



**Shire of Ashburton**  
**Ordinary Council Meeting**  
**Agenda**  
**(Public)**

**Barry Lang Centre, Deepdale Drive,**  
**Pannawonica**

**13 September 2022**

**1:00pm**



**Shire of Ashburton  
Ordinary Council Meeting**

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

A handwritten signature in blue ink, appearing to read "K Donohoe", is positioned above a horizontal line.

K Donohoe  
Chief Executive Officer  
8 September 2022

**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 x:xxpm.

### 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

To be informed at the meeting.

## 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 R De Pledge	Ashburton Ward
Cr J Richardson	Tableland Ward
Cr A Smith	Tom Price Ward
Cr T Mladenovic	Tom Price 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
M Fanning	Director Infrastructure Services
C McGurk	Director Projects and Procurement
J Bray	Manager Governance
A Furfaro	Governance Officer
N Jeffery	Executive Assistant Corporate Services

Guests

To be informed at the meeting.

Members of the public

To be informed at the meeting.

Members of the media

To be informed at the meeting.

**3.2 Apologies**

To be informed.

**3.3 Approved leave of absence**

Cr L Rumble

Paraburdoo Ward

13 September 2022

**4 Question time**

**4.1 Response to previous questions taken on notice**

Nil

**4.2 Public question time**

T Garcia

Question: In regards to fireworks displays in town, these can be very stressful for our pets, dogs especially. I would like the local council to consider only permitting reduced noise fireworks to be used. They are available in WA and cost the same as regular fireworks. Feel free to email me if you would like more information, thank you.

## 5 Declaration by members

### 5.1 Due consideration by Councillors to the agenda

Councillors will be requested to note 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 Proposed Section 79 Land Administration Act 1997 Lease over Lot 3010 on Deposited Plan 51300

Declarant	Cr M Gallanagh
Declaration of Interest	Financial – My husband and I both work for Rio Tinto, live in company owned housing and own shares collectively over the prescribed amount.
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.



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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.

### 13.4 Audit report into Community Infrastructure and Services Partnership

Declarant Cr M Gallanagh  
Declaration of Interest Financial – My husband and I both work for Rio Tinto, live in company owned housing and own shares collectively over the prescribed amount.

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 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.

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

14.2 Award of Request For Tender 08.22 Maintenance Grading of Roebourne Wittenoom Road

Declarant Cr M Lynch  
Declaration of Interest Financial – My wife, Renae Lynch, is the Acting Senior Procurement Officer.

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

Declarant Cr M Gallanagh  
Declaration of Interest Financial – My husband and I both work for Rio Tinto, live in company owned housing and own shares collectively over the prescribed amount.

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 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**

To be advised at the meeting.

## **7 Petitions / Deputations / Presentations**

### **7.1 Petitions**

To be advised at the meeting.

### **7.2 Deputations**

To be advised at the meeting.

### **7.3 Presentations**

To be advised at the meeting.

## **8 Applications for leave of absence**

Nil

## **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 9 August 2022, as attached in 9.1A, and
- Special Council Meeting held 30 August 2022, as attached in 9.1B.

**Attachment 9.1A**  
**Attachment 9.1B**

## **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 9 August 2022, as attached.

**Attachment 9.2A**

## **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 – 9 August 2022

Committee Recommendation 011/2022

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

Committee Recommendation 012/2022

That, with respect to the Internal Audit Report – Records Management, Committee recommends Council,

- a Receives the Internal Audit Report as detailed in Attachment 7.2A, and
- b Notes the actions detailed in the Internal Audit Report will be included on the Internal Audit Log.

## **9.4 Recommendations of committees**

Nil

## **10 En bloc resolutions**

### **10.1 Agenda items adopted en bloc**

To be advised at the meeting.

## 11 Office of the Chief Executive Officer reports

### 11.1 Onslow Men’s Shed – Site Options

<b>File reference</b>	ONS.0681
<b>Author’s name</b>	J Hunter
<b>Author’s position</b>	Property Services Officer
<b>Author’s interest</b>	Nil
<b>Authorising officer’s name</b>	R Wright
<b>Authorising officer’s position</b>	Manager Land and Asset Compliance
<b>Authorising officer’s interest</b>	Nil
<b>Name of applicant / respondent</b>	Not applicable
<b>Date report written</b>	4 August 2022
<b>Previous meeting reference</b>	Ordinary Council Meeting (Minute Number 151/2021) 28 September 2021

#### **Summary**

The Onslow Men’s Shed currently leases its premises privately at 1 Back Beach Road, Onslow, and the owner of the property has recently advised it requires the premises to be vacated.

The purpose of this agenda item is to outline a solution regarding the future location of the Onslow Men’s Shed.

Council is requested to consider two site options suitable to construct a new purpose-built facility for the Onslow Men’s Shed.

#### **Background**

The Onslow Men’s Shed (OMS) currently leases their premises at 1 Back Beach Road, Onslow. The leased premises is owned by EIT Onslow Pty Ltd who has recently advised the OMS that it requires the premises to be vacated. The OMS are not able to fund new premises and therefore Shire officers and representatives of Chevron Australia Pty Ltd (Chevron) have been exploring Shire owned or managed land parcels as well as privately owned industrial land for the OMS to relocate to, using funding from the Community Development Fund established as part of Chevron’s State Agreement.

Previously the purchase of a privately owned industrial property in Onslow was explored as a possible option for the OMS and was presented via confidential report to Council at its Ordinary Meeting of 28 September 2021, which resolved the following:

*That with respect to Property Purchase – Onslow Men’s Shed, Council, authorise the Chief Executive Officer to liaise with Chevron Australia Pty Ltd and State Government to develop a Project Implementation Plan for the acquisition of property for the Onslow Men’s Shed as identified in the “Offer, as defined” section of this report and, subject to the successful application of a Project Implementation Plan, Council,*

- a Amends the 2021-2022 Annual Budget, as per the “Offer, as defined”,*
- b Authorises the Chief Executive Officer to negotiate commercial terms for the purchase of property, and to submit an offer to purchase, up to the value as identified in the “Offer, as defined”,*
- c Authorises the Shire President and Chief Executive Officer to engross all documents including applying the Common Seal, associated with the property purchase outlined within this Report, in accordance with all laws of Western Australia,*
- d Authorises the Chief Executive Officer to prepare a ten (10) year lease agreement between Onslow Men’s Shed and the Shire of Ashburton in accordance with Local Government (Administration) Regulations 1996 Regulation 30 and Council Policy REC05 - Community Leases and License Agreements of Shire Assets (Facilities, Buildings and Land), and*
- e Requests, should the Chief Executive Officer be unsuccessful with the approval for the Project Implementation Plan or the purchase of the property within the “Offer, as defined”, the Chief Executive Officer to provide a report to council identifying another site for the establishment of an Onslow Men’s Shed.*

An offer was made to the owner of the private property, subject to due diligence inspections, such as pre-purchase reports, structural integrity inspections, termite inspections and anything else deemed necessary by the Shire prior to settlement. This was in accordance with an agreed Project Implementation Plan, signed by the Shire, State Government and Chevron.

An initial pre-purchase building inspection was conducted in December 2021. The initial inspection intended to identify any general defects or faults in the construction of the building for a prospective purchaser.

The report confirmed the buildings were structurally sound, however, not free of significant defects and recommended further invasive inspections, particularly a termite inspection due to the significant termite damage identified.

Further inspection reports undertaken in February 2022 provided recommendations for substantial maintenance and repairs, including but not limited to replacing downpipes, patching of cracks in walls, regrouting or replacement of tiles, replacement of termite damaged gables, replacement of termite damaged ceiling joists and ceiling trimmers and replacement of termite damaged timber floorboards.

Due to the age of existing building's, other minor issues of Building Code non-compliance were also highlighted, such as inadequate ventilation and non-compliant window glass. It was noted that due to the age of the building (circa 1970) asbestos may be present, however, would need to be identified by laboratory testing.

On 28 February 2022, the Shire notified the private landowner that the contract was considered void because of the due diligence outcomes. The Shire is now exploring alternative sites for the OMS.

Several alternative sites have been identified and were presented at to Council at its briefing session on 9 August 2022 for discussion. Estimates for construction of a purpose-built Men's Shed has been undertaken.

Cost estimates for a class 9B, 12m x 32m (384m<sup>2</sup>) shed with a 4.5m wall height, including freight, construction, estimated earthworks, and concrete costs, three-phase power and lighting, Universal Accessible Toilet and unisex toilet, kitchenette and office is estimated to be \$420,000.

This estimate does not include siteworks such as sealing of car parking areas and drainage costs, and this would be an additional consideration depending on the site location.

### **Comment**

Two (2) sites have been identified by Shire officers and Council as possible relocation options for the OMS and these were provided to Council at its briefing session on 9 August 2022.

#### Lot 396 (52) Third Ave, Onslow – Crown Reserve 41970

Lot 396 (outlined in the below aerial image) is a centrally located, relatively flat site comprising 1,012m<sup>2</sup>. The site adjoins the Onslow Shell Museum and is opposite the Onslow Sports Club. Lot 396 is managed by the Shire for the purpose of 'Staff Accommodation'. There is a laneway that allows access from the rear of the property. There is some remnant infrastructure from previous use, which would need to be removed prior to any development.



Internal conversations with the Shire's Planning team indicate the site could be supported for a Men's Shed, which would be classed as Community Use. In order to confirm support for the development, the proposal would need to be advertised for a period of no less than 14 days requesting submissions, as the land is currently zoned 'Residential' R20 and may conflict with nearby dwellings with regard to noise, access and parking. Community Use is an 'A' Use under the Local Planning Scheme No. 7 (LSP7) meaning that the use is not permitted unless the local government has exercised its discretion and has granted planning approval after giving special notice of the proposal.

The current management order would also be required to be amended from 'Staff Accommodation' to 'Community Purposes' by the Department of Planning, Lands and Heritage resulting in a loss of opportunity for future staff accommodation at this location.

It should be noted that the whole of the site (1,012sqm) will be taken up by the footprint of the shed and will leave limited room for car parking.



Lot 970 McGrath Ave, Onslow – Crown Reserve 42090

Lot 970 is a large reserve comprising approximately 7 hectares. The site adjoins the Department of Fire and Emergency Services (DFES) and Volunteer Marine Rescue (VMR) site. Lot 970 is directly opposite the St John's Sub Centre and is in close proximity to the Multipurpose Centre. The site is managed by the Shire for the purpose of 'Recreation' and zoned 'Public Purpose'. Some areas of the reserve are quite undulating, containing drainage basins and remnant vegetation, limiting development in these areas. However, there are locations within Lot 970 that have the potential to accommodate the OMS.

Part of the reserve adjoining the northeast of existing DFES / VMRS property has been earmarked for a future relocation of the Onslow Police Station as shown outlined in red below (figure 1). The area directly north is the area identified as a possible site and could accommodate between 1,500m<sup>2</sup> to 2,200m<sup>2</sup> (figure 2 refers outlined in blue) for the OMS development. This site would provide colocation opportunities, and discussions are currently underway with WA Police (WAPOL) who are supportive of colocation.

*Figure 1 – Proposed WAPOL footprint (~4,000 sqm)*

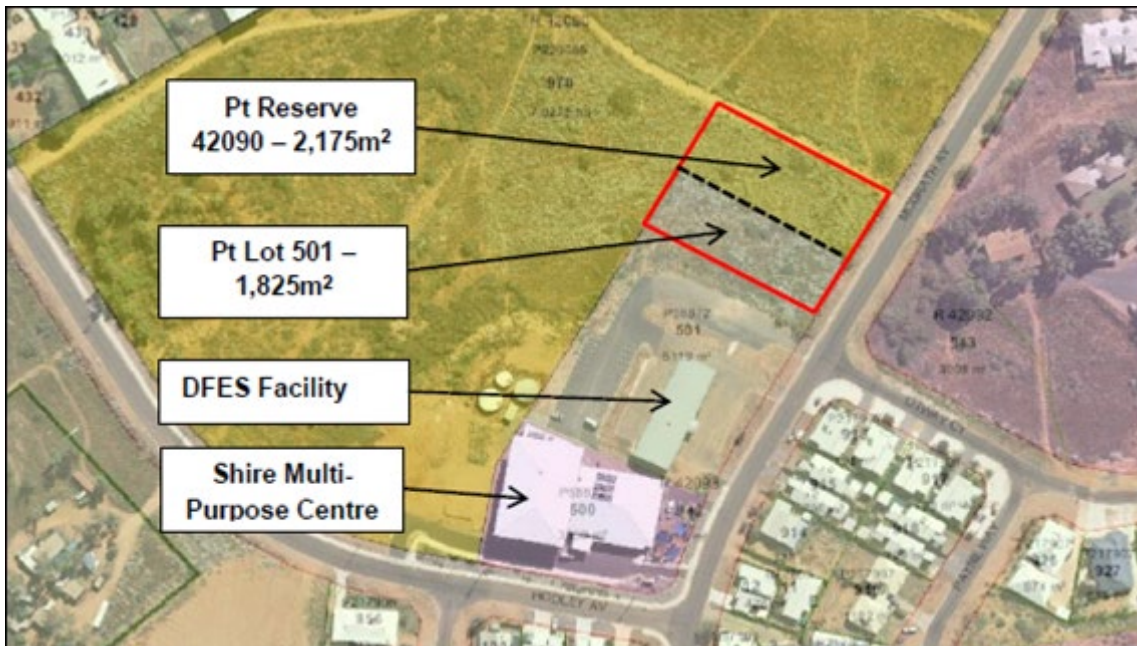


Figure 2 – Proposed Men's Shed Footprint (~2,137sqm)



Lot 970 is recommended as the preferred site, as it does not require any change to current use, has ample space available for car parking and compliments other adjoining facilities.

The current Project Implementation Plan will need to be amended to reflect the proposition of a new purpose-built facility instead of the original private land acquisition proposal.

### **Consultation**

Executive Leadership Team  
Elected Members  
Chevron Australia Pty Ltd representatives  
Town Planning

### **Statutory environment**

*Shire of Ashburton Local Planning Scheme No.7*  
*Section 5.7 Advertising Of Applications*

If the preferred site was Lot 396 any proposed change of use would need to be advertised for a period of no less than 14 days requested submissions.

### **Financial implications**

There is currently \$800,000 included in the 2022/2023 capital works budget for the Community Development Fund - Men's Shed.

The cost of the purpose-built facility will be fully funded by the Community Development Fund (and passed through Council’s Municipal Fund), if agreed by State Government and Chevron. Reimbursement for the project may not be until later in the 2022/2023 financial year, depending on current Community Development Fund projects underway this calendar year.

**Strategic implications**

Shire of Ashburton Strategic Community Plan 2022-2032

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

Strategic Outcome Coordinated delivery of natural and built environment services and projects for the community.

Strategy Develop and maintain key natural and built environment 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
The OMS lease ends and they do not have a new premises to relocate to	Possible (3)	Moderate (3)	Moderate (9)	<u>Reputation</u> Substantiated, public embarrassment, moderate impact on community trust or moderate media profile.	Council endorsement of site location for development and relocation.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is “Moderate” due the risk to reputation should the OMS have nowhere to relocate to.

**Policy implications**

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

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

**Voting requirement**

Simple majority

**Councillor interest declarations**

Nil

**Officer recommendation**

That with respect to the Onslow Men’s Shed – Site Options, Council,

- a Authorises the Chief Executive Officer to liaise with Chevron Australia Pty Ltd and the State Government to amend the Project Implementation Plan (PIP) for the development of a new facility for the Onslow Men’s Shed and, subject to the adoption of the PIP,
- b Authorises the development of the Onslow Men’s Shed purpose-built facility at Lot 970 McGrath Ave, Onslow, and
- c Authorises the Chief Executive Officer to negotiate and execute a new ten (10) year lease between the Shire of Ashburton and the Onslow Men's Shed and any other supporting documents such as development and building applications for the Onslow Men’s Shed development.

**11.2 Proposed Commercial Licence Agreement (The Bedford) – Portion of Lot 67, Rocklea Road, Paraburdoo**

<b>File reference</b>	PR40065
<b>Author's name</b>	N Niven
<b>Author's position</b>	Lease and Accommodation Officer
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	R Wright
<b>Authorising officer's position</b>	Manager Land and Asset Compliance
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	The Bedford
<b>Date report written</b>	22 August 2022
<b>Previous meeting reference</b>	Agenda item 13.5 (Minute 62/2020) Council Meeting 14 April 2020

**Summary**

For Council to consider a new commercial licence agreement for a portion of Lot 67 Rocklea Road, Paraburdoo, previously licensed to Ms Shiela Altiche (trading as The Bedford Paraburdoo). This licence expired on 31 March 2022, with holdover provisions.

The purpose of this report is to consider Ms Kathy McLeod, who is in the process of purchasing the business, to enter into a new commercial licence agreement for The Bedford Paraburdoo.

Council is requested to endorse the proposed commercial licence agreement.

**Background**

At the Ordinary Council meeting held in February 2017 (Minute No 110), Council endorsed the proposal to enter into a new licence agreement for a Portion of Reserve 40065 being Lot 67 Rocklea Road, Paraburdoo with Ms Sarah Gorman t/a The Bedford Paraburdoo.

Ms Gorman sold The Bedford Paraburdoo to Ms Sheila Altiche (the licensee) in March 2020, the Deed of Assignment became effective 1 November 2020.

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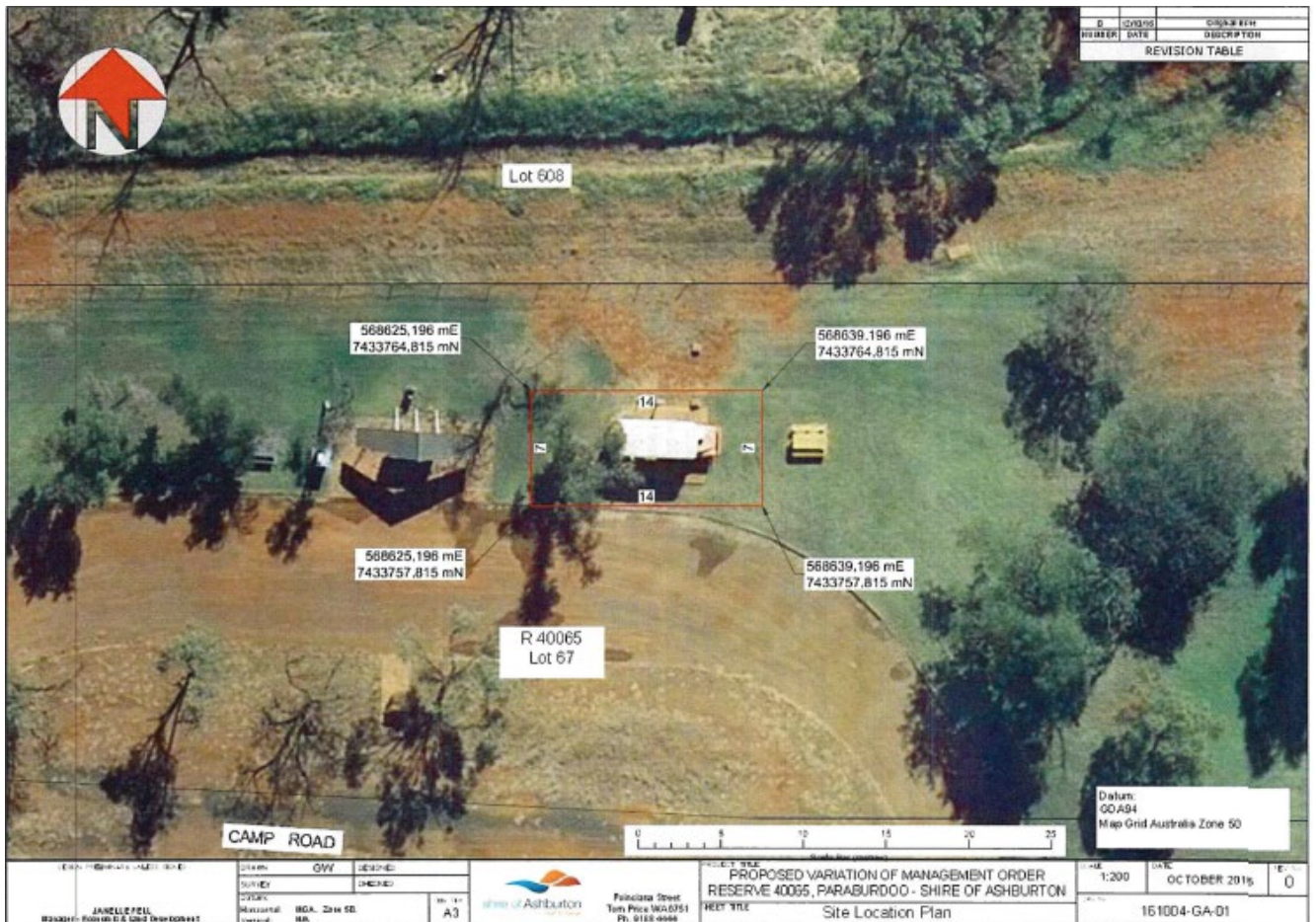
The licensee was contacted in early March 2022, advising that the licence was due to expire on 31 March 2022. The licensee requested a renewal of the licence and continued to negotiate with Shire officers through April to formalise a new agreement. The licence remained in holdover (periodic arrangement) while negotiations continued.

In August 2022, the licensee informed the Shire that they were selling The Bedford to Ms Kathy McLeod (new licensee) who wanted to immediately start trading.

The new licensee has requested that the Shire grant a new two-year license of the same existing licence area, being a portion of Lot 67 Rocklea Road, Paraburdoo (Reserve 40065).

The Shire is the management body of Reserve 40065 under Management Order N795667, for the purposes of 'Public Recreation'. Under the Management Order the Shire has the power to lease and licence a portion of the Reserve (figure 1 refers) for any term not exceeding two (2) years, subject to the approval of the Minister for Lands being obtained.

Figure 1



**Comment**

The new licensee has agreed to the following licence terms, subject to Council approval and advertising:

<b>Licensed Area:</b>	Portion of Lot 67, Reserve 40065 comprised in Crown Land Certificate of Title Volume LR3147 Folio 284 (figure 1 refers)
<b>Permitted Purpose:</b>	Public Recreation
<b>Licence Term:</b>	Two (2) years
<b>Commencement Date:</b>	The date of execution
<b>Licence Fee:</b>	The current licence provides an annual income of \$2,450.00 plus GST. A new valuation is currently being sourced, anticipated to be of a similar figure. It will be subject to advertising in accordance with section 3.58 of the <i>Local Government Act 1995</i> .
<b>Outgoings (Water, Electricity, Rates and Taxes):</b>	Licensee responsibility
<b>Insurance:</b>	Licensee responsibility
<b>Public Liability Insurance (PLI):</b>	Licensee responsibility
<b>Maintenance:</b>	Licensee responsibility
<b>Licence preparation and costs</b>	The licence will be prepared by the Shire at its cost, with each party to pay its own costs for review and negotiation.
<b>Assignment or sublicensing</b>	Consent of the Minister for Lands must be obtained to any assignment, sublicense, in addition to the consent of the Shire in accordance with clause 39.1 of the <i>Land Administration Act 1997</i>

Shire officers are supportive of a new licence between the Shire and the new licensee to enable the continuation of the successful ‘The Bedford’ business in Paraburdoo, subject to Council approval and the consent from the Minister for Lands.

As the current Management Order only allows up to two (2) years licence, and this provides uncertainty to the licensee and any future business owner/s, Shire officers wish to further investigate an appetite to increase future licences of this Reserve for up to five (5) years, via the Department of Planning, Lands and Heritage.

## **Consultation**

Ms Shiela Altiche  
Ms Cathy McLeod  
Department of Planning, Lands and Heritage

## **Statutory environment**

*Local Government Act 1995*

*Section 3.58 Disposing of Property*

Any private treaty negotiations to licence with the licensee will be required to comply with section 3.58 of the *Local Government Act 1995*.

## **Financial implications**

The new licensee will be responsible to pay approximately \$2,450.00 per annum plus GST (subject to the new valuation figure) for the licenced area as well as a security bond.

As part of the Management Order conditions, the Department of Planning, Lands and Heritage require all revenue from the licence to be expended on the maintenance and upkeep of the remaining land on Public Recreation Reserve 40065.

## **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	Attractive and sustainable townscapes offering opportunities for all communities.
Strategy	Ensure parks, gardens and open spaces are appropriately managed according to their 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
No licence in place – sale of business does not proceed.	Possible (3)	Moderate (3)	Moderate (6)	<u>Reputation</u> Loss of amenity for Paraburdoo community.  <u>Financial</u> Loss of income and requirement to remediate land once asset is removed.	Enter into a licence with the new licensee.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is “Moderate” due to the Shire’s reputation of losing this integral asset within the town of Paraburdoo and further loss of income and requirement to remediate the Reserve once the business vacates.

### Policy implications

Nil

### Voting requirement

Simple majority

**Councillor interest declarations**

[Will be completed by Agenda officer closer to the meeting]

**Officer recommendation**

That with respect to the Proposed Commercial Licence Agreement of Portion of Part Lot 67 (Reserve 40065), Paraburdoo, Council,

- a Supports in principle the licence of a portion of Lot 67 Rocklea Road, Paraburdoo, to Ms Kathy McLeod t/a The Bedford Paraburdoo for a term of up to two (2) years, commencing on execution of the licence,
- b Authorises the Chief Executive Officer to negotiate further commercial terms;
- c Authorises the publication of a local public notice of the intention to dispose of portion of Lot 67 Rocklea Road, Paraburdoo in accordance with Section 3.58 of *the Local Government Act 1995 (WA)*,
- d Authorises the Chief Executive Officer to,
  - i) consider or reject any public submissions regarding item c) above, noting that that elected members will be provided with a briefing by administration in relation to the responses (if any) to the local public notice, and
  - ii) execute all documentation and comply with all applicable legislation as is required to effect item a. above.

### 11.3 Onslow Marine Tourism Prospectus

<b>File reference</b>	ED01
<b>Author's name</b>	P Hanlon
<b>Author's position</b>	Manager Business and Economic Development
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	K Donohoe
<b>Authorising officer's position</b>	Chief Executive Officer
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Not applicable
<b>Date report written</b>	26 August 2022
<b>Previous meeting reference</b>	Not applicable

#### **Summary**

Onslow Marine Tourism Prospectus is a promotional document aimed at attracting marine tourism businesses to establish in Onslow for the Solar Eclipse and beyond.

The Shire of Ashburton is committed to the prosperity of the community and this document will aid in promoting Onslow to prospective visitor economy businesses.

Council is requested to receive and endorse the investment attraction document.

#### **Background**

Prosperity is one of the four pillars included in the Shire of Ashburton (the Shire) Strategic Community Plan 2022-2032, which states that we will advocate and drive opportunities for the community to be economically desirable, resilient, and prosperous. Sustainable commerce and tourism opportunities is a key strategy adopted in the pursuit of this objective.

The Shire's Economic and Tourism Development Strategy 2019 was developed to compliment and assist with delivering outcomes aligned to the Strategic Community Plan. The Shire recently endorsed the positioning paper 'Onslow - Towards a Visitor Economy' to highlight the potential of Onslow as a visitor destination as well as set the future strategic direction of visitor economy development. With the Solar Eclipse in April 2023 and growing visitor demand during the winter months, now is a great opportunity to attract marine tourism businesses to establish in Onslow.

The document, Onslow Marine Tourism Prospectus is attached.

## **Attachment 11.3A**

### **Comment**

The Shire continues to be a driving force of the Pilbara region and the Western Australian economy. Our Shire delivered 12% or \$38.6 billion of WA's Gross Regional Product and 1.9% of Australia's Gross Domestic Product. This contribution is dominated by the mining and resources sector.

Whilst Onslow has experienced significant investment in the past decade on the back of Chevron's Wheatstone and BHP's Macedon LNG projects, the town has not always contained large scale industry. Development WA's Pilbara Vernacular Handbook recognised that tourism was the industry which has the potential to bring economic prosperity outside of the dominance of gas projects and provide a variety of employment opportunities and a longer-term lifestyle for residents.

The Shire recognised the importance of the visitor economy to Onslow through the endorsement of 'Onslow – Towards a Visitor Economy'. Attracting tourism businesses to Onslow is another crucial step towards realising the visitor economy vision and delivering long term jobs to the local community.

The Onslow Marine Tourism Prospectus is a key promotional document aimed at attracting marine tourism businesses to establish in Onslow for the Solar Eclipse and beyond.

### **Consultation**

Chief Executive Officer  
Communications Officer

### **Statutory environment**

#### *Local Government Act 1995*

#### *Section 2.7 Role of Council*

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

#### *Section 5.56 Planning for the future*

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

## Financial implications

There are no financial implications specifically regarding the adoption of the recommendation.

## Strategic implications

Shire of Ashburton Strategic Community Plan 2022-2032

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

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

**Strategy** Ensure Shire processes support the development of strong and sustainable local business opportunities.

## 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 reputation risk to Council if the Shire is not seen to be promoting sustainable long term business opportunities that diversify the local economy, given the growing tourism demand and large scale Solar Eclipse event.	Possible (3)	Moderate (3)	Moderate (9)	<u>Reputation</u> Substantiated, localised impact on community and stakeholder trust; and low media item.	Reputation is managed by following the officer's recommendation and ensuring the document is aligned to the Shire's Strategic Corporate Plan.
There is a minor financial impact to Council in lost officer time if the promotional document is not supported.	Unlikely (2)	Minor (2)	Low (4)	<u>Financial Impact</u> Less than \$10,000.	Managed by following the officer's recommendation.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is considered to be “low - moderate” due to the risk to the Shire’s reputation. These risks can be managed by following the officer’s recommendation.

**Policy implications**

There are no policy implications.

**Voting requirement**

Simple majority

**Councillor interest declarations**

[Will be completed by Agenda officer closer to the meeting]

**Officer recommendation**

That with respect to Onslow Marine Tourism Prospectus, Council,

- a Receive the document, as included at Attachment 11.3A, and
- b Endorse the document as an investment attraction document.

#### 11.4 Onslow Transit House

<b>File reference</b>	PE07
<b>Author's name</b>	R Wright
<b>Author's position</b>	Manager Land and Asset Compliance
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	K Donohoe
<b>Authorising officer's position</b>	Chief Executive Officer
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	N/A
<b>Date report written</b>	17 August 2022
<b>Previous meeting reference</b>	Agenda item 6.1 (Minute 137/2021) Special Meeting of Council 17 August 2021  Agenda Item 18.2 (Minute 136/2021) Ordinary Meeting of Council 17 August 2021  Agenda Item 18.3 (Minute 150/2021) Ordinary Meeting of Council 28 September 2021

#### **Summary**

To provide Council with an update on one of the actions from the Staff Accommodation Strategy (SAS) adopted in August 2021, regarding the future of the Onslow transit house, located at 20 Third Avenue, Onslow.

#### **Background**

The Staff Accommodation Strategy (SAS) was adopted by Council at the Special Council meeting held on 17 August 2021 as follows:

*That with respect to Staff Accommodation Strategy 2020 – 2030, Council;*

1. *Adopt the Staff Accommodation Strategy 2020 – 2030,*
2. *Requests the Chief Executive Officer prepare development plans and construction business cases for –*
  - a. *Watson Drive, Onslow, and lots in Tom Price;*

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- b. *Two (2) 3 x 2 grouped dwellings at 76 Marrinup Way, Tom Price, and*
- c. *Upgrades / refurbishment of 797 Kulai Street, Tom Price, and 1104A Jabberup Place, Tom Price, and*
- 3. *Consider the allocation of \$3,000,000 in the 2021-2022 annual budget deliberations.*
- 4. *Not consider actions numbered 1, 2 and 3 (as detailed on page 19 of this report) at this time.*

*Reason for variation – Council has considered a purchase of residential land recently to the Onslow market.*

Actions 1, 2 and 3 deferred in resolution 4 were as follows:

- 1. Demolish and replace the transit house (transition strategy required). Consider options to replace with a single house with multiple beds and bathrooms or two Grouped Dwellings (3x2).
- 2. Demolish existing three properties on Third Avenue and build new group dwellings.
- 3. Upgrade Heritage Property on 944 First Avenue.

Action 1 above is the subject of this report.

Newly Acquired Property – Anketell Units, Onslow

In September 2021 an eight (8) unit property (4 x 2 bed/2 bath and 4 x 3 x bed/2 bath units) became available in Onslow, fit for purpose for Shire accommodation purposes. Council resolved the following:

*That with respect to Property Purchase – Onslow, Council:*

- a *Authorises the Chief Executive Officer to negotiate commercial conditions, the purchase price, and submit an offer within the parameters of this Report, for the property which is the subject to this Report, and*
- b *Authorises the Shire President and Chief Executive Officer to engross all documents including applying the Common Seal, associated with the land purchase outlined within this report, in accordance with all laws of Western Australia.*



Settlement of the Anketell property occurred in December 2021 with existing private leases carried over at that time. All private leases have now either expired or been renewed on periodic arrangements to enable Shire usage. Two (2) units (1 x 3 bed/2 bath and 1 x 2 bed/2 bath) are currently vacant, with one allocated for Onslow Airport personnel.

Due to the purchase of the Anketell Road property, the Onslow transit house replacement was subsequently removed as a priority from the SAS in the short term. The September 2021 Council report suggested future use of one or more units at Anketell Road for transit accommodation in lieu of the current Onslow transit house, as the units were purchased fully furnished.

### Onslow Transit House

The Onslow transit house is centrally located at 20 Third Avenue on the corner of Simpson Street on a land parcel comprising 990sqm. The configuration of the house is 4-bedroom x 3-bathroom. Two rooms contain private ensuites and two rooms share a small bathroom comprising a separate shower, toilet, basin, and bath (Attachment 11.5A refers).

### **Attachment 11.4A**



### Structural Reports

The Onslow transit house (20 Third Avenue) was listed first as a priority to demolish and redevelop into either two (3-bedroom x 2-bathroom) houses or one new (4-bedroom x 4-bathroom) house to replace the current transit accommodation.

As part of the SAS actions, Shire officers sought to understand the extent of useful life left in certain properties earmarked for demolition.

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High level assessment reports were undertaken by Assetic in late 2021 for all Shire owned/managed accommodation and facilities. If structural defects were identified for any buildings, further detailed reports were undertaken. A further report was subsequently undertaken by Housepect for 20 Third Avenue, Attachment 11.5B refers.

**Attachment 11.4B**

The Houspect report highlighted significant structural defects at the transit house, some of the stump footings were cracked and/or broken and of immediate concern with the report advising “the property is not structurally sound until these are fixed”. There was further concern regarding the wet areas inside the house noting, “The concrete section to the wet areas on the north side is badly cracked and requires further investigation to make sure there is no major structural problem”.

A further desktop report was provided by Setu Projects (Attachment 11.5C) based on the Houspect findings to substantiate the cost to the Shire to rectify those items identified. It should be noted that since the time of Setu’s report, many of the cosmetic items could now be done at a reduced cost in-house with the newly appointed Shire Building Maintenance Officers.

The costs to rectify the issues at the transit house are significant (estimated to be \$505,000) and not recommended. An alternative solution to accommodation for transient staff and contractors remains to be explored.

**Attachment 11.4C**

Staff Usage – Onslow Transit House

Data collected over the past 12 months for the Onslow transit house revealed the following:

	Month												
	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22
<b>Staff in Onslow</b>	8	12	12	5	17	11	4	9	4	9	12	17	7
<b>Number Transit Bookings</b>	8	6	9	5	3	2	0	1	0	0	7	10	5
<b>Booked elsewhere</b>	0	6	3	5	14	9	4	8	4	9	5	7	2

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- Average of 13 nights booked per month (from a possible 48 available) indicating less than 27% usage.
- Approximately 127 Shire staff visited Onslow over a 12-month period.
- On 76 occasions alternative accommodation was booked.
- Over a 12-month period all four (4) rooms at the transit house were fully booked on 26 occasions, these were mainly during school holiday program periods or special occasions such as 50th year anniversary celebrations or the animal de-sexing campaign and included external guests.
- Feedback from staff visiting Onslow is that the transit house is substandard and not pleasant to reside in due to its current condition.

Communication to all staff from the Chief Executive Officer in May 2022 requested all accommodation bookings for business purposes in Onslow were to be made in the following order of preference:

1. Onslow transit house
2. Onslow Sun Chalets
3. Onslow Caravan Park
4. Onslow Beach Resort

### **Comment**

Transit accommodation in Onslow remains to be required for travel between towns, but it is preferential that purpose-built Shire owned accommodation is used instead of tourism facilities (understanding that exceptional circumstances arise from time to time). By the continuation of avoidance of the current accommodation provided, tourists at times may miss out on accommodation opportunities, which could be detrimental to the town during peak tourism periods.

The Anketell Road property is modern, furnished appropriately and will provide the majority of uses with a private kitchen, bathroom and balcony which should resolve the issue of bookings being made at alternative locations.

### Sale of the transit house (20 Third Avenue, Onslow)

It is recommended that the transit house is placed on the market to be sold as it is considered surplus to requirements. There is a current demand for housing within the town of Onslow from private owners and investors and the house is estimated to produce an income of approximately \$500,000.

This estimated value would include a property condition report advising the new purchaser of outstanding building maintenance matters that could be rectified by the new purchaser.

Should Council consider the sale of the transit house, the funds received from the sale could be allocated towards future actions of the SAS. Any new owner would have the option to demolish or renovate the existing structure.

The SAS did not identify the sale of any properties however, the transit house is now considered surplus, and a suggested demolition is assumed to be costly due to the conditions and materials present in the building.

Furthermore, the Shire has ample land available at the following locations for future staff housing builds:

- Watson Avenue - 2,086m<sup>2</sup> (Barrada Estate) group housing opportunity,
- 48, 52 and 54 Third Avenue, ~1,000m<sup>2</sup> per lot (three vacant Crown land parcels adjoining the Shell Museum, noting one lot may be used to house the Onslow Men's Shed) single house or group housing opportunity,
- Lot 578 Hedditch Street – 789m<sup>2</sup> single or two (2) unit opportunity, and
- 9, 11 and 13 Third Avenue - 3,103m<sup>2</sup> (group housing opportunity – would require demolition of three (3) existing houses).

It is recommended that transit accommodation could be accommodated by using two (2) of the vacant units at the Anketell Road property. There is no short-term requirement for these properties to be used for Onslow based staff members and there are four (4) units currently leased privately on periodic leases that could be used for staff.

The two (2) units at Anketell Road would replace the current transit house arrangement of 4 x bedrooms/3 x bathrooms, with 5 x bedrooms/4 x bathrooms – an additional one bedroom to the current configuration in Onslow. The units are already furnished and therefore no impact to budget.

The marketing of the transit house would be undertaken after the Solar Eclipse event in 2023 (anticipated in May 2023), to enable the use of the existing accommodation and land for staff and contractors as required. Any offers to purchase the transit house would be presented to Council for consideration.

Although the transit house would remain in use until April 2023, it is further recommended to allow the two (2) Anketell Road units to be used as transit accommodation immediately and fees and charges updated accordingly. If this option is adopted there may be a requirement for an additional 0.5FTE cleaner position within the town of Onslow for a short-term contract (until next financial year) while both properties are in rotational use.

## **Consultation**

Executive Leadership Team  
Hatch Roberts Day  
Moore Australia  
Assetic  
Assets and Programming  
Town Planning  
Houspect  
Setu Projects  
Manager Airport Services  
Director Projects and Procurement

## **Statutory environment**

*Local Government Act 1995*

*Section 6.19 Fees and Charges*

A Local government is to give notice of fees and charges if it wishes to impose any new fees or charges after the annual budget has been adopted.

## **Financial implications**

Marketing and sale of the transit house could be done in-house by Shire officers and therefore nominal costs would be involved such as advertising, lodgement, and settlement fees etc associated with the sale.

The fees and charges schedule would need to be updated and publicly advertised to allow the charging of the Anketell Road units as transit accommodation. The Onslow transit house costs are currently \$179.50 per night/per room, it is recommended the same would apply at Anketell Road for simplicity and consistency for this financial year (\$359 per night for the 2x bedroom unit and \$538.50 per night for the 3x bedroom unit).

Any income from the sale of the Onslow transit house would be used for redevelopment of staff housing properties in accordance with the SAS program.

An additional staffing resource of a part time cleaner is likely to be required to take on two new properties to use as transit accommodation until next financial year.

## Strategic implications

Shire of Ashburton Strategic Community Plan 2022-2032

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

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

**Strategy** Provide diversity for residential employee accommodation.

## 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
Transit house remains in use for transient staff/contractors – significant maintenance required / staff avoid using the provided accommodation.	Likely (4)	Minor (2)	Moderate (8)	<u>Financial</u> \$10,000 - \$100,000 <u>Reputational</u> Substantiated, Localised impact on community trust or low media item.	Sell the Onslow transit house and utilise the Anketell Road units.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is “Moderate” because as the Onslow transit house continues to deteriorate it will become an asset liability for the Shire.

### **Policy implications**

#### *ENG13 Asset Management Policy*

The Asset Management Policy has been developed to support the vision, goals and objectives in the Shire of Ashburton’s Strategic Community Plan.

Council’s Vision:

“We will embrace our unique Pilbara environment and lifestyle through the development of vibrant, connected and active communities that have access to quality services, exceptional amenities and economic vitality.”.

Effective asset management ensures that all infrastructure assets are well planned and delivered to the expectations of the community now and into the future.

### **Voting requirement**

Absolute majority

### **Councillor interest declarations**

[Will be completed by Agenda officer closer to the meeting]

**Officer recommendation**

That with respect to the Onslow Transit House, Council,

- a Authorise the advertising of 20 Third Avenue, Onslow for sale in May 2023 with the intention of all proceeds from the sale to be allocated to staff housing redevelopment projects in Onslow, in line with the Staff Accommodation Strategy schedule,
- b Note any offers to purchase 20 Third Avenue, Onslow will be presented to Council for consideration,
- c Note the immediate use of two units (1 x 3 bed/2 bath and 1x 2 bed/2 bath) located at 7 Anketell Road, Onslow for Shire transit accommodation, and
- d Adopt and authorise the Chief Executive Officer to advertise new fees and charges for two units at 7 Anketell Road, Onslow for transit accommodation at \$179.50 per night/per room for the 2022/2023 financial year (\$359 per night for the 2x bedroom unit and \$538.50 per night for the 3x bedroom unit) in accordance with section 6.19 of the *Local Government Act 1995*.



## 12 Corporate Services reports

### 12.1 Monthly Schedule of Accounts Paid – July 2022

<b>File reference</b>	FM03
<b>Author's name</b>	T Dayman
<b>Author's position</b>	Acting Director Corporate Services
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	K Donohoe
<b>Authorising officer's position</b>	Chief Executive Officer
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Not applicable
<b>Date report written</b>	25 August 2022
<b>Previous meeting reference</b>	Not applicable

#### Summary

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

The purpose of this report is to present the –

- Schedule of Creditor Accounts Paid for July 2022,
- Trust Fund Payments for July 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	6,157,067.82
Superannuation / Payroll (Direct Debits)	204,922.35
Cheques	0
Credit Cards	13,694.10
Bank Fees and Charges	2075.67
<u>Municipal Fund Total</u>	6,377,759.94
<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 July 2022, as included at Attachment 12.1A.

## 12.2 Monthly Financial Statements – July 2022

<b>File reference</b>	FM03
<b>Author's name</b>	T Dayman
<b>Author's position</b>	Acting Director Corporate Services
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	K Donohoe
<b>Authorising officer's position</b>	Chief Executive Officer
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Not applicable
<b>Date report written</b>	25 August 2022
<b>Previous meeting reference</b>	Not applicable

### Summary

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

The purpose of this report is to present the Statement of Financial Activity for the month ended July 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**

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The following 2022-2023 budget amendments are recommended:

<b>GL / Job No.</b>	<b>GL / Job Description</b>	<b>Current Budget</b>	<b>Amendment</b>	<b>Revised Budget</b>	<b>Reason</b>
X3030	Ashburton Downs Road Resheet 39.00 to 44.00	480,000	(400,000)	80,000	Works to be carried out internally with expected cost savings.
X3034	Coolibah Street Reseal – 0.00 to 0.30	80,900	(80,900)	0	Works to be deferred to FY24
X3031	Burt Close Reseal - 0.00 to 0.15	30,000	6,000	36,000	Increase in anticipated cost and scope of works.
X3032	Cedar Street Reseal - 0.00 to 0.45	112,800	17,000	129,800	Increase in anticipated cost and scope of works.
X3033	Cogelup Way Reseal - 0.00 to 0.49	28,400	112,400	140,800	Increase in anticipated cost and scope of works.
X3035	Hope Close Reseal - 0.00 to 0.21	42,000	8,000	50,000	Increase in anticipated cost and scope of works.
X3036	Marradong Place Reseal - 0.00 to 0.15	43,000	21,900	64,900	Increase in anticipated cost and scope of works.
X3038	Moonah Street Reseal - 0.00 to 0.19	11,000	44,000	55,000	Increase in anticipated cost and scope of works.
X3039	Pepper Street Reseal - 0.00 to 0.16	9,800	56,200	66,000	Increase in anticipated cost and scope of works.

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X3040	Pine Street Reseal - 0.00 to 0.20	12,900	50,900	63,800	Increase in anticipated cost and scope of works.
X3042	Tanunda Street - 0.00 to 0.47	229,800	163,600	393,400	Increase in anticipated cost and scope of works.

The 2022/2023 budget includes \$600,600 for roads resealing works in Tom Price and Onslow. Council has a period contract with AAA Asphalt for the conduct of these works. As part of the planning for these works, the Shire has obtained prices from AAA Asphalt for the scope of works as listed in the budget and has made alterations to the scope of works following discussions involving the Executive Management Team.

Due to the significant rise in the cost of asphalt, diesel, wages and accommodation costs, the budget allocation will need to be increased to cover the additional costs.

In addition, practical and necessary changes to the scope of some works have been necessary, which has also added to the cost. As some of the works are adjacent to the North Tom Price Primary, the only practical time to complete these works is the September school holidays and the contractor has been locked in for that time.

The budget also included works on Coolibah Street, which has been assessed to be in reasonable condition and requires an unsealed turnaround prior to sealing. It is recommended that these works be deferred until 2023/2024.

In addition, the scope of works for some of the works included the use of chip seal, which is a cost-effective product. Due to the type of activity that has been observed on these street, smooth asphalt has now been assessed as the preferred option. While more expense, the user benefits is considered more advantageous.

The 2022/2023 budget includes an allowance of \$2.2 million for gravel re-sheeting works on Ashburton Downs Road utilising external contractors. However, given the variable performance of contractors recently, the intention is to complete these works using internal work staff, which should provide a costs savings to the project. It is recommended that these cost savings be re-allocated to the reseal projects to cover the increase in anticipated costs.

The overall budget impact of the budget amendments is \$NIL.

## **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 2022/2023 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.
Cost of capital projects exceeding budget allocation.	Likely (4)	Moderate (3)	High (12)	<u>Financial Impact</u> \$100,000 to \$1m	Increase budget allocations ,offset by budget savings and deferrals.

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,

- a In accordance with regulation 34 of the *Local Government (Financial Management) Regulations 1996*, accepts the Statement of Financial Activity, and associated documentation for July 2022, as included at Attachment 12.2A, and
- b Amends the 2022/2023 Annual Budget as below –
  - Decrease Capital Expense X3030 - Ashburton Downs Road Resheet by \$400,000
  - Decrease Capital Expense X3034 – Coolibah Street Reseal by \$80,900
  - Increase Capital Expense X3031 – Burt Close Reseal by \$6,000
  - Increase Capital Expense X3032 – Cedar Street Reseal by \$17,000
  - Increase Capital Expense X3033 – Cogelup Way Reseal by \$112,400
  - Increase Capital Expense X3035 – Hope Close Reseal by \$8,000
  - Increase Capital Expense X3036 – Marradone Place Reseal by \$21,900
  - Increase Capital Expense X3038 – Moonah Street Reseal by \$44,000
  - Increase Capital Expense X3039 – Pepper Street Reseal by \$56,200
  - Increase Capital Expense X3040 – Pine Street Reseal by \$50,900
  - Increase Capital Expense X3042 – Tanunda Street by \$163,600.

### 12.3 Elected Member Training Request

<b>File reference</b>	GV42
<b>Author's name</b>	A Furfaro
<b>Author's position</b>	Governance Officer
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	J Bray
<b>Authorising officer's position</b>	Manager Governance
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Councillor Alana Sullivan
<b>Date report written</b>	24 August 2022
<b>Previous meeting reference</b>	Nil

#### Summary

The Chief Executive Officer received three (3) training requests from Councillor Alana Sullivan to attend professional development events through Western Australia Local Government Association (WALGA).

The Elected Member Continuing Professional Development Policy requires Council to approve where an elected member requests to attend more than two professional development events in a financial year.

Council is requested to consider the additional training request from Councillor Alana Sullivan.

#### Background

The Chief Executive Officer received three (3) professional development requests from Councillor Alana Sullivan. The professional development is requested to attend in person, through Western Australia Local Government Association (WALGA) for:

- Planning Practices Essentials (28 September 2022)
- Emergency Management for Local Government (29 September 2022)
- Community Disaster Recovery for Local Government (30 September 2022).

The professional development events requested are designed to provide the essential knowledge and skills to support elected members to perform their role as defined in the *Local Government Act 1995*.

### **Comment**

The Elected Member Continuing Professional Development policy states –

*Where:*

- *An elected member is seeking to attend more than two professional development events in a financial year, or an event outside of Australia, the request is required to be submitted to Council for its consideration.*

In accordance with the policy, the Chief Executive Officer has approved Councillor Alana Sullivan to attend two (2) of the requested professional development events, Emergency Management for Local Government on 29 September 2022 and Community Disaster Recovery for Local Government on 30 September 2022. The additional professional development requested is Planning Practices – Essentials.

The Planning Practices – Essentials course covers Land Use Planning, roles and responsibilities in planning, Council and the administration, legislative framework, State Planning Framework, Local Planning Framework; decision making process, State Administrative Tribunal, development assessment, and enforcement and compliance.

The professional development request has been assessed and is recommended for approval for the following reasons,

- The Planning Practices – Essentials course is relevant to the role of an elected member as it provides an overview of understanding the planning framework in Western Australia, decision making processes and the implications of decisions,
- It is being conducted through a registered training organisation, and
- Does not exceed Councillor Alana Sullivan's allocated professional development budget.

Although the professional development is being held in Perth, the dates coincide with WALGA week therefore, there will be no associated cost for flights. Additional accommodation and ancillaries will be required.

## **Consultation**

Chief Executive Officer  
Manager Governance  
Councillor Alana Sullivan

## **Statutory environment**

*Local Government Act 1995*

*Section 2.10*

Role of councillors is to represent the interests of electors, ratepayers and residents of the district and participate in local government's decision-making processes at council and committee meetings. Professional development through registered training organisation assists councillors to fulfil their role.

## **Financial implications**

Elected members have each been allocated \$5,000 for training in the 2022/2023 Annual Budget. Councillor Alana Sullivan has not expended any funds from this allocated budget.

The cost for the Planning Practices Essentials is \$580. The cost for all three training sessions is \$1,960. Other costs including accommodation, taxi fees and food have been estimated to cost \$1,350. As flights will be booked for WALGA week there is no additional travel cost for Councillor Alana Sullivan to attend this training.

The total estimated cost of attending the requested training is \$3,310. All costs associated with the professional development will be deducted from the budget allocated to Councillor Alana Sullivan.

## **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	Regulate and provide support to ensure Councillors and Shire officers deliver integrity and transparency in their behaviour, decision-making, and in compliance with codes of conduct.

## 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
Elected members don't have sufficient training to make informed decisions.	Possible (3)	Moderate (3)	Moderate (9)	Compliance Short term noncompliance but with significant regulatory requirements imposed.	Ensure relevant professional development is offered to all elected members when available.

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 potential uninformed decision-making. Planning matters are often complex, generate a great deal of interest in the community and can also be controversial. It is therefore critical that decision makers have a thorough understanding of planning processes to appropriately assess applications.

## Policy implications

### *Elected Member Continuing Professional Development*

This policy is to ensure that elected members are provided opportunities to participate in continuing professional development as part of their obligation and duty to fulfill their role on Council.

**Voting requirement**

Simple majority

**Councillor interest declarations**

[Will be completed by Agenda officer closer to the meeting]

**Officer recommendation**

That with respect to Elected Member Training Request, Council,

- a Approves Councillor Alana Sullivan's request to attend more than two (2) professional development events in a financial year, and
- b Requests the Chief Executive Officer to coordinate the attendance of Councillor Alana Sullivan for the Planning Practices Essentials training on the 28 September 2022 at Western Australia Local Government Association in Perth.

#### 12.4 Unimproved Value Non-Pastoral 2022/2023 Minimum Rates

<b>File reference</b>	FM03
<b>Author's name</b>	T Dayman
<b>Author's position</b>	Acting Director Corporate Services
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	K Donohoe
<b>Authorising officer's position</b>	Chief Executive Officer
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Not applicable
<b>Date report written</b>	25 August 2022
<b>Previous meeting reference</b>	Agenda item 6.1 (Council decision 099/2022) Special Council Meeting 28 July 2022

#### Summary

Council may adopt minimum rates as part of its annual budget adoption.

Council adopted its 2022/2023 minimum rates at its Special Council Meeting held on 28 July 2022.

The purpose of this report is to correct a typographical error included in Council resolution 099/2022 4(a)(v) Unimproved Value Non-Pastoral minimum payment and endorse the correct minimum payment amount for transparency.

#### Background

Section 6.32 of the *Local Government Act 1995* allows for the imposing of rates and services charges minimum payments amounts.

At the Special Council Meeting held on the 28 July 2022, Council resolved the following minimum payments -

- i. GRV Residential and Community*  
*Rate in the \$ 0.09420*  
*Minimum Payment \$ 1,288*



- ii. *GRV Commercial and Industrial*  
*Rate in the \$ 0.08600*  
*Minimum Payment \$ 1,288*
- iii. *GRV Transient Worker Accommodation*  
*Rate in the \$ 0.17000*  
*Minimum Payment \$ 1,288*
- iv. *UV Pastoral*  
*Rate in the \$ 0.18870*  
*Minimum Payment \$ 1,288*
- v. *UV Non-Pastoral*  
*Rate in the \$ 0.36960*  
*Minimum Payment \$ 1,268.*

### **Comment**

As part of its due diligence of raising the annual rates, an audit is conducted to ensure that all rates are raised in accordance with Council resolution. This process aims to ensure rates are raised correctly and any errors can be addressed immediately.

The audit conducted on the 2022/2023 rate and service charge found an error with the UV Non-pastoral minimum rate charge of \$1,288, which differed from Council's resolution of \$1,268.

A review of the officer's report has led to the conclusion that the amount stated in the officer's recommendation contained a typographical error and should have read \$1,288.

This is supported by the amount of \$1,288 for UV Non-pastoral minimum rate charge being referenced throughout the officer's report as well as Council's previous resolution to advertise differential rates and minimum payments, including UV Non-pastoral minimum rate charge of \$1,288.

In addition, that rate note disclosed in the statutory budget documentation adopted by Council, included the UV Non-pastoral minimum payment rate of \$1,288.

As the error has been deemed a typographical error, staff have proceeded with the raising of rates, including the UV Non-pastoral minimum rate charge of \$1,288 and now seeks Council's support to recognise the typographical error and endorse the correct minimum rate charge amount.

## Consultation

Executive Leadership Team  
Finance Team

## Statutory environment

*Local Government Act 1995*  
*Section 6.32 Rates and service Charges*

- (1) *When adopting the annual budget, a local government —*
- (a) *in order to make up the budget deficiency, is to impose\* a general rate on rateable land within its district, which rate may be imposed either —*
    - (i) *uniformly; or*
    - (ii) *differentially;*

*and*

  - (b) *may impose\* on rateable land within its district —*
    - (i) *a specified area rate; or*
    - (ii) *a minimum payment;*

*and*

  - (c) *may impose\* a service charge on land within its district.*

*\* Absolute majority required.*

## Financial implications

Included in the 2022/2023 Annual Budget is a total of \$625,968 income derived from UV Non-Pastoral minimum rate charges, which would remain unchanged.

## 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
Rates raised are not in line with Council resolution.	Almost Certain (5)	Moderate (3)	High (15)	<u>Financial Impact</u> \$10,000 to \$15,000	Council endorses the officer's recommendation which will alleviate the requirement to reissue rates notices for UV Non-Pastoral minimum rate.
	Unlikely (2)	Minor (2)	Low (4)	<u>Reputation</u> Substantiated, localised impact on community trust or low media item	Council endorses the officer's recommendation which will alleviate the requirement to reissue rates notices for UV Non-Pastoral minimum rate.
	Almost Certain (5)	Moderate (3)	High (15)	<u>Compliance</u> Some temporary non-compliances	Council endorses the officer's recommendation and remove any non-compliance matters.

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**

There are no known policy implications.

**Voting requirement**

Absolute majority

**Councillor interest declarations**

Nil

**Officer recommendation**

That with respect to Council resolution 099/2022 for the adoption of the 2022/2023 Unimproved Value Non-Pastoral minimum rate charges, Council,

- a Acknowledge the UV Non-Pastoral minimum rate charges of \$1,268 as a typographical error, and
- b Endorses the correct UV Non-Pastoral minimum rate charges as \$1,288.

## 12.5 Waste Disposal Fees and Charges amendment

<b>File reference</b>	FM29
<b>Author's name</b>	T Dayman
<b>Author's position</b>	Acting Director Corporate Services
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	K Donohoe
<b>Authorising officer's position</b>	Chief Executive Officer
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Not applicable
<b>Date report written</b>	26 August 2022
<b>Previous meeting reference</b>	Not applicable

### Summary

In accordance with section 6.16 of the *Local Government Act 1995*, Council may impose and recover a fee or charge for any goods and services it provides or proposes to provide. Fees and charges are to be imposed when adopting the Annual Budget, although may be imposed during the year, and may be amended from time-to-time.

The purpose of this report is to amend the description on several waste disposal, type 2 fees and charges.

Council is requested to accept the amended waste disposal fees and charges for 2022/2023.

### Background

The Annual Budget is to include a schedule of fees and charges for imposition during the relevant financial year.

Council adopted the 2022/2023 fees and charges for advertising, effective 1 July 2022 at its Ordinary Council Meeting held on 10 May 2022.

Amendments were made to the 2022/2023 fees and charges which were adopted as part of the budget adoption at the Special Council Meeting held on the 28 July 2022.

**Comment**

The fees and charges adopted on the 28 July 2022 included amendments to the waste disposal fees and charges.

A recent review of the waste fees and charges identified a description error of several fees and charges within the type 2 waste area which requires updating.

*Type 2 Waste*

<b>Current Description</b>	<b>Proposed Description</b>	<b>Basis of Charge</b>	<b>Fee</b>
Clean fill - Excluding Onslow Transfer Station	Domestic waste householder directly to the waste facility; or Other types of domestic waste (eg domestic clean up, furniture and residential garden waste, grass sods) Limited to a car, Ute, 6x4 trailer. Does not include demolition land clearing materials.	Per tonne	No Charge
Clean fill - Excluding Onslow Transfer Station	Domestic waste householder directly to the waste facility; or Other types of domestic waste (eg domestic clean up, furniture and residential garden waste, grass sods) Limited to a car, Ute, 6x4 trailer. Does not include demolition land clearing materials.	m3	No Charge
New item	Commercial Loose cubic metre type 2 waste – Paraburdoo and Onslow Transfer Station	m3	\$51

To ensure compliance, Council is requested to endorse the amendment to the above fees and charges and give local public notice of its intention to do so and effective date.

**Consultation**

Executive Leadership Team  
Middle Management Group  
Finance Team

## **Statutory environment**

*Local Government Act 1995*

*Section 6.6 – Imposition of fees and charges*

Council, by an absolute majority decision, may impose and recover a fee or charge for any goods or services it provides or proposes to provide.

Fees and charges are to be imposed when adopting the annual budget, although may be imposed during the year, and may be amended from time-to-time.

*Local Government Act 1995*

*Section 6.19 – Local government to give notice of fees and charges*

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

## **Financial Implications**

There are no financial implications for this item.

## **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	Provide cost effective financial management and value for money.

## 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 incorrect fees and charges is imposed onto customers.	Possible (3)	Insignificant (1)	Low (3)	<u>Reputation</u> Unsubstantiated, localised low impact on community trust, low profile or no media item.	Council endorses amended fees and charges.
	Possible (3)	Insignificant (1)	Low (3)	<u>Compliance</u> Some temporary non compliances	Council endorses amended fees and charges.

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

There are no policy implications for this item.

### Voting requirement

Absolute majority

### Councillor interest declarations

Nil



**Officer recommendation**

That with respect to the Amendment of Fees and Charges for waste type 2, Council,

- a In accordance with section 6.16 of the *Local Government Act 1995*, amends the current Schedule of Fees and Charges, effective 3 October 2022, with the following amendments -

Deletions -

- Clean fill - Excluding Onslow Transfer Station, per tonne, No Charge
- Remove Clean fill - Excluding Onslow Transfer Station, m3, No Charge

Additions -

- Domestic waste householder directly to the waste facility; or Other types of domestic waste (eg domestic clean up, furniture and residential garden waste, grass sods) Limited to a car, Ute, 6x4 trailer. Does not include demolition land clearing materials, per tonne, No charge
- Domestic waste householder directly to the waste facility; or Other types of domestic waste (eg domestic clean up, furniture and residential garden waste, grass sods) Limited to a car, Ute, 6x4 trailer. Does not include demolition land clearing materials, m3, No charge
- Commercial Loose cubic metre type 2 waste – Paraburdoo and Onslow Transfer Station, m3, \$51

- b In accordance with section 6.19 of the *Local Government Act 1995*, give local public notice of the amendment to the fees and charges.

## 13 People and Place reports

### 13.1 Clearance of Condition 2 of Subdivision Application - WAPC 162161 | Lot 30 and Lot 31 Yungu Road, Onslow

<b>File reference</b>	YUN.0030 YUN.0031
<b>Author's name</b>	Benjamin Leavy
<b>Author's position</b>	Statutory Planning Officer
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	Ben McKay
<b>Authorising officer's position</b>	Manager Town Planning
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	McMullen Nolan Group Pty Ltd
<b>Date report written</b>	12 July 2022
<b>Previous meeting reference</b>	Agenda Item 13.4 (Minute 078/2022) Ordinary Council Meeting 14 June 2022

#### Summary

A request to clear conditions of subdivision application – Western Australian Planning Commission (WAPC) 162161 has been lodged by McMullen Nolan Group Pty Ltd, on behalf of the owners, Marjorie Hughes and Maitland Parker, for Lot 30 and Lot 31 Yungu Road, Onslow.

As the defined clearing agency for the requested conditions, the Shire of Ashburton (the Shire) must be satisfied that the conditions being sought for clearance have been undertaken, completed, or will be completed in a timely manner.

Evidence supporting the clearance of the conditions is then provided to the WAPC. The WAPC will then endorse the diagram or plan of survey, in accordance with the section 145 of the *Planning and Development 2005*, prior to Landgate releasing the Certificate of Title.

Council is requested to support the clearance of the conditions, in accordance with the officer's recommendation to clear the appropriate conditions of subdivision approval WAPC 162161.

## **Background**

### Subdivision Application – WAPC 162161

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

Council supported the proposed amalgamation on the 14 June 2022 at the Ordinary Council Meeting. The application was subsequently approved by the WAPC on 17 June 2022.

### **Attachment 13.1A**

## **Comment**

A request has been submitted to the Shire from McMullen Nolan Group Pty Ltd on behalf of the owner, seeking to clear conditions that form part of the approved subdivision application – WAPC 162161.

### **Attachment 13.1B**

The request seeks to clear the following condition of subdivision approval - WAPC 162161:

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

The conditions of a subdivision approval are required to be cleared and evidence provided to the WAPC to allow them to endorse the diagram or plan of survey, in accordance with the section 145 of the *Planning and Development 2005*, prior to Landgate releasing the Certificate of Title.

### Clearance of Infrastructure Conditions

The request was referred to the Shire's Infrastructure team to provide specialised comments on the clearance of Condition 2. They have acknowledged the requested conditions to be cleared and are satisfied that the imposition of conditions within the Development Application and Building Applications are adequate to meet the requirements of the conditions proposed to be undertaken post-subdivision.

## **Consultation**

Director Infrastructure Services  
Director People and Place  
Manager Town Planning

**Statutory environment**

*Planning and Development Act 2005*

*Section 145. Diagram or plan of survey of approved plan of subdivision, approval of*

The conditions of a subdivision approval are required to be cleared and evidence provided to the WAPC to allow them to endorse the diagram or plan of survey, in accordance with the section 145 of the Planning and Development 2005, prior to Landgate releasing the Certificate of Title. As the defined clearing agency for the requested conditions, the Shire must be satisfied that the conditions being sought for clearance have been undertaken, completed, or will be completed in a timely manner.

**Financial implications**

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

**Strategic implications**

Shire of Ashburton Strategic Community Plan 2022-2032

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

**Risk management**

Risk has been assessed based on the Officer Recommendation.

<b>Risk</b>	<b>Risk Likelihood</b>	<b>Risk Impact / Consequence</b>	<b>Risk Rating</b>	<b>Principal Risk Theme</b>	<b>Risk Action Plan</b>
Council supports the clearance of subdivision conditions.	Possible (3)	Insignificant (1)	Low (3)	Compliance  No noticeable regulatory or statutory impact	Support Officer's Recommendation.
Council does not support the clearance of subdivision conditions.	Possible (3)	Minor (2)	Moderate (6)	Financial Impact \$10,000 - \$100,000	Support Officer's Recommendation.
	Possible (3)	Insignificant (1)	Low (3)	Reputation - (Social/Community)  Unsubstantiated, localised low impact on community trust, low profile or no media item.	Support Officer's Recommendation.

The following Risk Matrix has been applied:

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

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

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

**Policy implications**

There are no known policy implications for this matter.

**Voting requirement**

Simple majority

**Councillor interest declarations**

[Will be completed by Agenda officer closer to the meeting]

**Officer recommendation**

That with respect to the clearance of Condition 2 of subdivision application - WAPC 162161 at Lot 30 and Lot 31 Yungu Road, Onslow, Council support the clearance of Condition 2, being:

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

**13.2 Proposed Section 79 Land Administration Act 1997 Lease over Lot 3010 on Deposited Plan 51300**

<b>File reference</b>	JAC.3010
<b>Author's name</b>	B Leavy
<b>Author's position</b>	Statutory Planning Officer
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	B McKay
<b>Authorising officer's position</b>	Manager Town Planning
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Department of Planning, Lands and Heritage; Hamersley Iron Pty Ltd
<b>Date report written</b>	23 August 2022
<b>Previous meeting reference</b>	Agenda item 13.12.309 Ordinary Council Meeting 10 December 2004 Agenda item 13.12.314 Ordinary Council Meeting 10 December 2004 Agenda item 13.01.326 Ordinary Council Meeting 18 January 2005 Agenda item 13.06.326 Ordinary Council Meeting 21 June 2005 Agenda Item 7.3 Ordinary Council Meeting 5 July 2005 Agenda Item 7.5 Ordinary Council Meeting 5 July 2005

**Summary**

The Department of Planning, Lands and Heritage (DPLH) are considering a proposal from Hamersley Iron Pty Ltd/ Pilbara Iron P/L (subsidiary companies of Rio Tinto) to issue a new lease pursuant to section 79 of the *Land Administration Act 1997*, over Lot 3010 on Deposited Plan 51300 for "Workers Accommodation Facility". The new lease will replace a portion of the current lease J184853 which is due to expire on 9 August 2022.

The Shire of Ashburton (the Shire) has been requested to provide comment on the abovementioned proposal.

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

## **Background**

In July and August 2004, Council considered reports in relation to releasing urgently needed urban land within the towns of Tom Price and Paraburdoo.

Following detailed discussions and consultation between the Shire, the Western Australian Planning Commission (WAPC), and the town planning consultants for Pilbara Iron P/L. It was agreed that a more detailed and co-ordinated development proposal needed to be prepared and it would be appropriate to zone the subject land “Special Zone”.

### Special Use Zone and Karijini Masterplan

Council decided to support a modification of the Shire’s Local Planning Scheme No. 7 to include a Special Use Zone, capable of accommodating tourist and transient workers accommodation, as well as residential development on the eastern side of Central Road, south of the Tom Price High School and around the Karijini Lodge Complex (now known as Windawarri Lodge).

A requirement of the Special Use Zone under the Local Planning Scheme is that a Master Plan/ Management Plan be prepared for the entire area covered by the ‘Special Use’, prior to the site being developed.

On 10 December 2004 the council reports for both the Management Plan and the Transient Workers Accommodation were supported by Council and the Karijini Master Plan adopted for the site area.

Following the adoption of the Karijini Masterplan, concerns were received from the community and residences along Privet Street regarding the development of the five residential dwellings abutting the north side of Privet Street. The concerns raised related to the impacts on stormwater and runoff, the Management Plan and Development Application were amended on 5 July 2005, to remove the requirement for these five dwellings and replaced with conditions requiring a stormwater system, including a compensating basin on the north side of Privet Street. All other conditions remained unchanged.

**Attachment 13.2A**

There was a further amendment to the Management Plan on 20 September 2005 to amend the section of the Management Plan headed “Implementation Stage 1 (2) (a) and (b) to:

- (a) Construct a public pedestrian access only from the southern section of Central Road, (Opposite Cassia Street) to the roundabout. The pedestrian access shall be to the satisfaction of the Shire of Ashburton.*
- (b) In the event of no funding by a third party being Identified, construct the public road north of the roundabout to Central Road. The road shall include footpaths and pavements, to the satisfaction of the Shire of Ashburton. The roundabout is to be included in the works.*

As the subject property is Crown Land (state owned land) the DPLH entered into a special lease with Pilbara Iron P/L to facilitate land tenure over the site. The lease includes a schedule of conditions by which the site development, staging, use and rehabilitation will be managed and governed.

#### **Comment**

The DPLH are considering a proposal from Hamersley Iron Pty Ltd/ Pilbara Iron P/L (subsidiary companies of Rio Tinto) to issue a new lease pursuant to section 79 of the *Land Administration Act 1997*, over Lot 3010 on Deposited Plan 51300 for “Workers Accommodation Facility” (denoted as proposed Lot 501 on DP 63658).

#### **Attachment 13.2B**

The new lease proposal includes the expansion of Hamersley Iron’s Transient Workforce Accommodation lease area extending into the area defined as Lot B, depicted on Attachment 13.2A. The new lease will not include the remainder of Lot 3010 on DP 51300 (being Section C and D on the Karijini Masterplan (Attachment 13.2A)).

The current master plan denotes that ‘Lot B’ is to be utilised for ‘tourism/ recreational’ purposes and was proposed to be utilised for an additional caravan park site closer to the town centre. The proposal to consolidate Lot A and Lot B into one does not align with the overarching Karijini Masterplan.

#### **Attachment 13.2C**



The proposed expansion of 'Lot A' portion of the 'Windiwarrri Lodge' (previously known as Karijini Lodge) into 'Lot B', aligns with the current strategic direction and the desired urban character that the Shire has previously supported in similar matters pertaining to transient workforce accommodation.

The expansion of the workforce accommodation is in accordance with the Shire's Local Planning Scheme No. 7, on the basis that the special use provisions allow for 'Transient Workforce Accommodation' within the zone. However, as noted above the proposal does not align with the Karijini Masterplan.

The Karijini Masterplan is a document that the Shire originally requested and endorsed to ensure that development on the site was aligned with Council's strategic direction for the site. The Karijini Masterplan is included within the Shire's Local Planning Scheme No. 7 (LPS7) and must be given 'due regard', as it is within a gazetted Scheme. The 'masterplan' provided an overview and direction for development within the Special Use Zone, given the diversity of land uses permitted.

Given the passage of time since the original adoption and modification of the masterplan and shift in how mining companies provide workforce accommodation in regional towns, an amendment will need to be undertaken to reflect the proposed changes to the Karijini Masterplan in consultation with the Shire.

The amendment to the Karijini Masterplan will involve capturing all the changes that may have occurred to the site since its initial conception and provide both the Shire and the proponent an opportunity to review the strategic direction going forward. The acceptance and later endorsement of an amendment to the Karijini Masterplan, prior to receiving any development applications will also ensure that any development is assessed against the relevant development controls and objectives. It would also provide for an outcome that is relatable to the desired future characteristics of the area, as depicted within an amended Karijini Masterplan.

It should be noted the proposed new lease would impact the ability for expanding the footprint to the existing Marandoo Annex. It would also preclude the development of the additional 37 residential lots and tourism facility for Section C and D on the Karijini Masterplan.

If the new lease is supported, then Lots C and D (denoted as proposed Lot 500 on DP 63658) would revert to Unallocated Crown Land. The residential and tourism development on the sites would still present a good opportunity for the Shire and as such the Shire should investigate opportunities to secure the land tenure into the future.

## **Consultation**

Development Control Unit  
Manager Town Planning  
Director People and Place

## **Statutory environment**

*Land Administration Act 1997*

*Part 6 Division 3 — Leasing of Crown land*

*s.79. Minister’s powers as to lease of Crown land*

This section of the Act pertains to the powers of the Minister to grant leases on Crown Land and the required information that is necessary to form part of the lease agreement.

*Shire of Ashburton Town Planning Scheme No. 7*

*Clause 4.4.2 of LPS 7*

*Appendix 3 – Special Use Zone*

The above parts of the Local Planning Scheme provide guidance to the proponent on what documentation and information is required to be provided to the Shire, prior to the matter being considered.

## **Financial implications**

There are no financial implications.

## **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	Review and implement planning frameworks and strategies to ensure appropriate development outcomes.

## 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
Shire reputation.	Possible (3)	Insignificant (1)	Low (4)	<u>Reputation</u> Substantiated, localised impact on community trust or low media item.	Adopt the Officer's Recommendation.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is "Low" because the item before Council has a reputation risk associated but is minor given the existing development on the subject site and previous decisions on similar matters.

### Policy implications

There are no known policy implications.

### Voting requirement

Simple majority

**Councillor interest declarations**

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

**Officer recommendation**

That with respect to proposed Section 79 *Land Administration Act 1997* Lease over Lot 3010 on Deposited Plan 51300, Council,

- a Requests the Chief Executive Officer to advise the Department of Planning, Lands and Heritage that the proposed lease is supported and the land tenure and ownership of the remainder of lot 3010 on DP 51300 (being Section C and D in Attachment 13.2A) be explored with the Shire of Ashburton, noting that it could potentially be converted to leasehold or freehold to the Shire of Ashburton, and
  
- b If the lease is approved, the Chief Executive Officer requests that an amendment to the Karijini Masterplan be undertaken to accurately reflect the desired future layout and design of the development. This shall be undertaken prior to any Development Application being submitted proposed Lot 500 on DP 63658.

### 13.3 Preferred location for potential construction camp in Tom Price

<b>File reference</b>	ED01
<b>Author's name</b>	B McKay
<b>Author's position</b>	Manager Town Planning
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	T Matson
<b>Authorising officer's position</b>	Director People and Place
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	N/A
<b>Date report written</b>	21 August 2022
<b>Previous meeting reference</b>	N/A

#### **Summary**

In order to help deliver capital projects within Tom Price and Paraburdoo over the next three years, the Shire of Ashburton (the Shire) has made inquiries Department of Planning, Lands and Heritage (DPLH) to identify suitable land to construct a small temporary, short term accommodation facility in Tom Price.

The process has short listed two (2) preferred locations in Tom Price for the facility. Both sites are considered appropriate for the facility.

Council is requested to consider the locations and decide on the preferred site for the camp.

#### **Background**

In response to considerable economic development growth, there is limited availability for accommodation. However, there continues to be a strong demand for accommodation for workers associated with infrastructure and construction projects the Shire is undertaking.

In response to a large number of capital projects and the lack of housing options in Tom Price and Paraburdoo investigations have commenced towards developing a construction camp.

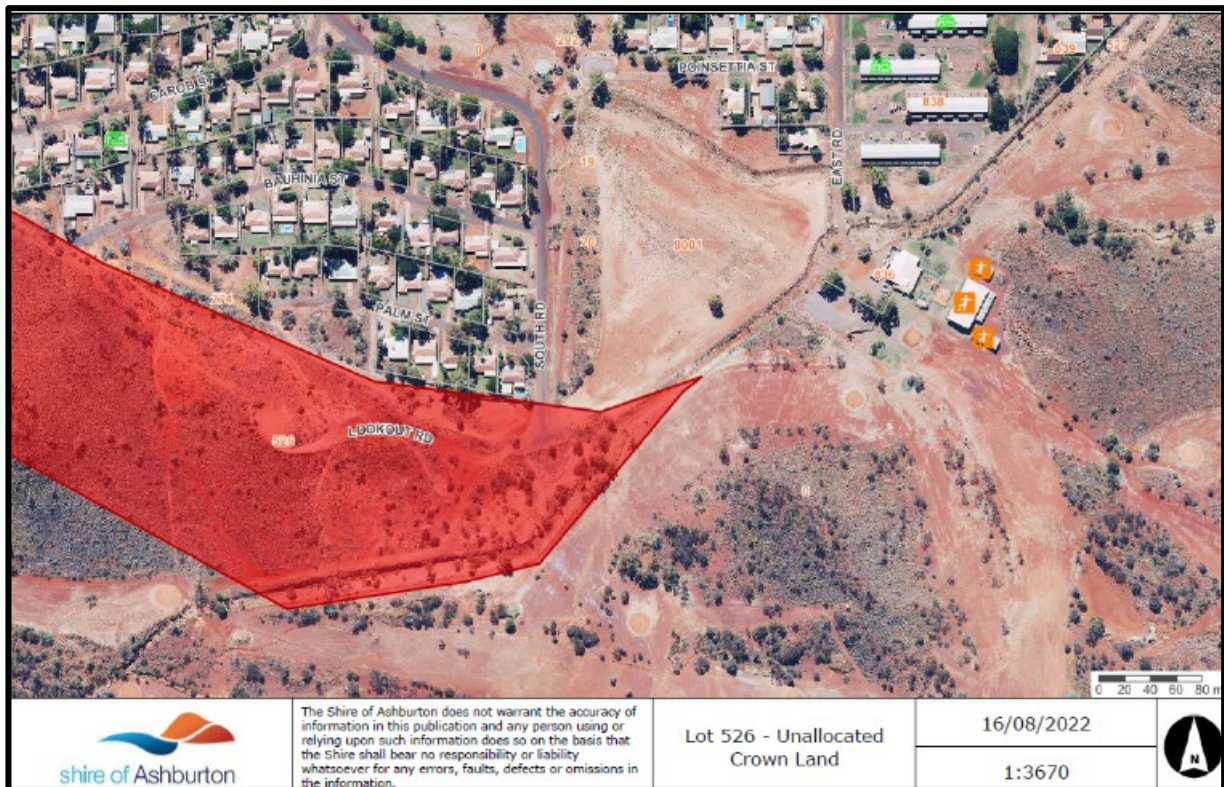
**Comment**

The purpose of the camp is to accommodate contractors for works on Shire projects. The camp will meet environmental and statutory requirements and allow for fast and efficient mobilisation. It is envisaged the camp will be located where minimal earthworks are required, with easy connection of services.

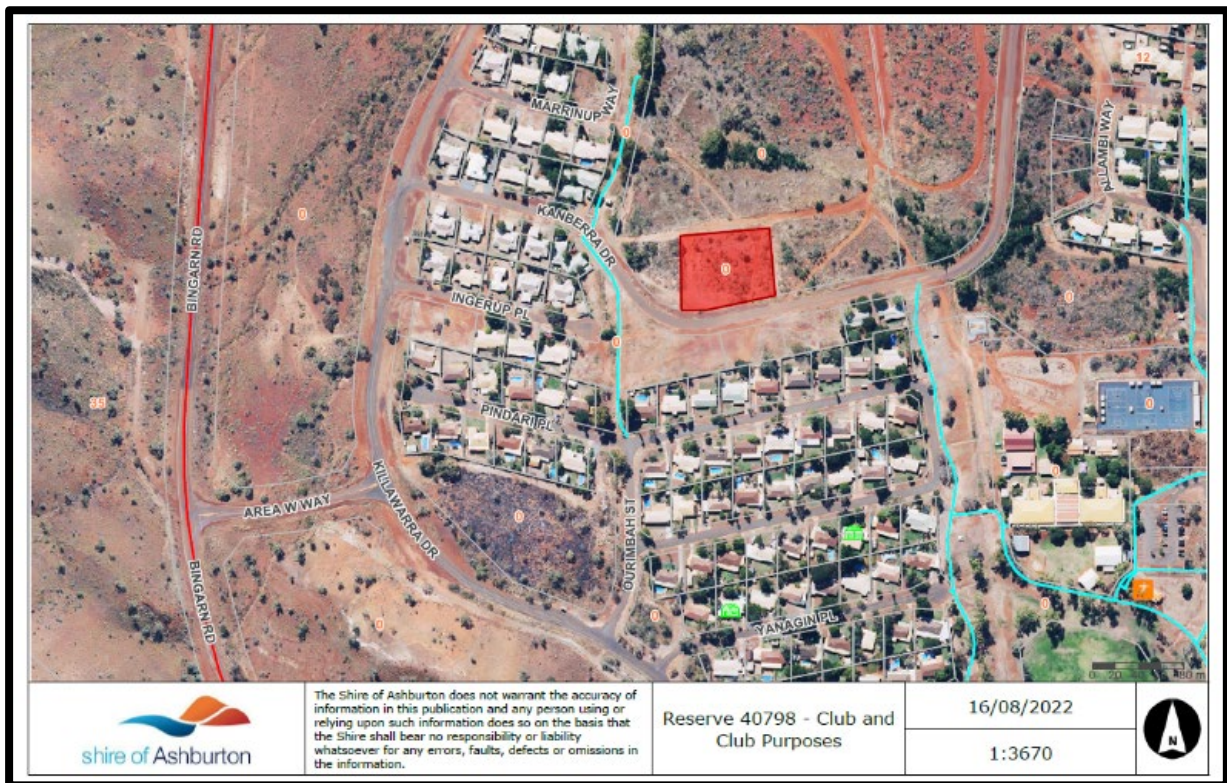
It is intended that the facility will be designed for a capacity of 30 persons, with no kitchen/mess facilities provided onsite. The buildings will be ‘pre-fabricated’ construction and designed to complement the Pilbara climate and conditions.

Following initial discussions, DPLH requested a business case along with the location two potential sites for investigation purposes.

*Site 1 - Lot 526 South Rd (Unallocated Crown Land)*



Site 2 - Reserve 40798 - Club and Club Purposes Kanberra Drive



Referrals have been finalised by DPLH with no objections received for either site. It is proposed that a lease for three (3) years would be supported for the purpose of Key Worker Accommodation with a reduced or nominal rental to be explored.

Council would note that this temporary facility would however require approval from the Minister for Lands and the Shire's request for a peppercorn rental.

DPLH has requested a final site determination within the proposed timeframes for it to consider this temporary facility design to provide construction worker support to the town.

The key considerations of Site 1 -

- Intersects with an Aboriginal Heritage Site (Requires a section 18 application to be made for the site)
- No Services to the site.

The key considerations of Site 2 -

- Can be undertaken through a resolution to amend the reserve purpose
- Services already exist within the site.

**Consultation**

Executive Leadership Team

**Statutory environment**

*Land Administration Act 1997*

*Section 51 – Request cancellation or change of purpose or amend the boundaries of a reserve*

Subject to sections 42, 43 and 45, the Minister may, by order, cancel, change the purpose of, or amend the boundaries of, or the locations or lots comprising, a reserve.

**Financial implications**

There are no 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
Council does not accept the Officer's recommendation.	Unlikely (2)	Minor (2)	Low (4)	<u>Financial</u> \$10,000 - \$100,000	Provide Council with adequate information to make an informed decision.



The following Risk Matrix has been applied:

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

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

The perceived level of risk is “Low” because of the financial impact if the officer recommendation is not supported.

### Policy implications

There are no known policy implications for this matter.

### Voting requirement

Simple majority

### Councillor interest declarations

[Will be completed by Agenda officer closer to the meeting]

### Officer recommendation

That with respect to the preferred location for a potential construction camp in Tom Price, Council, requests the Chief Executive Officer to,

- a Advise the Department of Planning, Lands and Heritage that Site 2 (Reserve 40798) is the preferred location, and
- b Request the Minister for Lands change the purpose of Reserve 40798 from Club and Club Purposes to “Key Worker Accommodation”.

### 13.4 Audit reports into Community Infrastructure and Services Partnership

<b>File reference</b>	CS22
<b>Author's name</b>	T Matson
<b>Author's position</b>	Director People and Place
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	K Donohoe
<b>Authorising officer's position</b>	Chief Executive Officer
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Not Applicable
<b>Date report written</b>	21 June 2022
<b>Previous meeting reference</b>	Agenda item 14.1 Council Meeting 16 March 2021

#### **Summary**

In May 2022, an Auditor was engaged by the Shire of Ashburton (the Shire) to undertake an internal audit into the Community Infrastructure and Services Partnership with Rio Tinto Iron Ore. This was a requirement under the terms of the partnership agreement. An audit into the finances of the partnership and a separate audit into the wellbeing of the partnership were undertaken.

The purpose of this report is to present to Council the findings of the audit into the management of the Community Infrastructure and Services Partnership. The audits have not been released to Rio Tinto.

Council is requested to consider the report, note the issues relating to the accuracy of the report and note the corrective measures to be implemented as recommended by the auditor. Council is requested to authorise the release of the audit reports to Rio Tinto.

#### **Confidentiality**

An attachment to 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.”*

## **Background**

In 2012, the Shire and Rio Tinto Iron Ore (RTIO) agreed to a Memorandum of Understanding (MOU) for the Community Infrastructure and Services Partnership (CISP). The agreement was initially for a period of five (5) years and was renewed for a second five (5) year period. The current agreement is due to expire on 30 June 2022 with negotiations currently underway to draft terms for a new agreement for Council's consideration. The CISP is a funding agreement to deliver Events and Community Capacity and Development services into Tom Price, Paraburdoo, and Pannawonica. The CISP has contributed to delivering important projects to the community along with a comprehensive events and program stream.

### **Attachment 13.4A**

Under the terms of the MOU, the Shire has an obligation to have the partnership financially audited and also to have the partnership externally reviewed. Both actions have been undertaken and the Financial Audit and Partnership Review are attached as attachments 13.4B and 13.4C respectively.

### **Confidential Attachment 13.4B**

### **Confidential Attachment 13.4C**

The Financial Audit Report was prepared by Stantons. The scope of the audit was:

- Determine the original intent of what the monies could be used for through review of agreements and documentation and interviews with staff,
- Determine the rules that were established surrounding the use of the funds such as through agreements, procedures, and any delegations of authority provided under section 5.42 and 5.44 of the *Local Government Act 1995*,
- Determine what projects or other items the monies were expended on including how projects are considered, developed, and endorsed through Council, and
- Determine the funds including the amount of unspent funds that the Shire retains.

As a result of the audit the following findings were made:

- The Funding Deeds do not adequately state the detailed use of funding requirements for each project,
- Partnership governance meetings have not been officially held in accordance with the Terms of Reference,
- Acquittals are not being performed for each of the projects to demonstrate good governance,

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- Staff are not adequately recording documents in the Shire's Electronic Document and Records Management System (EDRMS) SynergySoft Records Module and there are inconsistencies in the titling of documents and records, and
- Unspent funds from the RTIO CISP Funding Agreement have been accumulating since 2012. There is uncertainty on the exact amount of unspent funds accrued from each funding deed, however, it has been agreed with Rio Tinto that \$2.2 million will be allocated against three agreed projects. This leaves an unallocated underspend of \$603,941.

The Auditors made the following recommendations as a result of their investigation:

1. Review and update each of the Funding Deeds to detail requirements and any specific limitations of funding use for each of the Projects. The Funding Deed should indicate the requirements related to staff members being paid with funding associated with the Funding Deed. The salaries, wages, and allowances of positions supported by the Funding Deed should be listed and be aligned with the Local Government Industry Award 2020.
2. Audit recommends that the Shire re-initiate meetings for PGC and PMG with a documented agenda and meeting minutes to ensure alignment with the Terms of Reference and that all decisions are appropriately documented.
3. Audit recommends that all Projects are acquitted, and the following documents should be included as part of the acquittal/financial report:
  - Detail of income and expenditure
  - Detail of Shire matching contributions where applicable
  - Copies of all supporting invoices and evidence of payment.The acquittal documents should be signed and authorised by the Finance Manager and the CEO.
4. Audit recommends that Shire staff must record all Project documents in the Shire's Electronic Document and Records Management System (EDRMS) Synergy Soft Records Module and that a consistent process is used in the titling of documents and records. Refresher records training may also be considered.
5. Audit recommends that the Shire develops a robust plan over the three agreed projects, maintains good records and financial governance to ensure it can acquit each project minimising any accumulated unspent funds. Any remaining funds should either be returned to Rio Tinto or approval gained for use on other projects.

The partnership review was undertaken to review the strength of the partnership in light of the proposed extension to the new agreement. The review made the following recommendations:

1. Build common grounds and expectations on how the partnership will function.
2. Work towards organisational consistency across the partnership period.
3. Participate in collective decision making on the design and delivery of projects.
4. Identify agreed ways of measuring and reporting on projects.
5. Build the internal capacity of the organisation for data collection, data analysis and data reporting.
6. Establish long term impact studies and systems to measure project success.

### **Comment**

The major limiting factor in regards to the audit report was the lack of adequate and reliable records kept over the life of the 10 year agreement. This was exacerbated by with staff turnover resulting in the lack of corporate knowledge. This has resulted in many assumptions being made as to the intent of the agreement, funding allocations and the ability to acquit partnership monies.

The Auditor found that regular meetings were not occurring between the parties as required. Staff however do not believe this is an accurate reflection as staff have attended regular meetings. It is likely that this is an example of poor record keeping, particularly in regards to minutes for meetings held.

Current staff and the Auditor have made every effort to find all associated records in preparation of the Audit. It is unlikely that any further efforts will result in a more comprehensive review. The audit report is therefore presented in good faith as being the most likely true reflection of the current state of the agreement.

Despite the challenges it is evident that the partnership has produced clear benefits to the community. The towns covered under the agreement have experienced a wide range of events and cultural experiences, coupled with the building of infrastructure for the community and has resulted in the intent of the partnership, being achieved.

The ending of the current agreement further presents the opportunity to review the structure and practices to ensure the ongoing success of the partnership. Officers are currently drafting the new agreement with RTIO Staff. Lessons learnt from the audit report will be factored into both the new agreement and the governance of that agreement should it be adopted by Council. It is anticipated that this agreement will be tabled at the October Ordinary Council Meeting for Council's consideration.

In line with recommendations from both the Audit and Partnership Review the following actions will be a priority for staff:

- Ensure that Shire record keeping practices are adhered to,
- Ensure that all meeting minutes are shared with participants and recorded.
- Ensure that the new draft partnership and associated funding agreement provide clear guidance on
  - what the funds are provided for,
  - reporting and acquittal structure is in place,
  - planning and approval process for all projects and funded items,
- Ensure that all proper Project Management principles are implemented,
- Ensure that staff have adequate training and guidance in all aspects of managing the program, and
- Ensure regular and consistent reporting practices are implemented to inform all parties to the agreement including Council.

The current agreement expired on 30 June 2022. In order to maintain service delivery staff are continuing to plan for events and services in anticipation of a new agreement being reached. These services will be funded through the identified underspend of current CISP funds.

## **Consultation**

Stantons  
Chief Executive Officer  
Directors  
Manager Communities  
Rio Tinto Iron Ore

## **Statutory environment**

### *Local Government (Audit) Regulations 1996*

#### *17. CEO to review certain systems and procedures*

- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —
  - (a) risk management; and
  - (b) internal control; and
  - (c) legislative compliance.
- (2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.

- (3) The CEO is to report to the audit committee the results of that review.

**Financial implications**

The audit identifies an unallocated underspend of \$603,941. Rio Tinto have provided an indication that they would support these monies being rolled into the new agreement and allocated to agreed projects through the proposed new partnership framework.

**Strategic implications**

Shire of Ashburton Strategic Community Plan 2022-2032

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

Strategic Outcome                      Coordinated delivery of social services and projects for the community.

Strategy                                      Develop and maintain key social 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
Shire is unable to fully account for partnership funds.	Unlikely (2)	Moderate (3)	Moderate (6)	Reputational Substantiated, public  embarrassment,  moderate impact on  community trust or  moderate media  profile.	Support officer’s recommendation.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is “Moderate”. This is based largely on the current situation where shortcomings have been identified in the Shire’s management of this program. The likelihood of ‘unlikely’ was used based solely on the current situation.

Had proper project management and local government accounting practices been properly utilised the then the likelihood should be rare. The principle risk theme has been identified as reputational. Whilst the financial implications are apparent the major issue for the Shire would be the reputation damage that results and the subsequent lack of trust by the community and stakeholders on the Shires ability to manage the program and associated funds.

### Policy implications

There are no identified policy implications.

### Voting requirement

Simple majority

### Councillor interest declarations

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



**Officer recommendation**

That with respect to Audit reports into Community Infrastructure and Services Partnership, Council,

- a Notes the findings of the Financial Audit and Partnership review, as included at Attachment 13.4B and 13.4C,
- b Support the actions identified in the report to ensure proper governance of the proposed Inspire Partnership going forward, and
- c Authorise the release of the Financial Auditors report and Partnership Review to Rio Tinto Iron Ore.

## 14 Infrastructure Services reports

### 14.1 Addition of Towera Road and Towera-Lyndon Road to the Level 6.3 Restricted Access Vehicle Network

<b>File reference</b>	RD.0017
<b>Author's name</b>	C Hurstfield
<b>Author's position</b>	Manager Town Maintenance
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	M Fanning
<b>Authorising officer's position</b>	Director Infrastructure Services
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Independent Fuel Solutions
<b>Date report written</b>	17 August 2022
<b>Previous meeting reference</b>	Nil

#### Summary

Main Roads Western Australia (MRWA) has forwarded an application to have Towera Road and Towera-Lyndon Road added to the Restricted Access Vehicle (RAV) network for Level 6.3 ("A Double" road train) to cater for access by fuel trucks to Hastings Technologies' mine site and adjoining pastoral stations.

This item is for Council to consider adding Towera Road and Towera-Lyndon Road to the MRWA Level 6.3 tandem drive RAV network.

Subject to the finalisation of the Road User Agreement with Hastings Industries, Council is requested to support the application by Independent Fuel Solutions as it will improve road freight efficiency into the Hastings Mine site and adjoining pastoral stations.

#### Background

Independent Fuel Solutions applied to MRWA to extend the tandem drive RAV network to include access to Towera Road and Towera-Lyndon Road by Level 6.3 RAV's to provide fuel to the Hastings Industries mine site and adjoining pastoral stations.

A copy of the proposed route is attached.

## **Attachment 14.1A**

### **Comment**

Negotiations are currently being carried out to implement a Road User Agreement between the Shire of Ashburton and Hastings Technologies to provide for an upgrade and ongoing maintenance of Towera Road and Towera-Lyndon Road. This Road User Agreement will permit up to RAV level 7 access. It is anticipated that this agreement will be finalised within the next four (4) weeks.

### **Consultation**

Telephone conversations have been held with representatives from Independent Fuel Solutions to discuss restrictions on RAV access to pastoral stations and mine sites located off Towera Road and Towera-Lyndon Road.

### **Statutory environment**

*Road Traffic (Vehicles) Act 2012*

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

MRWA administer the 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 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 is the CA07 as follows:

The Shire of Ashburton officers support the application for the above-mentioned roads to be included on the RAV 6.3 network on the basis that the roads are subject to a CA07 that stipulates the following:

Max Speed: 70k/ph.

Visibility: Lights must be turned on

All operators, as required by the Shire, must carry current written approval from the road asset owner permitting use of the road.

No operation on unsealed road segment when visibly wet, without the road owner’s approval.

Direct radio contact must be maintained with other vehicles on or near the road (suggested channel 40)

**Financial implications**

The proposed Road User Agreement with Hastings Industries will result in road maintenance on Towera Road, and Towera-Lyndon Road being carried out by Hastings Industries.

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

**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 us.

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Damage to road associated infrastructure by RAVs travelling in either direction between North West Coastal Highway and Hastings Industries’ mine site.	Almost Certain (5)	Moderate (3)	High (15)	<u>Property</u> Localised damage requiring external resources to rectify.	Road to be closed by Shire of Ashburton following rainfall. Condition can be placed on operators to include no travel by RAVs on road following wet weather.

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Other vehicle(s) colliding with turning RAV.	Unlikely (2)	Catastrophic (5)	High (10)	<u>People</u> Fatality, permanent disability.	Condition can be placed on operators to restrict speed on RAV's travelling on unsealed roads to 60km/hr.
	Possible (2)	Moderate (3)	Moderate (6)	<u>Reputation</u> Substantiated, public embarrassment, moderate impact on community trust or moderate media profile.	

The following Risk Matrix has been applied:

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

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

The perceived level of risk is "Moderate" to "High" in accordance with the likelihood and consequences if an incident involving a turning RAV occurs at the intersection of any pastoral station access road.

### 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**

[Will be completed by Agenda officer closer to the meeting]

**Officer recommendation**

That with respect to the application to add or amend the Restricted Access Vehicle Network on Towera Road and Towera-Lyndon Road, Council,

- a Supports the application to add Towera Road and Towera-Lyndon Road to the Level 6.3 Restricted Access Vehicle network, subject to Hastings Technology Metals Ltd enter into a Road Use Agreement under section 132 of the Road Traffic Act 2008, and
- b Concurs with the application subject the inclusion of condition CA07 that stipulates the following:
  - Max Speed: 70k/ph.
  - Visibility: Lights must be turned on
  - All operators, as required by the Shire, must carry current written approval from the road asset owner permitting use of the road.
  - No operation on unsealed road segment when visibly wet, without the road owner’s approval.
  - Direct radio contact must be maintained with other vehicles on or near the road (suggested channel 40).

**14.2 Award of Request For Tender 08.22 Maintenance Grading of Roebourne Wittenoorn Road**

<b>File reference</b>	RD 03
<b>Author's name</b>	A Sheridan
<b>Author's position</b>	Project Manager
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	M Fanning
<b>Authorising officer's position</b>	Director Infrastructure Services
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Not Applicable
<b>Date report written</b>	25 August 2022
<b>Previous meeting reference</b>	Agenda Item 14.1 (Minute 9/2022) Council Meeting dated 8 February 2022

**Summary**

Council has included in the 2022/2023 Annual Budget an amount of \$1.604 million for the grading of Roebourne Wittenoorn Road.

In response to RFT 08.22, the Shire of Ashburton (the Shire) has received four (4) tenders for maintenance grading of the road and for the development and implementation of an Asbestos Management Plan for the works. The evaluation panel has completed its assessment of the conforming submissions and provided a recommendation.

Council is requested to authorise the Chief Executive Officer enter into negotiations with the preferred tenderer and subject to the outcome of those negotiations, to award a contract for the works.

**Confidentiality**

An attachment to 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.”*

## Background

Request for Tender (RFT) *RFT 08.22 – Maintenance Grading of Roebourne Wittenoom Road*, was issued via the Shire's e-tendering portal (Tenderlink) on Saturday 9 July 2022 and closed on Tuesday 2 August 2022. The Tender was also advertised via State-wide public notice in *The West Australian* newspaper from Saturday 9 July 2022.

The Tender process was undertaken in accordance with the *Local Government Act 1995* to invite suitably registered, qualified, and experienced contractors to submit bids to enter a Contract for the RFT 08.22 works, in accordance with the tender brief as detailed below:

*Development of an Asbestos Management Plan in consultation with Worksafe WA. In addition to the requirements as outlined above, the Asbestos Management Plan for the Maintenance Grading of Roebourne Wittenoom Rd is to be constrained to works within the existing road corridor, generally within the following constraints:*

- *Northern Section of the road – SLK 74 to SLK 125. Use of windrow material to fill over exposed cap rock, to fill / shape bog holes and to effect repairs at floodways (as best as can be achieved with the material available)*
- *Southern Section of the road - SLK 125 to SLK 208. Minimal disturbance to existing windrows outside the centre line of the existing side drains.*

*Wet Maintenance Grade – SLK 74 to SLK 125 (Manuwarra Red Dog Highway to Mt Florence Rd). Medium grade\* (see definition below) of road in accordance with approved Asbestos Management Plan, including:*

- *Minimum equipment requirement - 2 x graders, 2 x water tankers and 2 x rollers.*
- *Extraction and collection of water from locally available water bores.*
- *Watering the road, side drains and windrows to limit presence of airborne fibres.*
- *Use of loose material from windrows and side drains to mix with existing material and reform the road formation as is necessary.*
- *Full compliance with the requirements of the Asbestos Management Plan including the decontamination of equipment and personnel as necessary.*
- *Open the entrance to offshoot drains but do not grade the offshoot drains.*



*Wet Maintenance Grade SLK 125 to SLK 208 (Mt Florence Rd to the former Wittenoom town site). Medium grade\* of road, excluding the 6 km (approx.) sealed section of road between Mulga Downs and the former Wittenoom town site, in accordance with approved Asbestos Management Plan, including:*

- *Minimum equipment requirement - 2 x graders, 2 x water tankers and 2 x rollers.*
- *Watering the road and side drains to limit presence of airborne fibres.*
- *Use of loose material from the road surface and side drains (not the windrows outside of the side drains) to mix with existing material and reform the road formation as is necessary.*
- *Full compliance with the requirements of the Asbestos Management Plan including the decontamination of equipment and personnel as necessary.*
- *Open the entrance to offshoot drains but do not grade the offshoot drains.*

*Wet Maintenance Grade of Station access roads - Hooley Rd (22 km), Coolawanya Rd (6 km) and Mt Florence Rd (1.3km) as per the above. That is, wet maintenance grade from centre of side drain to centre of side drain within minimal disturbance of windrows.*

**Comment**

The Qualitative Criteria was approved prior to the advertisement of the RFT. Each Criterion was given the following weightings and included within the RFT document.

<b>Criteria</b>		<b>Weighting</b>
(a)	Relevant Experience	20%
(b)	Key Personnel	15%
(c)	Risk Management / WHS	25%
(d)	Methodology / Demonstrated Understanding of the Project	20%
(e)	Price	20%

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

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

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

The evaluation and recommendation report, including the overall evaluation scores and rankings, is attached.

**Confidential Attachment 14.2A**

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

<b>Ranking</b>	<b>Tenderer</b>
1	Red Dust Enterprises T/A Red Dust Holdings
2	A.K. Evans T/A Regroup
3	Doongurra Civil & Mining Pty Ltd
4	Tim Landrigan Contracting Pty Ltd

An independent probity auditor was involved in the process throughout both the tendering and tender assessment process.

**Consultation**

Executive Leadership  
Team Assessment Panel  
Procurement Department  
Probity Auditor

**Statutory environment**

*Local Government Act 1995*

*3.57. Tenders for providing goods or services*

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

**Financial implications**

The 2022/2023 Annual Budget provides for the following budgets:

\$604,000 RRG Roads maintenance grading and  
\$1,000,000 Asbestos Management – Roebourne Wittenoom Road.

Total Project budget \$1,604,000.

**Strategic Implications**

Shire of Ashburton Strategic Community Plan 2022-2032

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

Strategic Outcome            Safe and interconnected transport networks for the community.

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

**Risk management**

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Council does not approve the recommendation to award the tender.	Possible (3)	Moderate (3)	Moderate (9)	<u>Substantiated</u> public embarrassment, moderate impact on community trust or moderate media profile.	Provide sufficient information for informed decision making.
Council approves recommendation and contract negotiations with the preferred tenderer are unsuccessful.	Possible (3)	Major (4)	High (12)	<u>Financial</u> \$1million to \$5 million	Provided the parties approach this in a reasonable and cooperative way, there is every reason to believe that this would not be an issue.
Contract is awarded to preferred Tenderer and Asbestos is uncovered during the conduct of works.	Major (4)	Major (4)	High (16)	<u>Substantiated</u> public embarrassment, moderate impact on community trust or moderate media profile.	Mitigated by the development of a comprehensive Management Plan and the implementation of controls on site.
Contract is awarded to preferred Tenderer but the Tenderer fails to perform, in terms of either cost or quality.	Major (4)	Major (4)	High (16)	<u>Substantiated</u> public embarrassment, moderate impact on community or moderate media profile.	Mitigated by separate engagement of a full time supervisor on site to monitor and track progress.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is “High” because unknown issues surrounding the presence of asbestos.

### Policy implications

#### *ENG09 Asset Management Policy*

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

#### *ENG 13 Road Management Policy*

It is vital that the Shire manages its road network in the most cost-effective manner and for the safety of road users.

#### *FIN12 Purchasing Policy*

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

### Voting requirement

Simple majority

### Councillor interest declarations

Cr M Lynch -

Financial

**Officer recommendation**

That with respect to the award of RFT 08.22 Maintenance Grading of Roebourne Wittenoom Road, Council,

- a Note the Evaluation Report, as included at Confidential Attachment 14.2A,
- b In-principle, accepts the submission from Red Dust Enterprises as the preferred Tenderer on accordance with their demonstrated strict safety guidelines and subject to Worksafe receipt and consideration,
- c Authorise the Chief Executive Officer to enter into negotiations with the preferred Tenderer regarding price, and
- d Subject to successful negotiations with the preferred Tenderer, authorise the Chief Executive Officer to negotiate and engross the contract, with or without minor modification, with Red Dust Enterprises.

## 15 Projects and Procurement reports

### 15.1 Proposed Development - Onslow Industrial Park

<b>File reference</b>	MCA.200
<b>Author's name</b>	M Barnes
<b>Author's position</b>	Executive Assistant Projects & Procurement
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	Chantelle McGurk
<b>Authorising officer's position</b>	Director Projects & Procurement
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Not Applicable
<b>Date report written</b>	23 August 2022
<b>Previous meeting reference</b>	Nil

#### Summary

The Onslow Industrial Park Project has been under discussion since the development of the new Onslow Airport terminal and new runway in 2014.

Council is requested to consider and acknowledge the Project Management Plan with the various options for the way forward on this project, including bringing the project to a project ready stage or focus on attracting potential buyers / tenants and then adapting the development to their needs.

#### Background

The proposed Onslow Industrial Park project is located on Lot 200 (DP405414), approximately 3km South of the Onslow town centre, to the west of the existing Onslow Aerodrome facility, bounded by McAullay Road to the north, Onslow Airport to the east and south and Onslow Road to the west. The Lot area is 39,295 hectares. As detailed in the image below.



## Comment

Consultants were appointed in September 2021 to review available information and to investigate the development potential. It was decided to undertake further investigations to determine the physical properties of the land and to engage the utility providers thus improving the accuracy of assumptions in the following:

- Capacity of the existing power, water, and sewer networks to service the proposed development.
- Determine the suitability for development and on-site effluent disposal by investigation of the geotechnical properties of the proposed development areas.
- Determine approximate imported fill requirements and model concept bulk earthworks designs, as well as identifying the suitability of the adjacent dredge spoil material for imported fill material.

It was confirmed that investigations should be focussed on the first phase of the proposed development. A geotechnical investigation was carried out to determine the overall viability of the site for the proposed industrial/commercial development and its suitability for on-site wastewater treatment.

A suitable engineer was engaged to carry out the necessary scope and conduct high-level civil engineering concept earthworks design.

Conceptual advice on the management of the stormwater for the proposed development was provided after a review of a previously provided stormwater management plan.

The proposed subdivision is bounded on the western boundary by Onslow Road which provides direct access to the townsite, Ashburton North Strategic Industrial Area (ANSIA) and connects to Northwest Coastal Highway to the south. McAullay Road is Restricted Access Vehicle (RAV) 10 rated and managed by Shire of Ashburton (the Shire). The existing Onslow Airport access road traverses the site and will need realignment in the vicinity of Lot 1 and McAullay Road. Onslow Airport facility borders the proposed site on the north, east and south. The southern side is predominantly tidal flats which form part of the Onslow Salt mining tenement.

The land generally undulates gently and slopes to the south-eastern side of the site. On the eastern portions salt marsh flats dominate, with small outcrops rising above the flat marsh. Most of the site is approximately 4.5-6.0m AHD with lower areas to the northeast and southwest, see image below.



Stockpiles of fill identified as spoil material from the Onslow Airport runway works, are present in the southern portion of the site and to the north-west and encroaching on Lot 03.



The proposed development falls within Lot 200 on Deposited Plan 422498. Under the Shire's Local Planning Scheme No.7, Lot 200 is currently zoned Mixed Business and is therefore able to be used for both Commercial and Industrial.

The site has a water main easement over the south-western corner in favour of Water Corporation. The easement will be incorporated into the proposed road reserve of the development. There is currently a second easement at the junction of Airport Road and McAullay Road. A third easement is still to be created by the Shire for Horizon Power's incoming power feed to the airport transformer if the project goes ahead.

A Department of Water Environmental Regulation memorial (DWER) is currently in place on Lot 200 and 201 (Deposited plan 422498), note the site has been classified as 'possibly contaminated – investigation required', believed to be related to the existing underground Asbestos Cement (ACM) water main, but not yet confirmed.

Located at the western edge of the site and adjacent to the proposed new road intersection with Onslow Road is a registered heritage site. This site is excluded from the proposed Phase 1 of the development.

*Power:* - the existing power feeder main to the Onslow Airport transformer crosses the proposed development area.

*Water:* - the existing Cane River Bore Main pipeline crosses the southwestern corner of the site and is covered by a suitable easement, it falls within the proposed Phase 1 road reserve.

*Telstra:* - existing Telstra lines connect from McAullay Road to the airport and weather station which is situated to the southeast of the proposed development. The main Telstra line to the airport was installed in a common trench with Horizon Power's incoming main, which then crosses the road and enters the airport terminal building.

The overall delivery objective of the project is to:

- Provide suitable industrial/commercial land options for Onslow based businesses.
- Promote Onslow as a suitable and sustainable logistics, manufacturing, and servicing destination with the Pilbara region.

The Project Management Plan has project phasing - Phase 1 is currently planned to be constructed in a single phase to achieve optimum economies of scale on the civil construction costs. The second phase has been conceptually designed to the south of the proposed Phase 1.

## **Attachment 15.1A**

### **Consultation**

Onslow Airport Manager  
Shire Planning Department

### **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, is \$2 million or more.

### **Financial implications**

Based on the outcomes of recent investigations and selected high level design work, a preliminary opinion of probable costs was prepared by the appointed engineers for the development and indicative costs for the Phase 1 development are close to \$44 million, this figure excludes escalation, GST and Horizon Power network -reinforcement costs. There is currently no budget allocation for this project.

## 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
Inability to secure funding for the project.	Likely (4)	Major (5)	Extreme (20)	<u>Financial</u>	Source suitable buyer/tenant commitment prior to commencement of construction.
Delays in provision of suitable services by utility providers.	Likely (4)	Major (3)	High (16)	<u>Financial</u>	Early engagement with all utility providers.
Amendment to the Planning Scheme requirements.	Likely (4)	Insignificant (1)	Low (4)	<u>Financial</u>	Shire executive in close liaison with Planning Authority.
Construction Issue/s: underlying rock, availability of imported fill.	Likely (4)	Minor (2)	Moderate (8)	<u>Financial</u>	A geotechnical investigation has been completed. Construction will be managed by experienced Shire officers and consultants.
Cyclonic weather.	Possible (3)	Moderate (3)	Moderate (9)	<u>Natural Environment</u>	Inherent risk with Onslow’s geographic location. Mitigated through contractors appropriate safety management strategies.
Default by buyers/tenants.	Possible (3)	Moderate (3)	Moderate (9)	<u>Financial</u>	Strong legal documentation in all sale and tenancy agreements.

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Impact on Onslow Airport operations.	Unlikely (2)	Minor (2)	Low (4)	<u>Interruption to Service</u>	Impact can be reduced through early engagement with stakeholder.
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The following Risk Matrix has been applied:

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

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

The perceived level of risk is “Extreme” because of cost versus return is unknown.

**Policy implications**

There are no known policy implications.

**Voting requirement**

Absolute majority

**Councillor interest declarations**

[Will be completed by Agenda officer closer to the meeting]

**Officer recommendation**

That with respect to Proposed Development – Onslow Industrial Park, Council,

- a Council is requested to accept the Project Management Plan and its findings as included in Attachment 15.1A,
- b Acknowledge this project will no longer proceed as a Shire of Ashburton funded project, and
- c Authorises the Chief Executive Officer to pursue private development.

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

Nil

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

To be informed before the meeting.

## 18 Confidential matters

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

<b>File reference</b>	CS22
<b>Author's name</b>	T Matson
<b>Author's position</b>	Director People and Place
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	K Donohoe
<b>Authorising officer's position</b>	Chief Executive Officer
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Rio Tinto
<b>Date report written</b>	28 July 2022
<b>Previous meeting reference</b>	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”*

## **19 Next meeting**

The next Ordinary Council Meeting will be held at 1:00pm on Tuesday 11 October 2022 at Ashburton Hall, Ashburton Avenue, Paraborndoo.

## **20 Closure of meeting**

There being no further business, the Presiding Member closed the meeting at x:xxpm.