

Ordinary Council Meeting

Tom Price



Confirmed Minutes

Public

20 July 2021

Clem Thompson Sports Pavilion

Stadium Road, Tom Price

1:00 pm



Agendas and Minutes are available on the Shire's website 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.

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



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



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

Clem Thompson Pavilion, Stadium Road

Tom Price

20 July 2021

1:00pm



**Shire of Ashburton
Ordinary Council Meeting**

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

A handwritten signature in blue ink, appearing to read "K Donohoe".

K Donohoe
Chief Executive Officer
20 July 2021

These minutes were confirmed by Council as a true and correct record of proceedings of the Ordinary Council Meeting held on Tuesday 20 July 2021.

Presiding Member

K. J. White

Date

17/08/2021.

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

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1 Declaration of opening

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

1.1 Acknowledgement of country

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

2 Announcement of visitors

The Presiding Member welcomed children, staff and parents from North Tom Price Primary School and representatives from the Tom Price Touch Association.

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 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
N Jeffery	Executive Assistant Corporate Services
A Lennon	Manager Media and Communication

Guests

Nil

Members of the public

Nine (9)

Members of the media

Nil

3.2 Apologies

Nil

3.3 Approved leave of absence

Cr J Richardson

Tablelands Ward

To 31 August 2021

4 Question time

4.1 Response to previous questions taken on notice

Nil

4.2 Public question time

O Burmester (on behalf of students of Year Three (3) at North Tom Price Primary School

1. *Why don't we have a playground on Minna Oval? Children can get bored very easily and the playgrounds we have are falling apart!*
2. *Minna Oval barely has any kids on the oval because there are no playgrounds. Minna Oval is the biggest oval out of Tom Price Schools, but they have five (5) playgrounds on their oval. Allow us to have the biggest playgrounds in Tom Price!*
3. *Furthermore, Minna Oval is used for all sports but not many places to play. For decades Minna Oval has had no playgrounds and children get bored for hours. Minna Oval has lots of space and should have lots children so we should have a playground on Minna oval.*
4. *We need another playground in Area W because the other playgrounds are super small. So that is why a playground should built. Also, the other playgrounds are so boring. And if you build a playground, it can calm people down. It brings a lot of fun and playing.*
5. *Again, why don't you build a playground? The others are not shaded enough. They are so good at helping people learn how to develop fundamental movement and social skills. It makes a more of a difference to the plain place.*

6. *So, as you know for all these reasons, we should have a playground on Minna oval. What are you waiting for? Build one now!!!!!!!!!!!!!!*

O Burmester (on behalf of students of Year Four (4) at North Tom Price Primary School

Have you ever felt bored, lazy or like you have nothing to do? Well, many kids feel this way in Area W. The council needs to build a playground in Area W!

Firstly, we want a playground with swings and a zip line. We are dying to get a brand-new shinier playground that glows in the dark.

Secondly, it is like the world is falling apart. Soon the world will be gone but if we get a brand-new playground on Minna Oval. Did you here that one or two new playgrounds could resolve this issue.

Our third reason is a playground on Minna Oval will help kid's lives. We all feel bored after school as we have nothing to play on near home. So, what are you waiting for build a new playground on Minna Oval? There are already three playgrounds in Area W. But the nature playground is off bound's after school, and it gets boring, and the others belong to the school and have restricted hours. So, make the children of Area W happy and build a playground on Minna Oval.

A playground in Area W will help kids stay happy confident, have fun and more. So, what are you waiting for? Call the workers and get them to start building the playground as soon as you can!!!

Response

The Director Projects and Procurement explained there is no current budget estimate included in the Draft 2021-2022 Annual Budget and invited the students to participate in the upcoming Strategic Community Plan engagement process to influence the future of playgrounds and facilities in Tom Price

5 Applications for leave of absence

Cr D Diver

Tom Price Ward

For 17 August 2021

Council Decision

103/2021

Moved

Cr R de Pledge

Second

Cr M Lynch

That Council grant leave of absence to Cr D Diver for 17 August 2021.

Carried 7/0

6 Declaration by members

6.1 Due consideration by Councillors to the agenda

Councillors will be requested to note they have given due consideration to all matters contained in this agenda.

6.2 Declarations of interest

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

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

The following declarations of interest were disclosed, and are attached –

Attachment 6.2A

11.3 Staff Accommodation Strategy 2020 – 2030

Name	Type of Interest	Nature / extent of interest
Cr. D Dias	Indirect Financial	My wife is a Pilbara Iron employee and we both own shares in Rio Tinto Ltd. individually and collectively. We are potential recipients of benefits offered to employees and shareholders. Our primary residence is a house provided by Rio Tinto.
Cr. D Diver	Indirect Financial	I am employed by Rio Tinto. I receive a salary, I also receive subsidised utilities (water / power) and rent as part of my salary package.
Cr. M Lynch	Indirect	I am an employee and tenant of Rio Tinto.

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	Financial	I am paid a salary by Pilbara Iron.
Cr. L Rumble	Financial	<p>I am a share holder of Rio Tinto who has shares greater than \$10,000 which was started in 1987 as a work investment plan which I still hold today.</p> <p>I am requesting to be in the discussion as a rate payer and as an elected member of Council by the community. I feel the interest as similar nature and values are alike.</p>
Cr. K White	Proximity	Two properties on Third Avenue.
K Donohoe	Financial	<p>The nature of my interest is I am an employee whose contract of employment has housing provided as part of the contract.</p> <p>The extent of my interest is I have rental subsidies provide for properties in Onslow and Tom Price.</p>

11.4 Land Asset Assessment

Name	Type of Interest	Nature / extent of interest
Cr. D Dias	Indirect Financial	<p>I own shares in Rio Tinto Ltd. My wife is a Pilbara Iron employee. We live in a house provided by Rio Tinto.</p> <p>My wife is a Rio Tinto share holder individually and jointly with me. We receive all benefits offered to employees and shareholders.</p>
Cr. L Rumble	Financial	I am a share holder of Rio Tinto who has shares greater than \$10,000 which was started in 1987 as a work investment plan which I still hold today.

		I am requesting to be in the discussion as a rate payer and as an elected member of Council by the community. I feel the interest as similar nature and values are alike.
Cr. K White	Proximity	Two properties on Third Avenue.

11.5 Mining Act 1978 Tenement Referrals from 1 February 2021 to 31 March 2021

Name	Type of Interest	Nature / extent of interest
Cr. R de Pledge	Financial	The nature of my interest is I hold shares in FMG. The extent of my interest is financial.
Cr. D Dias	Indirect Financial	My wife and I own shares in Rio Tinto Ltd individually and collectively. We are potential recipients of benefits offered to employees and shareholders. My wife is a Pilbara Iron employee, and our primary residence is a house provided by Rio Tinto.
Cr. D Diver	Indirect Financial	I am employed by Rio Tinto. I receive a salary, I also receive subsidised utilities (water / power) and rent as part of my salary package.
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 and the extent of my interest is financial. We have shares of greater value than \$10,000 in Rio Tinto.

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Cr. M Lynch	Indirect Financial	I am an employee and tenant of Rio Tinto. I am paid a salary by Pilbara Iron.
Cr. L Rumble	Financial	I am a share holder of Rio Tinto who has shares greater than \$10,000 which was started in 1987 as a work investment plan which I still hold today. I am requesting to be in the discussion as a rate payer and as an elected member of Council by the community. I feel the interest as similar nature and values are alike.

11.6 Mining Act 1978 Tenement Referrals from 1 April 2021 to 30 April 2021

Name	Type of Interest	Nature / extent of interest
Cr. D Dias	Indirect Financial	My wife and I own shares in Rio Tinto Ltd individually and collectively. We are potential recipients of benefits offered to employees and shareholders. My wife is a Pilbara Iron employee, and we live in a house provided by Rio Tinto.
Cr. D Diver	Indirect Financial	I am employed by Rio Tinto. I receive a salary, I also receive subsidised utilities (water / power) and rent as part of my salary package.
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 and the extent of my interest is financial. We have shares of greater value than \$10,000 in Rio Tinto.

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Cr. M Lynch	Indirect Financial	I am an employee and tenant of Rio Tinto. I am paid a salary by Pilbara Iron.
Cr. L Rumble	Financial	I am a share holder of Rio Tinto who has shares greater than \$10,000 which was started in 1987 as a work investment plan which I still hold today. I am requesting to be in the discussion as a rate payer and as an elected member of Council by the community. I feel the interest as similar nature and values are alike.

11.7 Mining Act 1978 Tenement Referrals from 1 May 2021 to 26 June 2021

Name	Type of Interest	Nature / extent of interest
Cr. D Dias	Indirect Financial	My wife and I own shares in Rio Tinto Ltd individually and collectively. We are potential recipients of benefits offered to employees and shareholders. My wife is a Pilbara Iron employee, and our primary residence is a house provided by Rio Tinto.
Cr. D Diver	Indirect Financial	I am employed by Rio Tinto. I receive a salary, I also receive subsidised utilities (water / power) and rent as part of my salary package.
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 and the extent of my interest is financial. We have shares of greater value than \$10,000 in Rio Tinto.

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Cr. M Lynch	Indirect Financial	I am an employee and tenant of Rio Tinto. I am paid a salary by Pilbara Iron.
Cr. L Rumble	Financial	I am a share holder of Rio Tinto who has shares greater than \$10,000 which was started in 1987 as a work investment plan which I still hold today. I am requesting to be in the discussion as a rate payer and as an elected member of Council by the community. I feel the interest as similar nature and values are alike.

11.9 Staff Establishment 2021

Name	Type of Interest	Nature / extent of interest
Cr. D Dias	Financial	Club Development Officer, Admin and Comms Officer, Senior Community Development Officer and depending on outcomes from Pannawonica discussions, more positions may be funded by Rio [Tinto]. My wife is a Pilbara Iron employee. We both own shares in Rio Tinto Ltd. Rio Tinto provides us a house and other associated gifts and benefits. We will not gain / lose anything.
Cr. D Diver	Indirect Financial	I am employed by Rio Tinto. I receive a salary, I also receive subsidised utilities (water / power) and rent as part of my salary package.
Cr. M Lynch	Indirect Financial	I am an employee and tenant of Rio Tinto. I am paid a salary by Pilbara Iron.

12.4 Pannawonica Men’s Shed Contribution

Name	Type of Interest	Nature / extent of interest
Cr. D Dias	Indirect Financial	<p>Pannawonica is a closed town and covered by mineral leases worked by RTIO. The Men’s Shed is built on land controlled by RTIO. They may receive financial and other support from Rio [Tinto].</p> <p>My wife is a Pilbara Iron employee. We both own shares in Rio Tinto Ltd. Rio Tinto provides us a house and other associated gifts and benefits. We will not gain / lose anything.</p>
Cr. D Diver	Indirect Financial	<p>I am employed by Rio Tinto.</p> <p>I receive a salary, I also receive subsidised utilities (water / power) and rent as part of my salary package.</p>
Cr. M Gallanagh	Financial	<p>Myself and my husband are Rio Tinto employees. We have shares collectively and separately to the value of \$10,000 or more.</p>

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

Name	Type of Interest	Nature / extent of interest
Cr. D Dias	Indirect Financial	<p>Due to a revision of the information on hand after the agenda has highlighted that the subject land is currently subject to an Exploration Licence submitted by Hamersley Iron.</p> <p>My wife works for Rio [Tinto] and we get a house and other associated gifts and benefits. We both own shares in Rio [Tinto]. We will not gain / lose financially due to this item. I request full involvement.</p>

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Cr. M Gallanagh	Financial	<p>The nature of my interest is myself and my husband are employed by Rio Tinto, have company housing and shares in Rio Tinto and the extent of my interest is financial.</p> <p>We have shares of greater value than \$10,000 in Rio Tinto.</p>
Cr. M Lynch	Indirect Financial	<p>I am an employee and tenant of Rio Tinto.</p> <p>I am paid a salary by Pilbara Iron.</p>
Cr. L Rumble	Financial	<p>I am a share holder of Rio Tinto who has shares greater than \$10,000 which was started in 1987 as a work investment plan which I still hold today.</p> <p>I am requesting to be in the discussion as a rate payer and as an elected member of Council by the community. I feel the interest as similar nature and values are alike.</p>

14.3 Flood Damage Works – Banjima Drive and Hamersley-Mt Bruce Road, Karijini

Name	Type of Interest	Nature / extent of interest
Cr. D Dias	Proximity	<p>Hamersley-Mt Bruce Road indirectly provides access to any mining or exploration activities along Nanutarra-Munjina Road, including Rio [Tinto] and BHP (and others).</p> <p>My wife is a Pilbara Iron employee. We live in a house provided by Rio [Tinto] and we own shares in Rio [Tinto] individually and collectively. We also have shares in BHP.</p>

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

Name	Type of Interest	Nature / extent of interest
Cr. D Dias	Indirect Financial	<p>My wife is a Pilbara Iron employee and we both own shares in Rio Tinto Ltd individually and collectively.</p> <p>We are potential recipients of all the benefits and gifts offered to employees and shareholders. Our primary residence is a house provided by Rio Tinto.</p>
Cr. D Diver	Indirect Financial	<p>I am employed by Rio Tinto.</p> <p>I receive a salary, I also receive subsidised utilities (water / power) and rent as part of my salary package.</p>
Cr. M Gallanagh	Financial	<p>The nature of my interest is myself and my husband are employed by Rio Tinto, have company housing and shares in Rio Tinto and the extent of my interest is financial.</p> <p>We have shares of greater value than \$10,000 in Rio Tinto.</p>
Cr. M Lynch	Indirect Financial	<p>I am an employee and tenant of Rio Tinto.</p> <p>I am paid a salary by Pilbara Iron.</p>
Cr. L Rumble	Financial	<p>I am a share holder of Rio Tinto who has shares greater than \$10,000 which was started in 1987 as a work investment plan which I still hold today.</p> <p>I am requesting to be in the discussion as a rate payer and as an elected member of Council by the community. I feel the interest as similar nature and values are alike.</p>

18.3 Chief Executive Officer Performance Review and Key Performance Criteria

Name	Type of Interest	Nature / extent of interest
K Donohoe	Financial	Annual Review of Chief Executive Officer performance appraisal for which I am the employee in accordance with Contract of Employment.

7 Announcements by the Presiding Member and Councillors without discussion

Nil

8 Petitions / Deputations / Presentations

8.1 Petitions

Nil

8.2 Deputations

Nil

8.3 Presentations

Touch Football WA

The Shire of Ashburton has been recognised by Touch Football WA for support provided towards the North-West Touch Football Carnival 2021. M Pirini and M Rawiri will be presenting a plaque to Council on behalf of Touch Football WA.

9 Confirmation of minutes

9.1 Confirmation of Council meetings

Ordinary Council Meeting – 15 June 2021

Attachment 9.1A

Council Decision	104/2021
Moved	Cr D Dias
Second	Cr L Rumble
That Council confirm the unconfirmed minutes of the Ordinary Council Meeting held in Ashburton Hall, Ashburton Avenue, Paraburdoo on 15 June 2021 as a true and accurate record, as included in Attachment 9.1A.	
Carried 7/0	

9.2 Receipt of committee and other minutes

Nil

9.3 Receipt of committee meetings – En bloc

Nil

9.4 Recommendations of committees

Nil

10 En bloc resolutions

10.1 Agenda items adopted en bloc

Nil

11 Office of the Chief Executive Officer reports

11.1 Progress of Implementation of Council decisions

File reference	GV04
Author's name	N Cain
Author's position	Director Corporate Services
Author's interest	Nil
Authorising officer's name	K Donohoe
Authorising officer's position	Chief Executive Officer
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	1 July 2021
Previous meeting reference	Not applicable

Summary

The purpose of this report is to provide an update 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 Chief Executive Officer, 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.

Strategic implications

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

- 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
Council decisions are not actioned in a timely manner.	Possible (3)	Minor (2)	Moderate (6)	<u>Compliance</u> Some temporary non compliances.	Produce and monitor this report.

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 “Moderate” because of the risk to Council from a compliance perspective. Monthly reporting to Council assist with monitoring the actions being undertaken.

Policy implications

There are no known policy implications.

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to the progress of implementation of Council decisions, Council receives the report, as included at Attachment 11.1A.

Council Decision 105/2021

Moved Cr D Diver

Seconded Cr M Lynch

**That with respect to the progress of implementation of Council decisions,
Council receives the report, as included at Attachment 11.1A.**

Carried 7/0

11.2 Onslow Paintings and Sketches

File reference	SEC.0937
Author's name	K Donohoe
Author's position	Chief Executive Officer
Author's interest	Nil
Authorising officer's name	K Donohoe
Authorising officer's position	Chief Executive Officer
Authorising officer's interest	Nil
Name of applicant / respondent	Onslow Museum – D McAullay
Date report written	2 July 2021
Previous meeting reference	Not applicable

Summary

The Chief Executive Officer was contacted by the Onslow Museum enquiring about several paintings and sketches held by the Shire in storage since the fire destroyed the original Onslow Administration building.

The paintings and sketches are in the Onslow office in an archive storage box.

The Museum has asked for custody of the paintings for display and safe keeping.

This item seeks Council authority to hand over the paintings to the Onslow Museum for their caretaking and presentation of the Art Works at the Onslow Museum.

Background

Council has acquired several art pieces over several years.

A search for an art register does not appear to have been maintained nor is evidence available detailing when the art pieces were donated or purchased by the Shire.

Ms Dawn McAullay, from the Onslow Museum, approached the author in relation to some of the works which may have been damaged by smoke during the office fire which destroyed the Onslow Office as the museum had some funds which could be used to restore some of the pieces.

During discussions with Ms McAullay, the rehangng of the pictures and sketches was discussed.

As there was no wall space suitable for the art styles in the office which offered security and aesthetic opportunity, the location of the museum was discussed.

Ms McAullay identified there was space at the museum to display the artworks and care for the art pieces on a rotational basis.

Comment

The current art pieces are in the Shire office in an archive box, laid one atop each other, and are not being cared for and have some damage to the frames or artwork due in part to storage or damage from the fire.

The art pieces and sketches / prints are mainly from locally acquired artists and depict landscapes and infrastructure from within the district.

It is felt the Museum group is the best group to care for the art pieces to ensure their longevity and future display.

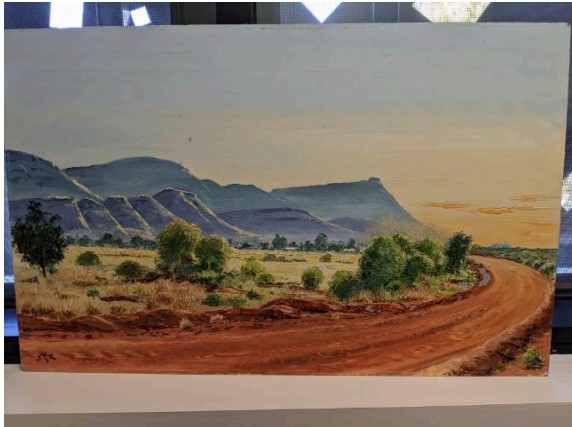
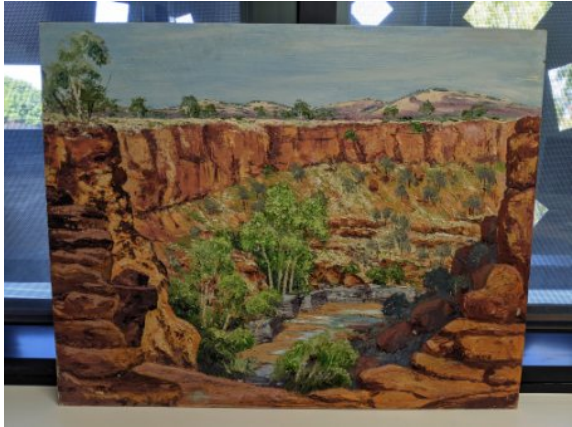
There is currently no established Cultural Centre in Onslow, other than the museum, who could cater and care for the art pieces and their artistic vernacular.

The Onslow Museum is a Shire owned property and is managed through agreement by local volunteers and collocated with the Onslow Visitor Centre in Second Avenue, Onslow, and well patronised by tourists in Onslow.

Photos of the art pieces are below –



Confirmed Minutes – Public Ordinary Council Meeting 20 July 2021





Consultation

Ms Dawn McAullay – Onslow Museum

Statutory environment

The art pieces have not been valued nor are they listed on the Shire's Asset register and the caring for the art pieces and their long-term protection and display is of importance as the pieces are deteriorating in their current location and storage mechanism.

This agenda item seeks to loan the art pieces into the care of the museum group which is a not-for-profit organisation for their care and protection.

Financial implications

There is no financial implication to the Shire. The Museum group has, however, indicated they will fund the restoration of pieces which are smoke damaged from their local funds.

Strategic implications

Nil

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
Artwork acquired by Council may be ruined if proper care and treatment is not undertaken.	Possible (3)	Moderate (3)	Moderate (9)	<u>Property</u> Localised damage requiring external resources to rectify/	By allowing the Onslow Museum to store and maintain the art pieces the risk of damage is mitigated.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is “Low” because the art pieces are being cared for by a local not for profit organisation within a building owned by the Shire of Ashburton.

Policy implications

There are no known policy implications.

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to the Onslow Paintings and Sketches identified in this report, Council:

- 1 Enters a Memorandum of Understanding with the Onslow Museum for the security, safe keeping and display of the art pieces as depicted in this report, and
- 2 The Memorandum to detail the art pieces are to remain in the ownership of the Shire of Ashburton and are on loan to the Onslow Museum for display and safe keeping at the Onslow Museum building.

Council Decision 106/2021

Moved Cr L Rumble

Second Cr R de Pledge

That with respect to the Onslow Paintings and Sketches identified in this report, Council:

- 1 Enters a Memorandum of Understanding with the Onslow Museum for the security, safe keeping and display of the art pieces as depicted in this report, and**
- 2 The Memorandum to detail the art pieces are to remain in the ownership of the Shire of Ashburton and are on loan to the Onslow Museum for display and safe keeping at the Onslow Museum building.**

Carried 7/0

11.3 Staff Accommodation Strategy 2020 – 2030

File reference	PE06
Author's name	J Fell
Author's position	Manager Land and Asset Compliance (ex)
Author's interest	Nil
Authorising officer's name	K Donohoe
Authorising officer's position	Chief Executive Officer
Authorising officer's interest	Financial
Name of applicant / respondent	Not applicable
Date report written	1 April 2021
Previous meeting reference	Agenda Item 13.2 (Minute 727/2019) Ordinary Council Meeting 17 December 2019

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.

Confidentiality

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

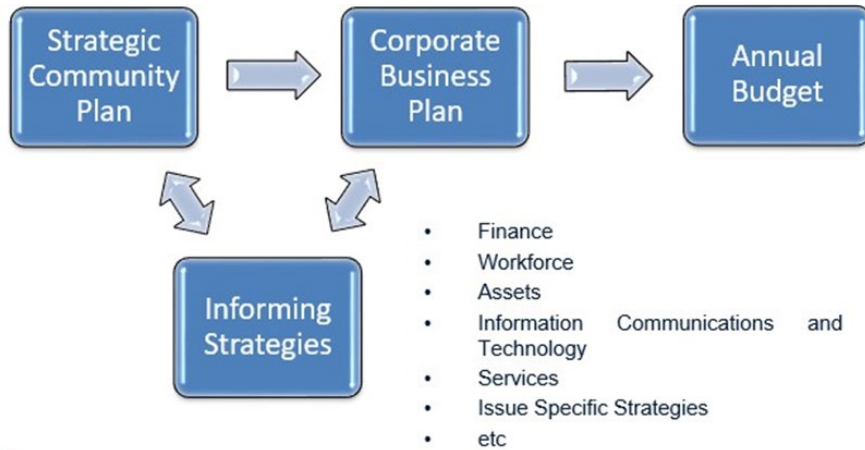
“a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting”, and

“legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.”

Background

A local government is to 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 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 over the next 5-year period, or an acceptable amount, in accordance with the Housing Strategy projections.

The annual expenditure outlined in the 2020-2025 Housing Strategy was removed from the 2020-2021 budget for reasons unknown to current Shire Officers. All maintenance during 2020-2021 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 Paraburdoo.

- 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 Paraburdoo.
- 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 Paraburdoo.
- 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 accommodating 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	\$28,600
Tom Price	\$600	\$31,200
Paraburdoo	\$400	\$20,800
Pannawonica	\$300	\$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 11.3C

Four main demand drivers for accommodation were identified:

- 1 Additional stock to accommodate existing vacant positions,
- 2 Additional stocks for staff growth forecasts,
- 3 Replacing existing rentals with Shire owned properties, and
- 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 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 1,000-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 2021-2022 through 2031-2032 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 11.3A

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.

Attachment 11.3B

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 plans made under subsection (1) are in accordance with 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.

Strategic implications

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

- Goal 05 Inspiring Governance
- Objective 1 Effective planning for the future
- Objective 2 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
Insufficient funds are included to ensure staff housing needs are met.	Unlikely (2)	Major (4)	Moderate (8)	<u>Financial</u> \$1 million to \$5 million (per annum)	Inclusion in the LTFP and delivery of the program.
Insufficient staff are available to complete necessary Shire work.	Likely (4)	Extreme (5)	Extreme (20)	<u>Service interruption</u> Indeterminate prolonged interruption of services	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 D Dias - Indirect financial
- Cr D Diver - Indirect financial
- Cr M Lynch - Indirect financial
- Cr L Rumble - Financial
- Cr K White - Proximity

Additional

Due to a lack of quorum at previous meetings, this item has been re-presented for Council’s consideration.

Officer recommendation

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

- 1 Adopt the Staff Accommodation Strategy 2020 – 2030, as included at Attachment 11.3A,
- 2 Requests the Chief Executive Office prepare development plans and construction business cases for –
 - a Watson Drive, Onslow, and lots in Tom Price;
 - b Two (2) 3 x 2 grouped dwellings at 76 Marrinup Way, Tom Price, and
 - c Upgrades / refurbishment of 797 Kulai Street, Tom Price, and 1104A Jabberup Place, Tom Price, and
- 3 Consider the allocation of \$3,000,000 in the 2021-2022 annual budget deliberations.

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 Land Asset Assessment

File reference	LP01
Author's name	J Fell
Author's position	Manager Land and Asset Compliance (ex)
Author's interest	Nil
Authorising officer's name	K Donohoe
Authorising officer's position	Chief Executive Officer
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	5 May 2021
Previous meeting reference	Nil

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.

Confidentiality

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

“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

“legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.”

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%), and
- 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 / remote locations outside of the Shire's 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

Confirmed Minutes – Public Ordinary Council Meeting 20 July 2021

	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	-	-
Total	13	9	39	24	6	7	42	25	17	23	11	46	5

Attachment 11.4A

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 –

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

Confirmed Minutes – Public Ordinary Council Meeting 20 July 2021

Lot	Street Name	Town	Brief Description	Classification	Shire Comment
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 11.4B

Consultation

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; and / or
- 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 2021-2022 Budget.

Strategic implications

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

- 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
Council does not fully realise the economic potential of held land assets.	Possible (3)	Moderate (3)	Moderate (9)	Financial Impact \$100,000 - \$1m	The LAA identifies opportunities to reduce reliance on rate revenue.

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” and will be monitored through internal processes and procedures.

Policy implications

ENG13 Asset Management Policy

Voting requirement

Simple majority

Councillor interest declarations

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

Additional

Due to a lack of quorum at previous meetings, this item has been re-presented for Council's consideration.

Officer recommendation

That with respect to the Land Asset Assessment , Council:

- 1 Receives the Land Asset Assessment, as included in at Attachment 11.4A, 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.

11.5 Mining Act 1978 Tenement Referrals from 1 February 2021 to 31 March 2021

File reference	ED01
Author's name	J Fell
Author's position	Manager Land and Asset Compliance (ex)
Author's interest	Nil
Authorising officer's name	K Donohoe
Authorising officer's position	Chief Executive Officer
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	31 March 2021
Previous meeting reference	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) applications 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. 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 11.5A

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

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more than 70 blocks, unless is in an area of the State 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 3.407716km².

Exploration Licence notifications received include:

Company	Application	Block / s (~80km ²)	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	39	Cheela Plains
	E 47/4497	20	Cheela Plains
	E 47/4502	69	Toweranna Well
	E 47/4510	70	Lefroy Well
	E 47/4515	62	Quarrina
	E 47/4513	47	Peawanah
Mallina Exploration Pty Ltd	E 47/4504	46	Munni Creek
Forge Resources Swan Pty Ltd	E 47/4503	54	Peawah
	E 47/4506	96	
	E 47/4507	132	
One Eight Two Capital Investments Pty Ltd	E 47/4508	47	Coolawanyah
	E 47/4511	62	
	E 47/4514	49	
	E 47/4516	70	

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.

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Miscellaneous Licence notifications received are:

Company	Application	Hectares	Locality	Purpose
Pilbara Energy Company Pty Ltd (FMG)	L 08/239	630.00	Uaroo	<ul style="list-style-type: none"> - 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 L 08/242 L 08/243 L 08/244	268.00 634.00 74.00 95.00	Uaroo Nanutarra	<ul style="list-style-type: none"> - 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
Orion Equities Limited	L 47/980	62.60	Paulsens	<ul style="list-style-type: none"> - A bore - A bore field - A communications facility - A drainage channel - A minesite administration facility - A pipeline - A road - A search for groundwater - A storage or transportation facility for minerals or mineral concentrate - A water management facility - A workshop and storage facility - Taking water
Orion Equities Limited	L 47/981	465.04	Paulsens	<ul style="list-style-type: none"> - A bore - A bore field - A communications facility - A conveyor system - A drainage channel - A minesite accommodation facility - A minesite administration facility - A pipeline - A power generation and transmission facility

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Company	Application	Hectares	Locality	Purpose
				<ul style="list-style-type: none"> - A pump station - A road - A search for groundwater - A storage or transportation facility for minerals or mineral concentrate - A water management facility - A workshop and storage facility - Taking water
CV Extractives Pty Ltd	L 45/610	22.00	Forrest / Mulga Downs	<ul style="list-style-type: none"> - A road
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"> - A bore - A bore field - A bridge - A communications facility - A drainage channel - A pipeline - A power generation and transmission facility - A power line - A pump station - A road - A search for groundwater - A tunnel - A water management facility - Taking water
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"> - A bore - A bore field - A communications facility - A pipeline - A power generation and transmission facility - A power line - A pump station - A road - A water management facility - A workshop and storage facility - Taking water
AMCI (IO) Pty Ltd Aquila Steel Pty Ltd	L 08/247	392.09	Kens Bore	<ul style="list-style-type: none"> - A bore - A bore field - A bridge - A communications facility - A drainage channel - A pipeline - A power generation and transmission facility - A power line - A pump station - A road - A search for groundwater - A tunnel - A water management facility

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Company	Application	Hectares	Locality	Purpose
				- Taking water
Red Hill Iron Limited	L 08/248 L 08/249	440.00 690.00	Yarraloola Red Hill	- A road - A pipeline - A power line - A storage or transportation facility for minerals or mineral concentrate

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.

Strategic implications

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

Goal 02	Economic Prosperity
Objective 1	Strong local economies

Goal 04	Quality Services and Infrastructure
Objective 2	Quality public infrastructure

Risk management

Risk has been assessed based on the Officer Recommendation.

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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)	<u>Natural Environment</u> Contained, reversible impact managed by external agencies	Correspondence to applicants advising the Shire’s required considerations.
Financial impact to assets (Red Hill Road)	Major (4)	Possible (3)	High (12)	<u>Property</u> Significant damage requiring internal and external resources to rectify.	Where asset implications are identified, user agreements will be initiated.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is “high” because of 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

Local Planning Policy – Transient Workforce Accommodation

Voting requirement

Simple majority

Councillor interest declarations

Cr R de Pledge	-	Financial
Cr D Dias	-	Indirect financial
Cr D Diver	-	Indirect financial
Cr M Gallanagh	-	Financial
Cr M Lynch	-	Indirect financial
Cr L Rumble	-	Financial

Additional

Due to a lack of quorum at previous meetings, this item has been re-presented for Council's consideration.

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.

11.6 *Mining Act 1978* Tenement Referrals from 1 April 2021 to 30 April 2021

File reference	ED01
Author's name	J Fell
Author's position	Manager Land and Asset Compliance (ex)
Author's interest	Nil
Authorising officer's name	K Donohoe
Authorising officer's position	Chief Executive Officer
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	3 May 2021
Previous meeting reference	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) applications 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 11.6A

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)

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(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 3.407716km².

Exploration Licence notifications received include:

Company	Application	Block / s (~80km ²)	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

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Company	Application	Hectares	Locality	Mineral
				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.

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

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

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.

Strategic implications

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

Goal 02	Economic Prosperity
Objective 01	Strong local economies

Goal 04 Quality Services and Infrastructure
 Objective 02 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)	<u>Natural Environment</u> Contained, reversible impact managed by external agencies	Correspondence to applicants advising the Shire’s required considerations.
Financial impact to assets (Red Hill Road)	Major (4)	Possible (3)	High (12)	<u>Property</u> Significant damage requiring internal and external resources to rectify.	Where asset implications are identified, user agreements will be initiated.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is “high” because of 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

Local Planning Policy – Transient Workforce Accommodation

Voting requirement

Simple majority

Councillor interest declarations

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

Additional

Due to a lack of quorum at previous meetings, this item has been re-presented for Council's consideration.

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.

11.7 Mining Act 1978 Tenement Referrals from 1 May 2021 to 26 June 2021

File reference	ED01
Author's name	B Leavy
Author's position	Statutory Planning Officer
Author's interest	Nil
Authorising officer's name	K Donohoe
Authorising officer's position	Chief Executive Officer
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	12 July 2021
Previous meeting reference	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) applications 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

Sixteen (16) Form 21 - Application for Mining Tenement notifications were received between 1 May 2021 and 26 June 2021.

Attachment 11.7A

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)

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(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 3.407716km².

Exploration Licence notifications received include:

Company	Application	Block / s (~80km ²)	Locality
Cauldron Energy Limited	E 08/3370	82	Buchanan
Cauldron Energy Limited	E 08/3371	103	Mt Minnie
Yandan Gold Mines Pty Ltd	E 45/5940	73	Cooletha Hill
Yandan Gold Mines Pty Ltd	E 47/4557	124	Zebra Hill
Yandan Gold Mines Pty Ltd	E 47/4560	104	Saddle Hill
Yandan Gold Mines Pty Ltd	E 47/4558	124	Barowanna Hill
Rio Tinto Exploration Pty Ltd	E 47/4553	1	Mt Maguire 7
Rio Tinto Exploration Pty Ltd	E 47/4555	5	Mount Wall
Rio Tinto Exploration Pty Ltd	E 47/4550	15	Mount Florence
Bacome Pty Ltd	E 47/4554	3	Windell

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
K Plus S Salt Australia Pty Ltd	M 08/0534	18676.05ha	Urala	Salt
Kumina Iron Pty Ltd	M 47/1619	5012.87	Hamersley Range East	Iron

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.

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Miscellaneous Licence notifications received are:

Company	Application	Hectares	Locality	Purpose
A.C.N. 629 923 753 Pty Ltd (Mineral Resources)	L 47/987	51.33	Yarraloola	<ul style="list-style-type: none"> ▪ A bore ▪ A bore field ▪ A bridge ▪ A communications facility ▪ A drainage channel ▪ A minesite accommodation facility ▪ A minesite administration building ▪ A pipeline ▪ A power generation and transmission facility ▪ A powerline ▪ A pump station ▪ A road ▪ A search for groundwater ▪ A storage or transportation facility for minerals or mineral concentrate ▪ A tunnel ▪ A water management facility ▪ A workshop and storage facility ▪ Taking water
A.C.N. 629 923 753 Pty Ltd (Mineral Resources)	L 08/253	527.48	Ashburton	<ul style="list-style-type: none"> ▪ A bore ▪ A bore field ▪ A bridge ▪ A communications facility ▪ A drainage channel ▪ A minesite accommodation facility ▪ A minesite administration building ▪ A pipeline ▪ A power generation and transmission facility ▪ A powerline ▪ A pump station ▪ A road ▪ A search for groundwater ▪ A storage or transportation facility for minerals or mineral concentrate ▪ A tunnel ▪ A water management facility ▪ A workshop and storage facility

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Company	Application	Hectares	Locality	Purpose
				<ul style="list-style-type: none"> ▪ Taking water
Red Hill Iron Limited	L 08/252	1,392.00	Ashburton	<ul style="list-style-type: none"> ▪ A pipeline ▪ A power line ▪ A road ▪ A storage or transportation facility for minerals or mineral concentrate
Wyloo Metals Pty Ltd	L08/251	4.27	Urala	<ul style="list-style-type: none"> ▪ A bridge ▪ A pipeline ▪ A power line ▪ 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.

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- 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

The notification for exploration licence (Cauldron Energy Limited - E 08/3371) One Eight Two Capital Investments Pty Ltd, is identified as encroaching on the Pilbara Regional Waste Management Facility (Class IV) adjacent to Onslow Road.

The site (being Lot 550 on DP 414367; Reserve No. 53324) is designated as exempt land from mining by virtue of Section 19 of the Act. The pending exploration licence may restrict any future expansion of the current Class IV site into the future.

The Shire has recently finalised construction works on the Pilbara Regional Waste Management Facility, having previously identified a need for the establishment of the facility, particularly a Class IV landfill to cater for industrial and hazardous waste across the Pilbara Region. This was borne by the rapid increase in development and associated growth of the resource sector within the Shire and the Pilbara Region, particularly the developments of mining and oil and gas projects.

Considering the large volumes of historically generated Class IV waste in the Pilbara that is currently stockpiled, awaiting treatment and disposal, the Shire's recently

endorsed Local Planning Strategy identified the need to investigate future expansion of the site.

The proposed exploration license (Cauldron Energy Limited - E 08/3371) poses a significant risk to the proposed expansion and as such it is imperative the land tenure over the site is secured for future expansion.

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.

Strategic implications

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

Goal 02	Economic Prosperity
Objective 01	Strong local economies

Goal 04 Quality Services and Infrastructure
 Objective 02 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)	<u>Natural Environment</u> Contained, reversible impact managed by external agencies	Correspondence to applicants and Department of Mines, Industry Regulation and Safety advising the Shire's required considerations.
Financial impact to the operation of the Pilbara Regional Waste Facility.	Major (4)	Possible (4)	High (16)	<u>Financial</u> \$1 million - \$5 million	Commence discussions with relevant agencies to secure the land tenure surrounding the Waste Facility site.
Inability to expand the Pilbara Regional Waste Facility.	Major (4)	Likely (4)	High (16)	<u>Interruption to Service</u> Prolonged interruption of services – additional resources; performance affected	Commence discussions with relevant agencies to secure the land tenure surrounding the Waste Facility site.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is “high” because of potential for encroachment and the inability of the Pilbara Regional Waste Facility to operate effectively into the future. Securing the land tenure surrounding the Waste Facility will mitigate these risks.

Policy implications

Town Planning Scheme No 7

Local Planning Policy – Transient Workforce Accommodation

Voting requirement

Simple majority

Councillor interest declarations

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

Officer recommendation

That with respect to *Mining Act 1978* Tenement Referrals – 1 May 2021 to 26 June 2021 April 2021, Council:

- 1 Acknowledge the contents of this report,
- 2 Authorise the Chief Executive Officer to advise the Department of Mines, Industry Regulation and Safety any land immediately surrounding the Pilbara Regional Waste Facility should not be encroached upon or inhibited by any exploration licences, and
- 3 Authorise the Chief Executive Officer to commence discussions with relevant agencies to secure the land surrounding the Pilbara Regional Waste Facility to allow for future expansion.

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.

11.8 Change of date and location for the September 2021 Ordinary Council Meeting and Audit and Risk Committee

File reference	GV04
Author's name	N Cain
Author's position	Director Corporate Services
Author's interest	Nil
Authorising officer's name	K Donohoe
Authorising officer's position	Chief Executive Officer
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	1 July 2021
Previous meeting reference	Not applicable

Summary

Council is required to provide public notice of the date, time, and place of Council meetings.

The currently advertised date for the September 2021 Ordinary Council Meeting coincides with the WA Local Government Convention (19 September 2021 – 21 September 2021) which Councillors typically attend.

Council is requested to change the meeting date and location for the September 2021 Ordinary Council Meeting and the Audit and Risk Committee Meeting to be held on the same day.

Background

In October 2020, Council resolved to adopt the meeting schedule for the period from February 2021 to December 2021.

The resolution identified the September 2021 Ordinary Council Meeting, and the Audit and Risk Committee meeting, as being held on 21 September 2021, commencing at 1:00pm, at the Mayu Maya Centre / Barry Lang Centre, Pannawonica.

Comment

Councillors have traditionally attended the WA Local Government Convention to

network, educate themselves of local government trends / policy changes and vote on State and Zone local government matters.

Several Councillors have signalled their intention to attend the 2021 WA Local Government Convention, which was recently advertised for 19 September 2021 – 21 September 2021.

A straw poll of Councillors was undertaken by Shire officers with 28 September 2021 being the most likely date to achieve a quorum to hold the September 2021 round of meetings.

Internet and communications have been identified as a possible issue in some of the facilities in Pannawonica. Recent testing at the Pannawonica Community Hall have indicated this may be the preferred location to undertake the Council meeting day.

Approval is sought to change the date and location of the September 2021 Ordinary Council Meeting and Audit and Risk Committee to the Pannawonica Community Hall on 28 September 2021, with the commencement time remaining unchanged.

Consultation

Councillors
Executive Leadership Team

Statutory environment

Local Government Act 1995

Section 5.25 (Regulations about council and committee meetings and committees)

Council is required to give public notice of the date and agenda for Council and Committee meetings.

Financial implications

There are no known financial implications.

Strategic implications

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

Goal 05 Inspiring Governance
Objective 03 Council leadership

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 not being able to hold the September 2021 Ordinary Council Meeting.	Rare (1)	Moderate (3)	Low (3)	Compliance Short-term non-compliance	Identify a suitable alternative date.

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 regulatory nature of this process.

Policy implications

ELM01 – Council and other meetings

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to the change of date for the September 2021 Ordinary Council Meeting and Audit and Risk Committee, Council, in accordance with the *Local Government Act 1995* section 5.25 amends the date and location of the September 2021 Audit and Risk Management Committee Meeting and Ordinary Council Meeting to the Pannawonica Community Hall on 28 September 2021, with the time to remain unchanged (commencing 9:00am and 1:00pm respectively).

Council Decision **107/2021**

Moved **Cr Gallanagh**
Second **Cr Lynch**

That with respect to the change of date for the September 2021 Ordinary Council Meeting and Audit and Risk Committee, Council, in accordance with the *Local Government Act 1995* section 5.25 amends the date and location of the September 2021 Audit and Risk Management Committee Meeting and Ordinary Council Meeting to Council Chambers, Onslow Shire Complex, Second Avenue, Onslow, on 28 September 2021, with the time to remain unchanged (commencing 9:00am and 1:00pm respectively).

Reason for amendment

The facilities in Pannawonica are not available for the meeting, and associated accommodation requirements.

Carried 7/0

11.9 Staff Establishment 2021

File reference	GV31
Author's name	N Cain
Author's position	Director Corporate Services
Author's interest	Nil
Authorising officer's name	K Donohoe
Authorising officer's position	Chief Executive Officer
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	1 July 2021
Previous meeting reference	Agenda item 18.3 (Minute 112/2020) Ordinary Council Meeting 14 July 2020

Summary

Council is legislated to consider the finances and resources of the Shire, which includes the human resources.

The purpose of this Report is to provide a snapshot of the Shire's full-time equivalent employees for inclusion in the annual budget.

Council is requested to endorse this Report regarding the Chief Executive Officer's organisation structure to deliver Council's objectives.

Background

In July 2020 Council endorsed an Organisational Structure and Functional Areas following an organisational review undertaken by the, then, new Chief Executive Officer.

The review was intended to position the organisation to achieve the vision of Council and complete several long-term capital works projects and improvements to improve the liveability of the Shire's towns.

The main recommendation resulting from the review was for the establishment of a fifth directorate (Projects and Procurement), designed to provide greater oversight and drive the delivery of the Shire's proposed capital expenditure works program over the

next three (3) to five (5) years.

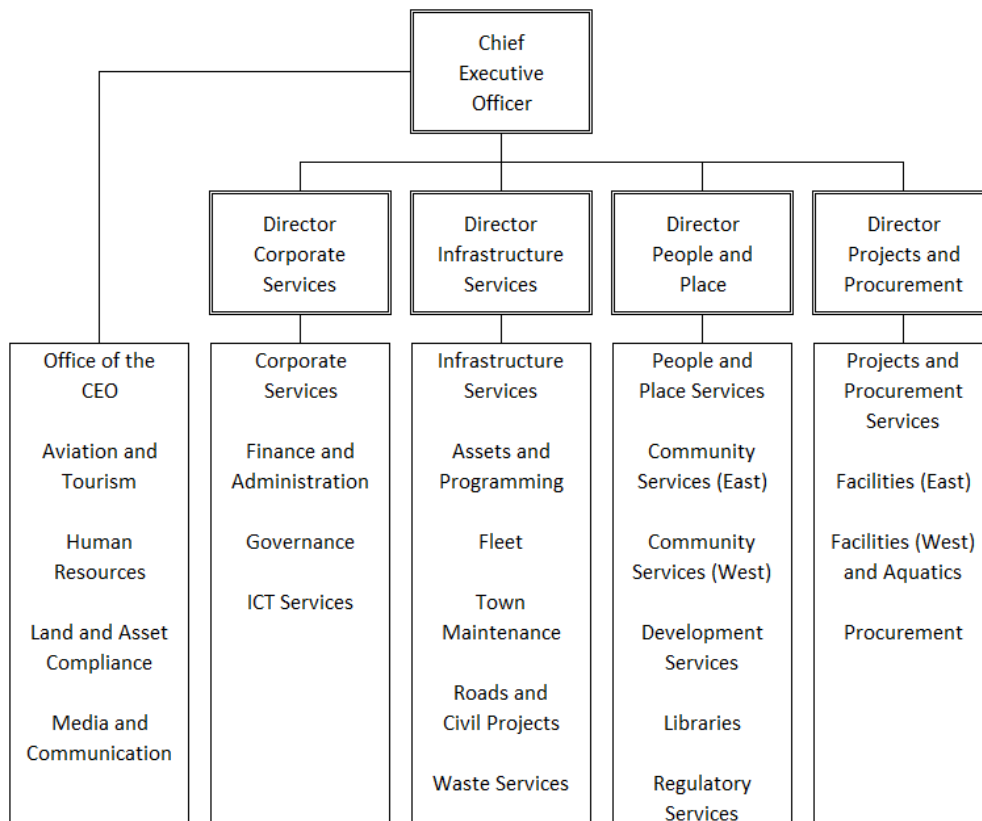
The organisational changes endorsed in July 2020 have exceeded expectations with the vast majority of backlogged capital works expenditure completed, or very close to.

In the 2020-2021 financial year Council agreed to a modification to the five (5) directorate structure, with a reduction in the number of directorates back to four (4), after the resignation of the Director Corporate Services, by amalgamating the Development Services and Community Services Directorates into one Directorate, namely People and Place (which also reduced the number of Directors).

Since the organisational changes were largely completed in August – September 2020, the Executive Management Team have been continually reviewing and refining (on paper) the staff establishment structure.

The Shire budget is being prepared in accordance with various Council Strategic Planning documents, with a high degree of planning undertaken regarding the required staffing levels necessary for the delivery of current services and to accommodate foreseeable demands being placed upon the Shire.

This Report outlines a proposed staff establishment structure, as below, to ensure the ongoing efficient and effective allocation of organisational resources.



Comment

The above structure comprises the following service units, with the proposed number of Full-Time Equivalent positions (which does not include casuals) –

Chief Executive Office

Area	Service Unit	Full-Time Equivalents
Office of the CEO	Office of the CEO	2.0
Aviation and Tourism	Airport (Onslow)	5.5
	Tourism and Economic Development	1.0
	Visitor Centre (Tom Price)	2.5
Human Resources	Human Resources	4.8
Land and Asset Compliance	Land and Asset Compliance	6.0
Media and Communications	Media and Communications	3.0
Total		24.8

Corporate Services

Area	Service Unit	Full-Time Equivalents
Corporate Services	Corporate Services	2.0
	Customer Services	2.0
Finance and Administration	Finance	9.5
	Rates	1.0
Legal and governance	Governance	4.0
	Records	4.0
ICT Services	ICT Services	3.0
Total		25.5

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Infrastructure Services

Area	Service Unit	Full-Time Equivalents
Infrastructure Services	Infrastructure Services	3.0
	Building Maintenance	1.0
Assets and Programming	Assets and Programming	3.0
Fleet	Fleet	4.0
Town Maintenance	Town Maintenance	1.0
	Town Maintenance (Onslow)	8.0
	Town Maintenance (Paraburdoo)	6.0
	Town Maintenance (Tom Price)	11.0
Roads and Civil Projects	Civil Projects	3.9
	Roads	9.4
Waste Services	Waste Services	2.0
	Waste Services (Onslow)	4.0
	Waste Services (Paraburdoo)	1.8
	Waste Services (Tom Price)	4.0
Total		62.1

People and Place

Area	Service Unit	Full-Time Equivalents
People and Place Services	People and Place Services	3.0
Community Services (East)	Club Development	3.0
	Community Services (East)	2.0
	Community Services (Pannawonica)	2.5
	Community Services (Paraburdoo)	2.0
	Community Services (Tom Price)	2.0
Community Services (West)	Community Services (West)	1.0
	Community Services (Onslow)	3.0
Development Services	Development Services	2.0
	Planning	2.0

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Area	Service Unit	Full-Time Equivalents
Libraries	Library Services	1.0
	Library Services (Onslow)	1.1
	Library Services (Pannawonica)	0.9
	Library Services (Paraburdoo)	1.6
	Library Services (Tom Price)	1.5
Regulatory Services	Regulatory Services	1.0
	Environmental Health	2.5
	Rangers	4.0
Total		36.1

Projects and Procurement

Area	Service Unit	Full-Time Equivalents
Projects and Procurement Services	Projects and Procurement Services	2.0
Facilities (East)	Facilities (East)	3.0
	Aquatic Facility (Paraburdoo)	2.0
	Aquatic Facility (Tom Price)	1.0
	Facilities (Paraburdoo)	4.8
	Facilities (Tom price)	4.0
Facilities (West) and Aquatics	Facilities (West)	3.0
	Aquatic Facility (Onslow)	3.0
	Caravan Park (Onslow)	2.9
	Facilities (Onslow)	6.0
	Sun Chalets (Onslow)	4.0
Procurement	Procurement	2.0
Total		37.7

The total Full-Time Equivalents proposed is 186.2, which is less than the 199.3 endorsed by Council in July 2020.

Positions Removed

The following Full-Time Equivalent positions are proposed for removal from the Staff Establishment as they are currently considered surplus to operational needs –

- 1 x Strategic Financial Analyst
- 1 x Customer Service Officer
- 1 x Administration Support Officer
- 1 x Finance Officer (Reconciliations)
- 1 x Governance Officer
- 1 x Asset Officer
- 1 x Administration Officer (Town Maintenance)
- 1 x Strategic Partnership Manager
- 1 x Building Development Officer
- 1 x Library Trainee

These roles are currently vacant with the tasks contained within the roles either being performed successfully by other employees or no longer required.

The removal of these positions is reflected in the previous tables.

Positions Added

The following Full-Time Equivalent positions are proposed for adding to the Staff Establishment as they are currently considered advantageous to operational needs –

- 2 x Building and Housing Maintenance Officer
- 1 x Communications Officer
- 1 x Club Development Officer

The addition of these positions is reflected in the previous tables.

Positions Converted

The following Full-Time Equivalent positions are currently classified as Casual positions. The intent is for these positions to become Full-Time Equivalent positions as they are currently assessed as being necessary for continued operations –

- 1 x ICT Assistant
- 2 x Events and Activities Officers

The conversion of these positions is reflected in the previous tables.

It should be noted the combination of the previous tables and the addition and removal of positions are not necessarily intended to balance against each other due to variations having been undertaken between July 2020 and July 2021.

Consultation

Executive Leadership Team

Statutory environment

Local Government Act 1995

Section 2.7 (Role of council)

Council is responsible for the performance of the local government's functions and is responsible for the allocation of the local government's finances and resources.

Section 5.2 (Administration of local governments)

Council is to ensure there is an appropriate structure for administering the local government, which can include endorsement of the staff establishment.

Financial implications

Proposed Staff Establishment expenses are within the allocation included in Council Strategic Planning documents. The total value of salaries and superannuation is approximately \$22.0 million. Shire officers estimate the amount required for budgeting purposes is \$19.8 million (which is based on a 10% vacancy rate). This compares favourably with the \$20.8 million forecast in July 2020.

Strategic implications

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

Goal 05	Inspiring Governance
Objective 04	Exemplary team and work environment
Strategic Direction	Develop an inspired and engaged workforce through the provision of a targeted development plan which includes strategies to attract and retain skilled and capable staff.

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Inability to successfully deliver efficient and effective operations due to the current staff establishment not meeting current needs.	Possible (3)	Major (4)	High (12)	<p><u>Interruption to Service</u> Prolonged interruption to services – additional resources; performance affected < 1 month</p> <p><u>Compliance</u> Non-compliance results in termination of services or imposed penalties to Shire / Officers</p>	The organisation staff establishment design should remain agile and able to adapt as situations change. The endorsement of the proposed staff establishment will allow for improved delivery of services for the community.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is "High" because the ever-changing nature of local government requirements means many current positions are considered surplus to needs. Retaining these positions, at the expense of other more relevant positions, may reduce community satisfaction and may also lead to some non-compliance. Endorsing the proposed staff establishment will assist in this regard.

Policy implications

There are no known policy implications.

Voting requirement

Simple majority

Councillor interest declarations

Cr D Dias	-	Financial
Cr D Diver	-	Indirect financial
Cr M Lynch	-	Indirect financial

Officer recommendation

That with respect to the Staff Establishment 2021, Council:

- 1 Endorses the Staff Establishment 2021, as contained within this Report,
- 2 Notes the proposed Staff Establishment will inform the 2020-2021 Annual Budget, with direct employee costs (salaries and superannuation) of approximately \$19.8 million, and
- 3 Acknowledges the proposed abolished positions (all of which are vacant) and proposed position additions, as contained within this Report.

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.

11.10 Representation on the State Government’s Wittenoom Steering Committee

File reference	LS40
Author’s name	K Donohoe
Author’s position	Chief Executive Officer
Author’s interest	Nil
Authorising officer’s name	K Donohoe
Authorising officer’s position	Chief Executive Officer
Authorising officer’s interest	Nil
Name of applicant / respondent	K Jones – State Government
Date report written	14 July 2021
Previous meeting reference	Not applicable

Summary

The Shire Chief Executive Officer has been approached in relation to membership of a Wittenoom Steering Committee established by the State Government.

This agenda seeks Council endorsement for the Chief Executive Officer to be endorsed as the Shire of Ashburton representative on this Steering Committee.

Background

Correspondence has been received from the Department of Planning, Lands and Heritage inviting the Chief Executive Officer to participate in the Wittenoom Steering Committee.

The previous Chief Executive Officer was also a member of this Steering Group.

The group will look at issues associated with the closure of the Wittenoom Town.

Comment

The Chief Executive Officer has requested a copy of the terms of reference for the meeting, however, these are currently under review and have not been circulated at this time.

Consultation

K Jones – Department of Planning, Lands and Heritage

Statutory environment

Local Government Act 1995

Section 5.4 (Functions of a Chief Executive Officer)

The Chief Executive Officer is to –

- advise the council in relation to the functions of a local government under the *Local Government Act 1995* and other written laws,
- ensure advice and information is available to Council so informed decisions can be made,
- cause Council decisions to be implemented,
- manage the day-to-day operations of the local government,
- liaise with the Shire President on the local government's affairs and the performance of the local government's functions,
- speak on behalf of the local government if the Shire President agrees,
- be responsible for the employment, management supervision, direction, and dismissal of other employees,
- ensure records and documents of the local government are properly kept, and
- perform any other function specified or delegated by the local government or imposed as a function to be performed by the Chief Executive Officer

Financial implications

It is assumed several meetings will be in person and will require the Chief Executive Officer to attend in Perth. This will have a cost associated with airfares and accommodation, which will be at Council's cost.

Strategic implications

Not applicable

Risk management

Risk has been assessed based on the Officer Recommendation.

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Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
The Shire not having a say, or being included, in the determination of the town, gorges, roads, and services associated with the closure of Wittenoom.	Rare (1)	Moderate (3)	Low (3)	<u>Reputation</u> Substantiated, public embarrassment, moderate impact on community trust or moderate media profile	Attend as a member of the Wittenoom Steering Committee.

The following Risk Matrix has been applied:

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

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is low as the meeting is coordinated by the State Government and provides an opportunity to provide input to the State Government's closure of the town of Wittenoom and associated methodology.

Policy implications

Not applicable

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to representation on the State Government's Wittenoom Steering Committee, Council endorses Mr. Kenn Donohoe, as the Chief Executive Officer of the Shire of Ashburton, to be Council's representative.

Council Decision 108/2021

Moved Cr D Diver

Second Cr R de Pledge

That with respect to representation on the State Government's Wittenoom Steering Committee, Council endorses Mr. Kenn Donohoe, as the Chief Executive Officer of the Shire of Ashburton, to be Council's representative.

Carried 7/0

12 Corporate Services reports

12.1 Monthly Financial Statements

File reference	FM03
Author's name	T Dayman
Author's position	Manager Finance and Administration
Author's interest	Nil
Authorising officer's name	N Cain
Authorising officer's position	Director Corporate Services
Authorising officer's interest	Nil
Name of applicant / respondent	No applicable
Date report written	7 July 2021
Previous meeting reference	Not applicable

Summary

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

The purpose of this Report is to present the Statement of Financial Activity for the month ended June 2021.

Council is requested to accept the Statement of Financial Activity.

Background

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

Comment

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

Attachment 12.1A

It is important to note, the Statement of Financial Activity is subject to end-of-year adjustments and Auditor modifications, which are yet to be applied.

Consultation

Executive Leadership Team
Middle Management Group
Finance Team

Statutory environment

Local Government Act 1995

Section 6.4 (Financial report)

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

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

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

Financial implications

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

Strategic implications

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

Goal 05	Inspiring Governance
Objective 04	Exemplary team and work environment

Risk management

Risk has been assessed based on the Officer Recommendation.

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

The following Risk Matrix has been applied:

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

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

The perceived level of risk is “Low” because of the financial controls in place and the regularity of review of the information contained within these reports.

Policy implications

FIN06 Significant Accounting Policy

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

ELM10 Financial Sustainability Policy

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

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to the Monthly Financial Statements, Council, in accordance with *Local Government (Financial Management) Regulations 1996* regulation 34 accepts the Statement of Financial Activity, and associated documentation, for June 2021, as included at Attachment 12.1A.

Council Decision 109/2021

Moved Cr D Diver

Second Cr M Gallanagh

That with respect to the Monthly Financial Statements, Council, in accordance with *Local Government (Financial Management) Regulations 1996* regulation 34 accepts the Statement of Financial Activity, and associated documentation, for June 2021, as included at Attachment 12.1A.

Carried 7/0

12.2 Monthly Schedule of Accounts Paid

File reference	FM03
Author's name	T Dayman
Author's position	Manager Finance and Administration
Author's interest	Nil
Authorising officer's name	N Cain
Authorising officer's position	Director Corporate Services
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	7 July 2021
Previous meeting reference	Not applicable

Summary

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

The purpose of this Report is to present the Monthly schedule of accounts paid for June 2021.

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

Background

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

Comment

Shire officers have prepared the Monthly Schedule of Accounts Paid, in accordance with legislative requirements (as attached).

Attachment 12.2A

Consultation

Executive Leadership Team
 Middle Management Group
 Finance Team

Statutory environment

*Local Government (Financial Management) Regulations 1996
 Regulation 13 (Payments from municipal fund or trust fund by Chief Executive Officer, Chief Executive Officer’s duties as to etc.)*

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

Financial implications

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

Strategic implications

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

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
Council does not accept the Shire officer recommendation.	Unlikely (2)	Moderate (2)	Low (4)	<u>Compliance</u> Come temporary non-compliances	Provide Councillors with sufficient information for decision making.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is “Low” because of the financial controls in place and the regularity of review of the information contained within these reports.

Policy implications

FIN06 Significant Accounting Policy

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

ELM10 Financial Sustainability Policy

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

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to the Monthly Schedule of Accounts Paid, Council, in accordance with *Local Government (Financial Management) Regulations 1996* regulation 13 confirms the Monthly Schedule of Accounts Paid for June 2021, as included at Attachment 12.2A.

Council Decision 110/2021

Moved Cr M Gallanagh

Second Cr M Lynch

That with respect to the Monthly Schedule of Accounts Paid, Council, in accordance with *Local Government (Financial Management) Regulations 1996* regulation 13 confirms the Monthly Schedule of Accounts Paid for June 2021, as included at Attachment 12.2A.

Carried 7/0

12.3 Proposal for Differential Rates for the 2021-2022 Financial Year

File reference	RV07 GV04
Author's name	N Cain
Author's position	Director Corporate Services
Author's interest	Nil
Authorising officer's name	N Cain
Authorising officer's position	Director Corporate Services
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	7 July 2021
Previous meeting reference	Agenda item 12.2 (Minute 101/2020) Ordinary Council Meeting 14 July 2020

Summary

Council is required each year, as part of the annual budget process, to determine the method of levying rates on the community.

The purpose of this item is to propose the continued use of differential rating by which to rate the community.

Council is requested to elect to use differential rating for the 2021-2022 financial year, endorse the proposed Statement of Objects and Reasons and seek submissions on the proposed differential rates.

Background

As part of the process for compiling the 2021-2022 Annual Budget it is proposed to continue to use differential rating in accordance with Section 6.36 of the *Local Government Act 1995*.

Council is required to determine the differential rates, and have these advertised, prior to consideration of the budget.

To set the rates for the budget, Council should firstly determine the total rate revenue it requires and set justifiable rate levels to generate the required revenue.

Individual property valuations determine what proportion of the total rate requirements are met by each property owner. This proportion will change when a valuation year occurs, or a property has significant alterations.

The 2021-2022 financial year is meant to be a revaluation year. Due to COVID-19 related issues, the Valuer General has elected not to proceed with revaluations. Interim revaluations, resulting from property alterations and successful appeals continue to be processed.

Council has, since prior to 2005, used differential rating to distribute the rating effort. Differential rating is one method of a small number of methods available for Council to generate the funds required to meet the budget deficiency.

In the past Council has set the rating classification rate levels outside the legislative acceptable range and sought Ministerial approval to permit this. This process is valid and acceptable. However, Shire officers have been advised this process will not be accepted this financial year and, as such, will need to return to legislatively acceptable rating levels.

To further complicate matters, interim valuations (resulting from Pastoral rating objections) continue to be distributed by the Valuer General which have an effective date of applicability as of 1 July 2021, which means setting the rate levels is proving difficult.

Comment

Shire officers have compared the rating levels from last year, which were frozen to prior year levels by the Minister, and subsequent legislation, due to COVID-19 related matters, and identified a rate increase of 1.5% as being suitable to meet budget deficiency needs and not to overly burden ratepayers given some are still impacted by COVID-19 restrictions and matters.

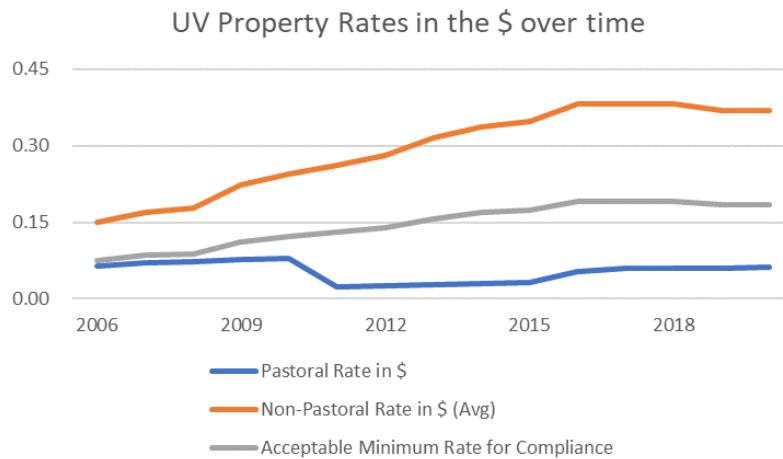
Considering the 1.5% increase, and the need to return rating levels to legislatively acceptable rating levels, Shire officers have identified the Pastoral – UV rating classification will be disproportionately impacted and will receive rate notices which are, on average, more than a 1.5% increase.

Pastoral – UV properties – History

Council has, since before 2006, applied a differential rate in the dollar to Pastoral – UV assessments which is outside legislatively acceptable levels. The Minister has previously provided approval to continue this practice and, in 2019, representatives of

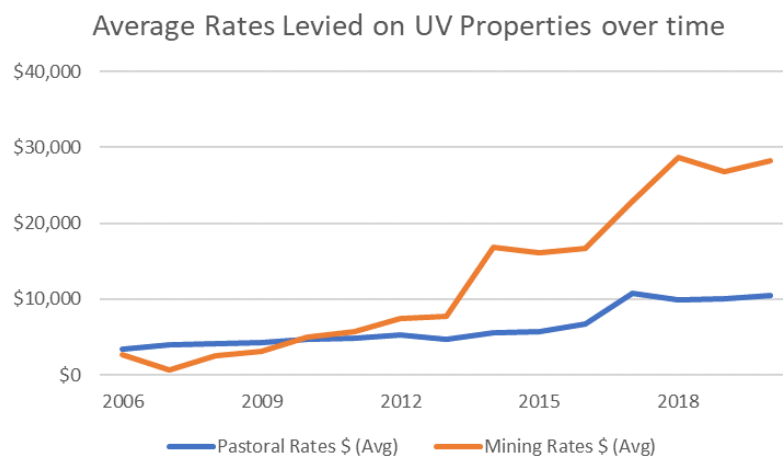
the Minister advised Shire officers this practice would no longer be supported. Given the need to implement a COVID-19 rates freeze, Council was permitted to carry this practice through for one (1) year longer than it would otherwise have been permitted.

The following chart highlights the Pastoral Rate in the dollar versus the Average of non-Pastoral Rates in the dollar since 2006. The chart also includes the acceptable minimum rate for compliance (which is no less than half the rate in the dollar of the maximum rate set in the rate category).



As can be seen, the Pastoral Rate in the dollar has been lower than the acceptable minimum rate for compliance since at least 2006, and considerably lower since 2011.

Further demonstrating the disproportionate nature of Pastoral versus Non-Pastoral rates, the following chart shows the average rates paid since 2006 for the two classifications.



Council has increased rates on the Non-Pastoral sector (read: mining sector) and sought partnerships with mining companies for the betterment of the community, due largely to the capacity to pay, the large economic scale of these organisations, and the impact on infrastructure from their business activities. However, in doing so, the gap between what is considered acceptable from a rate setting perspective has widened.

Pastoral – UV properties – Future

Shire officers, to return Council's rating structure to compliance, are left with few options –

- Decrease the rate in the dollar for Non-Pastoral UV assessments to acceptable levels. This would reduce Council rates by over \$20 million and is not considered financially sustainable.
- Increase the rate in the dollar for Pastoral UV assessments to acceptable levels. This will increase rates to pastoral property owners, on average, by a factor of approximately 2 ½ times previous levels.
- Implement a combination of the above. Unfortunately, the quantum difference between the two classifications means a greater reduction in the Non-Pastoral rate assessments is required, which is not considered financially viable.

Shire officers consider Option 2 as the preferred option.

If Council were to support Option 2 as the preferred option, legislative compliance will be met.

The downside is, however, the disproportionate increase in rates on pastoralists occurring as a result.

There are, at last count, 31 true pastoral properties, with the majority of these owned by mining companies, and 12 of these properties owned by families.

If Option 2 is supported, Shire officers will commence a communications campaign to attempt to mitigate any negativity associated with the increased rates.

As part of the process to consider increased rates on pastoralists, Shire officers commenced modelling a series of concessions to reduce the rate impact.

Written legal advice regarding the use of concessions in this context notes this would be considered a deliberate attempt to avert the legislation and is, therefore, not suggested or supported.

Differential Rating, in general

The proposed differential rating strategy has been discussed at Council briefing sessions.

As referred to under the Statutory environment section, if the recommendation is adopted, the proposed differential rates will be advertised, and public submissions sought. The public notice period will be in accordance with legislative requirements and be for a minimum of 21 days.

The differential rates and minimum payments, as recommended, will deliver an overall rate increase marginally above 1.5% (due to the larger increase associated with the Pastoral – UV rating classification).

Except for the Pastoral – UV rating classification, previous relativities between the various differential rates and minimum payments are considered an appropriate approach to apportioning the rate burden between the respective rate categories and rating classifications.

The recommendation of this Report relates only to undertaking the prescribed advertising for public submission for the proposed differential rates and minimum payments. Council is required to consider any public submissions received prior to making its final determination for setting the rates and may adopt a different set of differential rating values to those advertised. Adopting the recommendation does not represent any commitment in relation to the adoption of the Annual Budget.

It is recommended Council continue to apply differential rating with a generally proportional increase and impact across all rate categories and rating classifications, as discussed in the *Statement of Objects and Reasons for Differential Rates 2021-2022*, which is the document prepared in accordance with legislation for the public notice period, as attached.

Attachment 12.3A

Consultation

Councillors
Executive Leadership Team
Legal advisors

Statutory environment

Local Government Act 1995

Section 6.33 (Differential general rates)

Council is to observe the provisions regarding imposing differential rate, including the ability to apply separate rates in the dollar for different rate categories and different rating classifications based on zoning, land use, and whether the assessments are based upon improved or unimproved valuations.

Section 6.36 (Local government to give notice of certain rates)

If differential rating is to be applied, Council is required to advertise the differentials it intends to apply with local public notice for a minimum of 21 days and invite submission in relation to the proposed differentials. A document is required to be made available for inspection by electors and ratepayers describing the objects of, and reasons for, each proposed rate and minimum payment. Council is then required to consider any submissions received and may make a final resolution in relation to the setting of the rates in the dollar and the adoption of the Annual Budget.

Financial implications

The application of differential rating is about apportioning the rate revenue required between different rate categories and rating classifications. There are no financial implications by simply applying differential rating. Council could achieve the same total revenue by applying a general rate to all categories, however the rate burden would fall differently than it currently does and is proposed to do. The intention with the proposed differential rating levels, except for pastoral rates, is to maintain a similar proportion of rate revenue derived from each rate assessment as has happened in the past.

The proposed rate increase of 1.5% is in accordance with Long-Term Planning levels.

Strategic implications

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

Goal 05	Inspiring Governance
Objective 01	Effective Planning for the Future
Strategic Direction	Regularly monitor, review, and revise the Strategic Community Plan and develop a Four (4) Year Corporate Business Plan which reflect the evolving community needs and aspirations.

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Council does not accept the Shire officer recommendation.	Unlikely (2)	Moderate (3)	Moderate (6)	<u>Compliance</u> Short-term non-compliance but with significant regulatory requirements imposed.	Provide Councillors with sufficient information for decision making.
Council sets the rate in the dollar and minimum rates too high (for any or all classifications) causing community backlash.	Likely (4)	Moderate (3)	High (12)	<u>Reputation</u> Substantiated, public embarrassment, moderate impact on community trust or moderate media profile.	Implementation of a communication strategy relating to increased rates will help mitigate this.
Council sets the rate in the dollar and minimum rates too low (for any or all classifications) resulting in an inability to maintain services, facilities, and infrastructure.	Rare (1)	Moderate (3)	Low (3)	<u>Interruption to Service</u> Medium term temporary interruption – backlog cleared by additional resources	The provision of regular updates to Council regarding works and services provided, as well as developing long-term planning documents, will help mitigate this.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is “Moderate to High” because of the likelihood of negativity generated regarding increased rates, particularly on and by pastoralists. A Communication Strategy will be implemented to address the anticipated negativity.

Policy implications

ELM10 Financial Sustainability Policy

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

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to the proposal for differential rates for the 2021-2022 financial year, Council:

- 1 Applies differential rates for the 2021-2022 financial year,
- 2 Advertises, in accordance with Section 6.36 of the *Local Government Act 1995*, seeking public submissions on the proposed differential rates as set out below and contained in the *Statement of Objects and Reasons for Differential Rates 2021-2022*, as contained in Attachment 12.3A.

Residential and Community – GRV

- Proposed rate in the dollar of 0.1039
- Proposed minimum payment of \$1,025

Commercial and Industrial – GRV

- Proposed rate in the dollar of 0.0670
- Proposed minimum payment of \$1,282

Transient Workforce Accommodation – GRV

- Proposed rate in the dollar of 0.1339
- Proposed minimum payment of \$1,282

Pastoral – UV

- Proposed rate in the dollar of 0.1880
- Proposed minimum payment of \$1,282

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Non-Pastoral – UV

- Proposed rate in the dollar of 0.3752
- Proposed minimum payment of \$1,282

And

- 3 Requests the Chief Executive Officer report any public submissions relating to the above proposed differential rates back to Council for consideration as part of the Council item proposing adoption of the 2021-2022 Annual Budget.

Council Decision 111/2021

Moved Cr L Rumble

Seconded Cr M Lynch

That Standing Orders be suspended to permit Councillors to engage in discussion on the detail of the report at 1:40pm.

Carried 7/0

Council Decision 112/2021

Moved Cr R de Pledge

Seconded Cr D Diver

That Standing Orders be resumed to permit the meeting to proceed at 2:34pm.

Carried 7/0

Council Decision 113/2021

Moved Cr M Lynch

Seconded Cr D Diver

That with respect to the proposal for differential rates for the 2021-2022 financial year, Council:

- 1 **Applies differential rates for the 2021-2022 financial year,**

- 2 Advertises, in accordance with Section 6.36 of the *Local Government Act 1995*, seeking public submissions on the proposed differential rates as set out below and contained in the *Statement of Objects and Reasons for Differential Rates 2021-2022*, as contained in Attachment 12.3A.**

Residential and Community – GRV

- Proposed rate in the dollar of 0.10236
- Proposed minimum payment of \$1,010

Commercial and Industrial – GRV

- Proposed rate in the dollar of 0.06593
- Proposed minimum payment of \$1,263

Transient Workforce Accommodation – GRV

- Proposed rate in the dollar of 0.13185
- Proposed minimum payment of \$1,263

Pastoral – UV

- Proposed rate in the dollar of 0.18500
- Proposed minimum payment of \$1,263

Non-Pastoral – UV

- Proposed rate in the dollar of 0.36957
- Proposed minimum payment of \$1,263

And

- 3 Requests the Chief Executive Officer report any public submissions relating to the above proposed differential rates back to Council for consideration as part of the Council item proposing adoption of the 2021-2022 Annual Budget.**

Reason for amendment

Council sought to implement no changes to the rates in the dollar and minimum payments raised in the previous year excepting for the legislatively required change for the Pastoral - UV rate classification to meet the requirements of Section 6 of the *Local Government Act 1995*.

Carried 6/1

12.4 Pannawonica Men’s Shed Contribution

File reference	GS01
Author’s name	N Cain
Author’s position	Director Corporate Services
Author’s interest	Nil
Authorising officer’s name	N Cain
Authorising officer’s position	Director Corporate Services
Authorising officer’s interest	Nil
Name of applicant / respondent	Not applicable
Date report written	12 July 2021
Previous meeting reference	Not applicable

Summary

Cr. M Gallanagh recently approached Shire officers seeking a progress update on the timing of payment of “agreed funds” to the Pannawonica Men’s Shed organisation, being for a contribution towards the establishment of a new Men’s Shed.

Upon investigation, Shire officers were unable to locate in the 2020-2021 Annual Budget the funds for this project, although Shire records indicate the funds should have been provided for.

The purpose of this Report is to seek Council support for the use of expected surplus funds from the 2020-2021 financial year to be contributed towards meeting the commitment to provide funds to the Pannawonica Men’s Shed organisation.

Background

In April 2020, the Rio Tinto – Shire of Ashburton Partnership Governing Committee considered project funding proposals for the 2020-2021 Annual Budget (as part of the Rio Tinto Funding Agreement).

Contained within the funding proposals was funds originally budgeted for in 2018-2019 for a bus to be purchased for the Pannawonica Community to be re-purposed towards a financial contribution for the establishment of a new Men’s Shed facility in Pannawonica (a total of \$100,000).

Shire records show the Pannawonica Bus funds were re-budgeted in the 2019-2020 financial year, however they were moved from being a capital equipment purchase to being an operational contribution (as the Shire does not own assets in Pannawonica) as part of the budget process for the 2019-2020 Annual Budget.

Notes taken by previous Shire officers, and associated correspondence to external Pannawonica community members, indicate the financial commitment by the Shire was carried forward into the 2020-2021 Annual Budget, although current Shire officers are unable to correlate the previous outgoing correspondence (effectively committing Council to providing funding to the new Men's Shed facility) with the actual inclusion of the committed funds being contained within the budget.

Funds associated with the Rio Tinto Funding Agreement have now been "locked in" for upcoming projects, and are progressing, and are no longer available for redistribution.

Comment

Correspondence between previous Shire officers and Pannawonica community members indicate the Pannawonica Men's Shed organisation proceeded to undertake works and purchases based on the commitment provided to them from the Shire.

Verbal legal advice has been provided which indicates the Shire has a contractual obligation with regards to the contribution, and the funds should be paid to the organisation in a timely manner.

Shire officers have considered the situation in-depth and believe the most appropriate method by which to fund the obligation is to use surplus funds from the 2020-2021 financial year so as not to directly impact on the funding structures for the 2021-2022 Annual Budget.

Consultation

Director People and Place
Finance Team
Pannawonica Men's Shed representatives

Statutory environment

Local Government Act 1995

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

Amongst other conditions, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is incurred in a

financial year before the adoption of the annual budget and this expenditure is included in the annual budget for the financial year.

Financial implications

As the Officer recommendation represents a commitment for Council in the 2021-2022 financial year it is requested, if Council supports the recommendation, this be done via an absolute majority decision (as is required when adopting the annual budget).

The total funds associated with the contractually obligated contribution is \$100,000. Although the final end-of-year surplus position is yet to be fully quantified, early indications are there is sufficient funds available to provide the payment to the Pannawonica Men’s Shed organisation.

Strategic implications

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

Goal 01 Vibrant and Active Communities
 Objective 01 Connected, caring and engaged communities
 Strategic Direction Establish a strategic approach to community development planning which focusses on building social capital, developing community capability and addresses social isolation and dislocation of all residents across the Shire

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Failing to pay the contribution may result in reputational and legal matters against the Shire.	Likely (4)	Moderate (3)	High (12)	<u>Reputation</u> Substantiated, public embarrassment, moderate impact on community trust or moderate media profile <u>Financial Impact</u> \$100,000 to \$1 million	Support the payment to the Pannawonica Men’s Shed organisation as per the Officer Recommendation.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is “High” because the Shire is contractually obligated to make payment of the contribution and, by not doing so, is at risk of legal and reputational action against the Shire. Payment of the contribution will mitigate this.

Policy implications

There are no known policy implications.

Voting requirement

Absolute majority

Councillor interest declarations

- Cr D Dias - Indirect financial
- Cr D Diver - Indirect financial
- Cr M Gallanagh - Financial

Officer recommendation

That with respect to the Pannawonica Men’s Shed contribution, Council:

- 1 In accordance with *Local Government Act 1995* Section 6.8, includes an additional amount of \$100,000 in the 2021-2022 Annual Budget, funded out of the previous year surplus, and
- 2 Supports the prompt payment to the Pannawonica Men’s Shed organisation being for the contribution towards the newly constructed Men’s Shed facility in Pannawonica.

Council Decision

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

13 People and Place reports

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

File reference	PR38467
Author's name	B McKay
Author's position	Manager Town Planning
Author's interest	Nil
Authorising officer's name	A Majid
Authorising officer's position	Director People and Place
Authorising officer's interest	Nil
Name of applicant / respondent	Shire of Ashburton
Date report written	28 May 2021
Previous meeting reference	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

Executive Leadership Team
Town Planning Team

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 financial implications.

Strategic implications

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

- Goal 01 Vibrant and Active Communities
- Objective 01 Connected, caring, and engaged communities
- Objective 04 A rich cultural life

- Goal 5 Inspiring Governance
- Objective 01 Effective planning for the future
- Objective 02 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
Council is deemed to be acting in competition with other suppliers.	Unlikely (2)	Insignificant (1)	Low (2)	<u>Reputation</u> Unsubstantiated, localised low impact on community trust, low profile, or no media item.	Implement an open and transparent process.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is “Low” because of community desire and need for additional accommodation.

Policy implications

There are no known policy implications.

Voting requirement

Simple majority

Councillor interest declarations

- Cr D Dias - Indirect financial
- Cr M Gallanagh - Financial
- Cr M Lynch - Indirect financial
- Cr L Rumble - Financial

Additional

Due to a lack of quorum at previous meetings, this item has been re-presented for Council’s consideration.

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

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

13.2 Disability Access and Inclusion Plan – 2020-2021 Progress Report

File reference	CS08
Author's name	L Boyd
Author's position	Manager Community Services – West
Author's interest	Nil
Authorising officer's name	A Majid
Authorising officer's position	Director People and Place
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	16 June 2021
Previous meeting reference	Agenda item 14.1 (Minute 109/2020) – Ordinary Council Meeting 14 July 2020

Summary

Council is required to have a Disability Access and Inclusion Plan (DAIP) and report on this, as legislated.

The Disability Access and Inclusion Plan (DAIP) Progress Report 2020-2021 has been reviewed and a report is now presented to Council for endorsement to be submitted to the Department of Communities.

Background

All public authorities in Western Australia are required under the *Disability Services Act 1993 (amended 2004)* to develop, implement, review and report on the Disability Access and Inclusion Plan (DAIP).

In accordance with legislative requirements Council adopted the Disability Access and Inclusion Plan (DAIP) 2018 – 2022 in November 2017. Under this legislation, the Shire is further required to directly report on the progress of the DAIP and the implementation plan to the Department of Communities by 31 July each year, as well as provide an update to the community through the Annual Report.

A full review of the DAIP must be undertaken every five years or earlier. Other legislation underpinning access and inclusion includes the *Western Australia Equal Opportunity Act (1984)* and the *Commonwealth Disability Discrimination Act 1992*.

The Shire of Ashburton reports on the implementation of its DAIP through its annual report and on the prescribed proforma to the Department of Communities each year, outlining:

- Progress towards the desired outcomes of its DAIP;
- Progress of its agents and contractors towards meeting the seven desired outcomes;
- Strategies it used to inform its agents and contractors of its DAIP.

Comment

The Shire's DAIP and implementation plan ensures increased accessibility and inclusiveness benefits for every member of our community, including people with disabilities, their families, carers, disability service providers, young families, and our aging community. This includes increased accessibility and inclusiveness to services, facilities, buildings, employment, complaints processes, services, and information as provided by public authorities in Western Australia in a way that facilitates increased independence, opportunities, and inclusion within the community.

Each Department is responsible for the implementation and review of the DAIP with the ultimate responsibility for ongoing actions resting with the Chief Executive Office. The Shire has provided an annual progress report.

The Act requires all public authorities to take all practical measures to ensure that its officers, employees, agents, and contractors implement the DAIP. This includes requirements of contractors and agents engaged by the Shire who supply services to the public. Each of the Shire's departments will be responsible for the implementation of the Plan. The 2018-2022 DAIP includes an Implementation Plan which can be referred to and reviewed as to the Shire's progress with achieving DAIP outcomes. Ultimately, the Chief Executive Officer has final responsibility to ensure the DAIP's strategies are implemented over time.

The Act requires that the Shire of Ashburton includes a report on the implementation of its DAIP in its annual report, outlining:

- Progress towards the desired outcomes of its DAIP;
- Progress of its agents and contractors towards meeting the seven desired outcomes; and
- Strategies used to inform agents and contractors of its DAIP (via tender documentation, emails, written advice, as part of meeting agendas with agents and contractors).

The DAIP provides a framework for understanding local barriers, identifying areas of improvement, and establishing appropriate strategies to provide for people with a disability equal access to facilities, services, information, and opportunities.

Key points

- The Shire is required to develop, implement, and review a DAIP at least every five years in accordance with the Disability Services Act 1993.
- Access refers to the physical ability to get to, into, and around facilities. This access is created by removing structural barriers and including mechanisms to enable structural access.
- Inclusions refers to the ability to participate as fully as possible in programs and services provided by organisations in an integrated and holistic manner that does not exclude, ostracise, embarrass, or humiliate.
- The DAIP affects many operational areas of the Shire including; events, building maintenance and new infrastructure, website development, information provision, communication, and recruitment.
- The Implementation Plan can be found within the DAIP which includes the strategies and tasks that are proposed, the actions and the responsible officers for each task.

Attachment 13.2A

Attachment 13.2B

Consultation

Executive Leadership Team

Statutory environment

All public authorities in Western Australia are required under Part 5, Section 27-29C of the *Disability Services Act (1993)* to develop, implement, review and report on the Disability Access and Inclusion Plan (DAIP).

27. Application of Part

- (1) This Part applies to public authorities.
- (2) Notwithstanding subsection (1), regulations may declare that this Part does not apply to a specified public authority.

28. Disability access and inclusion plans

- (1) Each public authority must have a disability access and inclusion plan to ensure that in so far as its functions involve dealings with the public, the performance of those functions furthers the principles in Schedule 1 and meets the objectives in Schedule 2.
- (2) A disability access and inclusion plan must meet any prescribed standards.
- (3) A public authority must lodge its disability access and inclusion plan with the Commission —
 - (a) if the authority was established before the commencement of the Disability Services Amendment Act 2004, without delay;
 - (b) if the authority is established after the commencement of the Disability Services Amendment Act 2004, within 12 months after the day on which it is established.
- (4) A public authority may amend its disability access and inclusion plan at any time.
- (5) A public authority may review its disability access and inclusion plan at any time.
- (6) After reviewing its disability access and inclusion plan, a public authority must lodge a report of the review with the Commission in accordance with subsection (7).
- (7) Not more than 5 years is to elapse —
 - (a) between the day on which a public authority first lodges its disability access and inclusion plan with the Commission and the day it lodges a report of a review of the plan with the Commission; or
 - (b) between the lodgement of the report of one review of a plan and the lodgement of the report of another review of the plan.
- (8) After reviewing its disability access and inclusion plan, a public authority may amend the plan or prepare a new plan.
- (9) If at any time a public authority amends its disability access and inclusion plan or prepares a new plan, whether after a review or not, it must lodge the amended or new plan with the Commission as soon as practicable after doing so.
- (10) A public authority must undertake public consultation in accordance with the procedure specified in the regulations when preparing, reviewing, or amending a disability access and inclusion plan.

29. Report about disability access and inclusion plan

- (1) A public authority that has a disability access and inclusion plan must, if required to report under Part 5 of the Financial Management Act 2006, include in such report, a report about the implementation of the plan.
- (2) A local government or regional local government that has a disability access and inclusion plan must include in its annual report prepared under section 5.53 of the Local Government Act 1995 a report about the implementation of the plan.
- (3) A public authority that —
 - (a) has prepared or amended a disability access and inclusion plan in a year ending 30 June; and
 - (b) is not required to report under subsection (1) or (2), must make a report about the implementation of the plan to the Commission within 2 months after the end of that year.
- (4) The regulations may prescribe information that must be included in a report under subsection (1), (2) or (3) about the implementation of a disability access and inclusion plan.

29A. Disability access and inclusion plans to be made available.

A public authority that has a disability access and inclusion plan must ensure that the plan is made available to people with disability, and the public generally, by publication in the prescribed manner.

29B. Public authorities to ensure implementation of disability access and inclusion plan.

A public authority that has a disability access and inclusion plan must take all practicable measures to ensure that the plan is implemented by the public authority and its officers, employees, agents, or contractors.

29C. Annual report by Commission about plans

- (1) As soon as practicable after each 1 July the Commission must give the Minister a report on the effectiveness of disability access and inclusion plans, and the extent to which they have been complied with, during the year that ended on the preceding 30 June.
- (2) The Minister must cause the report received under subsection (1) to be laid before each House of Parliament within 14 sitting days after the Minister receives it.

Financial implications

There are no known financial implications.

Strategic implications

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

Goal 01 Vibrant and Active Communities
Objective 02 Sustainable service, clubs, associations, and facilities

Goal 04 Build a promote strategic relationships in the Shire’s interest
Objective 01 Quality public infrastructure
Objective 02 Accessible and safe towns

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 is branded negatively for not considering the DAIP Progress Report.	Unlikely (2)	Minor (2)	Low (4)	<u>Reputation</u> Substantiated, public embarrassment, moderate impact on community trust	The DAIP has been through the review process. Reputation is managed by following adopted policies and the support to advocate for the access and inclusion of people with disabilities.
Compliance for the delivery of the DAIP outcomes are not achieved.	Unlikely (2)	Minor (2)	Low (4)	<u>Compliance</u> Some temporary non-compliances	It is a legislative requirement all local government authorities develop, implement and report on the DAIP and outlines ways in which the authority will ensure that people with disabilities have equal access to facilities and services.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is “Low” because monitoring and reporting has been undertaken with specific procedures and controls in place and consistently reviewed and managed.

Policy implications

There are no known policy implications.

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to the Disability Access and Inclusion Plan – 2020-2021 Progress Report, Council;

- 1 Endorses the review of the Disability Access and Inclusion Plan (DAIP), as included at Attachment 13.2A, and
- 2 Notes the actions to be undertaken to address the tasks identified as “action required” in the period prior to the next review, as included at Attachment 13.2B.

Council Decision 114/2021

Moved Cr D Diver

Second Cr M Lynch

That with respect to the Disability Access and Inclusion Plan – 2020-2021 Progress Report, Council;

- 1 Endorses the review of the Disability Access and Inclusion Plan (DAIP), as included at Attachment 13.2A, and**

- 2 Notes the actions to be undertaken to address the tasks identified as “action required” in the period prior to the next review, as included at Attachment 13.2B.**

Carried 7/0

14 Infrastructure Services reports

14.1 Ashburton Downs – Meekatharra Road Flood Damage and Renewal

File reference	CM03.21
Author's name	M Fanning
Author's position	Manager Roads and Civil Projects
Author's interest	Nil
Authorising officer's name	M Khosravi
Authorising officer's position	Director Infrastructure Services
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	29 June 2021
Previous meeting reference	Agenda item 14.2 (Minute 82/2021) Ordinary Council Meeting 18 May 2021

Summary

A request for Tender (RFT) 03.21 Flood Damage Repairs and Gravel Resheeting Works – Ashburton Downs and Ashburton Downs-Meekatharra Roads was reported to Council at its March OCM. Council resolved to decline the Tender for RFT 03.21 and to authorise the CEO to undertake a tender exempt procurement process.

A Tender Exempt process in accordance the *Local Government (Functions and General) Regulations 1996* Part 4 Division 2 forms the basis of this report. Two (2) conforming submissions were received in response to the tender exempt process.

Council at its May Ordinary Council Meeting resolved to accept the tender submission from AK Evans for RFT 03.21 Flood Damage Repairs and Gravel Resheeting Works – Ashburton Downs and Ashburton Downs-Meekatharra Rd, subject to formal approval for the carry-over of Regional Road Group funding and satisfactory contract negotiations.

This report seeks Council approval to award Separable Portion A (the flood damage works) so these works can commence as early works while the Regional Road Group funding approval for Separable Portion B is finalised.

Background

A request for Tender (RFT) 03.21 Flood Damage Repairs and Gravel Resheeting Works – Ashburton Downs and Ashburton Downs-Meekatharra Roads was advertised on the Tenderlink website and in the West Australian on 3 February 2021 with a tender closing date of 3 March 2020.

One (1) Tender was received in response to RFT 03.21, and this submission was conforming. The evaluation panel assessed the submission and recommended that the submission not be accepted, as it was not considered to represent value for money. At the March OCM, Council resolved to decline the Tender for RFT 03.21 and to authorize the CEO to undertake a tender exempt procurement process.

A Tender Exempt process was subsequently initiated in compliance with *Local Government (Functions and General) Regulations 1996* Part 4 Division 2 (refer to Statutory Environment Section of this report). Invitations were sent to nominated earthmoving contractors and local government authorities on 29 March 2021 with submissions closing on 14 April 2021.

The Scope of works, as described in the tender document, was as follows:

Ashburton Downs-Meekatharra Road and Ashburton Downs Road – Separable Portion A (Schedule of Rates)

Reinstatement of specific segments of Ashburton Downs-Meekatharra Road and Ashburton Downs Road to a standard equivalent to the pre-disaster standard and condition of the road.

Ashburton Downs Road – Separable Portion B (Fixed Price Lump Sum)

Reform and Resheet SLK 0.10 - 21.21. The tender specification allows for the length of road requiring resheeting to be adjusted to fit the available budget.

Council at the May Ordinary Council Meeting resolved to award the works to AK Evans subject to the approval of additional Regional Road Group funding specifically the resolution was as follows:

Officers Recommendation and Council Decision

MINUTE: 82/2021

MOVED: Cr D Diver

SECONDED: Cr R De Pledge

In respect to Acceptance Of Tender Exempt Procurement Process For Request For Tender RFT 03.21 Flood Damage Repairs And Gravel Re-Sheeting Works - Ashburton Downs And Ashburton Downs-Meekatharra Roads that Council subject to formal amendment of the scope of works for Portion B of the project (Re-sheeting works on Ashburton Downs Road) by the RRG and formal approval for the carry-over of RRG funds by both the RRG and MRWA, that Council, in accordance with *Local Government (Functions and General) Regulations 1996* regulation 11:

- a. accepts the tender exempt procurement process submission from AK Evans Group for RFT 03.21; and**
- b. authorises the Chief Executive Officer to negotiate and engross the contract, with or without minor variation, with AK Evans Group based on their submitted and accepted submission.**

CARRIED: 6/0

Comment

The May Ordinary Council Meeting resolution prevents either of the separable portions being awarded without the other, due to the nature of the resolution. The purpose of this report is to seek a Council Resolution for Separable Portion A to be immediately awarded and that Separable Portion B be awarded subject to final approval for the carry-over of Regional Road Group funds and additional funds from the City of Karratha, as explained further within this report.

The previous report highlighted a need to reduce the length of re-sheeting works on Ashburton Downs Road to fit the available budget of \$759,310. However, an opportunity has arisen for the Shire to be allocated additional Regional Road Group funds in the 2021-2022 financial year. This has arisen because the City of Karratha is planning a major project in the 2022-2023 financial year and is seeking to defer their Regional Road Group funding allocation to this time.

What this means is the Shire of Ashburton has the opportunity of utilising two lots of Regional Road Group funding in 2021-2022 with two (2) lots of Regional Road Group funding going to the City of Karratha in 2022-2023. Should Council agree, this would effectively mean the whole of the Ashburton Downs Road re-sheeting works could be completed under the contract with AK Evans.

By adopting this approach, Council can progress the flood damage works in a timely fashion demonstrating to the Government the Shire's commitment to the process and improving its performance. The plan is to have both separable portions completed prior

to the next wet season. This however may not be possible if the award of Separable Portion A needs to await the finalisation of the Regional Road Group financial commitment process, which could take up to two (2) to three (3) months.

Consultation

Chief Executive Officer
Director Infrastructure Services
Senior Procurement Officer
Probity Advisor

Statutory environment

Local Government Act 1995

Section 3.57 (Tenders for providing goods and services.)

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

Local Government (Functions and General) Regulations 1996 Part 4 Division 2

Regulation 11 (When tenders must be publicly invited)

Tenders are to be publicly invited according to requirements before a local government enters a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250,000. Tenders do not have to be publicly invited if, within the last six (6) months the local government has, according to the legislation, publicly invited tenders for the supply of the goods or services, however no tender was submitted which met the tender specifications or satisfied the value for money assessment.

Financial implications

The 2020-2021 annual budget included the following budget allocations which will need to be reconsidered as carry over works as part of the current budget deliberation process:

Separable Portion A - Ashburton Downs-Meekatharra Road and Ashburton Downs Road

- FW149 Ashburton Downs-Meekatharra Rd (TC Damien) \$1,300,000
- FW146 Ashburton Downs Rd (TC Damien) \$ 258,000

Separable Portion B - Ashburton Downs Road Reform and Resheet SLK 0.10 - 21.21

- 19061 Road Renewals – Ashburton Downs Road – Previous 2020-2021 Budget Allocation \$759,310 - (\$363,117 general revenue, \$396,193 Regional Road Group 2019-2020 Allocation Carried forward) – requiring carry over consideration.
- Additional Regional Road Group allocation of \$813,931 from the City of Karratha’s 2021-2022 financial year allocation.
- Additional \$241,945 General Revenue Shire of Ashburton one-third matching contribution of total budget.

The final \$228,462 Regional Road Group funding from the Karratha \$1,042,393 is intended to be allocated to the Nameless Valley Drive works.

The TC Damien flood damage repair works are fully funded by Department of Fire and Emergency Services, including the costs of Site Superintendent services undertaken by Greenfields Technical Services. The Ashburton Downs Road Renewal project is Regional Road Group and Shire of Ashburton.

Strategic implications

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

Goal 04 Quality Services and Infrastructure
Objective 01 Quality Public Infrastructure

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
Potential for contract dispute resulting in project delays, non-delivery of works and litigation.	Likely (4)	Extreme (5)	Extreme (20)	<u>Reputation</u> Substantiated, public embarrassment, widespread loss of community trust, high widespread multiple media profile, third party actions	Controls as follows: Comprehensive Technical Specification. Mandatory on-site briefing during tender process. Full time Superintendent on-site with contractor.

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					<p>Contractor responsible for verifying materials and water sources.</p> <p>Proper reference checking of preferred tenderer.</p> <p>Complete contract documentation from project commencement.</p> <p>Flood damage works (Portion A) to be undertaken as Schedule of Rates.</p> <p>Ashburton Downs Meekatharra Rd resheeting works to be undertaken as Fixed Lump Sum.</p>
Liability associated with unsafe road conditions.	Possible (3)	Extreme (5)	High (15)	People Fatality, permanent disability	<p>Renewal of pavement as per Long-Term Plans.</p> <p>Inspections after wet weather events.</p>

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.

Adoption of this item has been evaluated against the Shire of Ashburton’s Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is “Extreme” due

to the financial value of the project and the risk to the Shire’s reputation and experience with contract issues from 2020.

However, following the implementation of risk mitigation strategies as indicated above, the risk has been reduced from “Extreme” to “Moderate”. That is, the residual risk, following controls and treatments, is assessed as “Moderate”.

The risk of an incident which is scored as “High” will generally remain as “High” as the condition of the road surface can be controlled by Council however, driver behaviour is also a major factor which is not able to be controlled.

A comprehensive range of improvements have been implemented to manage project risks and to address issues which arose from projects undertaken during 2020. In summary, these include:

- A qualified and experienced consultant was engaged to assist with the preparation of tender specifications, assist with the tender process and provide full-time on-site Superintendent Services for the project.
- A comprehensive and appropriately detailed Technical Specification was prepared for the works.
- A full time Superintendent will be located on-site with the successful contractor for the duration of works.
- The successful contractor is responsible for verifying the suitability of local materials and for all works required for the supply of water required for construction.
- Splitting of the contract into two separable portions such that the Flood Damage works are undertaken on a Schedule of Rates basis and the Resheeting works are undertaken on a Fixed Lump Sum Price basis.
- Inserting a clause stating the “The Principal may however remove sections of the proposed works from the contract to align with available budget allocations”.
- Engagement of an independent Probity Advisor to oversee the tender process.

Policy implications

ENG09 Asset Management

ENG13 Road Management

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to RFT 03.21 Flood Damage Repairs and Gravel Resheeting Works, Ashburton Downs and Ashburton Downs-Meekatharra Roads, Council:

- 1 Endorse the proposed arrangement with the City of Karratha whereby the Shire of Ashburton receives the City of Karratha's share of Regional Road Group funding in 2021-2022, and the Shire of Karratha receives the Shire of Ashburton's share of Regional Road Group funding in 2022-2023, noting the amounts in each financial Year are identical.
- 2 Delegate to the Chief Executive Officer the ability to negotiate and award Separable Portion A of RFT 03.21, so works can commence on the Flood Damage component of this contact.
- 3 Further delegates to the Chief Executive Officer the ability to negotiate and award Separable Portion B of RFT 03.21 following formal approval of the carry-over of Regional Road Group funds from 2020-2021 to 2021-2022 and following the formal allocation of additional Regional Road Group funds for 2021-2022 as described in this report, and as referred to in Part 1 of the Officer recommendation.
- 4 Should insufficient funds be secured through the Regional Road Group process as outlined in Part 3 of the Officer recommendation, Council delegates to the Chief Executive Officer the ability to reduce the scope of Separable Portion B to align with the approved budget.

Council Decision 115/2021

Moved Cr R de Pledge

Second Cr D Diver

That with respect to RFT 03.21 Flood Damage Repairs and Gravel Resheeting Works, Ashburton Downs and Ashburton Downs-Meekatharra Roads, Council:

- 1 Endorse the proposed arrangement with the City of Karratha whereby the Shire of Ashburton receives the City of Karratha’s share of Regional Road Group funding in 2021-2022, and the Shire of Karratha receives the Shire of Ashburton’s share of Regional Road Group funding in 2022-2023, noting the amounts in each financial Year are identical.**
- 2 Delegate to the Chief Executive Officer the ability to negotiate and award Separable Portion A of RFT 03.21, so works can commence on the Flood Damage component of this contact.**
- 3 Further delegates to the Chief Executive Officer the ability to negotiate and award Separable Portion B of RFT 03.21 following formal approval of the carry-over of Regional Road Group funds from 2020-2021 to 2021-2022 and following the formal allocation of additional Regional Road Group funds for 2021-2022 as described in this report, and as referred to in Part 1 of the Officer recommendation.**
- 4 Should insufficient funds be secured through the Regional Road Group process as outlined in Part 3 of the Officer recommendation, Council delegates to the Chief Executive Officer the ability to reduce the scope of Separable Portion B to align with the approved budget.**

Carried 7/0

14.2 Tom Price ANZAC Memorial Park Landscape Upgrade

File reference	CM 405
Author's name	A Sheridan
Author's position	Project Management Consultant
Author's interest	Nil
Authorising officer's name	M Khosravi
Authorising officer's position	Director Infrastructure Services
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	23 June 2021
Previous meeting reference	Agenda item 12.1(Minute 219/2020) Ordinary Council Meeting 11 December 2020

Summary

Council previously approved landscape upgrades to ANZAC Memorial Park, Tom Price.

The purpose of this Report is to seek Council support for additional funds to finalise the project.

Background

At the Ordinary Council Meeting on 11 December 2020, Council approved a budget variation for the creation of a new project associated with proposed Landscaping Works for ANZAC Memorial Park.

Funds for the project originated from savings in the footpath works project carried out in Tom Price during the latter part of the 2020 calendar year. The new project was allocated a budget of \$116,479.

At the time of the budget variation in December 2021, the scope and extent of works required at ANZAC Park was at a preliminary concept stage. Landscape Architects were engaged to further develop the concept within the allocated budget. When the concept was finalised and quotes obtained for delivery of the concept, it became apparent the project could not be delivered within the allocated budget.

Several attempts to modify and reduce the scope to fit the budget have proven unsuccessful. The project could only be delivered within the original budget by deleting major components of the intended scope (landscaping, garden beds, trees, park benches etc). Given the nature of this facility it is considered important to complete the works once and to do it properly.

Comment

The concept plan for works associated with Landscape Upgrades to ANZAC Memorial Park is attached.

Attachment 14.2A

The 2020-2021 annual budget for the works comprised the following:

- Tom Price ANZAC Memorial Landscaping (21020) - \$116,479
- Irrigation Renewals (IP200) - \$21,012

If funds are permitted by Council to be carried forward into the new financial year, the total project funding budget is \$137,491.

The works were not commenced by 30 June 2021, due to insufficient funds being available to complete the works. The funds (\$137,491) have been included as a component of the carry-forward works into the new financial year.

The landscaping work is of a specialised nature and there are few contractors within the Pilbara capable of delivering the works to the required standard. A quote has been obtained to deliver the concept. The required budget to complete the work, at the quoted price, is \$222,208, which is above the proposed carry-forward budget of \$137,491 by \$84,717. It would also be prudent to allow for a small percentage contingency of 4%-5% of the total project cost (say \$10,000).

It is proposed to include an additional budget allocation in the 2021-2022 budget for the additional funds (\$95,000) required to complete the works in accordance with the current concept plan.

Consultation

Council Briefing Session
Executive Leadership Team

Statutory environment

Local Government Act 1995

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

Amongst other conditions, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is incurred in a financial year before the adoption of the annual budget and this expenditure is included in the annual budget for the financial year.

Financial implications

As the Officer recommendation represents a commitment for Council in the 2021-2022 financial year it is requested, if Council supports the recommendation, this be done via an absolute majority decision (as is required when adopting the annual budget).

Strategic implications

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

Goal 04 Quality Services and Infrastructure

Objective 01 Quality Public Infrastructure

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
People are unaware of the works to be conducted.	Unlikely (2)	Minor (2)	Low (4)	<u>Reputation</u> Substantiated, localised impact on community trust or low media item.	Utilise social media to ensure the community is aware of the works prior to them taking place – giving a clear indication of what to expect.
Priority pathways are blocked during the construction works.	Unlikely (2)	Minor (2)	Low (4)	<u>Service interruption</u> Short-term temporary interruption – backlog cleared in less than 1 day	Ensure the contractor is aware pathways are to remain open and available for the duration of the works.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is “Low” because regular monitoring will be undertaken with specific procedures and controls engaged throughout the delivery of the project and will be consistently reviewed and managed.

Policy implications

There are no known policy implications.

Voting requirement

Absolute majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to the Tom Price ANZAC Memorial Park Landscape Upgrade, Council, in accordance with *Local Government Act 1995* Section 6.8, includes an additional amount of \$95,000 in the 2021-2022 Annual Budget and includes the amount of \$137,500 as a carry forward from the 2020-2021 financial year budget for the purpose of completing the project, allowing the works to progress prior to the adoption of the 2021-2022 Annual Budget.

Council Decision 116/2021

Moved Cr D Diver

Second Cr M Lynch

That with respect to the Tom Price ANZAC Memorial Park Landscape Upgrade, Council, in accordance with *Local Government Act 1995* Section 6.8, includes an additional amount of \$95,000 in the 2021-2022 Annual Budget and includes the amount of \$137,500 as a carry forward from the 2020-2021 financial year budget for the purpose of completing the project, allowing the works to progress prior to the adoption of the 2021-2022 Annual Budget.

Carried by absolute majority 6/1

Cr D Dias declared a proximity interest in Item 14.3 Flood Damage Works – Banjima Drive and Hamersley-Mt Bruce Road, Karijini, and left the meeting at 2.42pm.

14.3 Flood Damage Works – Banjima Drive and Hamersley-Mt Bruce Road, Karijini

File reference	RD13
Author's name	A Sheridan
Author's position	Project Management Consultant
Author's interest	Nil
Authorising officer's name	M Khosravi
Authorising officer's position	Director Infrastructure Services
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	14 July 2021
Previous meeting reference	Not applicable

Summary

The purpose of this report is to provide an update regarding flood damage works on Banjima Drive and Hamersley-Mt Bruce Road because of TC Damien and to recommend inclusion in the draft 2021-2022 Annual Budget for undertaking these works on the basis these funds are to be reimbursed as part of an approved State Government Flood Damage Claim.

Background

Severe TC Damien crossed the Pilbara Coast near Karratha on 8 February 2020. Heavy rainfall occurred through the Pilbara with widespread totals of 100mm to 200mm received and isolated falls of up to 235mm. Several rural roads within the Ashburton Shire were subject to storm damage (scouring, washouts, and floodway damage). The event was subsequently classified as an eligible event under the Disaster Recovery Funding Arrangements Western Australia (DRFAWA) with the Australian Government Reference Number (AGRN) 899.

While immediate action was taken to clear the roadway and make it passable to traffic (the cost of which was fully reimbursed by the Department of Fire and Emergency Services as Emergency Works), very little action was initiated regarding the follow-up reconstruction works. Follow up flood damage works are processed under an EPAR (Essential Public Asset Reconstruction) Claim.

Confirmed Minutes – Public Ordinary Council Meeting 20 July 2021

In the middle of 2020, a consultant was engaged to assist the Shire with the preparation of an EPAR Flood Damage Claim for Banjima Drive and Hamersley-Mt Bruce Road.

In summary, the restoration work involves reconstruction of roadside shoulders (both sealed and unsealed), heavy grading of unsealed pavements, reinstatement and reconstruction of drain lines and reconstruction of culverts, culvert headwalls and rock armour.

The work has been estimated to cost \$235,000 for Banjima Drive and \$80,000 for Hamersley-Mt Bruce Road – a total of \$315,000. Allowing for a 10% contingency, the total funding estimated to complete the restoration works is \$350,000.

The work associated with Banjima Drive is specified as follows –

ROAD NAME	SLK START	SLK END	DAMAGE WIDTH or DIA. (M)	POSITION	DESCRIPTION OF DAMAGE	REINSTATEMENT REQUIRED
Banjima Dr	19.910	20.770	2.5	L&R	Sealed Shoulder Scour	Sealed Shoulder Reconstruct
	24.550	24.610	2.5	L&R	Sealed Shoulder Scour	Sealed Shoulder Reconstruct
	25.690	25.730	2.5	L&R	Drain scour	Drain Reconstruct
	27.210	27.240	2.5	LHS	Sealed Shoulder Scour	Sealed Shoulder Reinstatement

The work associated with Hamersley-Mt Bruce Road is specified as follows –

ROAD NAME	SLK START	SLK END	LENGTH (L/M)	DAMAGE WIDTH or DIA. (M)	FORMATION AREA (M2)	PAVEMENT AREA (M2)	DEFECT AREA (M2)	POSITION	DESCRIPTION OF DAMAGE	REINSTATEMENT REQUIRED
Hamersley Mt Bruce Rd	12.580	12.580	1	13	13	8.3	13	FW	Culvert Complete Washout	Culvert Reconstruct
	17.520	17.780	260	13	3380	2158	3380	FW	Pavement (gravel) Scour (Unsealed)	Pavement (Gravel) Resheet
	24.740	24.760	20	13	260	160	260	FW	Rock protection & slurry damaged	Reconstruct rock protection + cement slurry

In October 2020, the Acting Director Infrastructure Services reviewed the status of all Flood Damage Claims and commenced work on a possible Claim for Flood Damage works on Roebourne-Wittenoom Road.

This would have been a very significant claim if it could have been justified (\$3.0 million to \$5.0 million), however, as it transpired, the Shire was unable to verify pre-disaster conditions and a claim could not be lodged. Council may recall Emergency Grading works were arranged for Roebourne-Wittenoom Road and this work was undertaken in early 2021.

Note: For the information of Councillors, a project plan is being developed for a comprehensive maintenance grade of Roebourne-Wittenoom Road using in house resources (two (2) graders, two (2) water tankers and multi tyred roller) commencing in February 2022. The cost of employing contractors to do this work on an ongoing basis is prohibitive. Arrangements are being made to fit all Shire equipment with High Efficiency Particulate Air (HEPA) filters and to develop and Asbestos Management Plan (with on-site monitoring) which will allow Shire staff to safely undertake the works. The works are being deliberately planned for the wet season to make use of rainfall for dust suppression, compaction, and asbestos management.

Formal submission of the Flood Damage Claim for Banjima Drive and Hamersley-Mt Bruce Road was deliberately delayed while investigations were completed regarding a possible claim for Roebourne-Wittenoom Road (which would have formed part of the same overall claim). Supporting information for the EPAR Flood Damage Claim for Banjima Drive and Hamersley-Mt Bruce Road was finalised by the consultant in March 2021. However, by the time the Claim documentation was finalised and submitted to DFES, over 12 months had elapsed since the event.

While DFES has requested an extension (from the Federal Government) to the allowable time limit for the finalisation of Claims associated with Banjima Drive and Hamersley-Mt Bruce Road, it may take two (2) to three (3) months for formal approval of the Claims. If this is the case, there may be insufficient time to complete the necessary restoration works prior to the next wet season. If the works are not completed prior to the next wet season, it is likely that severe erosion (on top of the damage which is already there) would cause the road to be washed away in several locations. If this were to occur, the road would be closed for an extended period while repairs were undertaken. Further, the current condition of the road would negatively impact on any future Flood Damage Claim.

While DFES staff have advised that they are confident of an extension to the allowable time limit and the ultimate approval of the Claim, the Shire must accept there is a residual risk (albeit small), the claim may not be approved.

The advice provided to Shire staff is works under an EPAR (Essential Public Asset Reconstruction) Claim are intended to restore an essential asset to its pre-disaster condition and the prudent and proper course of action is for the Shire to carry on with the works. Deferring restoration works on essential assets, while waiting for a flood damage claim to be formally approved, does not, by implication, support the classification of the asset as an essential asset.

Request for Quotations (RFQs) were advertised on 25 June 2021 for the works as a Schedule of Rates Contract.

The RFQs closed on 13 July 2021 and are in the process of being assessed. Unfortunately, only one contractor has quoted for the works and the mobilisation costs are considered excessive. It is proposed to re-advertise RFQs and to engage directly with other contractors to stimulate a more competitive process. This will add a delay of around four (4) weeks.

Comment

Significant staff turnover in key positions over the past 12 months has negatively impacted on Shire's ability to properly assess and process such claims. The Shire has not had robust and documented flood damage systems in place to deal effectively with Flood Damage claims. This is being addressed as follows –

- A full pre-disaster asset condition pick up has been arranged to coincide with the Shire's grading program. This pick-up is best done immediately following a programmed maintenance grade. This will be completed by November 2021.
- A consultant has been engaged to assist the Shire with managing future flood damage claims; noting most of the costs associated with a consultant engaged on Flood Damage Claims is directly paid by DFES.

Once these systems are in place, timely submission of Flood Damage Claims and follow-up approvals, with properly documented pre and post event evidence (i.e., GPS and SLK linked images at 5m-10m intervals along all road corridors), will be possible.

It is therefore recommended the Shire proceed with the works and to have them completed prior to the next wet season. Waiting for the final approval of the Flood Damage Claim to undertake Essential Public Asset Reconstruction Works is not considered a viable option in this case. The risk of waiting for approval and not completing the works prior to the next wet season is considered unacceptable.

Consultation

Chief Executive Officer

Statutory environment

Local Government Act 1995

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

Amongst other conditions, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is incurred in a financial year before the adoption of the annual budget and this expenditure is included in the annual budget for the financial year.

Financial implications

As the Officer recommendation represents a commitment for Council in the 2021-2022 financial year it is requested, if Council supports the recommendation, this be done via an absolute majority decision (as is required when adopting the annual budget).

The report recommends a 2021-2022 Annual Budget commitment of a total of \$350,000 for Flood Damage Restoration Works on Banjima Drive (\$260,000) and Hamersley-Mt Bruce Road (\$90,000), with a corresponding total grants income of \$350,000 from DFES.

It should be noted the income item assumes formal approval of the Flood Damage Claim through DFES, which is not expected to occur before October 2021. It should also be noted there is a risk to Council the Flood Damage Claim may not be approved however, this risk is relatively small.

Regardless of the risk, the work is considered necessary and preferable to be completed prior to the next wet season. In the unlikely event the claim is not approved, the works would need to be paid for by the Shire. Deferring the works and waiting for formal approval of the flood damage claim will make no difference to the outcome.

Strategic implications

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

Goal 04	Quality Services and Infrastructure
Objective 01	Quality Public Infrastructure

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
<p>Failing to rectify the damaged road may mean the road becomes completely unusable and is closed, and / or harm is experienced by road users (personal and / or vehicular).</p>	<p>Possible (3)</p>	<p>Major (4)</p>	<p>High (12)</p>	<p><u>People</u> Lost time injury > 30 days / temporary disability</p> <p><u>Interruption to Service</u> Prolonged interruption of services – additional resources; performance affect < 1 month</p> <p><u>Reputation</u> Substantiated, public embarrassment, widespread high impact on community trust, high media profile, third party actions</p> <p><u>Property</u> Significant damage requiring internal and external resources to rectify</p> <p><u>Financial Impact</u> \$1 million to \$5 million</p>	<p>Undertake remediation works in an urgent and timely manner, before the onset of the approaching wet season (on, or around, November).</p>

The following Risk Matrix has been applied:

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

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

The perceived level of risk is “High” because of the potential for further damage and possible closure of an essential asset.

Policy implications

There are no known policy implications.

Voting requirement

Absolute majority

Councillor interest declarations

Cr D Dias - Proximity

Officer recommendation

That with respect to the Flood Damage Works – Banjima Drive and Hamersley-Mt Bruce Road, Karijini, Council, in accordance with *Local Government Act 1995* Section 6.8,

- 1 Includes an additional amount of \$260,000 for Banjima Drive Flood Damage Works and \$60,000 for Hamersley-Mt Bruce Road Flood Damage Works (a total of \$350,000),
- 2 Includes additional revenue of \$350,000 in grant revenue from Department Fire and Emergency Services as an offset to the Flood Damage Works, and
- 3 Notes Flood Damage Works Claims approval is unlikely prior to October 2021.

Council Decision 117/2021

Moved Cr R de Pledge

Second Cr D Diver

That with respect to the Flood Damage Works – Banjima Drive and Hamersley-Mt Bruce Road, Karijini, Council, in accordance with *Local Government Act 1995* Section 6.8,

- 1 Includes an additional amount of \$260,000 for Banjima Drive Flood Damage Works and \$60,000 for Hamersley-Mt Bruce Road Flood Damage Works (a total of \$350,000),**
- 2 Includes additional revenue of \$350,000 in grant revenue from Department Fire and Emergency Services as an offset to the Flood Damage Works, and**
- 3 Notes Flood Damage Works Claims approval is unlikely prior to October 2021.**

Carried by absolute majority 6/0

Cr D Dias returned to the meeting at 2:43pm

15 Projects and Procurement reports

Nil

16 Councillor agenda items / notices of motions

16.1 Leucaena Weed Tree Management – Cr M Lynch

Summary

This item is a result of a Councillor's Notice of Motion which has been received and assessed in accordance with the *Shire of Ashburton Standing Orders Local Law 2012*. The Notice of Motion has been assessed as suitable for Council consideration.

The purpose of the item is to commence consultation with the aim of investigating the formation of a partnership with Government Departments, industry, local organisations, and community groups to investigate options to control the spread of Leucaena trees throughout the townsites within the Shire of Ashburton.

Councillor Lynch is requesting Council support consultation between Shire of Ashburton, Government Departments, industry, local organisations, and community groups to investigate options to control the spread of Leucaena (weed) trees throughout the townsites within the Shire of Ashburton.

Notice of Motion Information

Councillor M Lynch has provided the following Notice of Motion in accordance with the *Shire of Ashburton Standing Orders Local Law 2012*:

"That Council request the Chief Executive Officer prepare a report to Council on the feasibility of the Shire of Ashburton forming a partnership with local and state stakeholders, with a view to initiating a project to control the increasing problem Leucaena "Weed" trees are causing to the environment and local ecosystems."

The following background information has also been supplied by Councillor M Lynch:

"The Leucaena "Weed" Trees are becoming an increasing ecological problem in the Shire of Ashburton, in particular Tom Price where they have taken hold in waterways and surrounding areas. The trees are well suited to our environment and the species is a prolific seed producer. The species also resprouts after its stems are deliberately cut or otherwise damaged. Combine that with the fact that the seeds can have a dormancy period for seven or more years, making them hard to control. Leucaena trees grow very densely and choke out native flora, by out competing native species for water and then blocking out sunlight, due to sheer numbers."



This report should include prospectively partnering the Shire of Ashburton with local Indigenous corporations, Rio Tinto, and relevant State Government Departments to develop a strategy to remove Leucaena trees in the short term, control regrowth in the long term and develop a program to implement the strategy. The project to be based in Tom Price initially and if successful expanded to incorporate the remainder of the Shire of Ashburton.

The report should also include an investigation into various means to fund the project, through all available sources e.g., State Government funding, relevant grant funding and / or Shire of Ashburton funding.

Shire Officer Comment

The Manager Town Maintenance, Mr. C Hurstfield, has provided the following additional comment for Council consideration –

“Leucaena (weed) trees have been spreading rapidly throughout the Tom Price townsite, primarily around watercourses. These trees grow extremely quickly and can form impenetrable thickets, displacing occupiable space and reducing biodiversity. The seeds can lay dormant in the soil for up to 20 years and are highly transportable by humans, animals, birds, and water.

Leucaena (weed) trees are regarded as an environmental weed in Queensland, Northern Territory, Western Australia, New South Wales and on Christmas Island. Leucaena is listed in the Global Invasive Species Database and is regarded to be in the Top 100 of the world's worst invasive alien species.

In Tom Price, major Leucaena infestations are located along the drain between Central Road and Doradeen Road, the creek from Doradeen Road through to the wastewater treatment ponds, the creek in Canberra Drive, Paraburdoo-Tom Price Road (near the go kart track) and Blake Street, as shown on the attached plans.

Attachment 16.1A

Initial discussions have been held regarding conducting a trial with a Rayco T275 Forestry Mulcher recently purchased by Pilbara Trees. This will test the effectiveness of the equipment in removing Leucaena to enable ongoing herbicide treatment to prevent regrowth. The trial will include options for a thick mulch layer over removed trees and removal of mulch to landfill to be included in future burn piles. This will allow for comparison of regrowth of cleared areas.”

Attachment 16.1B

Councillor Motion

That Council request the Chief Executive Officer prepare a report to Council on the feasibility of the Shire of Ashburton forming a partnership with local and state stakeholders, with a view to initiating a project to control the increasing problem Leucaena “Weed” trees are causing to the environment and local ecosystems.

Council Decision 118/2021

Moved Cr M Lynch

Second Cr D Diver

That Council request the Chief Executive Officer prepare a report to Council on the feasibility of the Shire of Ashburton forming a partnership with local and state stakeholders, with a view to initiating a project to control the increasing problem Leucaena “Weed” trees are causing to the environment and local ecosystems.

Carried 7/0

17 New business of an urgent nature introduced by Council decision

Nil

Council Decision 119/2021

Moved Cr M Lynch

Second Cr D Diver

That Council, at 2:47pm, pursuant to Clause 6.2 of the *Shire of Ashburton Standing Orders Local Law 2012* consider the following confidential items behind closed doors –

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

18.2 Onslow Project Implementation Plan, and

18.3 Chief Executive Officer Performance Review and Key Performance Criteria.

Carried 7/0

18 Confidential matters

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

File reference	AS.TE.05.07
Author's name	A Majid
Author's position	Director People and Place
Author's interest	Nil
Authorising officer's name	K Donohoe
Authorising officer's position	Chief Executive Officer
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	5 April 2021
Previous meeting reference	Not applicable

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 list, 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.

Confidentiality

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

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

Council Decision

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.

18.2 Onslow Project Implementation Plan

File reference	SIM 0385
Author's name	K Donohoe
Author's position	Chief Executive Officer
Author's interest	Nil
Authorising officer's name	K Donohoe
Authorising officer's position	Chief Executive Officer
Authorising officer's interest	Nil
Name of applicant / respondent	Chevron / State of Western Australia
Date report written	30 June 2021
Previous meeting reference	Confidential agenda item 18.1 (Minute 64/2021) Ordinary Council Meeting 20 April 2021

Summary

Council resolved at the April 2021 Ordinary Council Meeting to support Council's confidential recommendation in relation to acquisition of lot 385/DP205462 for upwards of \$2 million dollars.

At a digital meeting on 30 June 2021 the Chief Executive Officer, Chevron delegates and delegate from the State Government (Jobs Tourism Science and Industry (JTISI)) met to consider a Project Implementation Plan for the acquisition of the site for upwards of \$2 million.

During this meeting it was agreed, in principle, the Shire of Ashburton could have \$2 million from the Community Development Fund for development of the Onslow Cultural Centre. However, the funds paid would only be paid towards the received valuation of the land and future development costs of the project.

While funds will be received, Council will need to meet the bulk of the land purchase offset by other costs in future development stages. This will result in Council having to resolve to consider a contribution of \$1.05 million from the Property Development Reserve should it wish to proceed with the acquisition.

This report seeks Council's instruction and is to be read in conjunction with the April 2021 Council agenda.

Confidentiality

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

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

Council Decision 120/2021

Moved Cr L Rumble

Second Cr R de Pledge

That with respect to the Onslow Project Implementation Plan and the acquisition of Lot 385, Onslow, Council:

- 1 Authorises the Chief Executive Officer to endorse a future Project Implementation Plan (in consultation with the State of Western Australia and Chevron Australia) that sees acquisition of Lot 385, Onslow, Deposited Plan 205462 for the acquisition of land for a future Cultural Centre.**
- 2 Authorises expenditure from its Property Development Reserve for the shortfall of funds to acquire Lot 385, Onslow.**
- 3 Acknowledges the funding from Chevron Australia and the State of Western Australia for an amount of \$2 million dollars towards the acquisition of the land, and future design and development costs associated with the land.**
- 4 Authorise the Chief Executive Officer to accept the offer for sale of land subject to the joint Project Implementation Plan being endorsed by the State of Western Australia and Chevron Australia.**
- 5 Authorise the Shire President and Chief Executive Officer to engross all documents associated with a future land acquisition in accordance with the laws of Western Australia.**
- 6 Requests the Chief Executive Officer to commence planning for the design of a new Cultural Centre in Onslow once the above authorisations have been first met and to present this concept to Council within the next twelve months subject to budget authorisation.**

Carried 7/0

K Donohoe, N Cain, A Majid, M Khosravi, C McGurk, T Dayman, R Lynch and A Lennon left the meeting at 2:57pm.

18.3 Chief Executive Officer Performance Review and Key Performance Criteria

File reference	CEO.01
Author's name	A Heraty
Author's position	Manager Human Resources
Author's interest	Nil
Authorising officer's name	Cr. K White
Authorising officer's position	Shire President
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	25 June 2021
Previous meeting reference	Not applicable

Summary

The performance of the Chief Executive Officer is to be reviewed at least once per year of employment.

The purpose of this report is to formalise the recent review of the performance of the Chief Executive Officer and consider future key performance criteria.

Council is requested to endorse the review of the performance of the Chief Executive Officer and endorse the future key performance criteria.

Confidentiality

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

"a matter affecting an employee or employees."

Council Decision 121/2021

Moved Cr M Lynch

Seconded Cr R de Pledge

That with respect to the Chief Executive Officer Performance Review and Key Performance Criteria, Council, in accordance with section 5.38 and 5.39A of the *Local Government Act 1995*:

- 1 Receives the *Chief Executive Annual Performance Review* undertaken by John Phillips Consulting, for the period May 2020 to May 2021, as included at Confidential Attachment 18.3A,**
- 2 Notifies the Chief Executive Officer, Mr. Kenn Donohoe, his overall performance for the period under review was rated as “Exceeds Performance Requirements”,**
- 3 Sets the Key Performance Criteria for the 2021-2022 review period, as included at Confidential Attachment 18.3A,**
- 4 Notifies the Chief Executive Officer, Mr. Kenn Donohoe, of the Chief Executive Officer Key Performance Criteria for the 2021-2022 review period, and**
- 5 Schedules the next review of performance to commence by 1 July 2022 and be completed by the August 2022 Ordinary Council Meeting.**
- 6 Approves an increase of \$12,000 to the Regional / Isolation Allowance payable to the Chief Executive Officer in accordance with the Salaries and Allowances Tribunal Determination.**

Reason for amendment

Council sought to recognise the Chief Executive Officer’s performance with an increase in remuneration.

Carried 7/0

Council Decision	122/2021
Moved	Cr M Gallanagh
Second	Cr M Lynch
That Council re-open the meeting to the public at 3:08pm.	
Carried 7/0	

K Donohoe returned to the meeting. No other employees or members of the public returned to the meeting.

19 Next meeting

The next Ordinary Council Meeting will be held at 1:00pm on Tuesday 17 August 2021 at Council Chambers, Onslow Shire Complex, Second Avenue, Onslow.

20 Closure of meeting

There being no further business, the Presiding Member closed the meeting at 3:10pm.

Attachments (not for inclusion with Agenda print)

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