DAP/21/02078 - Transient Workforce Accommodation (500 Persons), as previously approved by the Joint Regional Development Panel for Lot 300 Back Beach Road, Onslow, Council,	
a	Supports the Responsible Authority Recommendation to the Regional Joint Development Assessment Panel included in Attachment 13.2B; and
b	Authorises the Director People and Place to forward a Responsible Authority Report on the amendment application (DA 22-40) to the Regional Joint Development Assessment Panel.
Carried 5/0	

Cr K White returned to the meeting and resumed as Presiding Member at 1:30pm.

14 Infrastructure Services reports

14.1 HardeyLite Project – Request to Utilise Hamersley-Mt Bruce Road

File reference	RD0045
Author's name	Matt Fanning
Author's position	Director Infrastructure Services
Author's interest	Nil
Authorising officer's name	Matt Fanning
Authorising officer's position	Director Infrastructure Services
Authorising officer's interest	Nil
Name of applicant / respondent	Hancock Prospecting
Date report written	21 July 2022
Previous meeting reference	Nil

Summary

This item is for Council to consider adding the use of the Hamersley-Mt Bruce Road for Ore Haulage as part of the HardeyLite Project (Hancock Prospecting).

The proponent has requested that the Hamersley-Mt Bruce Road be utilised for a period of two years to haul 1Mtpa (Million tonnes per annum) and that during this time Hancock will provide road maintenance services such as grading and dust suppression.

It is the officer's recommendation that Council advise Hancock Prospecting that the use of the Hamersley-Mt Bruce Road to ore haul 1Mtpa of iron ore will be conditional on the road being upgraded and bitumen sealed for safety and serviceability purposes as required in the Standard Restricted Access Vehicle Route Assessment Guidelines, and that the road be approved as a RAV 10.3 Route following the completion of these upgrades.

Background

The project of interest is a proposed open cut iron ore mining operation located at Hardey (approximately 50km WNW from Paraburdoo, Western Australia.)

The project involves proposed Direct Shipping Ore (DSO) production of lump and fines products at an initial rate of 1Mtpa with plans to expand to a rate of 10Mtpa from year three (3).

The project has an existing mineral resource and is forecasted to have a mine life of at least 10 years.

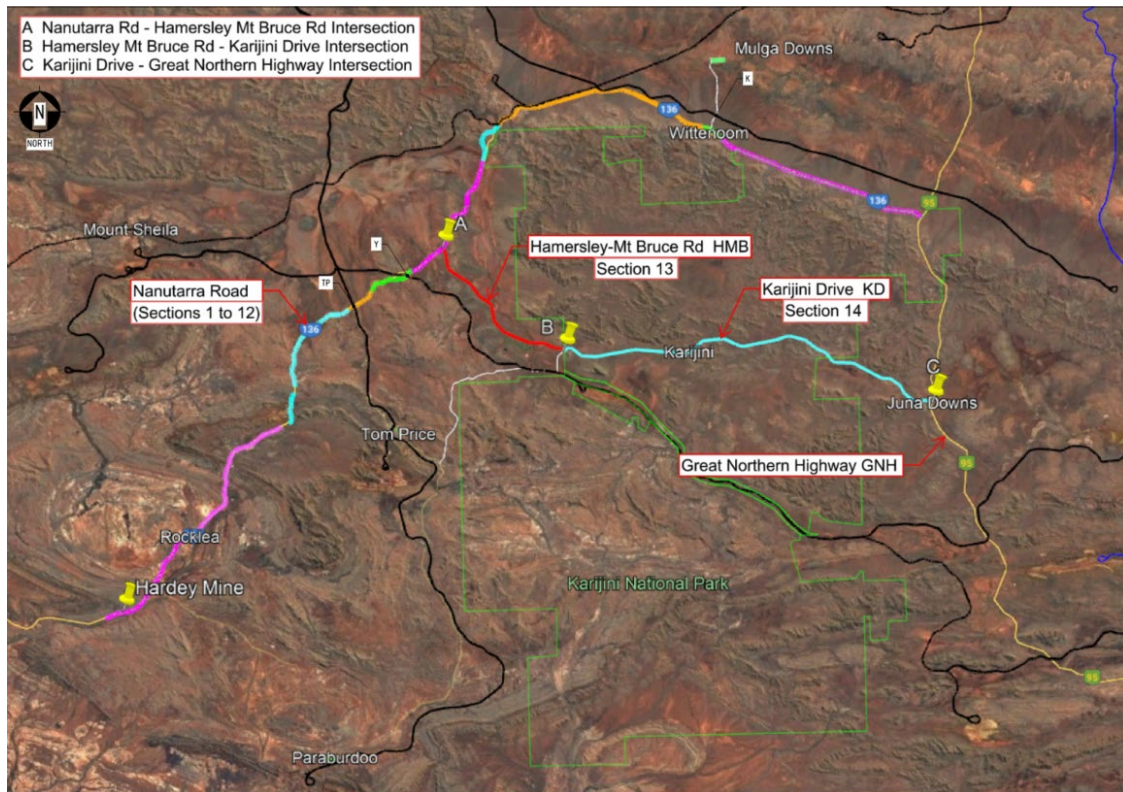
Hancock is looking at hauling 1Mtpa of iron ore from the Hardey Mine to Mulga Downs from December 2023 to December 2025. The proposed on-road trucking operations will run along Nanutarra-Munjina Road, Hamersley-Mt Bruce Road, Karijini Drive and then onto Great Northern Highway, and the Eastern end of Nanturra-Munjina Road before turning into a private road towards Mulga Downs. It is proposed that the ore be stockpiled until a rail spur is constructed to transport the ore to Port Hedland.

It is proposed that during operations, Hancock Prospecting will provide road maintenance services such as grading and dust suppression.

It is then proposed that by the end of 2025, iron ore will be hauled to Mulga Downs via an alternative route. Trucking operations will run along Nanutarra-Munjina Road and Roebourne-Wittenoom Road and Mulga Downs Road.

Hancock has plans to complete road upgrades for this operation. This will increase output from 1Mtpa to 10Mtpa, which is expected to operate for approximately 10 years.

The location of Hardey Mine and Mulga Downs is shown below in Figure 1. The section of road subject to this report is the Hamersley-Mt Bruce Road (section 13) as shown in Figure 1 between points A and B and is 30.17km in length.



A project brief has been provided by Hancock Prospecting and is provided as Attachment 14.1A.

Attachment 14.1A

Comment

The Hamersley-Mount Bruce Road which forms part of the HardeyLite stage of the project is not approved for the proposed heavy vehicle configuration and is only approved for a RAV 7.1 configuration vehicle for part of its length as shown in the below map.



The proponent would be required to make application to Heavy Vehicle Services for a RAV10.3 route approval prior to any ore haulage.

The proposal also refers to the potential to gravel sheet the Hamersley-Mt Bruce Road and provide dust suppression and maintenance services.

Section 2.4 of the Standard Restricted Access Vehicle Route Assessment Guidelines (Attachment 14.1B) provides the following guidance regarding the surface of the road:

To be suitable for RAV access, a road should be sealed if AADT is over 150 and annual freight tonnage is over 300,000 tonnes per annum.

The requirement for the road to be sealed is partly for safety reasons, but more so for road sustainability.

In the absence of any traffic data, the following parameters may enable a judgement as to whether a road needs to be sealed:

- If the road is unlikely to be used by more than 10 RAVs per day; or*
- If the road is unlikely to be used by more than 60 RAVs per day over a seasonal two-month period.*

From these guidelines it is clear that the proposed use of the Hamersley-Mt Bruce Road with the haulage of 1Mtpa which results in a triple road train every 20 minutes based on 24-hour operation or 68 RAV 10.3 vehicles per day.

As per these guidelines the road would need to be sealed for safety and sustainability purposes.

It is not likely that a gravelled surface could be maintained to a suitable low dust safe environment with these traffic loadings, especially the significant interactions with travelling tourists. Should the road not be sealed, the haulage of ore would also be significantly affected by wet weather closures.

Due to these issues and most of all road safety the road would need to be sealed prior to any ore haulage.

These arrangements would require the Shire to enter into a Road Use Agreement (RUA) with the proponent- Hancock Prospecting.

In addition, for the proposed second stage of the project both the Roebourne-Wittenoom Road and Mulga Downs Road will also require upgrade and bitumen sealing.

Attachment 14.1B

Consultation

Hancock Prospecting Project Team
Main Roads Western Australia Heavy Vehicle Section Staff

Statutory environment

Road Traffic (Vehicles) Act 2012

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

Main Roads Western Australia administer the Restricted Access Vehicle (RAV) network. Should the application pertain to a local government controlled road, concurrence from the Council is sought.

The Council as the asset owner is requested to consider any restricted access vehicle (RAV) application and provide its consideration as to whether to include any proposed route onto the restricted access vehicle network.

The Council has the ability to place limited conditions onto a RAV approval. The standard local government condition used for these applications limits speed, hours of operation and wet weather operational requirements depending on the road surface.

In addition, due to the volume of ore proposed to be hauled and in consideration of other road uses the Shire of Ashburton would also require that the road be sealed to a Type 6 – Sealed Road (8 – 9 m Seal Width) standard prior to ore haulage commencement.

It would also be recommended that the Hamersley-Mt Bruce Road be added to the Shire of Ashburton Regional Roads network by application to the Pilbara Regional Roads Group as it will be providing a strategic resource industry linkage between two main roads.

Road Traffic Act 2008 Section 132(4) of the *Road Traffic Act 2008* permits a local government and person who may become liable for the cost of repairs to enter into an agreement providing for the person to pay a compensation to the local government thereby avoiding being the subject of section 132 (2) proceedings.

Financial implications

All costs associated with a Road Use Agreement (RUA) would be borne by the proponent – Hancock Prospecting, for the life of the haulage operation. There would be mechanisms required within the RUA which would provide the Council the ability to draw on a security bond should works not be achieved. In addition, there would also be mechanisms to resolve disputes and manage wet periods within the agreement.

It is anticipated that the upgrade of the Hamersley-Mt Bruce Road for its entire length will be in excess of \$30 million.

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
Other vehicle(s) colliding with vehicle	Possible (3)	Catastrophic (5)	High (15)	<u>People</u> Fatality, permanent disability	General road rules apply, in addition the route standard will be increase from Type 2 to Type 4 – sealed standard. Road Use Agreement places operational and maintenance responsibility onto the proponent.
	Possible (3)	Moderate (3)	Moderate (9)	<u>Reputation</u> Substantiated, public embarrassment, moderate impact on community trust or moderate media profile	
Damage to road associated infrastructure by RAV's travelling in either direction	Almost Certain (5)	Moderate (3)	High (15)	<u>Property</u> Localised damage requiring external resources to rectify	

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 to High" in accordance with the likelihood and consequences if an incident involving a RAV vehicle.

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 HardeyLite Project and proposed haulage of 1Mtpa (Million tonnes per annum) on the Hamersley-Mt Bruce Road for a period of two years, Council,

- a Requests the Chief Executive Officer to advise the proponent Hancock Prospecting that should it wish to proceed with the proposed project that it will be required to enter into a Road Use Agreement (RUA) with the Shire of Ashburton and that this RUA will include the upgrading of the Hamersley-Mt Bruce Road to a Type 6 – Sealed Road (8 – 9 m Seal Width) standard to ensure that the road is to a suitable safe standard for both ore haulage and tourism route operations,
- b Requests the Chief Executive Officer to advise the proponent that should condition (a) be acceptable, to make application to Main Roads Western Australia (MRWA) to extend the Restricted Access Vehicle (RAV) network to include the Hamersley-Mt Bruce Road for RAV Category 10.3 configuration,
- c Requests the Chief Executive Officer to make an application to Pilbara Regional Roads Group for the consideration of the Hamersley-Mt Bruce Road to be re-classified as a Regional Road, and
- d Authorises the Chief Executive Officer to negotiate for the Shire President and Chief Executive Officer to engross a Road Use Agreement between the Shire of Ashburton and Hancock Prospecting.

Council Decision 110/2022

Moved Cr L Rumble
Second Cr A Sullivan

That with respect to the HardeyLite Project and proposed haulage of 1Mtpa (Million tonnes per annum) on the Hamersley-Mt Bruce Road for a period of two years, Council,

- a Requests the Chief Executive Officer to advise the proponent Hancock Prospecting that should it wish to proceed with the proposed project that it will be required to enter into a Road Use Agreement (RUA) with the Shire of Ashburton and that this RUA will include the upgrading of the Hamersley-Mt Bruce Road to a Type 6 – Sealed Road (8 – 9 m Seal Width) standard to ensure that the road is to a suitable safe standard for both ore haulage and tourism route operations,**
- b Requests the Chief Executive Officer to advise the proponent that should condition (a) be acceptable, to make application to Main Roads Western Australia (MRWA) to extend the Restricted Access Vehicle (RAV) network to include the Hamersley-Mt Bruce Road for RAV Category 10.3 configuration,**
- c Requests the Chief Executive Officer to make an application to Pilbara Regional Roads Group for the consideration of the Hamersley-Mt Bruce Road to be re-classified as a Regional Road, and**
- d Authorises the Chief Executive Officer to negotiate for the Shire President and Chief Executive Officer to engross a Road Use Agreement between the Shire of Ashburton and Hancock Prospecting.**

Carried 6/0

15 Projects and Procurement reports

Nil

16 Councillor agenda items / notices of motions

Nil

17 New business of an urgent nature introduced by Council decision

Nil

18 Confidential matters

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

Cr L Rumble, Cr A Sullivan, and Cr M Gallanagh declared a Financial Interest in this matter.

An application to allow four (4) disclosing members to participate was sent to the Minister for Local Government, however due to Cr A Smith not being present at the meeting, a quorum could not be achieved, therefore item 18.1 was not considered.

18.1 Consideration of letter of offer by Rio Tinto regarding Housing and community funding

File reference	CS22
Author's name	T Matson
Author's position	Director People and Place
Author's interest	Nil
Authorising officer's name	K Donohoe
Authorising officer's position	Chief Executive Officer
Authorising officer's interest	Nil
Name of applicant / respondent	Rio Tinto
Date report written	28 July 2022
Previous meeting reference	Agenda item 18.2 (Minute 097/2022) Ordinary Council Meeting 12 July 2022

Summary

On 4 July 2022, Rio Tinto wrote to the Shire President addressing a number of issues relating to Windawarri Village, Jundunmunnah Village, the Community Infrastructure and Services Partnership, the Community Lifestyle Infrastructure Plan and housing.

This item provides information to Council in regards to the items addressed in the letter. Council is requested to endorse the Chief Executive Officer to continue to negotiate with Rio Tinto regarding these matters, noting that a final agreement will be presented for Council consideration upon completion of the negotiations.

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 information about the business, professional, commercial or financial affairs of a person”

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.

19 Next meeting

The next Ordinary Council Meeting will be held at 1:00pm on Tuesday 13 September 2022 at Barry Lang Centre, Deepdale Drive, Pannawonica.

20 Closure of meeting

There being no further business, the Presiding Member closed the meeting at 1:41pm.