

# Ordinary Council Meeting



## Paraburdoo

### Confirmed Public Minutes

15 June 2021

Ashburton Hall  
Ashburton Avenue  
Paraburdoo  
1:00 pm



Agendas and Minutes are available on the Shire's website [ashburton.wa.gov.au](http://ashburton.wa.gov.au)

The Shire of Ashburton 10 year Strategic Community Plan (2017-2027) provides focus, direction and represents the hopes and aspirations of the Shire.

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# Our 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.*



## STRATEGIC DIRECTIONS

1. Vibrant and Active Communities
2. Economic Prosperity
3. Unique Heritage and Environment
4. Quality Services and Infrastructure
5. Inspiring Governance



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The Shire of Ashburton respectfully acknowledges the traditional custodians of this land.



**Shire of Ashburton  
Ordinary Council Meeting  
Minutes**

**Ashburton Hall, Ashburton Avenue  
Paraburdoo**

**15 June 2021  
1:00pm**



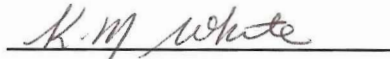
The Chief Executive Officer recommends the endorsement of these minutes at the next ordinary council meeting.



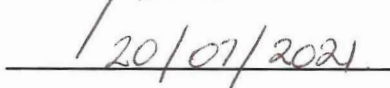
K Donohoe  
Chief Executive Officer  
14 June 2021

These minutes were confirmed by council as a true and correct record of proceedings of the ordinary council meeting held on Tuesday 15 June 2021.

Presiding Member



Date



**Disclaimer**

*The resolutions contained in the minutes are subject to confirmation by council. 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 the council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Ashburton for any act, omission or statement or intimation occurring during a council meeting.*

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## 1 Declaration of opening

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

### 1.1 Acknowledgement of country

As representatives of the Shire of Ashburton council, we respectfully acknowledge the local Indigenous people, the traditional custodians of this land where we are meeting upon today and pay our respects to them and their elders past, present, and emerging.

## 2 Announcement of visitors

Nil

## 3 Attendance

### 3.1 Present

#### Elected members

Cr K White	Shire President (Presiding Member) Onslow Ward
Cr D Diver	Deputy Shire President, Tom Price Ward
Cr M Lynch	Tom Price Ward
Cr L Rumble	Paraburdoo Ward
Cr D Dias	Paraburdoo Ward
Cr M Gallanagh	Pannawonica Ward
Cr J Richardson	Tablelands Ward
Cr R de Pledge	Ashburton Ward

#### Employees

K Donohoe	Chief Executive Officer
N Cain	Director Corporate Services
A Majid	Director People and Place
M Khosravi	Director Infrastructure Services
C McGurk	Director Projects and Procurement
D Walkington	Acting Governance Officer
A Lennon	Manager Media and Communication
N Jeffery	Executive Assistant Corporate Services
T Dayman	Manager Finance and Administration
M Connop	ICT Administrator
J Watson	ICT Assistant

#### Guests

J Phillips	JCP Consulting
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Members of the public

One (1)

Members of the media

Nil

**3.2 Apologies**

Nil

**3.3 Approved leave of absence**

Nil

**4 Question time**

**4.1 Response to previous public questions take on notice**

Nil

**4.2 Public question time**

Nil

**5 Applications for leave of absence**

Cr J Richardson requested leave of absence from 1 July 2021 to 31 August 2021, inclusive.

**Council Decision 89/2021**

**Moved Cr M Lynch**

**Seconded Cr L Rumble**

**That Council grant leave of absence to Cr J Richardson from 1 July 2021 to 31 August 2021, inclusive.**

**Carried 8/0**

**6 Declaration by members**

**6.1 Due consideration by Councillors to the agenda**

All Councillors noted they had given due consideration to all matters contained in the agenda presently before the meeting.



## 6.2 Declarations of interest

### 11.2 Staff Accommodation Strategy 2020 – 2030

Name	Type of interest	Nature / extent of interest
CR K White	Proximity	The nature of my interest is I own two properties (Lot 420 and 327 Third Avenue, Onslow). The extent of my interest is proximity.
Cr D Diver	Financial	The nature of my interest is I am employed by Rio Tinto. The extent of my interest is I receive a salary and I also receive subsidised utilities (water / power) and rent as part of my salary package.
Cr M Lynch	Indirect Financial	The nature of my interest is I am an employee and tenant of Rio Tinto. The extent of my interest is I am paid a salary by Pilbara Iron.
Cr L Rumble	Financial	The nature of my interest is I am an elected ratepayer who is a member of council which I have a reinvestment number of shares which has increased above the greater value of \$10,000 over the past 34 years. The extent of my interest is financial as I am a shareholder.
Cr D Dias	Indirect Financial	The nature of my interest is my wife is a Pilbara Iron employee and we both own shares in Rio Tinto Ltd individually and collectively. We are potential recipient benefits offered to employees and shareholders. Our primary residence is a house provided by Rio Tinto. The extent of my interest is indirect financial.
Cr M Gallanagh	Indirect Financial	The nature of my interest is myself and my husband are employed by Rio Tinto, have company housing and shares in Rio Tinto. The extent of my interest is financial as we have shares of greater value than \$10,000 in Rio Tinto.
K Donohoe	Financial	The nature of my interest is I am an employee whose contract of employment has housing provided as part of the contract. The extent of my interest is I have rental subsidies provided for properties in Onslow and Tom Price.

**11.3 Mining Act 1978 tenement referrals – 1 February 2021 to 31 March 2021**

<b>Name</b>	<b>Type of interest</b>	<b>Nature / extent of interest</b>
Cr D Diver	Financial	The nature of my interest is I am employed by Rio Tinto. The extent of my interest is I receive a salary and I also receive subsidised utilities (water / power) and rent as part of my salary package.
Cr M Lynch	Indirect Financial	The nature of my interest is I am an employee and tenant of Rio Tinto. The extent of my interest is I am paid a salary by Pilbara Iron.
Cr L Rumble	Financial	The nature of my interest is I am a shareholder and elected member of council who holds Rio Tinto shares value greater than \$10,000 investment plan. The extent of my interest is financial.
Cr D Dias	Indirect Financial	The nature of my interest is my wife and I own shares in Rio Tinto LTD individual and collectively. We have potential recipient benefits offered to employees and shareholders. My wife is a Pilbara Iron employee, and our primary residence is a house provided by Rio Tinto. The extent of my interest is indirect financial.
Cr M Gallanagh	Financial	The nature of my interest is myself and my husband are employed by Rio Tinto, have company housing and shares in Rio Tinto. The extent of my interest is financial as we have shares of greater value than \$10,000 in Rio Tinto.
Cr J Richardson	Proximity	The nature of my interest is one of the tenement referrals encroaches on my pastoral lease. The extent of my interest is proximity.

**11.4 Mining Act 1978 tenement referrals – 1 April 2021 to 30 April 2021**

<b>Name</b>	<b>Type of interest</b>	<b>Nature / extent of interest</b>
Cr D Diver	Financial	The nature of my interest is I am employed by Rio Tinto. The extent of my interest is I receive a salary and I also receive subsidised utilities (water / power) and rent as part of my salary package.
Cr M Lynch	Indirect Financial	The nature of my interest is I am an employee and tenant of Rio Tinto. The extent of my interest is I am paid a salary by Pilbara Iron.
Cr L Rumble	Financial	The nature of my interest is I am a ratepayer and elected member of council which holds Rio Tinto shares greater than \$10,000 value investment plan for my retirement. The extent of my interest is I am a shareholder of Rio Tinto.
Cr D Dias	Indirect Financial	The nature of my interest is my wife and I own shares in Rio Tinto LTD individual and collectively. We have potential recipient benefits offered to employees and shareholders. My wife is a Pilbara Iron employee, and our primary residence is a house provided by Rio Tinto. The extent of my interest is indirect financial.
Cr M Gallanagh	Financial	The nature of my interest is myself and my husband are employed by Rio Tinto, have company housing and shares in Rio Tinto. The extent of my interest is financial as we have shares of greater value than \$10,000 in Rio Tinto.

**11.5 Land asset assessment**

<b>Name</b>	<b>Type of interest</b>	<b>Nature / extent of interest</b>
Cr D Diver	Financial	The nature of my interest is I am employed by Rio Tinto. The extent of my interest is I receive a salary and I also receive subsidised utilities (water / power) and rent as part of my salary package.
Cr L Rumble	Financial	The nature of my interest is I am an elected member of council and ratepayer, who has shares in a reinvestment plan of greater value than \$10,000. The extent of my interest is I am a shareholder of Rio Tinto.
Cr D Dias	Indirect Financial	The nature of my interest is I own shares in Rio Tinto. My wife is a Pilbara Iron employee. We live in a house provided by Rio Tinto. My wife is a Rio Tinto shareholder individually and jointly with me. We receive all benefits offered to employees and shareholders. The extent of my interest is indirect financial.
Cr M Gallanagh	Financial	The nature of my interest is myself and my husband are employed by Rio Tinto, have company housing and shares in Rio Tinto. The extent of my interest is financial as we have shares of greater value than \$10,000 in Rio Tinto.

**13.1 Proposed change of Reserve purpose with power to lease – Reserve 38647 (Lot 41 on Deposited Plan 184619)**

Name	Type of interest	Nature / extent of interest
Cr M Lynch	Indirect Financial	The nature of my interest is I am an employee and tenant of Rio Tinto. The extent of my interest is I am paid a salary by Pilbara Iron.
Cr D Dias	Proximity	The nature of my interest is I own shares in Rio Tinto Ltd. My wife is a Pilbara Iron employee. We live in a house provided by Rio Tinto. My wife is a Rio Tinto share holder individually and jointly with me. Lot 57 DP 216345 leased by Hamersley Iron, which is an unsealed track running behind Reserve 38467, and Lot 92 DP 190547 (Kings Lake), for which Hamersley Iron Pty Ltd has a lease. The extent of my interest is Proximity.
Cr R de Pledge	Financial	The nature of my interest is I hold shares in FMG. The extent of my interest is financial.

**13.2 Community support grant allocation – Round 2 2020-2021 financial year**

Name	Type of interest	Nature / extent of interest
Cr M Lynch	Impartiality	The nature of my interest is I am a committee member of The Diamond Club Inc. The extent of my interest is I am a committee member of the Diamond Club Inc.

**18.1 Award of Request for Quote – Community Lifestyle and Infrastructure Plan**

Name	Type of interest	Nature / extent of interest
Cr D Diver	Financial	The nature of my interest is I am employed by Rio Tinto. The extent of my interest is I receive a salary and I also receive subsidised utilities (water / power) and rent as part of my salary package.
Cr M Lynch	Indirect Financial	The nature of my interest is I am an employee of Rio Tinto. The extent of my interest is I am paid by Pilbara Iron.
Cr L Rumble	Financial	The nature of my interest is financial. I hold Rio Tinto shares. Also note I am a ratepayer and have like interest in the community I am elected for in the town for the past 20 years. I have these shares in my retirement investments which increase by rolling over an ongoing investment over 34 years. I also pay tax on these shares, never had any personal gain. The extent of my interest is I have a greater value than \$10,000, which I always declare each year under the requirements of the Act.
Cr D Dias	Indirect Financial	The nature of my interest is my wife is a Pilbara Iron employee and we both own shares in Rio Tinto Ltd individually and collectively. We are potential recipients of all the benefits and gifts offered to employees and shareholder. Our primary residence is a house provided by Rio Tinto. The extent of my interest is indirect financial.
Cr M Gallanagh	Financial	The nature of my interest is myself and my husband are employed by Rio Tinto, have company housing and shares in Rio Tinto. The extent of my interest is financial as we have shares of greater value than \$10,000 in Rio Tinto.



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

Nil

**8 Petitions / deputations / presentations**

**8.1 Petitions**

Nil

**8.2 Deputations**

Nil

**8.3 Presentations**

Nil

**9 Confirmation of minutes**

**9.1 Confirmation of council meetings**

**Council Decision 90/2021**

**Moved Cr L Rumble**  
**Seconded Cr J Richardson**

**That Council confirm the unconfirmed minutes of the ordinary council meeting held in the Multi-Purpose Centre, Corner Hooley Avenue and McGrath Avenue, Onslow on 18 May 2021 as a true and accurate record, as included in Attachment 9.1A.**

**Carried 7/1**

**9.2 Receipt of committee and other minutes**

Nil

**9.3 Receipt of committee meetings – en bloc**

Nil

**9.4 Recommendations of committee**

Nil

**10 En bloc resolutions**

**10.1 Agenda items adopted en bloc**

Nil

## 11 Office of the CEO reports

### 11.1 Progress of implementation of Council Decisions status report for May 2021

<b>File reference</b>	GV04
<b>Author's name</b>	D Walkington
<b>Author's position</b>	Acting Governance Officer
<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>	11 June 2021
<b>Previous meeting reference</b>	Agenda item 11.1 (Minute 72/2021) ordinary council meetings 17 December 2019

#### Summary

The purpose of this agenda item is to report back to council on the progress of the implementation of Council Decisions.

#### Background

The best practice in governance supports the regular review of Council Decisions to ensure they are actioned and implemented in a timely manner.

#### Comment

Wherever possible, Council Decisions are implemented as soon as practicable after a Council meeting. However, there are projects or circumstances that mean some decisions take longer to action than others.

This report presents a summary of the "Decision Status Reports" for Office of the CEO, Corporate Services, Infrastructure Services, People and Place and Projects and Procurement.

**Attachment 11.1A**

#### Consultation

Executive Leadership Team

## Statutory environment

*Local Government Act 1995*

*Section 2.7 – Role of council*

- “(1) *The council —*
- (a) governs the local government’s affairs; and*
  - (b) is responsible for the performance of the local government’s functions.*
- (2) Without limiting subsection (1), the council is to —*
- (a) oversee the allocation of the local government’s finances and resources;*
  - and*
  - (b) determine the local government’s policies.”*

Notwithstanding the above section of the Act, there is no specific legal requirement to present such a report to Council or for Council to receive or consider such a report. Given it is always ‘received’, it could simply be provided to elected members via weekly or monthly updates, such as in the weekly Information Bulletin.

The decision to retain the report in the Council’s monthly agenda is entirely Council’s prerogative. Staff acknowledge the critical and ongoing nature of the document, in Council ‘speaks by resolution’.

## Financial implications

There are no known financial implications for this matter.

## Strategic implications

Shire of Ashburton 10 Year Strategic Community Plan 2017-2027 (Desktop Review 2019)

- Goal 05 Inspiring Governance
- Objective 1 Effective planning for the future
- Objective 4 Exemplary team and work environment

## Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Financial	Unlikely (2)	Insignificant (2)	Low (2)	No noticeable regulatory or statutory impact	Accept officer recommendation

The following Risk Matrix has been applied:

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

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

The perceived level of risk is low due to the financial value of the project and the risk to the Shire's reputation. Monthly reporting to Council assists with monitoring actions being undertaken.

#### Policy implications

There are no known policy implications for this matter.

#### Voting requirement

Simple Majority

#### Councillor interest declarations

Nil

#### Officer recommendation

That with respect to the Council Decisions Status Report for the month of May 2021, Council receive the report, as included in Attachment 11.1A.

**Council Decision 91/2021**

**Moved Cr K White**

**Seconded Cr D Diver**

**That the meeting proceeds to the next item of business.**

**Reason for differing resolution – The Status Report was not distributed in a timely manner for Councillors to give due consideration.**

**Carried 8/0**

## 11.2 Staff Accommodation Strategy 2020 – 2030

<b>File reference</b>	PE06
<b>Author's name</b>	J Fell
<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>	Financial
<b>Name of applicant / respondent</b>	Not applicable
<b>Date report written</b>	1 April 2021
<b>Previous meeting reference</b>	Agenda item 13.2 (Minute 727/2019) ordinary council meeting 17 December 2019

### Confidential matters

Some attachments relating to this report are considered confidential in accordance with section 5.23 (2) of the *Local Government Act 1995* because they deal with matters of –

- a. 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
- b. Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

### Summary

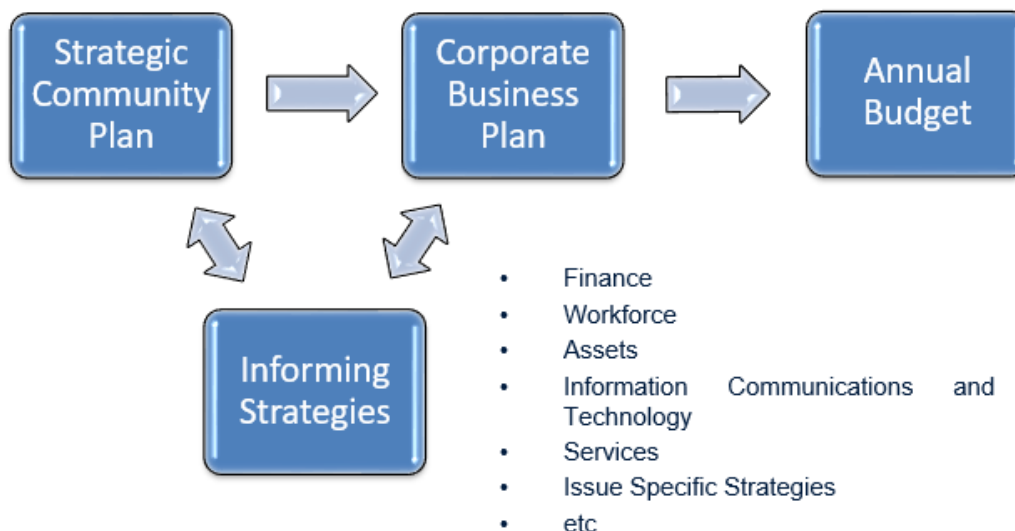
To establish the strategic direction for the provision of staff accommodation and to inform the Long-Term Financial Plan (LTFP) over the next ten years, a Staff Accommodation Strategy (SAS) for 2020 – 2030 is presented for Council's consideration.

### Background

A local government is to a plan for the future of the district in accordance with section 5.56 of the *Local Government Act 1995* through preparation of a Strategic Community Plan and Corporate Business Plan. A Corporate Business Plan is to 'develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning'.

Developed alongside the staff growth forecasts, and to inform the LTFP, the SAS addresses future planning and sustainability of suitable accommodation needs for current and future Shire staff.





At the December 2019 Ordinary Meeting of Council, Councillors endorsed that with respect to the Housing Strategy 2020-2025, Council:

1. Adopt the Housing Strategy 2020-2025; and
2. Endorses allowance for annual expenditure of \$3,177,920.00 over the next 5-year period, or an acceptable amount, in accordance with the Housing Strategy projections.

The annual expenditure outlined in the 2020-25 Housing Strategy was removed from the 2020/21 budget for reasons unknown to current Shire Officers. All maintenance during 2020/21 has been performed through Operational Budget allocations. Council endorsed a \$600,000 budget amendment in October 2020 to allow purchase of an executive style house in Tom Price. To date, this has not been achieved due to the type of accommodation being listed as poor quality.

To establish the strategic direction for the provision of staff accommodation and to inform the LTFP over the next ten years, consultants Moore Australia and Hatch Roberts Day were engaged to prepare a SAS. The consultant was required to:

1. Quantify and profile current staff and accommodation provision  
*Comprehensive analysis; evaluation and reporting of current staff's accommodation provision for Tom Price, Onslow, and Paraburadoo.*
2. Forecast staff growth and decline for each year from 2020 through to 2030  
*Comprehensive analysis, evaluation and reporting of staff forecast requirements for Tom Price, Onslow, and Paraburadoo.*
3. Determine the number and type of accommodation required to meet staff forecasts  
*Comprehensive analysis, evaluation, and reporting of detailed accommodation demand requirement for Tom Price, Onslow, and Paraburadoo.*

4. Develop land and accommodation strategies to meet the identified demand  
*10-year Strategy for accommodation provision to meet forecast demand requirements.*

**Comment**

The Shire has maintained a staff level of approximately 180 employees for the last five years, with staff located in various locations. Of the 100 properties that accommodate staff, 56 are owned by the Shire, 29 are Rio Tinto properties (managed by Sodexo), 13 are private rentals and 1 is rented from the Housing Authority. 46% of staff receive no assistance for housing from the Shire, they instead benefit from spousal accommodation provisions. Should a change of circumstances occur in the spouse's employer the Shire is not currently able to offer these staff accommodation, further exacerbating the housing provisions. Recruitment of staff continues to be impacted by limited or inadequate housing stock.

Quality accommodation when recruiting is important.

Three key demand drivers influence future staff accommodation growth:

1. Replacement of existing rental properties  
Competition in the rental market impacts on the Shire's budget. If Council desire immunity from these cycles, replacing rental stock requires an additional 44 accommodation units to be constructed across the Shire.

During 2019/20, rentals cost \$714,448 (Onslow - \$219,276 [19 rentals], Tom Price - \$462,189 [31 rentals], Paraburdoo - \$32,983 [2 rentals]).

Rent relief is provided to staff who secure private rentals at the rates shown in the table below. With rental prices increasing across the Shire due to the upturn in the resources sector, this is not sufficient to cover rent per annum disincentivising staff from seeking private rentals, instead turning to the Shire for accommodation provision.

Town	Maximum Value	52 weeks
Onslow	\$550.00	\$28,600
Tom Price	\$600.00	\$31,200
Paraburdoo	\$400.00	\$20,800
Pannawonica	\$300.00	\$15,600

2. Accommodation for current vacant positions  
21.5 FTEs were advertised at the time of compiling the Staff Growth Forecast report. Assuming a ratio of 100:115, 19 accommodation units would be required to fill the vacancies.

3. Accommodation for staff growth or changes in the percentage of housed staff.

Staff growth numbers were developed with the Executive Leadership Team and Managers by analysing current and potential future projects over the next five years and roles required during an integrated strategic planning and reporting workshop; additional full-time employees will be required.

### **Confidential Attachment 11.2C**

Four main demand drivers for accommodation were identified:

1. Additional stock to accommodate existing vacant positions
2. Additional stock for staff growth forecasts
3. Replacing existing rentals with Shire owned properties
4. Additional stock to accommodate a higher percentage of staff

The SAS includes the following Guiding Principles regarding the Shire's policies:

- Invest in a system that will improve the efficiency and effectiveness of the Capital Works and Maintenance Programs.
- Strengthen property management policies and procedures to provide fairness, equity, and accountability.
- Ensure housing refurbishments and new builds consider climate responsive design that better suits lifestyle needs, is comfortable to live, and achieves greater cost efficiencies.
- Leverage Shire investment to support broader economic activity and improve lifestyle and amenity outcomes.

Actions to make improvements to the Shire's processes include:

#### Property Management

1. Ensure staff have the Systems and Resources to properly manage the portfolio, including maintenance planning, asset and tenant information, and financial systems.
2. Progress a thorough Condition Assessment for all properties in Tom Price and Paraburdoo, particularly those earmarked for full and partial refurbishment.

The assessment should include a Statutory Compliance Register to adhere to relevant mandatory requirements such as hard-wired smoke alarms, RCD's, pool fences etc.

3. Prepare a Property Refurbishment Framework to guide and inform all future Capital Upgrades, for aging properties in Onslow, Tom Price and Paraburdoo.
4. Prepare and implement a Preventative Maintenance Program for all properties owned by the Shire, including new builds.

5. Prepare a Maintenance Budget that gives due consideration to all assets, including:
  - existing assets to be maintained,
  - new builds / newer properties,
  - existing assets to be upgraded or refurbished ('minimum maintenance'), and
  - existing assets identified for inclusion in special maintenance programs and initiatives (such as Landscaping, Insulation etc.).

#### Lease Agreements

1. Reconsider the option to charge staff a minimal rent vs free rent, to address the risks and accountability. Consideration would be given to existing employee contracts with any current arrangements are grandfathered (exempting current staff from the changes).
2. Ensure current Lease Agreements are in place between the Shire and all tenants.
3. Establish regular reviews and inspections to ensure property conditions are adhered to.
4. Establish a policy to ensure a consistent and fair approach is in place, in relation to rent subsidies. Consider provisions for 'capped' rent, which could be subject to annual market review.
5. A recommended guide or 'capped' rent for each town, based on reasonable market rates and current market reviews, would help to manage issues of equity and fairness.

#### Acquisitions / Rental Replacement

1. Before acquiring, ensure there is a healthy mix of housing options to suit varying needs of staff in the medium and long term.
2. If the land is vacant or a redevelop proposition, consider obtaining a high-level site plan concept from a building designer experienced in passive solar design, to better understand the site's suitability.
3. Monitor boom and bust cycle prices over the long-term and consider strategic purchases of land in suppressed markets (even if short-term need for acquisition is not apparent).

These are further explored by town:

Tom Price and Paraburdoo

*Guiding Principles*

- Upgrade / rebuild existing properties in poor condition.
- Build portfolio to lessen reliance on rental properties.
- Invest in larger and smaller dwellings to diversify housing stock in Town.
- Explore Housing Benefit Initiatives (to encourage home ownership and balance out the rental market).

*Strategic Opportunities*

1. Continue dialogue with Gumala and other Not for Profit organisations to understand, support and possibly explore joint development opportunities on undeveloped land (i.e., along Warrara Street and other 'lazy-land' sites).
2. Explore partnership opportunities with the State Government to invest in commercial and residential opportunities to address the crisis for essential services and open opportunities to diversify the local economy (Development WA, Department of Communities).

Shire Officers are exploring a 1000 lot development to future proof Tom Price from a town planning perspective. A land assessment undertaken in late 2020 sets out the infill potential in Tom Price which could be developed by State Agencies alone or in partnership with the Shire.

3. Partner with key stakeholders, such as Rio Tinto, to lobby and advocate for the necessary support structures and investment platforms that will progress the transition towards a diversified economy, and secure a future beyond Mining, for Tom Price and Paraburdoo.
4. Invest in new community infrastructure in all areas of Town, to improve amenity, uplift property values and enhance liveability (i.e., Area W).
5. Investigate housing suppliers that can provide relatively affordable 'kit homes' that can be orientated and slightly modified to suit local conditions.

*Actions*

1. Conduct a property condition assessment to thoroughly evaluate the condition of all properties in Tom Price and Paraburdoo.
2. Establish a 'Refurbishment Framework' to guide and prioritise capital works.

3. Progress discussions with Gumala and the State Government to initiate Joint Development Opportunities for Tom Price, address the Town's housing shortage for essential workers, and build a more diverse and modern range of housing stock.
4. Maintain open dialogue with key developers in Town, to understand building programs and leverage cost sharing opportunities, where possible.
5. Commence 'designated' works that will have an immediate and positive impact on property values and assist with cost-saving measures (i.e., landscaping, insulation, hot water systems).
6. Seek quotations and commence upgrades for properties in Tom Price and Paraburdoo, identified as 'high' and 'medium' priority (2 x properties p.a.)
7. Progress demolition and initiate a tender to construct new housing at 61 Pine Street Tom Price (explore 2 x 2 and 4 x 2).
8. Explore purchase opportunities for surplus housing stock with Rio Tinto, together with a position statement that demonstrates a joint commitment to grow and support a stronger and resilient Town.
9. Test 'lazy land' sites through concept designs and feasibilities.

### Onslow

It is expected Onslow will require a larger staffing presence due to the high expectation of economic growth, and its flow-on effect, in the coming years.

### *Guiding Principles*

- Invest in land now, while prices are still reasonable.
- Consider larger dwellings to help attract more families to town (3 x 2 + 4 x 2).
- Explore Housing Benefit initiatives (to encourage home ownership and balance out the rental market).
- Invest in houses / block sizes that leverage the coastal location (i.e., larger block sizes, space for boats).

### *Strategic Opportunities*

- Maintain open dialogue with the Department of Communities (Housing). Work closely with the Department to potentially pursue value for money acquisition opportunities, and possible joint development projects to achieve cost efficiencies.
- Continue to work with Development WA, to secure value for money land opportunities at Barrarda Estate.
- Continue to encourage more retirees to age in place within the Shire.



- As population grows, advocate for a stand-alone high school and improved health services.

### *Actions*

1. Demolish and replace the Transit House (transition strategy required).
2. Demolish existing 3 x properties on Third Avenue and build new houses on Third Avenue.
3. Upgrade Heritage Property on 944 First Avenue.

Listed on the June 2019 Local Government Heritage Inventory with the management recommendation stating, 'encouragement should be given to the retention and conservation of the place' and 'photographically record prior to major development or demolition'.

4. Progressively invest in vacant land, and aged properties within well sought-after locations (1 x lots p.a.).
5. Undertake minimum refurbishments on long term strategic assets (waterfront properties).
6. In the medium to longer term, explore design ideas and cost implications to invest in a multi-density apartment development on the Shire's existing waterfront properties (First Avenue). The property could be utilised for short term contractors, visiting staff or Executive Accommodation.

The SAS provides valuable insight into current and speculated financial costs associated with providing suitable accommodation to Shire staff. The SAS will provide clear direction for Shire Officers to follow with the aim of achieving a level of accommodation that will not only provide staff with comfortable efficient accommodation but assist with attraction and retention of qualified staff.

Based on the recommendations of the SAS, the following program is proposed with a total of \$21,000,000 included in the LTFP from 2021/22 through 2031/32 inclusive. This investment will result in 26 accommodation gains (19 in Onslow while replacing current aged stock and 7 in Tom Price) and 12 refurbished properties (2 in Paraburdoo and 10 in Tom Price).

### **Attachment 11.2A**

Rio Tinto have offered six residential dwellings requiring refurbishment in Tom Price for ~\$250,000 per property. Purchase and refurbishment of these properties is not feasible due to the considerable costs involved, with refurbishment being circa \$300,000 (excluding environmental improvements, roofing, landscaping), therefore new builds on land the Shire have tenure over, and where multiple dwellings per lot can be achieved, is recommended.

**Consultation**

Councillors  
Executive Leadership Team  
Middle Managers Group  
Lease and Accommodation Officers  
Moore Australia  
Hatch Roberts Day

**Statutory environment**

*Local Government Act 1995*

*Section 5.56. Planning for the future*

1. A local government is to plan for the future of the district.
2. A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

**Financial implications**

\$21,000,000 has been included in the LTFP for staff housing acquisitions and refurbishments. This allocation, over a ten-year period from 2021/22 – 2031/32, is as follows:

2021/22	\$3,000,000
2022/23	\$2,000,000
2023/24	\$2,000,000
2024/25	\$ -
2025/26	\$2,000,000
2026/27	\$2,000,000
2027/28	\$2,000,000
2028/29	\$2,000,000
2029/30	\$2,000,000
2030/31	\$2,000,000
2031/32	\$2,000,000

**Strategic implications**

Shire of Ashburton 10 Year Strategic Community Plan 2017-2027 (Desktop Review 2019)

Goal 05 Inspiring Governance  
Objective 1 Effective planning for the future  
Objective 4 Exemplary team and work environment

## Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Financial	Unlikely (2)	Major (4)	Moderate (8)	\$1 million to \$5 million (per annum)	Inclusion in the LTFP and delivery of the program
Interruption to service	Likely (4)	Extreme (5)	Extreme (20)	Indeterminate prolonged interruption of services, non-performance, > 1 month	Initiate actions as captured in the SAS

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, however will be managed through internal processes and procedures.

## Policy implications

ENG13 Asset Management Policy

## Voting requirement

Simple Majority

## Councillor interest declarations

Cr K White	-	Proximity
Cr D Diver	-	Financial
Cr M Lynch	-	Indirect financial
Cr L Rumble	-	Financial
Cr D Dias	-	Indirect financial

Cr M Gallanagh - Indirect financial

**Officer recommendation**

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

1. Adopt the Staff Accommodation Strategy 2020 – 2030 as included in Attachment 11.2A,
  2. Requests the Chief Executive Officer to prepare development plans and construction business cases for:
    - a. Third Avenue, Onslow, demolition, and construct four 3x2 dwellings,
    - b. 2, 3 x 2 grouped dwellings at 76 Marrinup Way, Tom Price, and
    - c. Upgrades / refurbishment of 797 Kulai Street, Tome Price and 1104A Jabberup Place, Tom Price,
- and
3. Consider the allocation of \$3,000,000 in the 2021-2022 annual budget deliberations.

**Council Decision**

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

### 11.3 *Mining Act 1978* tenement referrals – 1 February 2021 to 31 March 2021

<b>File reference</b>	ED01
<b>Author's name</b>	J Fell
<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>	Not applicable
<b>Date report written</b>	31 March 2021
<b>Previous meeting reference</b>	Agenda item 12.4 (Minute 9/2021) ordinary council meeting 16 February 2021

#### **Summary**

The purpose of this report is to inform Council, for information, of Notices of Application for tenure under the *Mining Act 1978*.

#### **Background**

It is a requirement of the *Mining Regulations 1981* (Mining Regs) that application for mining tenements be in the prescribed form, being a Form 21, and lodged within 10 days of marking out (by fixing a post projecting at least 1 m above the ground along with other prescribed actions as per Division 1 – Marking out mining tenements of the Mining Regs).

A notice in the form of Form 21 is to be served on the Chief Executive Officer of the local government within 14 days of the lodging of the application to which the notice relates.

The period for lodgement of an objection concerning an application over private land is within 21 days of service of the Form 21 or the date notified on the Form 21, whichever is the longer period.

#### **Comment**

Mining tenements prescribed under the *Mining Act 1978* include prospecting licences, exploration licences, retention licences, mining leases, general purpose leases and miscellaneous licences.

The Shire receives varying numbers of Form 21 Applications for Mining Tenement each month. Therefore, Shire Officers undertake an assessment of each Notification with any concerning Applications referred to Council. The due diligence assessment includes, and is not limited to:

- Affected Shire assets:
  - Will the licence generate traffic volumes that significantly affect Shire roads
  - Borrow pits
- Bushfire back burning areas
- Aboriginal heritage sites
- Special Control Areas as per the Local Planning Scheme No. 7
  - Wittenoom a particular concern
- Areas used for public recreation
- Land identified for future use or development (landfill, tourism, etc.)
- Traffic management if operating near roads used by travelling public
- Identify landowner/pastoral company
- Identify Aboriginal groups
- European heritage sites – municipal inventory
- Proximity to:
  - Telecommunications
  - Electricity
  - Water
  - Gas pipelines
- General notification of possible permanent and temporary camps

Thirty-eight (38) Form 21 - Application for Mining Tenement notifications were received between 1 February 2021 and 31 March 2021.

### **Attachment 11.3A**

#### Exploration Licences

The Mining Regs impose a limit on the amount of earth, soil, rock, stone, fluid, or mineral bearing substance which may be excavated, extracted, or removed to 1,000 tonnes in total. Excavation, extraction, or removal more than this requires the Ministers written approval.

The Mining Act prescribes an exploration licence shall not be less than one block or more than 70 blocks, unless is in an area of the Sate designated under section 57A (1) (permits the Minister, by notice published in the *Gazette*, to designate one or more areas of the State) it shall not be more than 200 blocks. A block has a lengthy definition in the Mining Act but is generally a graticular section (1 minute of longitude and 1 minute of latitude) or approximately 3.407716km<sup>2</sup>.

Exploration Licence notifications received include:

Company	Application	Block / s (~80km <sup>2</sup> )	Locality
FMG Pilbara Pty Ltd	E 08/3338	85	Uaroo 1
Avira Resources Ltd	E 08/3329	26	Gregory
Rio Tinto Exploration Pty Limited	E 08/3335 E 47/4497 E 47/4502 E 47/4510 E 47/4515 E 47/4513	39 20 69 70 62 47	Cheela Plains Cheela Plains Toweranna Well Lefroy Well Quarrina Peawanah
Mallina Exploration Pty Ltd	E 47/4504	46	Munni Creek
Forge Resources Swan Pty Ltd	E 47/4503 E 47/4506 E 47/4507	54 96 132	Peawah
One Eight Two Capital Investments Pty Ltd	E 47/4508 E 47/4511 E 47/4514 E 47/4516	47 62 49 70	Coolawanyah

### Mining Leases

The following kinds of mining operations are prescribed in the Mining Regs:

- open-cut operations
- underground operations
- quarrying operations
- dredging operations
- harvesting operations
- scraping operations
- leaching operations
- tailing treatment operations
- Construction activities incidental or conducive to mining operations, including the construction of plant, tailing storage facilities and overburden dumps.

Mining Lease notifications received are:

Company	Application	Hectares	Locality	Mineral
FMG Pilbara Pty Ltd	M 47/1613	1,005.00	Gamajee	Iron Ore

### Miscellaneous Licences

A miscellaneous licence may be granted for use of land for one or more of the following purposes:

- A road
- A tramway
- An aerial rope way

- A pipeline
- A powerline
- A conveyor system
- A tunnel
- A bridge
- Taking water
- A search for groundwater
- Hydraulic reclamation and transport of tailings
- An aerodrome
- A meteorological station
- A Sulphur dioxide monitoring station
- A communications facility
- A drainage channel
- A pump station
- A minesite accommodation facility
- A bore
- A bore field
- A water management facility
- A power generation and transmission facility
- A storage or transportation facility for minerals or mineral concentrate
- A minesite administration facility
- A workshop and storage facility
- A jetty.

Miscellaneous Licence notifications received are:

Company	Application	Hectares	Locality	Purpose
Pilbara Energy Company Pty Ltd (FMG)	L 08/239	630.00	Uaroo	- A bore - A bore field - A communications facility - A pipeline - A power generation and transmission facility - A power line - A pump station - A water management facility - A workshop and storage facility - Taking water
Pilbara Energy Company Pty Ltd (FMG)	L 08/241	268.00	Uaroo	- A bore - A bore field
	L 08/242	634.00		- A communications facility
	L 08/243	74.00	Nanutarra	- A pipeline
	L 08/244	95.00		- A power generation and transmission facility - A power line - A pump station - A water management facility



Confirmed Public Minutes Ordinary Council Meeting 15 June 2021

Company	Application	Hectares	Locality	Purpose
				<ul style="list-style-type: none"> <li>- A workshop and storage facility</li> <li>- Taking water</li> </ul>
Orion Equities Limited	L 47/980	62.60	Paulsens	<ul style="list-style-type: none"> <li>- A bore</li> <li>- A bore field</li> <li>- A communications facility</li> <li>- A drainage channel</li> <li>- A minesite administration facility</li> <li>- A pipeline</li> <li>- A road</li> <li>- A search for groundwater</li> <li>- A storage or transportation facility for minerals or mineral concentrate</li> <li>- A water management facility</li> <li>- A workshop and storage facility</li> <li>- Taking water</li> </ul>
Orion Equities Limited	L 47/981	465.04	Paulsens	<ul style="list-style-type: none"> <li>- A bore</li> <li>- A bore field</li> <li>- A communications facility</li> <li>- A conveyor system</li> <li>- A drainage channel</li> <li>- A minesite accommodation facility</li> <li>- A minesite administration facility</li> <li>- A pipeline</li> <li>- A power generation and transmission facility</li> <li>- A pump station</li> <li>- A road</li> <li>- A search for groundwater</li> <li>- A storage or transportation facility for minerals or mineral concentrate</li> <li>- A water management facility</li> <li>- A workshop and storage facility</li> <li>- Taking water</li> </ul>
CV Extractives Pty Ltd	L 45/610	22.00	Forrest / Mulga Downs	<ul style="list-style-type: none"> <li>- A road</li> </ul>
ACN 629 923 753 Pty Ltd (Mineral Resources)	L 08/231 L 08/232	4,893.57 1,597.88	Red Hill	<ul style="list-style-type: none"> <li>- A bore</li> <li>- A bore field</li> <li>- A bridge</li> <li>- A communications facility</li> <li>- A drainage channel</li> <li>- A pipeline</li> <li>- A power generation and transmission facility</li> <li>- A power line</li> <li>- A pump station</li> <li>- A road</li> <li>- A search for groundwater</li> </ul>

Company	Application	Hectares	Locality	Purpose
				<ul style="list-style-type: none"> <li>- A tunnel</li> <li>- A water management facility</li> <li>- Taking water</li> </ul>
Pilbara Energy (Generation) Pty Ltd	L 08/246 L 08/245 L 08/240 L 08/238 L 08/235 L 08/236 L 08/237	2,207.00 2,330.00 4,798.00 2,275.00 4,109.00 2,068.00	Uaroo B2 Uaroo C1 Uaroo C2 Uaroo C3 Uaroo C4 Uaroo C5 Uaroo C6	<ul style="list-style-type: none"> <li>- A bore</li> <li>- A bore field</li> <li>- A communications facility</li> <li>- A pipeline</li> <li>- A power generation and transmission facility</li> <li>- A power line</li> <li>- A pump station</li> <li>- A road</li> <li>- A water management facility</li> <li>- A workshop and storage facility</li> <li>- Taking water</li> </ul>
AMCI (IO) Pty Ltd  Aquila Steel Pty Ltd	L 08/247	392.09	Kens Bore	<ul style="list-style-type: none"> <li>- A bore</li> <li>- A bore field</li> <li>- A bridge</li> <li>- A communications facility</li> <li>- A drainage channel</li> <li>- A pipeline</li> <li>- A power generation and transmission facility</li> <li>- A power line</li> <li>- A pump station</li> <li>- A road</li> <li>- A search for groundwater</li> <li>- A tunnel</li> <li>- A water management facility</li> <li>- Taking water</li> </ul>
Red Hill Iron Limited	L 08/248 L 08/249	440.00 690.00	Yarraloola Red Hill	<ul style="list-style-type: none"> <li>- A road</li> <li>- A pipeline</li> <li>- A power line</li> <li>- A storage or transportation facility for minerals or mineral concentrate</li> </ul>

### Prospecting Licences

Prospecting licences are granted subject to conditions including minerals of economic interest discovered be reported to the Minister; that no ground disturbing equipment be used unless a programme of work has been approved by the Minister; that disturbances to the surface of the land the subject of the prospecting licence is made safe; and the licence holder takes steps to prevent fire and damage to trees, property, or livestock.

A prospecting licence remains in force for a period of four years. This may be extended by the Minister for four years or, where retention status is nominated, a further period or periods of four years.

A prospecting licence will not be granted in respect of land subject to a mining tenement however, the holder of a prospecting licence has priority for grant of mining leases or general-purpose leases.

Prospecting Licence notifications received are:

Company	Application	Hectares	Locality
ACN 629 923 753 Pty Ltd (Mineral Resources)	P 08/799	59.79	Ashburton

### General Purpose Leases

A general-purpose lease may be granted for one or more of the following purposes:

- For erecting, placing and operating machinery thereon in connection with the mining operations carried on by the lessee in relation to which the general-purpose lease was granted.
- For depositing or treating thereon minerals or tailings obtained from any land in accordance with this act.
- For using the land for any other specified purpose directly connected with mining operations.

A general-purpose lease is in place until:

- It is surrendered or is forfeited; or
- The date of surrender, forfeiture, or expiry of the mining lease (or any renewal thereof) in relation to which it was granted or 21 years from the date deemed pursuant to section 79 to be the date on which the term of the general-purpose lease commenced or, if any other date of commencement is specified in the general-purpose lease, the specified date, whichever is the longer period; or
- In any other case, for a period of 21 years or until it is sooner surrendered or forfeited.

A general-purpose lease may be extended for one further period of 21 years on the terms and conditions to which the lease was granted.

General-Purpose Lease notifications received are:

Company	Application	Hectares	Locality	Purpose
Nil				

### For note

Miscellaneous Licences 08/248, 08/249, 08/231 and 08/232 and Prospecting Licence 08/799 encroach or utilise the Shire controlled and managed Red Hill Road. Applicants ACN 629 923 753 Pty Ltd and Red Hill Iron Limited's proposals appear to be consistent with the Shire of Ashburton's strategic aims and objectives however, the Shire should be satisfied of the Public

Road's use and maintenance while retaining unrestricted public access and safety of the roads. An Agreement for the design, construction, and maintenance of Red Hill Road to include the following requirements (but not limited to) will be required:

- Establishing RAV rating required to inform width and integrity.
- Road design including specifications including signage etc.
- Shire inspection schedule.
- Construction materials and testing.
- Construction term.
- Maintenance term.
- Insurance.
- ACN 629 923 753 Pty Ltd and Red Hill Iron Limited being responsible for all costs (including Shire costs) associated with the preparation and implementation of the Agreement.

Alternatively, should the Shire be responsible for maintenance of Red Hill Road, an adequate fee will be required from ACN 629 923 753 Pty Ltd and Red Hill Iron Limited to contribute to ongoing maintenance costs associated with use of the road.

Section 64B of the Mining Regulations requires the Notice of application for mining tenement be given to the holder of a pastoral lease, or other lease granted by or on behalf of the Crown for grazing purposes only.

## **Consultation**

Executive Leadership Team

## **Statutory environment**

*PART IV -- Mining tenements of the Mining Act 1978* set out the grant and conditions of mining tenements in Western Australia.

### *Mining Regulations 1981*

*Regulation 64, Application for mining tenement of the Mining Regulations 1981 (Mining Regs)* states application for mining tenements must be in the prescribed form, being a Form 21 and copies served in accordance with 33 (Application for mining by permit holder), 41 (Application for prospecting licence), 56A (Special prospecting licences), 58 (Application for exploration licence), 70 (Special prospecting licence on an exploration licence), 74 (Application for mining lease), 85B (Special prospecting licence on a mining lease), 91 (Grant of miscellaneous licence) and 118 (Notice of application to be given to lessee of pastoral lease) of the *Mining Act 1978*.

## **Financial implications**

There are no known financial implications for this matter.

## Strategic implications

Shire of Ashburton 10 Year Strategic Community Plan 2017-2027 (Desktop Review 2019)

Goal 02 Economic Prosperity  
Objective 1 Strong local economies

Goal 04 Quality Services and Infrastructure  
Objective 1 Quality public infrastructure

## 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
Damage to natural environment – social performance responsibilities to the community at large	Rare (1)	Moderate (3)	Low (3)	Natural Environment – contained, reversible impact managed by external agencies	Correspondence to all Applicants advising Shire's required considerations
Financial impact to assets (Red Hill Road)	Major (4)	Possible (3)	High (12)	Damage to road or liability for unsafe road	Where asset implications are identified, user agreements will be initiated

The following Risk Matrix has been applied:

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

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

The perceived level of risk is high due to potential litigation associated with unsafe roads. User agreements for maintenance or contribution to maintenance costs will see the roads maintained in a safe, trafficable state.

### **Policy implications**

Town Planning Scheme No. 7  
LPP – Transient Workforce Accommodation

### **Voting requirement**

Simple majority

### **Councillor interest declarations**

Cr K White	-	Proximity
Cr D Diver	-	Financial
Cr M Lynch	-	Indirect financial
Cr L Rumble	-	Financial
Cr D Dias	-	Indirect financial
Cr M Gallanagh	-	Financial
Cr J Richardson	-	Proximity

### **Officer recommendation**

That with respect to *Mining Act 1978* Tenement Referrals – 1 February 2021 to 31 March 2021, Council:

1. Acknowledge the contents of this report,
2. Advise the Department of Mines, Industry Regulation and Safety of the Shire of Ashburton's request to negotiate terms of agreement with ACN 629 923 753 Pty Ltd in relation to Miscellaneous Licences 08/248, 08/249, 08/231 and 08/232 and, Red Hill Iron Limited in relation to Prospecting Licence 08/799, and
3. Negotiate terms of agreement with ACN 629 923 753 Pty Ltd in relation to Miscellaneous Licences 08/248, 08/249, 08/231 and 08/232 and, Red Hill Iron Limited in relation to Prospecting Licence 08/799.

### **Council Decision**

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

#### 11.4 *Mining Act 1978* tenement referrals – 1 April 2021 to 30 April 2021

<b>File reference</b>	ED01
<b>Author's name</b>	J Fell
<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>	Not applicable
<b>Date report written</b>	3 May 2021
<b>Previous meeting reference</b>	Agenda item 12.4 (Minute 9/2021) ordinary council meeting 16 February 2021

#### **Summary**

The purpose of this report is to inform Council, for information, of Notices of Application for tenure under the *Mining Act 1978*.

#### **Background**

It is a requirement of the *Mining Regulations 1981* (Mining Regs) that application for mining tenements be in the prescribed form, being a Form 21, and lodged within 10 days of marking out (by fixing a post projecting at least 1 m above the ground along with other prescribed actions as per Division 1 – Marking out mining tenements of the Mining Regs).

A notice in the form of Form 21 is to be served on the Chief Executive Officer of the local government within 14 days of the lodging of the application to which the notice relates.

The period for lodgement of an objection concerning an application over private land is within 21 days of service of the Form 21 or the date notified on the Form 21, whichever is the longer period.

#### **Comment**

Mining tenements prescribed under the *Mining Act 1978* include prospecting licences, exploration licences, retention licences, mining leases, general purpose leases and miscellaneous licences.

The Shire receives varying numbers of Form 21 Applications for Mining Tenement each month. Therefore, Shire Officers undertake an assessment of each Notification with any concerning Applications referred to Council. The due diligence assessment includes, and is not limited to:

- Affected Shire assets:
  - Will the licence generate traffic volumes that significantly affect Shire roads
  - Borrow pits
- Bushfire back burning areas
- Aboriginal heritage sites
- Special Control Areas as per the Local Planning Scheme No. 7
  - Wittenoom a particular concern
- Areas used for public recreation
- Land identified for future use or development (landfill, tourism, etc.)
- Traffic management if operating near roads used by travelling public
- Identify landowner/pastoral company
- Identify Aboriginal groups
- European heritage sites – municipal inventory
- Proximity to:
  - Telecommunications
  - Electricity
  - Water
  - Gas pipelines
- General notification of possible permanent and temporary camps

Ten (10) Form 21 - Application for Mining Tenement notifications were received between 1 April and 30 April 2021.

#### **Attachment 11.4A**

##### Exploration Licences

The Mining Regs impose a limit on the amount of earth, soil, rock, stone, fluid, or mineral bearing substance which may be excavated, extracted, or removed to 1,000 tonnes in total. Excavation, extraction, or removal more than this requires the Ministers written approval.

The Mining Act prescribes an exploration licence shall not be less than one block or more than 70 blocks, unless is in an area of the Sate designated under section 57A (1) (permits the Minister, by notice published in the *Gazette*, to designate one or more areas of the State) it shall not be more than 200 blocks. A block has a lengthy definition in the Mining Act but is generally a graticular section (1 minute of longitude and 1 minute of latitude) or approximately 3.407716km<sup>2</sup>.



Exploration Licence notifications received include:

Company	Application	Block / s (~80km <sup>2</sup> )	Locality
Central Pilbara North Iron Ore Pty Ltd	E 47/4524	69	Howlett Creek
One Eight Two Capital Investments Pty Ltd	E 47/4521	69	Peawah
Forge Resources Swan Pty Ltd	E 47/4520	69	Peawah
Rio Tinto Exploration Pty Limited	E 47/4523	9	Barrowanna Hill

### Mining Leases

The following kinds of mining operations are prescribed in the Mining Regs:

- open-cut operations
- underground operations
- quarrying operations
- dredging operations
- harvesting operations
- scraping operations
- leaching operations
- tailing treatment operations
- Construction activities incidental or conducive to mining operations, including the construction of plant, tailing storage facilities and overburden dumps.

Mining Lease notifications received are:

Company	Application	Hectares	Locality	Mineral
Zanthus Resources Pty Ltd	M 08/533	582.00	Robe Mesa	Aggregate building stone Copper Diamond Dolomite Gold Gravel Gypsum Iron Ore Lead Limestone Manganese Mineral sands Nickel Platinoids Rock Sand Tantalum Zinc

Miscellaneous Licences

A miscellaneous licence may be granted for use of land for one or more of the following purposes:

- A road
- A tramway
- An aerial rope way
- A pipeline
- A powerline
- A conveyor system
- A tunnel
- A bridge
- Taking water
- A search for groundwater
- Hydraulic reclamation and transport of tailings
- An aerodrome
- A meteorological station
- A Sulphur dioxide monitoring station
- A communications facility
- A drainage channel
- A pump station
- A minesite accommodation facility
- A bore
- A bore field
- A water management facility
- A power generation and transmission facility
- A storage or transportation facility for minerals or mineral concentrate
- A minesite administration facility
- A workshop and storage facility
- A jetty.

Miscellaneous Licence notifications received are:

Company	Application	Hectares	Locality	Purpose
Orion Equities Limited	L 47/983	184.98	Paulsens	- A bore - A bore field - A communications facility - A pipeline - A road - A search for groundwater - A storage or transportation facility for minerals or mineral concentrate - Taking water
Maiden Iron Pty Ltd	L 47/982	188.00	The Three Sisters	- A road

### Prospecting Licences

Prospecting licences are granted subject to conditions including minerals of economic interest discovered be reported to the Minister; that no ground disturbing equipment be used unless a programme of work has been approved by the Minister; that disturbances to the surface of the land the subject of the prospecting licence is made safe; and the licence holder takes steps to prevent fire and damage to trees, property, or livestock.

A prospecting licence remains in force for a period of four years. This may be extended by the Minister for four years or, where retention status is nominated, a further period or periods of four years.

A prospecting licence will not be granted in respect of land subject to a mining tenement however, the holder of a prospecting licence has priority for grant of mining leases or general-purpose leases.

Prospecting Licence notifications received are:

Company	Application	Hectares	Locality
Nil			

### General Purpose Leases

A general-purpose lease may be granted for one or more of the following purposes:

- For erecting, placing and operating machinery thereon in connection with the mining operations carried on by the lessee in relation to which the general-purpose lease was granted.
- For depositing or treating thereon minerals or tailings obtained from any land in accordance with this act.
- For using the land for any other specified purpose directly connected with mining operations.

A general-purpose lease is in place until:

- It is surrendered or is forfeited; or
- The date of surrender, forfeiture, or expiry of the mining lease (or any renewal thereof) in relation to which it was granted or 21 years from the date deemed pursuant to section 79 to be the date on which the term of the general-purpose lease commenced or, if any other date of commencement is specified in the general-purpose lease, the specified date, whichever is the longer period; or
- In any other case, for a period of 21 years or until it is sooner surrendered or forfeited.

A general-purpose lease may be extended for one further period of 21 years on the terms and conditions to which the lease was granted.

General-Purpose Lease notifications received are:

<b>Company</b>	<b>Application</b>	<b>Hectares</b>	<b>Locality</b>	<b>Purpose</b>
Yangibana Pty Ltd	G 08/95	132.00	Onslow South	<ul style="list-style-type: none"> <li>- A storage or transportation facility for minerals or mineral concentrate</li> <li>- Administration buildings</li> <li>- Communications facility</li> <li>- Evaporation pond</li> <li>- Gas pipeline</li> <li>- Monitoring bores</li> <li>- Power generation</li> <li>- Power lines</li> <li>- Process plant and associated infrastructure</li> <li>- Roads and carpark</li> <li>- Tailings storage facility</li> <li>- Topsoil stockpile</li> <li>- Water bore</li> <li>- Water management infrastructure</li> <li>- Water pipeline</li> <li>- Workshop</li> </ul>
Yangibana Pty Ltd	G 08/96	107.00	Onslow South	<ul style="list-style-type: none"> <li>- A storage or transportation facility for minerals or mineral concentrate</li> <li>- Administration buildings</li> <li>- Communications facility</li> <li>- Evaporation pond</li> <li>- Gas pipeline</li> <li>- Monitoring bores</li> <li>- Power generation</li> <li>- Power lines</li> <li>- Process plant and associated infrastructure</li> <li>- Roads and carpark</li> <li>- Tailings storage facility</li> <li>- Topsoil stockpile</li> <li>- Water bore</li> <li>- Water management infrastructure</li> <li>- Water pipeline</li> <li>- Workshop</li> </ul>
Yangibana Pty Ltd	G 08/97	100.00	Onslow South	<ul style="list-style-type: none"> <li>- A storage or transportation facility for minerals or mineral concentrate</li> <li>- Administration buildings</li> <li>- Communications facility</li> <li>- Evaporation pond</li> <li>- Gas pipeline</li> <li>- Monitoring bores</li> <li>- Power generation</li> <li>- Power lines</li> <li>- Process plant and associated infrastructure</li> </ul>

Company	Application	Hectares	Locality	Purpose
				- Roads and carpark - Tailings storage facility - Topsoil stockpile - Water bore - Water management infrastructure - Water pipeline - Workshop

For note

Three of the notifications for exploration licences (Central Pilbara North Iron Ore Pty Ltd E 47/4524, One Eight Two Capital Investments Pty Ltd E 47/4521, and Forge Resources Swan Pty Ltd E 47/4520), which are all for the same blocks, encroach Pannawonica – Millstream Road. The proposals appear to be consistent with the Shire of Ashburton’s strategic aims and objectives however, the Shire should be satisfied of the Public Road’s use and maintenance while retaining unrestricted public access and safety of the roads. An Agreement setting out the following will be required:

- Establishing RAV rating requirements to inform width and integrity,
- Road design including specifications including signage etc.,
- Shire inspection schedule,
- Construction materials and testing,
- Construction term,
- Maintenance term,
- Insurance; and
- Central Pilbara North Iron Ore Pty Ltd, One Eight Two Capital Investments Pty Ltd and Forge Resources Swan Pty Ltd being responsible for all costs (including Shire costs) associated with the preparation and implementation of the Agreement.

Alternatively, should the Shire be responsible for maintenance of Pannawonica – Millstream Road, an adequate fee will be required from Central Pilbara North Iron Ore Pty Ltd, One Eight Two Capital Investments Pty Ltd and Forge Resources Swan Pty Ltd to contribute to ongoing maintenance costs associated with their use of the road.

**Consultation**

Chief Executive Officer  
 Executive Leadership Team

**Statutory environment**

*PART IV -- Mining tenements of the Mining Act 1978 set out the grant and conditions of mining tenements in Western Australia.*

*Mining Regulations 1981*

*Regulation 64, Application for mining tenement of the Mining Regulations 1981 (Mining Regs)* states that application for mining tenements must be in the prescribed form, being a Form 21 and copies served in accordance with 33 (Application for mining by permit holder), 41 (Application for prospecting licence), 56A (Special prospecting licences), 58 (Application for exploration licence), 70 (Special prospecting licence on an exploration licence), 74 (Application for mining lease), 85B (Special prospecting licence on a mining lease), 91 (Grant of miscellaneous licence) and 118 (Notice of application to be given to lessee of pastoral lease) of the *Mining Act 1978*.

### Financial implications

There are no known financial implications for this matter.

### Strategic implications

Shire of Ashburton 10 Year Strategic Community Plan 2017-2027 (Desktop Review 2019)

Goal 02 Economic Prosperity  
Objective 1 Strong Local Economies

Goal 4 Quality Services and Infrastructure  
Objective 1 Quality Public Infrastructure

### 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
Damage to natural environment – social performance responsibilities to the community at large	Rare (1)	Moderate (3)	Low (3)	Natural Environment – contained, reversible impact managed by external agencies	Correspondence to all Applicants advising Shire's required considerations
Financial impact to assets (Pannawonica – Millstream Road)	Major (4)	Possible (3)	High (12)	Damage to road or liability for unsafe road	Where asset implications are identified, user agreements will be initiated

The following Risk Matrix has been applied:

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

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

The perceived level of risk is "High" due to potential litigation associated with unsafe roads. User agreements for maintenance or contribution to maintenance costs will see the roads maintained in a safe, trafficable state.

### Policy implications

Town Planning Scheme No. 7  
LPP – Transient Workforce Accommodation

### Voting requirement

Simple majority

### Councillor interest declarations

Cr K White - Proximity  
Cr D Diver - Financial  
Cr M Lynch - Indirect financial  
Cr L Rumble - Financial  
Cr D Dias - Indirect financial  
Cr M Gallanagh - Financial

### Officer recommendation

That with respect to *Mining Act 1978* Tenement Referrals – 1 April 2021 to 30 April 2021, Council:

1. Acknowledge the contents of this report,
2. Advise Central Pilbara North Iron Ore Pty Ltd, One Eight Two Capital Investments Pty Ltd and Forge Resources Swan Pty Ltd that an Agreement for use of Pannawonica –

Millstream Road in relation to Miscellaneous Licences E 47/4524, E 47/4521, and E 47/4520, and

3. Negotiate terms of agreement for use of Pannawonica – Millstream Road with Central Pilbara North Iron Ore Pty Ltd, One Eight Two Capital Investments Pty Ltd and Forge Resources Swan Pty Ltd in relation to Miscellaneous Licences E 47/4524, E 47/4521, and E 47/4520.

**Council Decision**

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



## 11.5 Land asset management

<b>File reference</b>	LP01
<b>Author's name</b>	J Fell
<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>	Not applicable
<b>Date report written</b>	5 May 2021
<b>Previous meeting reference</b>	Nil

### Confidential matters

Some attachments relating to this report are considered confidential in accordance with section 5.23 (2) of the *Local Government Act 1995* because they deal with matters of –

- a. 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
- b. Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

### Summary

To provide a framework for ongoing property asset management of the Shire of Ashburton's (Shire) property portfolio, a Land Asset Assessment (LAA) has been prepared and is presented for Council's consideration.

### Background

The LAA is intended to optimise property assets to achieve the maximum community benefit while informing a future Land Asset Management Plan.

An analysis of all Shire properties was required, including consideration of the Town Planning Scheme and other planning documentation, to recommend key strategic properties for development and identify opportunities for the public's benefit.

NS Group were appointed in July 2020 to undertake a land asset assessment across the Shire's land asset portfolio which included:

- Informing site particulars
- Impact of local planning scheme

- Commercial opportunities
- Site constraints
- Servicing requirements

NS Group's methodology included:

- Phase One – LAA
  - Inception meeting
  - Identify assets – strategic or commercial value
  - Site inspection (key assets only)
  - Site assessment (address, site plan, area, zoning, current use/improvements, surround precinct, contamination, historical, Indigenous significance etc.)
  - Review Local Planning Scheme to inform permitted land use for each site
  - Ascertain current community needs and strategic requirements to inform priority sites and or asset gaps
  - Identify opportunities and constraints
  - Prioritise assets
  - Outcome – asset assessment report, providing a summary of all assets (categorised), together with a more detailed assessment of the opportunities and constraints of the identified strategic assets and prioritisation of those that should proceed to the technical due diligence and feasibility stage. In addition, an Excel database of all Shire assets will be provided, documenting the site particulars of all assets, including land size, zoning, improvements etc.
- Optional Phase Two (Technical Due Diligence and Feasibility – Outcome: feasibility report which summarises the technical due diligence findings of each of the site investigations, the refined opportunities, and constraints of each of the site investigations, the refined opportunities, and constraints of each site recommendation as to which assets should proceed to the Business Case); and
- Optional Phase Three (Business Case including statement of need, alignment to government and strategic objectives, options development, concepts, capital cost estimates, risk analysis, programme, options analysis, delivery plan, funding strategy)

## Comment

The LAA comprises 267 assets, consisting of a mix of:

- Built form (residential dwellings, community infrastructure, commercial office, or public open spaces - ~40%)
- Vacant land (residential lots, development sites and reserves or rural land - ~60%)

Of these assets, approximately:

- 40% are in Onslow (107)
- 14% are in Paraburdoo (38)
- 45% are in Tom Price (120)
- 1% are in regional or remote locations outside of the Shire's three main towns (2)

Each property is detailed in the LAA report with zoning, land area, current use, known agreements, potential alternate use, environmental constraints, Heritage constraints, other constraints, fair value (on 30 June 2020) and an overall recommendation. The intent of the

recommendation is to consider current and future community/social benefit, tourism and economic potential, and environmental value. Each recommendation presents an opportunity however, actual implementation may vary depending on internal resources and external conditions.

The report focuses on freehold, and properties owned by the State (with Management Order issued to the Shire).

The assets have been classified into:

- Commercial
- Commercial development
- Community facility
- Infrastructure reserve
- Heritage site
- Industrial
- Industrial development
- Public open space (developed)
- Public open space (undeveloped)
- Residential development
- Rural
- Staff housing
- Tourism development

	Commercial	Commercial Development	Community Facility	Heritage Site	Industrial	Industrial Development	Infrastructure Reserve	POS (Developed)	POS (Undeveloped)	Residential Development	Rural	Staff Housing	Tourism Development
Onslow	5	5	12	24	3	5	12	7	-	11	7	12	4
Tom Price	3	4	22	-	2	2	23	12	14	10	3	24	1
Paraburdoo	5	-	5	-	1	-	6	6	3	2	-	10	-
Mount Sheila	-	-	-	-	-	-	1	-	-	-	1	-	-
<b>Total</b>	<b>13</b>	<b>9</b>	<b>39</b>	<b>24</b>	<b>6</b>	<b>7</b>	<b>42</b>	<b>25</b>	<b>17</b>	<b>23</b>	<b>11</b>	<b>46</b>	<b>5</b>

#### Attachment 11.5A

Research into the relevant property markets to identify potential land use requirements or demands, strategic projects or initiatives and commercial opportunities was undertaken with assessment criteria adopted to identify strategic value or opportunity. Quick wins/priorities identified are on Council's radar with acquisition of the following progressing –

Confirmed Public Minutes Ordinary Council Meeting 15 June 2021

Lot	Street Name	Town	Brief Description	Classification	Shire Comment
3504	Second Avenue	Onslow	Irregular shaped, vacant site, with street frontage to the head of Second Avenue only	Tourism Development	Creation of Reserve under Shire management to allow access to Lot 381 and Reserve 32702 "Recreation"
341	Second Avenue	Onslow	Vacant, regular shaped, corner site, with secondary frontage to Third Street	Commercial Development	Acquisition completed
342	Second Avenue	Onslow	Vacant, regular shaped site	Commercial Development	Acquisition completed
381	Third Avenue	Onslow	Vacant, rectangular shaped site, with street frontage to the head of Third Avenue only	Tourism Development	Settlement Date 17 May 2021
395	Third Avenue	Onslow	Regular shaped site, improved with office / workshop buildings used as an ambulance depot	Residential Development	Transfer of Title progressing with DPLH
N/A	Third Avenue	Onslow	Triangular shaped vacant site, extending between Third Avenue and Second Avenue, at their north-western end	Tourism Development	Public road, potential change of use
247	Poinciana Street	Tom Price	Slightly irregular shaped site, having frontages to both Poinciana Street and Mine Road, improved with an older style office building	Commercial Development	Planned acquisition for Tom Price Admin Office expansion
292	Poinsettia Street	Tom Price	Triangular shaped, vacant site, located at the end of Poinsettia Street	Public Open Space (Undeveloped)	Creation of Reserve progressing with DPLH with Purpose to be "Staff Housing" or similar

NS Group recommend a staff housing strategy (completed however yet to be endorsed by Council) and public open space (POS) strategy (particularly for Tom Price) be undertaken to develop a formal Land Asset Management Plan. A POS strategy would identify any parcels surplus to the POS delivery, in consultation with the Department of Planning, Lands and Heritage, to ensure no impact on POS delivery.

**Confidential Attachment 11.5B**

## Consultation

Chief Executive Officer  
Executive Leadership Team  
Planning Team

## Statutory environment

### *Local Government Act 1995*

*'Section 3.58 of the LGA sets out the requirements to enable a local government to dispose of property, being by public auction (to highest bidder) or public tender (most acceptable tender) or by giving local public notice.'*

*'Section 3.59 of the LGA sets out the procedure for acquisition and disposal of property as a major land transaction or major land undertaking, requiring the preparation (and advertising) of a business plan.'*

### *Land Administration Act 1997*

'The Land Administration Act 1997 ('LAA') is Western Australia's primary legislation dealing with the management of Crown land. The LAA is administered by the Minister for Lands ('Minister'), assisted by the Department of Planning, Lands and Heritage.

Part 4 of the LAA provides for the creation, administration, and management of reserves over Crown land / waters.

Under section 41 of the LAA the Minister may set aside Crown land as reserve for a particular purpose in the public interest. Every such reservation has a land description and designated purpose registered on a Crown Land Title ('CLT') and is graphically depicted on a plan or diagram held by Landgate.

Reserve tenure is usually applied to land that:

- a) holds intrinsic community value or is of high conservation value that should be preserved and maintained for the benefit of future generations;
- b) for core business/service delivery needs of general sector State agencies and local governments.'

## Financial implications

Costs incurred to date include:

Phase	Fee (excl. GST)
Phase 1 Land Asset Audit	\$38,750
Phase 2 Technical Due Diligence and Feasibility	To be determined (Future Stage)
Phase 3 Business Case	To be determined (Future Stage)

The Procurement Policy will be adhered to when procuring a consultant to prepare a Public Open Space Strategy, with sufficient provision being made in the 2021/22 Budget.

### Strategic implications

Shire of Ashburton 10 Year Strategic Community Plan 2017-2027 (Desktop Review 2019)

Goal 05 Inspiring Governance

Objective 1 Effective planning for the future

### 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
Compliance	Rare (1)	Insignificant (1)	Low (1)	No noticeable regulatory or statutory impact	Adopt Officers Recommendation

The following Risk Matrix has been applied:

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

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

The perceived level of risk is "Low" and will be monitored through internal processes and procedures.

### Policy implications

ENG13 Asset Management Policy

### Voting requirement

Simple majority

**Councillor interest declarations**

Cr K White	-	Proximity
Cr D Diver	-	Financial
Cr L Rumble	-	Financial
Cr D Dias	-	Indirect financial
Cr M Gallanagh	-	Financial

**Officer recommendation**

That with respect to the Land Asset Assessment, Council:

1. Receives the Land Asset Assessment; and
2. Authorises the Chief Executive Officer to prepare a Public Open Space Strategy for consideration by Council.

**Council Decision**

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

## **11.6 Use of common seal, actions performed under delegated authority and the tender register for May 2021**

<b>File reference</b>	GV21 / CM02
<b>Author's name</b>	D Walkington
<b>Author's position</b>	Acting Governance Officer
<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>	11 June 2021
<b>Previous meeting reference</b>	Not applicable

### **Summary**

The purpose of this agenda item is to report to Council, for information –

- use of the Common Seal,
- actions performed under delegated authority requiring referral to Council,
- and a copy of the Tender Register,

for May 2021.

### **Background**

Council has historically sought a monthly update of the more significant activities for the organisation relative to (1) use of the Common Seal, and (2) actions performed under delegated authority requiring referral to Council as per the Shire of Ashburton Delegated Authority Register 2021.

### **Comment**

A report on use of the Common Seal, relevant actions performed under delegated authority and the Tender Register has been prepared for Council. There were no uses of the Common Seal or delegations for the month of March 2021.

**Attachment 11.6A**

### **Consultation**

Relevant officers, as listed in Attachment 11.6A.



## Statutory environment

*Local Government Act 1995*

Clause 9.3 of the Shire of Ashburton Town Planning Scheme No. 7

Delegated Authority Register

## Financial implications

There are no known financial implications for this matter.

## Strategic implications

Shire of Ashburton 10 Year Strategic Community Plan 2017- 2027 (Desktop Review 2019)

Goal 05 Inspiring Governance

Objective 4 Exemplary team and work environment

## 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 officers fail to comply with legislation	Unlikely (2)	Minor (2)	Low (4)	Compliance Some temporary non compliances	Ensure processes are adequate and understood

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" considering the report being for information purposes only and the risk can be managed by routine procedures and is unlikely to need specific application of resources.

**Policy implications**

ELM 13      Affixing the Shire of Ashburton Common Seal  
FIN12      Purchasing Policy

**Voting requirement**

Simple majority

**Councillor interest declarations**

Nil

**Officer recommendation**

That with respect to the use of the common seal and actions performed under delegated authority and the tender register for May 2021, Council receive the reports, as included in Attachment 11.6A.

**Council Decision    92/2021**

**Moved                    Cr K White**

**Seconded                Cr D Diver**

**That the meeting proceeds to the next item of business.**

**Reason for differing resolution – The Attachment was not distributed in a timely manner for Councillors to give due consideration.**

**Carried 8/0**

## 12 Corporate Services reports

### 12.1 Monthly financial statements and schedule of accounts paid

<b>File reference</b>	FM03
<b>Author's name</b>	T Dayman
<b>Author's position</b>	Manager Finance and Administration
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	N Cain
<b>Authorising officer's position</b>	Director Corporate Services
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Not applicable
<b>Date report written</b>	1 June 2021
<b>Previous meeting reference</b>	Not applicable

#### Confidential matters

Some attachments relating to this report are considered confidential in accordance with section 5.23 (2) of the *Local Government Act 1995* because they deal with matters of –

- a. 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
- b. Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

#### Summary

Council is required to produce a statement of financial activity and a schedule of accounts paid each month containing relevant information, as legislated.

The purpose of this report is to present the statement of financial activity for the month ended May 2021 and the schedule of accounts paid for May 2021.

Council is requested to accept the statement of financial activity and confirm the schedule of accounts paid, as presented.

#### Background

The *Local Government (Financial Management) Regulations 1996* require Shire officers, monthly and within a prescribed timeframe, to:

1. Prepare financial reports covering prescribed information and present these to Council

for acceptance; and

2. 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 statement of financial activity and the schedule of accounts paid in accordance with legislative requirements.

The schedule of accounts paid, inclusive of credit card payments is attached.

### **Confidential Attachment 12.1A**

The monthly financial report has been prepared in accordance with legislative requirements as well as providing Council with additional supplementary information. The monthly financial report is inclusive of the following reports –

- Statement of Financial Activity for the period.
- Capital Expense Report outlining the progress of capital initiatives as at period end.
- 2020-2021 Budget Amendments Register as at period end.

### **Attachment 12.1B**

### **Consultation**

Executive Leadership Team  
Middle Management Team  
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.

*Section 6.8 (Expenditure from municipal fund not included in annual budget)*

A local government is not to incur expenditure from the municipal fund for an additional purpose except where the expenditure is incurred before the budget is adopted (which it must then be included), is authorised in advance by Council Decision or is authorised in advance by the Shire President in an emergency.

*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.

*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.

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

**Strategic implications**

Shire of Ashburton 10 Year Strategic Community Plan 2017-2027 (Desktop Review 2019)

Goal 05 Inspiring Governance

Objective 4 Exemplary team and work environment

**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>
Material misstatement or significant error in the financial statements.	Unlikely (2)	Moderate (3)	Moderate (6)	Financial Impact - \$100,000 to \$1 million	Review of financial position information to be undertaken regularly and by multiple officers.
Council does not accept the Officers recommendation.	Unlikely (2)	Minor (2)	Low (4)	Compliance – Some temporary non compliances.	Provide elected members with sufficient information for decision making.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is low due to 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

**Council Decision 93/2021**

**Moved Cr L Rumble**  
**Seconded Cr R de Pledge**

**That with respect to the Monthly Financials and Schedule of Accounts Paid, Council:**

- 1. In accordance with the *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.), confirms the Schedule of Accounts Paid for May 2021, as included in Confidential Attachment 12.1A, and;**
- 2. In accordance with the *Local Government (Financial Management) Regulations 1996* regulation 34 Financial activity statement required each month (Act s. 6.4), accepts the Statement of Financial Activity, and associated reports, for May 2021, as included in Attachment 12.1B.**

**Carried by absolute majority 8/0**

## 12.2 2020-2021 General Meeting of Electors

<b>File reference</b>	GV04
<b>Author's name</b>	N Cain
<b>Author's position</b>	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>	31 May 2021
<b>Previous meeting reference</b>	Not applicable

### Summary

A general meeting of the electors of the district is to be held once every financial year. The general meeting of electors of the district for the 2020-2021 financial year was held at the Onslow Multi-Purpose Centre (Corner Hooley Avenue and McGrath Avenue, Onslow) on 18 May 2021, and commenced at 4:00 pm.

Council is requested to receive the minutes of the recent general meeting of electors and consider the Decision by Electors made at this meeting.

### Background

The *Local Government Act 1995* requires a general meeting of electors in the district to be held once every financial year.

The general meeting of electors of the district for the 2020-2021 financial year was held at the Onslow Multi-Purpose Centre (Corner Hooley Avenue and McGrath Avenue, Onslow) on 18 May 2021, and commenced at 4:00 pm.

Excluding attending Shire councillors and employees, twenty-five (25) people were in attendance, with fifteen (15) of those people being eligible electors.

The minutes from the meeting are attached.

**Attachment 12.2A**



At the meeting, the following Decision by Electors was moved and carried –

*“Moved: S Wilson  
Seconded: A Shone*

*That Council repair the relationship with Guido van Helten to produce a design concept which fits the contract brief before engaging another artist.”*

No other Decisions by Electors were made.

### **Comment**

Shire officers have considered the Decision by Electors regarding repairing the relationship with Guido van Helten (the artist contracted to paint mural artwork on the Onslow Water Tanks, Onslow).

The Decision by Electors is like the petition lodged by the mover of the Decision by Electors (Suzanne Wilson) at the council meeting held earlier on the same day as the general meeting of electors.

The petition, which is the subject of an Officer report in this Council Agenda, has the following request:

*“We, the undersigned, all being electors of the Shire of Ashburton do respectfully request that Council reinstate Artist Guido Van Helten to complete the Onslow Water Tank Project as endorsed by Council.*

*Furthermore, we request that Council provide a written explanation as to why as stated in media reports the mural was “too indigenous” resulting in the artist abandoning the Onslow Water Tank Public Art Project.”*

Because of the similarity between the Decision by Electors and the petition request, Shire officers believe the item is best considered once only and, accordingly, request Council note the Decision by Electors in this Agenda item and consider the detail in the Agenda item which directly considers the petition (Item 12.3 in this Agenda).

### **Consultation**

Executive Leadership Team  
Chief Operating Officer – Airport and Tourism

### **Statutory environment**

*Local Government Act 1995*

*Section 5.26 – Term used: electors*

Electors includes ratepayers, in addition to a person who is enrolled to vote at elections for the district (or ward).

*Section 5.27 – Electors’ general meetings*

A general meeting of the electors of a district is to be held once every financial year, after Council accepts the annual report for the previous year.

*Section 5.32 – Minutes of electors’ meetings*

The Chief Executive Officer is to ensure minutes of the electors’ meeting are kept and preserved and ensure the minutes are made available for inspection before the council meeting at which decisions made at the electors’ meeting are first considered.

*Section 5.33 – Decisions made at electors’ meetings*

All decisions made at an electors’ meeting are to be considered at the next ordinary council meeting, unless not practicable. In the case it is not practicable, at the next ordinary council meeting or at a special meeting called for the purpose of considering those decisions.

If council makes a decision in response to a decision made at an electors’ meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

*Local Government (Administration) Regulations 1996*

*Regulation 17 – Voting at meeting*

Each elector present at an electors’ meeting is entitled to one vote on each matter to be decided, although does not have to vote.

**Financial implications**

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

**Strategic implications**

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

- Goal 5 Inspiring Governance
- Objective 2 Community ownership
- Objective 3 Council leadership

**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 is branded negatively for not considering the Decision by Electors in this Agenda item.	Possible (3)	Moderate (3)	Moderate (9)	Reputation – Substantiated, public embarrassment, moderate impact on community trust or moderate media profile.	Provision of detailed explanation within an additional agenda item, including the details of the Motion by Elector within the item.

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 heightened local community interest regarding the mural artwork on the Onslow Water Tanks and the need to appropriately convey the position of Council to the broader community.

### Policy implications

*Model Code of Conduct for Council Members, Committee Members and Candidates 2021*

Council is to ensure it –

- acts based on relevant and factually correct information,
- makes decisions on merit, in the public interest and according to statute, good governance and procedural fairness, and
- is open and accountable and represents the community in the district.

### *ADM08 – Community Engagement Policy*

Council is committed to engaging with the Shire of Ashburton community and recognises community engagement is about involving the community in decisions impacting them, noting community engagement does not mean achieving consensus, however it does involve seeking broad, informed agreement and the best possible solution for Council and community.

### Voting requirement

Simple majority

### Councillor interest declarations

Nil

**Council Decision 94/2021**

**Moved Cr D Diver**

**Seconded Cr M Gallanagh**

**That with respect to the 2020-2021 general meeting of electors, Council, in accordance with the *Local Government Act 1995* section 5.33;**

- a. Receives the minutes of the 2020-2021 general meeting of electors held at the Onslow Multi-Purpose Centre (Corner Hooley Avenue and McGrath Avenue, Onslow) on 18 May 2021, which commenced at 4:00 pm, as included in Attachment 12.2A;**
- b. Acknowledges the Decision by Electors regarding repairing the relationship with Guido van Helten (the artist contracted to paint mural artwork on the Onslow Water Tanks, Onslow); and**
- c. Noting the similarity to the petition received at the 18 May 2021 ordinary council meeting, elects to consider both the petition and Decision by Electors (regarding Guido van Helten) in the one item (Item 12.3 to this Council agenda).**

**Carried 8/0**

### 12.3 Petition and Decision by Electors – Matters regarding Onslow Water Tank Public Art Project artist (Guido van Helten)

<b>File reference</b>	RC34
<b>Author's name</b>	N Cain
<b>Author's position</b>	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>	1 June 2021
<b>Previous meeting reference</b>	Agenda item 11.3 (Minute 27/2021) ordinary council meeting 16 March 2021

#### Confidential matters

Some attachments relating to this report are considered confidential in accordance with section 5.23 (2) of the *Local Government Act 1995* because they deal with matters of –

- a. 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
- b. Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

#### Summary

A petition was provided to Council at the 18 May 2021 ordinary council meeting requesting the reinstatement of the Onslow Water Tank Public Art Project artist (Guido van Helten), and for an explanation to be provided why, in the petitioners' perception, the "...mural was "too indigenous" resulting in the artist abandoning the Onslow Water Tank Public Art Project."

The purpose of this item seeks to –

- a) address the request contained within the submitted petition,
- b) consider the Decision by Electors from the 2020-2021 general meeting of electors, and
- c) comment on the future direction of the project (including a proposed alternative method to progress the project, should council so choose).

Council is requested to support the continuation of the project, consider the petition request and Decision by Electors, and establish an Artwork Selection Working Group, involving

community members, to assist in overseeing the delivery of the project (assuming Council is supportive of continuing the project).

## **Background**

In 2018, the Shire of Ashburton undertook a Request for Quote process to award an artist the contract to paint mural artwork on the Onslow Water Tanks, Onslow. This artwork initiative was intended to represent the community's history, spirit, and people, with the objectives of –

- Increasing the arts sector within the Shire,
- Bringing the community together, and
- Increasing tourism in Onslow and the Shire of Ashburton region.

The successful artist (Guido van Helten) signed a contract with the Shire of Ashburton and the Water Corporation to commission the painting of the Onslow Water Tanks, Onslow, with a suitable public art design.

Due to COVID-19 pandemic movement restrictions the artist was not able to commence the project on-site until March 2021.

In April 2021, following a comprehensive community consultation process, Shire officers provided, on behalf of the artist, the artist's initial design proposal to a Council briefing session where Councillors discussed the initial design proposal. The artist was not present at this discussion.

Councillors provided direction to the Chief Executive Officer to reject the initial design as it was considered to not be in line with Council's vision for the artwork.

Council's vision included a visual interpretation of Onslow's community history and a reflection of its past to modern day, which was to acknowledge indigenous heritage, pearling and agriculture industries, and the stories that make Onslow the authentic coastal town it is today.

Shire officers were of the understanding the artist was willing to work on an alternative design, as conveyed by the artist at a subsequent meeting held with the artist and Shire representatives following the Council briefing session.

Soon after the discussion of the design at the April 2021 Council briefing session and the subsequent meeting, Shire officers were informed by correspondence, on 26 April 2021, sent on behalf of the artist, stating he was not prepared to work on an alternative design, or modify the initial design, and, soon thereafter, the artist left the district.

Shire officers have sought legal advice for guidance regarding the contractual relationship between the Shire of Ashburton and Mr. van Helten.

At the 18 May 2021 ordinary council meeting a petition was submitted to, and accepted by, Council.

The request, as contained on each page of the petition, is as below:

*“We, the undersigned, all being electors of the Shire of Ashburton do respectfully request that Council reinstate Artist Guido Van Helten to complete the Onslow Water Tank Project as endorsed by Council.*

*Furthermore, we request that Council provide a written explanation as to why as stated in media reports the mural was “too indigenous” resulting in the artist abandoning the Onslow Water Tank Public Art Project.”*

The summary of the reasons for the request contained within the petition is as below:

*“The reasons for the request are:*

- *Guido van Helten spent six weeks in Onslow and engaged with a wide range of community members in an inclusive and professional manner.*
- *Guido sourced a variety of photos that depicted an honest and unbiased view of Onslow’s history, spirit, and people.*
- *Council made their decision without any consultant with the community; therefore, this petition aims to voice community concern regarding Councils blatant disregard towards community input during the design and approval process.*

*Additional factors of concern raised by the community during discussions include;*

- *Lost opportunity for reconciliation with our indigenous people and culture;*
- *Lost tourism and economic opportunities;*
- *Financial implications to project stakeholders, Water Corporation sponsored \$50,000 and Regional Arts WA \$30,000; And what, if any decision and feedback these Stakeholder had in the approval process.*
- *The Shire of Ashburton recently purchased Public Sculptures (Paparazzi Dogs) to the value of \$125,000. There is no public record indicating Council approved the purchase of the sculptures. The item appeared in March Monthly Financial Report (page 27). The public sculptures have no relevance to the history and culture of Onslow. The sculptures do not meet the Shires own Strategic Community Plan (unlike the Water Tank Public Art Project), and the **community were not consulted on public sculpture project.”***

Additionally, at the 2020-2021 general meeting of electors, also held on 18 May 2021, the following Decision by Electors was moved and carried:

*“Moved: S Wilson*

*Seconded: A Shone*

*That Council repair the relationship with Guido van Helten to produce a design concept which fits the contract brief before engaging another artist.”*

## Comment

### Petition assessment

The petition, lodged pursuant to section 6.10 (Petitions) of the *Shire of Ashburton Standing Orders Local Law 2012*, has been assessed by Shire officers and found satisfactorily compliant.

The Western Australian Electoral Commission provided Shire officers with a copy of the district electoral roll as of 1 June 2021.

The petition contains 220 signatures, with the following breakdown of the assessment against the supplied electoral roll provided:

- 129 of the signatories have been identified on the supplied electoral roll;
- 10 of the signatories identified themselves as not being electors of the district;
- 1 signatory was indeterminable; and
- 80 signatories claimed to be electors of the district and were unable to be matched on the supplied electoral roll.

Based on the satisfactorily compliant nature of the petition, Shire officers have proceeded to address the petition request.

### Petition request (Part B)

Part B of the petition request is as below:

*“Furthermore, we request that Council provide a written explanation as to why as stated in media reports the mural was “too indigenous” resulting in the artist abandoning the Onslow Water Tank Public Art Project.”*

It is noted, and reinforced, Council, and Council representatives, have no control over what is reported in media reports by other agencies and do not, and have not, referred to the mural as being “too indigenous”.

Council’s vision for the artwork on Onslow’s water tanks was for a visual interpretation of the community’s history and a reflection of the past to modern day.

The Preamble for the Request for Quotation for the Onslow Water Tanks Mural Project (April 2019) stated the following:

*“The Shire of Ashburton (SoA) is seeking quotations from suitably experienced artists for the provision of a mural on the two Onslow Water Tanks which reflects the township of Onslow’s history and character. This project includes preparing the surfaces of the water tanks, conducting community engagement, submitting designs, and painting the mural on the tanks.”*



Council aspired for the mural to be an interpretation of the town and surrounding lands, which not only acknowledged the Indigenous heritage and respectfully represented the traditional custodians of the land, the Thalanyji People.

In essence the vision for the artwork would be provided through the stories of those who call Onslow home, and through the traditional industries and growth of Onslow into the authentic coastal town it is today.

This is reinforced and included within the Project Deliverables section of the Request for Quotation document (with regards to the concept), which stated:

*“The proposed large scale public artwork will contribute and enhance Onslow’s sense of place and community connectedness, will provide the area with a unique tourist attraction and be part of a bigger art trail.*

*The Shire is keen for artists to exercise artistic expression and freedom on this project, as the final design should reflect the un-biased artist’s interpretation of the community; however, the work will need to explore and refer to the themes specified for Onslow by the Shire of Ashburton, Water Corporation, and the community elements relative to the community, its history, culture and character, environment, and water.*

*The artist will need to work within the defined parameters (no offensive content) and the artwork should not resemble graffiti. The artist is required to engage with the community, develop at least two concept designs, these will be put forward to the reference group for feedback before presenting the final design to the community and delivering the project.”*

### **Attachment 12.3A**

Shire officers note the commentary included in media reports regarding the initial concept are not in context and do not reflect the feedback and sentiment of the Council direction as provided to the Chief Executive Officer at a Council briefing session held in April 2021.

At this session it was noted Onslow, as a diverse and dynamic town in the North-West of Western Australia, has an interesting story to tell which was not captured in the imagery provided by the artist.

#### Petition request (Part A) and Decision by Electors (18 May 2021)

Part A of the petition request is as below:

*“We, the undersigned, all being electors of the Shire of Ashburton do respectfully request that Council reinstate Artist Guido Van Helten to complete the Onslow Water Tank Project as endorsed by Council.”*

The Decision by Electors, which was moved and carried at the 2020-2021 general meeting of electors, is as below:

*“That Council repair the relationship with Guido van Helten to produce a design concept which fits the contract brief before engaging another artist.”*

As the two components are like each other, the two matters will be considered together.

The relationship between the artist (Guido van Helten), the Water Corporation and the Shire of Ashburton is controlled by the terms and conditions contained within the Public Art and Commission Agreement signed and executed by representatives from each party on 18 December 2020.

From the moment of signature and execution, each party is bound by the terms and conditions of the Agreement.

A copy of the Executed Agreement is contained as a confidential attachment.

**Confidential Attachment 12.3B**

Shire officers have sought legal advice and guidance regarding the continuation of any form of relationship with the artist.

This advice is contained as a confidential attachment.

**Confidential Attachment 12.3C**

Further advice has been sought by Shire officers from a procurement advisor, which was verbally provided, seeking direction regarding the potential opportunity for an ongoing relationship with the artist.

By way of summary from both the legal advisor and procurement advisor, should Council wish to continue any form of ongoing relationship with Guido van Helten, as the artist for the Onslow Water Tanks Mural Project, this should be undertaken by way of another open and transparent procurement process, where the artist can resubmit his proposal (along with any other interested artist/s), and, if the artist is successful, a new Agreement entered. This position does not align to Part A of the petition request nor the Decision of Electors.

Essentially, the contractual agreement between Guido van Helten, the Water Corporation and the Shire of Ashburton (as signed and executed by representatives from each party on 18 December 2020) is considered “no longer on foot”. That is, a discontinuance to observe the obligations to the Agreement mean it is no longer binding on the parties in any way.

### Progressing the Project

Should Council wish to continue with the project, there is a need to progress any artwork on the water tanks in a timely manner (due to recent preparatory cleaning of the tanks and the traditional ideal weather conditions for these works).

Shire officers have considered an alternate process for advancing the project and have held preliminary discussions with the Water Corporation and Regional Arts WA.

Both organisations have indicated a desire to continue with the project noting the cultural and tourism significance to Onslow.

Through discussions with State agencies, other local governments, other Shire officers, and considering the legal and procurement advice, an alternate procurement process could be considered by Council to progress the project, namely an Expression of Interest process.

An Expression of Interest would be an opportunity for a respondent to express themselves in a clear, professional document, offering an opportunity to provide important information and to demonstrate suitability, interest, artistic genre, originality, inventiveness, and ability to communicate with stakeholders.

Additionally, consideration has been given to potential community involvement to assist with the selection of the artist/s and artwork through the utilisation of an "Artwork Selection Working Group".

Shire Officers suggest the Artwork Selection Working Group be comprised of appropriately skilled representatives from the Shire of Ashburton, relevant local community groups, residents, and businesses.

It is suggested the Art Selection Working Group would make recommendation (not unlike the role of a Shire officer) for the selection of an artist/s following the Expression of Interest Process.

In accordance with legislative requirements, at the conclusion of the Expression of Interest process, tenders would be sought from the successful submissions. It has been suggested a fee be paid to each shortlisted artist/s to prepare and present their concepts, which is not an uncommon process in the delivery of artwork concept proposals.

From the short-listed projects, the Artwork Selection Working Group would select an artist/s for the design, fabrication and installation of the artwork and provide this in the form of a recommendation.

Shire officers believe this process would provide a high level of community ownership, discussion, and involvement, which is likely to result in a high level of community acceptance.

## **Consultation**

Executive Leadership Team  
Chief Operating Officer – Airport and Tourism  
Manager Economic Development and Tourism  
Legal advisor  
Procurement advisor  
Other local government officers  
Water Corporation  
Regional Arts WA

## **Statutory environment**

*Shire of Ashburton Standing Orders Local Law 2012*

*Section 6.10 - Petitions*

A petition submitted to Council is to be in an appropriate form and contain such detail to ensure the eligibility of the petition being submitted. Council is not to consider any issue raised in the received petition until it has considered a report on the matter of the petition.

*Local Government Act 1995*

*Section 5.33 – Decisions made at electors’ meetings*

All decisions made at an electors’ meeting are to be considered at the next ordinary council meeting, unless not practicable. In the case it is not practicable, at the next ordinary council meeting or at a special meeting called for the purpose of considering those decisions.

If council makes a decision in response to a decision made at an electors’ meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

*Local Government (Functions and General) Regulations 1996*

*Regulation 21 – Limiting who can tender, procedure for*

A local government can choose to make a preliminary selection from amongst prospective tenderers for the supply of goods or services. The process, known as an “Expression of interest”, must meet certain requirements as part of this process.

*Regulation 14 – Publicly inviting tenders, requirements for*

If a local government has prepared a list of acceptable tenderers via the use of an Expression of Use process, then the local government is required to conduct the appropriate tender submission selection process as though it had been required to call tenders, giving notice of the invitation to tender to each acceptable tenderer listed instead of Statewide public notice.

## **Financial implications**

The total budget for this project (\$123,400) has already been approved by Council and included in the 2020-2021 Annual Budget. Shire officers propose rolling the budget over to the next financial year as it is unlikely the project will be completed this financial year.

The total budget includes preparatory cleaning, community engagement, artist accommodation and payments to the artist.

To date, approximately \$48,000 has been expended, which has predominantly been for the cleaning, community engagement, and artist accommodation (\$37,500).

The grant funds towards the delivery of the project total \$80,000.

### Strategic implications

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

- Goal 2 Economic Prosperity
- Objective 1 Strong Local Economies
- Objective 2 Enduring partnerships with industry and government
- Objective 3 Well-managed tourism

Shire of Ashburton Economic and Tourism Development Strategy (2019)

- Goal 1 Promote the Shire
- Objective 1 Targeted Destination marketing for increased tourism
- Objective 2 Supporting capacity building

- Goal 2 Encourage Infrastructure Development and Investment
- Objective 1 Encouraging tourism and transport infrastructure 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 reinstate the artist (Guido van Helten) against the wishes of some of the community.	Likely (4)	Moderate (3)	High (12)	Reputation – Substantiated, public embarrassment, moderate impact on community trust or moderate media profile.	Provision of an alternative solution for Council to consider which has a high degree of public engagement.
Council is branded negatively for not delivering public artwork.	Possible (3)	Moderate (3)	Moderate (9)	Reputation – Substantiated, public embarrassment, moderate impact on community trust or moderate media profile.	Provision of alternative solutions for Council to consider which have a high degree of public engagement.
Council fails to follow legislation associated with	Unlikely (2)	Moderate (3)	Moderate (6)	Compliance – Short-term non-compliance with	Utilisation of the Shire's dedicated Procurement

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Expressions of Interest.				significant .regulatory requirements imposed.	Service Team, combined with Governance assistance.
The proposal fails to deliver artwork which is accepted by Council and community.	Possible (3)	Moderate (3)	Moderate (9)	Project (Time) – Exceeds deadline by 15% of project timeline.	The provision of regular updates to the community of Onslow by the nominated artist / working group.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is “Moderate to High” due to the high level of community interest and perceived angst of the project. A proposal providing a higher level of community involvement, coupled with a collaborative approach, is likely to provide a result with a high community acceptance.

### Policy implications

#### *ADM08 – Community Engagement Policy*

Council is committed to engaging with the Shire of Ashburton community. Council recognises community engagement is about involving the community in decisions which impact them, noting community engagement does not mean achieving consensus, however it does involve seeking broad, informed agreement and the best possible solution for Council and community.

### Voting requirement

Simple majority

### Councillor interest declarations

Nil

### **Officer recommendation**

That with respect to consideration of the petition requesting reinstatement of the Onslow Water Tank Public Art Project Artist (Guido van Helten), and the Decision by Electors, which was moved and carried at the 2020-2021 general meeting of electors, and which is like the petition, Council:

1. Supports the continuation of the delivery of the Onslow Water Tank Mural Project;
2. In accordance with section 6.10 of the *Shire of Ashburton Standing Orders Local Law 2012* and section 5.33 of the *Local Government act 1995*, advises:

*“With respect to the delivery of the Onslow Water Tank Public Art Project, the relationship between the artist (Guido van Helten), the Water Corporation and the Shire of Ashburton is controlled by the terms and conditions contained within the Public Art and Commission Agreement signed and executed by representatives from each party on 18 December 2020.*

*Council has been advised a discontinuance to observe the obligations to the Agreement mean it is no longer binding on the parties.*

*Additionally, advice has been received noting, should Council wish to continue any form of ongoing relationship with Guido van Helten, as the artist for the Onslow Water Tanks Mural Project, this should be undertaken by way of another open and transparent procurement process, where the artist can resubmit his proposal (along with any other interested artist/s) and, if successful, a new Agreement with the artist entered.*

*Further, regarding media reports stating the proposed mural was “too indigenous” neither the Council, nor Council representatives, hold this view.*

*Council notes the commentary included in media reports regarding the initial concept are not in context and do not reflect the feedback and sentiment of the Council direction as provided to the Chief Executive Officer at a Council briefing session held in April 2021.*

*At this session it was noted Onslow, as a diverse and dynamic town in the North-West of Western Australia, has an interesting story to tell which was not captured in the imagery provided by the artist.”*

3. Requests the Chief Executive establish an Artwork Selection Working Group comprised of appropriately skilled representatives from the Shire of Ashburton, relevant local community groups, residents, and businesses to assist Council with the selection of the artist/s and artwork for the Onslow Water Tank Mural; and
4. In accordance with the *Local Government (Functions and General) Regulations 1996* regulation 21, requests the Chief Executive Officer to seek Expressions of Interest for the supply of Onslow Water Tank Mural Artwork based on the scope of Request for Quotation – Onslow Water Tanks Mural Project (April 2019) as included in Attachment 12.3A.

**Council Decision 95/2021**

**Moved Cr D Diver**  
**Seconded Cr R de Pledge**

**That with respect to consideration of the petition requesting reinstatement of the Onslow Water Tank Public Art Project Artist (Guido van Helten), and the Decision by Electors, which was moved and carried at the 2020-2021 general meeting of electors, and which is like the petition, Council:**

- 1. Supports the continuation of the delivery of the Onslow Water Tank Mural Project,**
- 2. In accordance with section 6.10 of the Shire of Ashburton Standing Orders Local Law 2012 and section 5.33 of the Local Government act 1995, advises,**

***“With respect to the delivery of the Onslow Water Tank Public Art Project, the relationship between the artist (Guido van Helten), the Water Corporation and the Shire of Ashburton is controlled by the terms and conditions contained within the Public Art and Commission Agreement signed and executed by representatives from each party on 18 December 2020.***

***Council has been advised a discontinuance to observe the obligations to the Agreement mean it is no longer binding on the parties.***

***Additionally, advice has been received noting, should Council wish to continue any form of ongoing relationship with Guido van Helten, as the artist for the Onslow Water Tanks Mural Project, this should be undertaken by way of another open and transparent procurement process, where the artist can resubmit his proposal (along with any other interested artist/s) and, if successful, a new Agreement with the artist entered.***

***Further, regarding media reports stating the proposed mural was “too indigenous” neither the Council, nor Council representatives, hold this view.***

***Council notes the commentary included in media reports regarding the initial concept are not in context and do not reflect the feedback and sentiment of the Council direction as provided to the Chief Executive Officer at a Council briefing session held in April 2021.***

***At this session it was noted Onslow, as a diverse and dynamic town in the North-West of Western Australia, has an interesting story to tell which was not captured in the imagery provided by the artist.”***

- 3. Requests the Chief Executive establish an Artwork Selection Working Group comprised of appropriately skilled representatives from the Shire of Ashburton,**



**relevant local community groups, residents, and businesses to assist Council with the selection of the artist/s and artwork for the Onslow Water Tank Mural,**

- 4. In accordance with the Local Government (Functions and General) Regulations 1996 regulation 21, requests the Chief Executive Officer to seek Expressions of Interest for the supply of Onslow Water Tank Mural Artwork based on the scope of Request for Quotation – Onslow Water Tanks Mural Project (April 2019), as included in Attachment 12.3A,**
- 5. With regards to the Artwork Selection Working Group terms of reference include a confidential provision in relation to the artist’s design and any pictures of persons (if so, included in the artwork) to have written consent to avoid problems held with the previous contract. Any portrait should not include persons who are living, and any portrait must have consent of the families, and**
- 6. The Chief Executive Officer investigate contractual terms between the artist and council with a view of releasing the previous artwork to the community.**

**Reason for differing resolution – Council sought additional items within the resolution, including reference to terms of reference, confidentiality provisions and design direction.**

**Carried 8/0**

## 13 People and Place reports

### 13.1 Proposed change of Reserve purpose with power to lease – Reserve 38467 (Lot 41 on Deposited Plan 184619)

<b>File reference</b>	PR38467
<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>	A Majid
<b>Authorising officer's position</b>	Director People and Place
<b>Authorising officer's interest</b>	Nil
<b>Name of applicant / respondent</b>	Shire of Ashburton
<b>Date report written</b>	28 May 2021
<b>Previous meeting reference</b>	Not applicable

#### Summary

Due to the lack of accommodation options available within the town, the Shire is currently looking to use an underutilised reserve for Short Term Tourism and Key Worker Accommodation.

The current purpose of the Reserve is "Experimental Farm and Gravel" which limits use for any other purpose, and Council is therefore requested to consider requesting the Minister for Lands to amend the Purpose of Reserve 38467 from "Experimental Farm and Gravel" to "Experimental Farm and Gravel and Short-Term Tourism and Key Worker Accommodation".

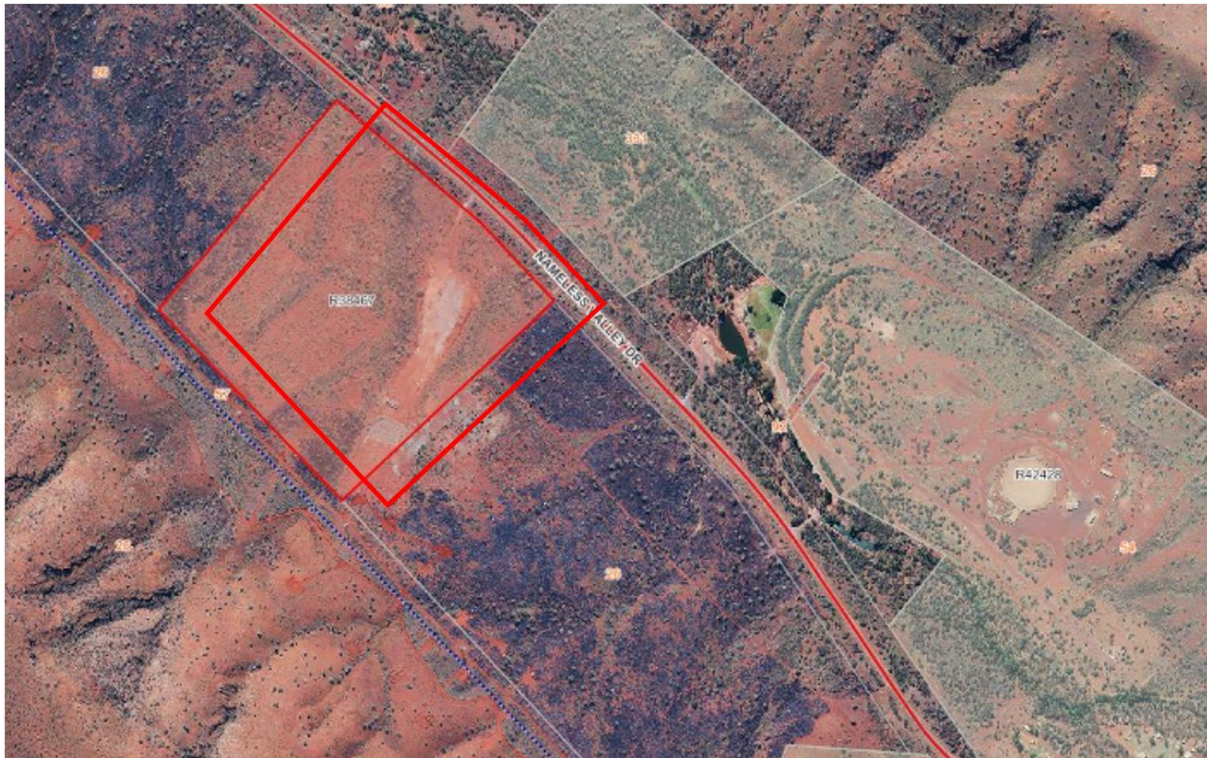
#### Background

Reserve 38467 was transferred from Main Roads to the Shire in May 2011. Prior to this, in 2008, gravel was extracted from the site for upgrading the Nameless Valley Drive Road. Following this, portions of the site have been used for different purposes.

In September 2010, Ashburton Aboriginal Corporation's subsidiary company ASHOIL planted a trial plantation of Moringa oleifera trees to trial oil seed crops for Biodiesel production on 5.7Ha of the reserve. In 2015 Council formalized this arrangement by requesting Department of Lands change the purpose of the Reserve with the power to lease and entered into a commercial lease agreement with AAC for continued use of the current portion of the Reserve. Whilst the plantation is no longer in use the lease with Ashburton Aboriginal Corporation remains valid until 2 July 2025.

In August 2012, The Shire of Ashburton (Shire) approved a Planning Approval lodged on their behalf, to construct an 80-room construction workforce accommodation camp on a portion of the reserve and Lot 41 Nameless Valley Drive. The purpose of the camp was to accommodate contractors for Shire-related works, including the Tom Price Town Centre Revitalisation Project, land development and construction works, with the camp being demobilized in 2016.

The reserve area is shown on the plan below, marked in red –



### **Comment**

The subject site is zoned “Rural” under the Shire of Ashburton Town Planning Scheme No. 7 and as such accommodation uses are permitted. Amending the Management Order to include “Short Term Tourism and Key Worker Accommodation” would help facilitate much needed housing options within the shire. Considering the significant area of the subject site (being 27.636 hectares) it is anticipated that all proposed uses on the reserve to coexist.

The Department of Planning Lands and Heritage (DPLH) have advised they could consider the proposed change of purpose if a clear community benefit is demonstrated through a formal crown land enquiry.

### **Consultation**

Town Planning Team  
Director People and Place  
Executive Leadership Team  
Chief Executive Officer

## Statutory environment

*Land Administration Act 1997*

*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 known material financial implications relative to this matter more than officer time and minor administrative costs.

## Strategic implications

This item is relevant to the Shire of Ashburton 10 Year Strategic Community Plan 2017-2027 and the Strategic Corporate Plan 2019-2023. In particular, the strategic direction provided for this activity:

Goal 01        Vibrant and Active Communities  
 Objective 1    Connected, caring, and engaged communities.  
 Objective 4    A rich cultural life

Goal 5         Inspiring governance  
 Objective 1    Effective planning for the future  
 Objective 2    Community ownership

## Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Reputation	Unlikely (2)	Insignificant (1)	Low (2)	Unsubstantiated, localised low impact on community trust, low profile or no media item.	Endorse Officer recommendation

The following Risk Matrix has been applied:

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

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

The perceived level of risk is "Low" due to low reputational risk.

### Policy implications

There are no known policy implications for this matter.

### Voting requirement

Simple majority

### Councillor interest declarations

Cr M Lynch - Indirect financial  
 Cr D Dias - Proximity  
 Cr R de Pledge - Financial

### Officer recommendation

That with respect to the Proposed Change of Reserve Purpose with Power to Lease – Reserve 38467, Tom Price, Council request the Minister for Lands change the purpose of Reserve 38467 from "Experimental Farm and Gravel" to "Short Term Tourism and Key Worker Accommodation, Experimental Farm and Gravel", with Power to Lease.

**Council Decision 96/2021**

**Moved Cr K White**

**Seconded Cr D Diver**

**That the meeting proceeds to the next item of business.**

**Reason for differing resolution – Council requested more time to consider interest declaration requirements.**

**Carried 8/0**

### 13.2 Community support grant allocations – Round 2 2020-2021 financial year

<b>File reference</b>	GS01
<b>Author's name</b>	A Majid
<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>	1 June 2021
<b>Previous meeting reference</b>	Agenda item 14.3 (Minute 94/2020) ordinary council meeting 9 June 2020

#### Summary

Round two of the Community Support Grant program was opened for applications for a period of eight (8) weeks being the months of February and March 2021.

A total of thirteen (13) applications were received and have been assessed by Shire officers.

Council's consideration is now required in response to the applications received.

#### Background

Pursuant to Council policy "REC08 – Community Donations, Grants and Funding", Community Support Grants (CSG) are made available with two application rounds. Round two funding is for projects that commence in or after June.

Round two of the CSG program was opened for the months of February and March 2021. Advertising for round two was undertaken through the Shire's website in addition to social media posts promoting the opportunity to apply.

At the close of the application period, there were a total of thirteen (13) applications received.

Of those applications, the breakdown by town is as follows:

Onslow	-	2
Pannawonica	-	1
Paraburdoo	-	4
Tom Price	-	6

A listing of the applications received is attached.

## **Attachment 13.2A**

### **Comment**

In reviewing the applications received, it is noted that a total of seven (7) of the applications received are compliant.

Three (3) of the applications received have a partial non-compliance due to having received a Small Assistance Donation of \$500 in the current financial year.

Two of the three remaining applications assessed have partial non-compliance with one being retrospective, one seeking in-kind pushing the application beyond \$2500 and one being non-compliant as they have received CSG funding through Round 1 of the 2020/21 year.

In considering the non-compliances, they are minor at best and Council has the authority to approve the applications provided due regard has been given to adopted policies.

Further considering the non-compliances, there has been a considerably lower number of applications received for the subject round. This is in comparison to Round Two of 2019/20 which had some 25 applications received.

It is proposed that the application which was non-compliant due to CSG funding being received in Round One be declined.

### **Consultation**

Council workshop

### **Statutory environment**

*Local Government Act 1995*

*Section 6.7 Municipal fund*

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

### **Financial implications**

The following budget allocations are provided in the 2020/21 Annual Budget:

EV202 Community Support Grants \$80,000.00 with an expenditure to date of \$45,751.43.



## Strategic implications

Shire of Ashburton 10 Year Strategic Community Plan 2017-2027 (Desktop Review 2019)

Goal 01 Vibrant and Active Communities  
Objective 2 Sustainable Services, Clubs, Associations and Facilities

Goal 05 Inspiring Governance  
Objective 2 Community Ownership

## 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
Compliance	Unlikely (2)	Minor (2)	Low (4)	Some temporary non compliances	Council can exercise discretion when applying policy with respect to community benefit.

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" due to the need for Council to apply discretion with respect to adopted policies.

## Policy implications

### *REC08 Community Donations, Grants and Funding*

As per the risk management above, Council is being asked to apply discretion with respect to the perceived minor non-compliances with the applications. The outcome is benefit to the community.

**Voting requirement**

Simple majority

**Councillor interest declarations**

Cr M Lynch - Impartiality

**Council Decision 97/2021**

**Moved Cr D Dias**

**Seconded Cr M Gallanagh**

**That with respect to the acceptance of Community Support Grant Applications, Round Two, 2020-2021 financial year, Council approves the recommendations for General Community Support Grant applications being allocated from account EV202 (Community Support Grants) for a total of \$27,717.55, as included in Attachment 13.2A.**

**Carried 8/0**

## 14 Infrastructure Services reports

### 14.1 Onslow LRCIP Project Basin 2 – Status update

<b>File reference</b>	RFP2019
<b>Author's name</b>	P Patil
<b>Author's position</b>	Manager Assets and Programming
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	M Khosravi
<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>	27 May 2021
<b>Previous meeting reference</b>	Agenda item 15.3 (Minute 199/2020) ordinary council meeting 10 November 2020

#### Summary

The Onslow Detention Basin Beautification project is funded under the Local Roads and Community Infrastructure Program (LCRIP) – Phase 2 Program announced by the Federal Government on 30 October 2020.

The purpose of this report is to seek Council's endorsement for a proposed Water Feature to be installed in Onslow Detention Basin 2. An application for \$100,000.00 has been submitted to the Regional Economic Development Small Grants Program 2021 to partially fund the cost of the Water Feature.

#### Background

As part of the Onslow Detention Basin Drainage and Beautification Project, the Shire engaged consultants (Cardno) to develop a beautification design which included a central water feature in Detention Basin 2. The water feature is essential for providing continuous recirculation of water and minimizing the breeding of mosquitoes in the detention basin. It was identified that the water feature should also be designed to take account of water constraints in Onslow.

The scope of works for the beautification project involve:

- shared use footpaths with solar footpath lighting,
- additional tree planting along with salt tolerant shrubs and grasses,
- colored rock in-lay (blue) within the basin to suit likely flow paths infilled with limestone rock (Pilbara Red),
- salt tolerant grasses within the basin,

- picnic shelters,
- limestone feature walls, and
- replacement / modification of the existing fountain with a more substantial structure.

**Attachment 14.1A**

**Comment**

The purpose of this report is to identify a design preference for the water feature and to delegate the CEO to proceed with obtaining a detailed design which is relative to Onslow's landscape.

It was originally intended that the project incorporate a public art component. However, public art is not an allowable expenditure under the LRCIP.

Works under the LCRIP Phase 2 program are required to be physically complete by 31 December 2021 unless otherwise agreed by the Federal Department of Infrastructure.

Several water feature designs from various locations have been attached for inspiration.

**Attachment 14.1B**

An existing water feature in Kalamunda, has been identified as a suitable option when considering Onslow's detention basin water constraints. It is proposed to proceed with obtaining a detailed design that adopts the water flow of this feature but be more visually relative to Onslow's landscape. Once the design has been developed, further approval from Council would then be sought.

**Attachment 14.1C**

**Consultation**

Chief Executive Officer  
Executive Leadership Team

**Statutory environment**

There are no known statutory impediments for this matter.

**Financial implications**

Pending award of \$100,000 through the Regional Economic Development Small Grants Program 2021 for the installation of the proposed water feature.

\$865,187 from Local Roads and Community Infrastructure Program (LRCIP) has been approved for landscape and beautification of detention basin 2.

**Strategic implications**

Shire of Ashburton 10 Year Strategic Community Plan 2017-2027 (Desktop Review 2019)

Goal 04 Quality Services and Infrastructure

Objective 01 Quality Public Infrastructure

**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>
Reputation	Likely (4)	Moderate (8)	High (12)	Lack of trust in the Shire to deliver project – because of delays already incurred.	Stricter controls in terms of overall project and contract management.  Independent consultant to be engaged for stakeholder consultations using IAP2 Methodology.
Financial Impact	Unlikely (2)	Minor (2)	Low (4)	Potential project cost overrun.	Experienced and qualified design consultant appointed.  Comprehensive Technical Specification.  Complete contract documentation  Detailed pre-rfq quote.  Project works during dry season to avoid time delay.  Full time Superintendent.
Quality	Possible (3)	Major (4)	High (12)	Project involves highly visible community assets which must be delivered to a high standard.	Comprehensive specification  Thorough rfq process, including mandatory on-site rfq briefing.  Superintendent appointed to oversee works.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is "High" due to the public's perception of the Shire's inability to be able to deliver the project due to previous failed attempt.

### Policy implications

There are no known policy implications relating to this matter.

### Voting requirement

Simple majority

### Councillor interest declarations

Nil

<b>Council Decision</b>	<b>98/2021</b>
<b>Moved</b>	<b>Cr D Diver</b>
<b>Seconded</b>	<b>Cr M Lynch</b>
<b>That with respect to the Onslow Detention Basin Beautification Project and the proposed water feature, Council:</b>	
<ol style="list-style-type: none"> <li><b>1. Endorse the preferred design option for the water feature, as included in Attachment 14.1C; and</b></li> <li><b>2. Delegate authority to the Chief Executive Officer to obtain a detailed design for the water feature in detention basin 2.</b></li> </ol>	
<b>Carried 8/0</b>	

## 14.2 Sports lighting audit report

<b>File reference</b>	CP105
<b>Author's name</b>	T Rogers
<b>Author's position</b>	Project Officer
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	M Khosravi
<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>	8 June 2021
<b>Previous meeting reference</b>	Not applicable

### Summary

The purpose of this report is to provide feedback on the requested lighting audit and its findings for the lighting assets throughout Paraburdoo and Tom Price.

The project was initiated within the Communities Directorate because of concerns raised by Council relating to the charging of fees to user groups. For reasons that are not clear, the audit was transferred to the Manager Assets and Projects within Infrastructure Services. A consultant was engaged to do the work, but after many months of inaction, that engagement was terminated.

### Background

Stantec Australia was subsequently engaged to carry out an on-site audit on lighting towers and associated systems to check for compliance and give recommendations regarding fees and charges. Specifically, the scope of work was to:

- Analyse the Shire costs of infrastructure.
- Analyse the billing mechanisms, fees, and charges for users.
- Analyse the charge out mechanism of the utility providers.
- Investigate industry trends with specific examples of similar LGAs.
- Identify issues and make recommendations to improve the strategic delivery of sports lighting within the Shire.

The report also included an audit of existing infrastructure and made recommendations regarding the maintenance, upgrade and alignment of control systems used to manage those assets.

**Attachment 14.2A**

## **Comment**

The following sports and field lighting locations were included in this report:

### *Tom Price*

- Tjiluna Oval
- Clem Thompson Oval
- Clem Thompson Oval – Training field
- Area W Netball / Basketball Courts

### *Paraburdoo*

- Judy Woodvine Oval
- Peter Sutherland Oval
- Netball Courts
- Tennis Courts
- Cricket Training Pitch

## Asset Maintenance and Management

Lighting assets throughout the Shire have been designed and installed over several years and to various standards. Regarding the maintenance and ongoing management of the asset, the report recommendations are grouped into short and long-term considerations and are specific to the facility. Regarding follow up action, it will be necessary to:

- Obtain quotes for all short-term proposals (i.e., physical works) and include those for consideration in the 2021/2022 budget.
- Incorporate the longer-term proposals as part of the asset management plan, for prioritisation and funding over the duration of the plan.

## Analysis of Costs, Billing Mechanisms and Fees and Charges

As part of the audit, Stantec highlighted the methods and charges that various other LGA's utilise to manage the billing associated with the lighting of community sporting facilities. This information will be useful for providing guidance and possible options for improvements that the SoA may be able to implement - to better manage our assets and to potentially review the charging mechanism. In summary, the LGA's listed have adopted the following fee structures:

- A flat rate charge based on hours of usage - intended to cover the cost of using the lights and facilities (not directly linked to electricity consumption).
- A variable charge which covers the cost of electricity plus a flat rate amount related to the on-going maintenance of assets (like SoA's current methodology).
- A variable charge based on the direct cost of the electricity consumed (linked to a remote monitoring system – Halytech).

Infrastructure Services is not responsible for the charging (billing) system or for managing how this is administered. That responsibility resides with Corporate Services (billing and receipts) and Projects and Procurement (Facilities). Regardless, Infrastructure Services staff have



completed an internal audit to determine how the charges are calculated, specifically: an internal review of the fees and charges system for lighting/electricity charges associated with community sporting facilities in Tom Price and Paraburdoo based on running costs versus cost recovery mechanisms.

#### Outcome of Internal Audit

An internal audit of fees and charges was conducted by Infrastructure Services staff on 20 May 2020. Only the facilities included in the Stantec report have been included in the cost audit.

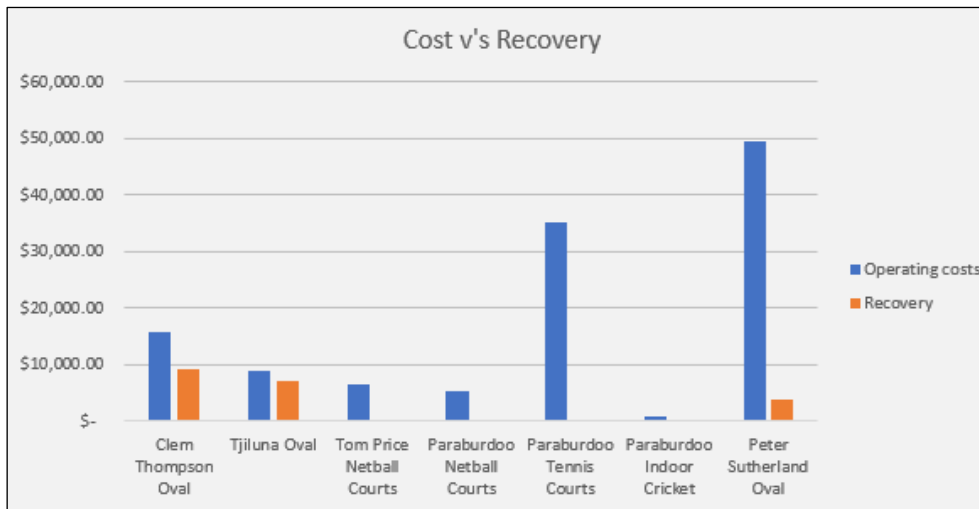
A summary of the key issues because of that audit are as follows:

- For FY 2020/21 (as of the 19<sup>th</sup> of May) these assets have cost the Shire \$100,891 to operate and maintain.
- In terms of cost recovery, the Shire recovers \$21,385; the majority of which is associated with the electricity charge. The fixed charge (associated with the physical asset) makes up \$8,552.30 in revenue.
- The Paraburdoo facilities make up 74% of the total operating costs, but only recoups 22% of the total recovery.

Facility	Operating costs	Recovery
Clem Thompson Oval	\$ 15,707.13	\$ 9,061.55
Tjiluna Oval	\$ 8,999.11	\$ 7,254.50
Tom Price Netball Courts	\$ 6,574.08	\$ 367.09
Paraburdoo Netball Courts	\$ 5,348.94	\$ 387.50
Paraburdoo Tennis Courts	\$ 35,333.01	\$ 41.82
Paraburdoo Indoor Cricket	\$ 860.00	\$ 361.64
Peter Sutherland Oval	\$ 49,454.30	\$ 3,911.47

Based on this audit, it is recommended the Shire move to a system of charging which is based on electricity charges only. Such a system is transparent and is simple to justify – the move would only result in a slight drop in revenue (\$8,552.30).

As a result, the physical assets would be treated as any other community asset – that is, the cost of managing, maintaining, and replacing the asset is a cost against the general rate, which the whole of the community contributes to.



### Consultation

Executive Leadership Team  
 Acting Manager Eastern Facilities  
 Manager Media and Communications

### Statutory environment

There are no known statutory impediments for this matter.

### Financial implications

The financial implications will be confirmed after all work necessary quotes are sourced. After this work is carried out the possible financial implications will be reported back to Council.

### Strategic implications

Shire of Ashburton 10 Year Strategic Community Plan 2017-2027 (Desktop Review 2019)

- Goal 01 Vibrant and Active Communities
- Objective 02 Sustainable services, clubs, associations, and facilities.
- Objective 03 Quality education, healthcare, childcare, aged care, and youth services.

### Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Financial Impact	Likely (4)	Minor (2)	Moderate (8)	\$100,000 - \$1 million.	Potential costs for carrying out this work is unknown. Scheduling in the works over multiple years will assist with reducing this risk.

Reputation	Possible (3)	Minor (2)	Moderate (6)	Substantiated, localised impact on community trust or low media item.	Show transparency in the process followed for the audit.
Interruption to service	Low (3)	Moderate (3)	Moderate (6)	Medium term temporary interruption – backlog cleared by additional resources <1 week.	Schedule in all necessary maintenance to minimise the occurrence of possible down time.

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”.

### Policy implications

There are no known policy implications for this matter.

### Voting requirement

Simple majority

### Councillor interest declarations

Nil

**Council Decision 99/2021**

**Moved Cr L Rumble**

**Seconded Cr D Diver**

**That with respect to the lighting audit, Council:**

- 1. Accept the findings of the report, as included in Attachment 14.2A;**
- 2. Approve the recommendation to investigate the Halytech system; and**
- 3. Authorise the investigation of updating the preferred charging mechanisms and report back on the possible implications to the Shire.**

**Carried 8/0**

### **14.3 Proposed works – Twitchin Road and Old Onslow Road – Financial year 2020-2021**

<b>File reference</b>	CM04.21
<b>Author's name</b>	A Sheridan
<b>Author's position</b>	Project Manager – Consultant
<b>Author's interest</b>	Nil
<b>Authorising officer's name</b>	M Khosravi
<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>	31 May 2021
<b>Previous meeting reference</b>	Agenda item 18.3 (Minute 39/2021) ordinary council meeting 16 March 2021

#### **Summary**

As a result of Request for Tender (RFT) 04.21 Reconstruction and Sealing of Twitchin and Old Onslow Roads and Reshape/Resheeting of Towera-Lyndon Road, Council (as per the Reference above) resolved to decline the Tender and authorised the Chief Executive Officer to undertake a “tender exempt” procurement process.

At the close of the Tender Exempt process, a total of three tenders were received with a significant variation in contract prices. All the tenders contained critical assumptions which would add considerably to project risk and a high probability of contract dispute. The risks were considered unacceptable.

A review process was undertaken to consider all the options available for delivery of the project and the advantages and disadvantages of each. As a result of that process, the only viable option, with a manageable risk profile, is to complete the works using In-house managed resources. Options for engaging with the City of Karratha to supply personnel and equipment are also being explored.

One of the rural road maintenance grading teams will remain on road maintenance and the second team (with our new Coordinator and other staff) will form the basis of a road construction team to deliver the Towera-Lyndon and Twitchin/Old Onslow Projects. Mobilisation to the Towera-Lyndon project will commence in the first week of June, with the re-sheeting works expected to take 5 weeks. It is planned to mobilise to the Twitchin / Old Onslow project site on or about 16 July.

During planning of the works, it has also become apparent that the overall project scope requires critical review to determine if the sealing of Old Onslow and Twitchin Road really is the best and most cost-effective way of providing access to the Old Onslow townsite (and the eastern bank of the Ashburton River).

The purpose of this report details the process and considerations leading up to this point and to recommend a course of action for undertaking the works and for looking into an alternative, and significantly more cost-effective option, for providing access to the Old Onslow townsite.

## **Background**

In early 2021, tender documents for the subject works were prepared and advertised (RFT 04.21) as three separable portions of work as follows:

- Twitchin Rd – Portion A.

Construction of subgrade and sealed pavement SLK 0.50 to 5-56. Budget allocation - \$736,345 (municipal funds).

- Old Onslow Rd – Portion B.

Construction of subgrade and sealed pavement SLK 0.00 to 6.00. Remaining budget - \$2,612,195 (includes \$1.042m in RRG funds).

- Towera-Lyndon Rd – Portion C.

Reform and Resheet SLK 3.59 to 11.99. Remaining budget - \$413,292 (includes \$100K in RRG funds).

At the close of tenders on 3 Mar 2021, only one tender was received and that was well in excess of the available budget. The Tender Assessment process concluded that the compliant tender did not represent value for money. At the March OCM, Council resolved to decline the tender and authorised the CEO to undertake a tender exempt process in accordance with the Local Government (Functions and General) Regulations Part 4 Division 2. Invitations were sent to two additional earthmoving contractors and two local government authorities. At the close of tender submissions, tenders were received from the two earthmoving contractors; the two local government authorities declined the request to tender.

As a result of the original tender process and the tender exempt process, three tender submissions were received with two of the tenders being well above the budget allocation and one being within the budget allocation, but with several critical assumptions regarding material properties and other matters. Costing schedules for significant elements of work were also of significant concern regarding the lowest tender. It was therefore assessed that there were significant and unacceptable risks associated with awarding a tender for these works. To reduce risk, it would be necessary to complete a full survey and design (reducing risk associated with cut to fill quantities) and to specify the material which is to be used a road base. It is evident that local quarry material is not suitable for this purpose. The only viable alternative is to use Main Roads spec quarry material from the WA Limestone or Onslow

Quarries on Onslow Rd (approx. 50-60km from the Twitchin Rd / Onslow Rd intersection).

A summary of typical unit costs for the sealing of Twitchin and Old Onslow Roads is as follows:

- Road Base.

The cost to import road base material is \$45 per tonne including transport to site. The road profile requires a 10m formation (8 m road with 1 m shoulders) with a compacted depth of gravel of 150mm – i.e., 1,500 cubic metres per km. At a compaction rate of 2.2 t /cu m, each km of road would require 3,300 t of road base at a cost of \$45 / tonne – or \$150,000 per km.

- Bulk Earthworks.

The cost to widen and form the existing road, including drainage structures, culverts, stabilized floodways, and associated earthworks (including placement and compaction of road base) is estimated at \$200,000 per km.

- Sealing of the Road Pavement.

Typical costs for sealing a road pavement with a 2-coat bituminous seal is \$15 per square metre. Based on a sealed width of 8 metres, this equates to a rate of \$120,000 per km.

- Survey, Design and Project Management Costs.

Allow \$30,000 per km - which equates to \$300,000 for 10 km of road.

The total cost of road construction to a sealed standard is therefore around \$500,000 per km (possibly closer to \$450,000 per km using in-house managed resources), which is consistent with the tenders received assuming full spec road base material. Given that the intended scope for Old Onslow Rd was for 6 km of sealed road, the original budget allocation of \$2.8m appears to be in the right ballpark. However, the allocation of \$740,000 for Twitchin Rd would only be sufficient to widen and reconstruct drainage structures and floodways – not to construct a sealed road.

The fact that only one tender was received because of the original tender process is likely a reflection of a very tight civil construction market and strong demand for services because of the recent mining boom. Such conditions stimulate increases in pricing and a corresponding decrease in competition; neither of which is conducive to competitive pricing of civil projects. Anecdotal evidence from other local governments suggests that this is impacting the whole of the sector, not just the Shire of Ashburton.

### *Summary of Options Analysis*

#### Completion of Resheeting Works on Towera-Lyndon Rd

The cost to mobilise a contractor to site for these works is around \$150,000. As there is only \$413,000 remaining on this project, the only viable option is to undertake the works using in-

house managed resources. An in-house team (Road Coordinator plus 2-3 pers / equipment) has been mobilized to complete these works over a 5–6-week period commencing in the first week of June.

Options for Twitchin and Old Onslow Roads.

The following options were considered:

- Option 1. Award Contract to Lowest Tenderer.

This would introduce unacceptable risks in terms of using non-conforming/unsuitable road base material. Other aspects of the tender also carry significant risk to the client (SoA). The only way to reduce that risk would be to survey and design the project properly (reducing risk associated with quantities) and specify the use of compliant road base material.

- Option 2. Negotiate a Day Labour Contract with Other Local Governments.

While this seems, on face value, to be a viable alternative, resources and equipment are not generally available from within local government. In addition, it is unlikely that anyone will take on the risks associated with completing the works in the absence of a detailed design.

- Option 3. Re-tender with a Refined Scope of Works.

This would involve a full survey and vertical / horizontal design (including floodways and culvert structures) to reduce risk associated with material quantities and specifying the need to use compliant road base material. This would result in a minimum 3–4-month delay – effectively deferring a start date until after the coming wet season.

- Option 4. Undertake the Works as an in-house Managed Project.

Involves full survey and design as for Options 1 and 4. Plan and prepare for mobilization over the next 2-3 months. Deploy a core team of personnel from SoA (4 pers) with casual employees (3 pers) for the duration of works. Engage with the City of Karratha regarding a construction team deployment to assist with the delivery of works.

Option 4 is considered the preferred option. The following action has already been initiated:

- Project Manager (consultant), Project Administrator and Supervisor appointed
- Formal request submitted to RRG re: carry over of RRG funds.
- Survey commenced on 23 May – completion on 8 June.
- Detailed Design – 8 June to 30 June.
- Quotes obtained for Supply of Quarry Material (RFT will be necessary)
- Investigations underway re: hire of equipment / casual staffing.
- On site planning meeting with key staff and City of Karratha Ops Manager - 23/24 May
- Propose to mobilise SoA crew on or about 16 July (following Towera-Lyndon works)
- Propose to mobilise City of Karratha Construction Team on or about 1 August.
- Proposed bypass route for Old Onslow Rd currently under investigation.
- All aspects of Logistic Support currently under investigation.



*Overall Project Planning / Scoping*

During the conduct of detailed project planning associated with Option 4, a potential bypass route was identified which would offer the option of closing the first six kilometers of Old Onslow Road to traffic for the duration of the works. The ability to construct without the need for traffic control creates a safer and more efficient worksite and would be less costly to construct. The potential bypass is attached.

**Attachment 14.3A**

Much of that bypass is along the access road to the Port of Ashburton (Warrirda Rd). As noted from the Attachment:

- Warrirda Rd is a Type 6 sealed road (i.e., a two-lane highway) - constructed to the same standard as Onslow Rd.
- Warrirda Rd essentially runs parallel to Old Onslow Rd.
- Warrirda Rd is a Main Roads Road and is open to the public.

The last section of the proposed bypass runs from Warrirda Rd to the BHP Macedon facility (shown in Blue on Attachment A). This is a Type 5 road and is again constructed to a high standard. The road is signed as a "Private Road". From the end of that road (just prior to the Macedon Facility) to Old Onslow Rd is a short gravel road - approximately 3.4 km in length. Even though it is unsealed, that road is constructed to a high standard (much better than the existing Old Onslow Rd for example).

In looking at the proposed bypass road it has become apparent that if permanent access to the Old Onslow townsite (and the eastern bank of the Ashburton River) could be accommodated via the proposed bypass, it would not be necessary to construct a parallel sealed road along Twitchin and Old Onslow Roads. Such an arrangement would obviously need a lot more investigation; to that effect, the CEO has been in contact with the Port of Ashburton to explore this option further.

The creation of a sealed road access to the Old Onslow townsite along Twitchin and Old Onslow Roads would involve the construction of 26 km of road at about \$500,000/km - \$13m. The construction of a sealed access via the proposed alternative would involve the sealing of 3.4km of high standard gravel road (at say \$300,000 per km) and 3 km of Old Onslow Rd to the Old Onslow townsite at \$500,000 per km. It is recommended that the 5 km section of Old Onslow Road south of that point be left as a well-constructed gravel road (say \$100,000/km). The all up cost of alternative would be about \$3m (a saving of \$10m).

This is not to suggest that works should not be undertaken on Twitchin Rd. As an alternative, it is recommended that the first 23 km of Twitchin Road (down to the Ashburton River Bridge) be widened and upgraded as a gravel road (including reconstruction of culverts and floodways). Due to the poor quality of local materials available in that area, it is recommended that quarry road base materials be used to create a stable and weather resistant road surface and that this material is mixed with the in-situ material and stabilised using a proprietary product (Polycom or similar) – with properly designed cement stabilized floodways. Costs are

estimated as follows:

- Widen/upgrade existing culvert structures - \$500,000
- Widen road, earthworks, and pavement at \$50,000 per km – \$1,125,000
- Imported road base material at \$50,000 per km - \$1,125,000
- Survey, design, and project management - \$300,000

The total estimated cost for reconstructing the first 23 km of Twitchin Rd is therefore \$3.05m (available funds - \$3.3m). Note that this assumes approval (through the RRG and MRWA) to transfer \$1m in RRG funds from Old Onslow Rd to Twitchin Rd.

### **Comment**

As a result of the analysis and commentary as noted above, it is recommended that:

- The option of creating an alternative permanent access to the Old Onslow townsite be investigated in detail before any further works are undertaken with respect to the sealing of Twitchin and Old Onslow Roads.
- The scope of works for this project be amended to allocate all the funds to works associated with upgrading and resheeting Twitchin Road from SLK 0.05 to SLK 22.5 (as outlined above).
- A further report be provided to Council regarding rural road construction priorities over the next 5 years to facilitate longer term decision making regarding future road investment priorities.

### **Consultation**

Chief Executive Officer  
Project Team

### **Statutory environment**

*Local Government Act 1995*

*Section 3.57 – Tenders for providing goods or services*

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

*Local Government Functions and General) Regulations 1996*

*Regulation 11 – Tenders for providing goods or services*

Tenders are to be publicly invited before entering a contract for another person to supply goods or services if the consideration of the contracts is, or is expected to be, more than \$250,000.

If within the last 6 months, publicly invited tenders have occurred and no submitted tender met the tender specifications or satisfied the value for money assessment, then a tender exempt procurement process may occur.

### **Financial implications**

The 2020-2021 annual budget includes the following budget allocation:

- RU205 – Old Onslow Rd \$2,769,155
- RU206 - Twitchin Rd \$ 736,345

Note that \$1,024,393 is RRG funding. As per the Technical Working Group meeting on Friday 4th June 2021, we have received Technical Working Group approval to reallocate 21/22 funding to the Shire of Ashburton and 22/23 funding to the City of Karratha. An out of session Voting Group meeting needs to be convened to finalise approval to reallocate the funding.

### Strategic implications

The project aligns with the Shire of Ashburton 10 Year Strategic Community Plan 2017-2027 (Desktop Review 2019)

Goal 04 Quality Services and Infrastructure  
Objective 01 Quality Public Infrastructure

### Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Reputation	Possible (3)	Moderate (3)	Moderate (9)	Lack of trust in the Shire to deliver capital road projects considering project issues which occurred on major projects during 2020.	Better and more comprehensive project scoping and planning.  Stricter controls in terms of tendering, contract management and administration.
Financial Impact	Possible (3)	Major (4)	High (12)	Potential for contract dispute resulting in project delays, non-delivery of works and litigation	Survey underway.  Detailed design prior to commencement of works.  Full time Project Management, Site Supervision and Project Administration.  Specify and use good quality road base materials.
Quality	Possible (3)	Major (4)	High (12)	Project involves forming, shaping,	Detailed design prior to

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
				and sealing of gravel roads.  The finished product must be high quality.	commencement of works.  Full time Project Management, Site Supervision and Project Administration.
Time				Project runs over time with potential cost and reputation impacts.	Project works during dry season.  Full time site management and project administration. Reduced risk through in-house managed project delivery.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is "High" due to the financial value of the project and the risk to the Shire's reputation. Regular monitoring will be undertaken with specific procedures and controls engaged throughout the delivery of the project and will be consistently reviewed and managed.

Following the implementation of the risk mitigation strategies, as indicated above, the residual risk is assessed as medium.

**Policy implications**

FIN12 – Purchasing Policy

Council is committed to delivering best practice in the purchasing of goods, services and works which align with the principles of transparency, probity, and good governance.

**Voting requirement**

Absolute majority

**Councillor interest declarations**

Nil

<b>Council Decision</b>	<b>100/2021</b>
<b>Moved</b>	<b>Cr R de Pledge</b>
<b>Seconded</b>	<b>Cr M Gallagh</b>
<b>That Standing Orders be suspended to permit Councillors to engage in discussion on the detail of the report at 1:46 pm.</b>	
<b>Carried 8/0</b>	

<b>Council Decision</b>	<b>101/2021</b>
<b>Moved</b>	<b>Cr D Dias</b>
<b>Seconded</b>	<b>Cr M Lynch</b>
<b>That Standing Orders be resumed to permit the meeting to proceed at 1:55 pm.</b>	
<b>Carried 8/0</b>	

**Council Decision 102/2021**

**Moved Cr L Rumble**

**Seconded Cr J Richardson**

**That with respect to the proposed Capital Works Project on Twitchin and Old Onslow Road, Council:**

- 1. Directs the Chief Executive Officer to further investigate an alternative access to Old Onslow townsite using Warrirda Rd and the access road to Macedon (as detailed in this report) as an alternative to constructing 26 km of Twitchin and Old Onslow Roads;**
- 2. Authorises the CEO to request the reallocation of RRG funds from Old Onslow Rd to the reconstruction and resheeting of Twitchin Rd from SLK 0.05 to SLK 22.5;**
- 3. Approves the transfer of funds associated with Old Onslow Road (RU205 – budget allocation of \$2,769,155) to Twitchin Rd (RU206 – budget allocation of \$736,345);**
- 4. Approves the carry-over of funds associated with the Twitchin Road project (RU206) from FY 2020-2021 to FY 2021-2022; and**
- 5. Directs the Chief Executive Officer to organise a further report for Council regarding proposed rural road investment (CAPEX) priorities for the next 5 years.**

**Carried by absolute majority 8/0**

**15 Projects and Procurement Reports**

Nil

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

Nil

**17 New business of an urgent nature**

Nil

## 18 Confidential matters

### 18.1 Award of Request for Quote – Community Lifestyle and Infrastructure Plan

<b>File reference</b>	AS.TE.05.07
<b>Author's name</b>	A Majid
<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>	5 April 2021
<b>Previous meeting reference</b>	Not applicable

#### **Confidential matters**

This Report is confidential in accordance with s5.23 (2) of the *Local Government Act 1995* because it deals with matters affecting s5.23 (2):

*“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”*

#### **Summary**

A Request for Quotation (RFQ) for town planning and associated consultancy services was prepared and issued to several firms listed on the WALGA Preferred Supplier in accordance with the Shire's FIN12 Purchasing Policy.

Four submissions were received in response to the RFQ. An evaluation has been undertaken and an evaluation report has been prepared for Council's consideration.

Council is requested to endorse the assessment panel recommendation and authorise the Chief Executive Officer to award and enter a contract for the quoted services.



**Council Decision**

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

**19 Next meeting**

The next ordinary meeting of council is scheduled to be held at Clem Thompson Sports Pavilion, Stadium Road, Tom Price on 15 June 2021 commencing at 1:00 pm.

**20 Closure of meeting**

There being no further business the Presiding Member closed the meeting at 2:00 pm.