



Shire of Ashburton
Ordinary Council Meeting
Attachments
Public

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

14 December 2021

1:00pm

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9.1A Confirmation of Council Meetings (Ordinary)



Shire of Ashburton
Ordinary Council Meeting
Unconfirmed Minutes
(Public)

Ashburton Hall, Ashburton Avenue,
Paraburdoo

16 November 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', is written over a light blue horizontal line.

K Donohoe
Chief Executive Officer
19 November 2021

These minutes were confirmed by Council as a true and accurate record of proceedings at the Ordinary Council Meeting held on Tuesday 16 November 2021.

Presiding Member _____

Date _____

Disclaimer

Recommendations and resolutions contained in this document 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

Nil

3 Attendance

3.1 Present

Elected members

Cr K White	Shire President Onslow Ward
Cr M Lynch	Deputy Shire President, Tom Price Ward
Cr L Rumble	Paraburdoo Ward
CR A Sullivan	Paraburdoo Ward
Cr J Richardson	Tablelands Ward
Cr T Mladenovic	Tom Price Ward
Cr A Smith	Tom Price Ward

Employees

K Donohoe	Chief Executive Officer
N Cain	Director of Corporate Services
M Fanning	Acting Director Infrastructure Services
C McGurk	Director Projects and Procurement
A Lennon	Manager Media and Communication
A Furfaro	Governance Officer
N Jeffery	Executive Assistant Corporate Services
M Connop	ICT Coordinator
J Watson	ICT Assistant - Trainee

Guests

Nil

Members of the public

Nil

Members of the media

Nil

3.2 Apologies

Cr M Gallanagh

3.3 Approved leave of absence

Cr R de Pledge 16 November 2021 to 16 November 2021, inclusive.

4 Question time

4.1 Response to previous questions taken on notice

Nil

4.2 Public question time

D Hurstfield

Question: Will Council consider my appeal to the Dangerous Dog Declaration unlawfully issued to me on 28 October 2021 by Ranger West and associated fine? I seek the Local Government immediate response to my request by resolution at the November 2021 Ordinary Council Meeting, noting the legislative requirements for considering my objection.

Response: The Chief Executive Officer advised the objection, and the allegation has been received by Shire officers. The onus to assess the objection rests with the Chief Executive Officer and must be determined within thirty-five (35) days after the giving of the objection. This period has not yet elapsed and will be considered within the legislative time frame, which will also include the advice that this matter can be considered by the State Administrative Tribunal.

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Paraburdoo Swim Club – P Davis

Question: Could the Paraburdoo Amateur Swim Club meet with Shire representatives to support our initiative and further discuss our options of reinstating clubroom for the exclusive use of Paraburdoo Amateur Swimming Club Members for the future long-term sustainability of the club and seek conclusion in the Council's future strategic planning?

Response: The Director Projects and Procurement advised the Paraburdoo Swim Club did not have an exclusive clubroom in the old Paraburdoo Sports Club, as it was shared with Paraburdoo Netball Club.

It has been expressed to the Swim Club, in previous correspondence, they would not be getting a club room as part of the Community Hub development (CHUB).

The request for a clubroom has been taken on notice and Shire officers will keep the club informed on any developments if, and when, a space becomes available.

5 Applications for leave of absence

Cr M Gallanagh

Pannawonica Ward

14 December 2021

Council Decision

175/2021

**Moved
Second**

**Cr J Richardson
Cr M Lynch**

That with respect to Applications for leave of absence, Council grant leave of absence to Cr M Gallanagh for the 14 December 2021, inclusive.

Carried 7/0

6 Declaration by members

6.1 Due consideration by Councillors to the agenda

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

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 are disclosed -

Item 13.1 Acceptance of Community Support Grant Applications

Declarant	Cr T Mladenovic
Declaration of Interest	Indirect Financial - Tom Price arts hub is a service area of Nintirri Centre Inc. my Employer Tom Price Arts Hub is separate to the service area I work under.

Declarant	Cr A Smith
Declaration of Interest	Impartiality - Tom Price Amateur Swimming Club - My son is in the swimming club squad, and Tom Price Tigers Football Club – My son plays for Tigers Football Club.

Item 15.1 Revised Festive Season Aquatic Facility Public Opening Hours

Declarant	Cr A Sullivan
Declaration of Interest	Indirect Financial - My son and daughter are employees of the Shire of Ashburton working at the pool.

7 Announcements by the Presiding Member and Councillors without discussion

Nil

8 Petitions / Deputations / Presentations

Unconfirmed Minutes – Public Ordinary Council Meeting 16 November 2021

8.1 Petitions

Petition Submission received Development Application DA21-67

Without necessarily supporting the contents of the petition, Councillor White tabled a petition to Council containing the signatures of 236 people, 136 which have been confirmed to be 'residents / electors' of the district stating the following:

We the undersigned, all being electors of the Shire of Ashburton do respectfully request that Council convey in all interactions with Mineral Resources Ltd that the undersigned residents and ratepayers of Onslow do not endorse or support the development of Lot 300, Back Beach Road Onslow.

The reason for this request includes but does not limit:

- *Environmental Impacts*
- *Habitat Destruction*
- *Social Impact*
- *Noise*
- *Increased vehicle movement*
- *The fact that the town does not have the infrastructure for example the Onslow General Store would not be in a position to cater for an additional 500 persons in town, increases in stock is an option, but storage and shelving is limited.*

Note – The *Shire of Ashburton Local Law Standing Orders 2012* requires only Electors may petition Council. The petition was accepted by the Shire President and the Chief Executive Officer requested to prepare for the December 2021 Ordinary Meeting of Council.

8.2 Deputations

Nil

8.3 Presentations

Nil

9 Confirmation of minutes

9.1 Confirmation of Council meetings

Ordinary Council Meeting – 19 October 2021

Attachment 9.1A

Council Decision	176/2021
Moved	Cr L Rumble
Second	Cr T Mladenovic
<p>That Council confirm the minutes of the Ordinary Council Meeting held in Clem Thompson Sports Pavilion, Stadium Road, Tom Price on 19 October 2021 as a true and accurate record, as include in Attachment 9.1A.</p>	
<p style="text-align: right;">Carried 7/0</p>	

Special Council Meeting – 25 October 2021

Attachment 9.1B

Council Decision	177/2021
Moved	Cr M Lynch
Second	Cr A Sullivan
<p>That Council confirm the minutes of the Special Council Meeting held in the Council Chambers, Onslow Shire Complex, Second Avenue, Onslow and via Electronic Means on 25 October 2021 as a true and accurate record, as include in Attachment 9.1B.</p>	
<p style="text-align: right;">Carried 7/0</p>	

9.2 Receipt of committee and other minutes

Nil

9.3 Recommendations 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

Nil

12 Corporate Services reports

12.1 Monthly Schedule of Accounts Paid

File reference	FM03
Author's name	T Dayman
Author's position	Manager Finance and Administration
Author's interest	Nil
Authorising officer's name	N Cain
Authorising officer's position	Director Corporate Services
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	9 November 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 –

- Schedule of Creditor Accounts Paid for October 2021,
- Trust Fund Payments for October 2021, and
- Corporate Credit Card Reconciliations for September 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, and this is attached.

Attachment 12.1A**Consultation**

Executive Leadership Team
 Middle Management Group
 Finance Team

Statutory environment

Local Government (Financial Management) Regulations 1996

Regulation 13 (Payments from municipal fund or trust fund by Chief Executive Officer, Chief Executive Officer's duties as to etc.)

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

Financial implications

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

For the month under review the following summarised details are presented:

Description	Amount \$
<u>Municipal Fund</u>	
Electronic Funds Transfers	6,720,719.66
Superannuation / Payroll (Direct Debits)	194,591.14
Cheques	916.30
Credit Cards	6,457.78
Bank Fees and Charges	83,358.22
<u>Municipal Fund Total</u>	7,006,043.10
<u>Trust Fund</u>	
Electronic Funds Transfers	0.00
<u>Trust Fund Total</u>	0.00

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Strategic implications

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

Goal 5 Inspiring Governance
 Objective 4 Exemplary team and work environment
 Desired Outcome Highly functioning Shire team who effectively manages Shire resources to build strong communities.

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Council does not accept the Shire officer recommendation.	Unlikely (2)	Minor (2)	Low (4)	<u>Compliance</u> Some temporary non-compliances	Provide Council with adequate information to make an informed decision.

The following Risk Matrix has been applied:

		Risk Matrix				
Consequence		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 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 October 2021, as included at Attachment 12.1A.

Council Decision	178/2021
Moved	Cr M Lynch
Second	Cr L Rumble
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 October 2021, as included at Attachment 12.1A.	
Carried 7/0	

12.2 Monthly Financial Statements – September 2021

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	10 November 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 October 2021 as well as provide budget amendments recommendations.

Council is requested to accept the Statement of Financial Activity and recommended budget amendments.

Background

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

Comment

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

Attachment 12.2A

Unconfirmed Minutes – Public Ordinary Council Meeting 16 November 2021

In addition to the regular Statement of Financial Activity being presented, Shire officers are also requested to consider potential needs for budget variations for Council consideration.

The following budget amendments are provided for consideration by Council –

Purchase of Scissor Lift – Paraburdoo Community Hub

During the construction of the Paraburdoo Community Hub, allocations were included for the purchase of minor assets. Included in the minor asset listing was the purchase of a scissor lift for the facility, which was incorrectly budgeted for as an operating expense. The budget adjustment requested is for the scissor lift to be correctly shown as a capital expense item, instead of as an operational item,

Pannawonica Projects

Included within the annual budget is an allocation for Pannawonica projects, which has no pre-set allocation associated with the funds (i.e., the funds are available to be allocated towards projects as, and when, they arise). Shire officers have been approached by members of the Pannawonica community, with the following request provided –

Inflatables are a key element at community events to engage with families to become actively involved in their town, building on social capital in Pannawonica. They are the drawcard that brings the local children and therefore parents to attend events and forums. They not only increase engagement in community activities, but also encourage leisure and recreation pursuits for children, improving health and wellbeing by providing an alternative to the current array of screen time activities.

Inflatables are also a major fundraising component for community groups and clubs, supporting local groups to become more sustainable by building their capacity and optimising community facility use. The cost of hiring inflatable equipment into Pannawonica is very expensive and pool inflatables are unable to be used due to the inability to employ the appropriate level of lifeguard labour.

The approximate cost to purchase 3 x Inflatable products, including individual pumps, electrical cables and equipment, and a generator to allow simultaneous use has been estimated at a total of \$30,000. The products include an obstacle course, bouncy castle, and sports arena, which satisfies the needs for all ages ranging from toddlers to 10yrs+ and can therefore accommodate engagement at a range of events and activities.

The budget adjustment requested is for the current general operating expense budget allocation to be converted to a capital expense budget allocation for the purchase of 3 x inflatable products.

Unconfirmed Minutes – Public Ordinary Council Meeting 16 November 2021

The summary of the budget adjustments is below –

GL / Job No.	GL / Job Description	Current Budget	Amendment	Revised Budget	Reason
MA001	Minor Assets - Paraburdoo Chub	\$46,400	(\$24,540)	\$21,860	Purchase of Scissor High Platform under operating expenditure. Above capital threshold as per policy FIN06.Reposition to capital.
NEW	Paraburdoo Chub Plant and Equipment Capital purchase	\$0	\$24,540	\$24,540	Reposition Capital P&E from Operating to Capital.
113184	Pannawonica Projects (Ref: Proj. to be identified)	\$250,000	(\$30,000)	\$220,000	Purchase of 3x Green Space Inflatables and equipment to be retained by Shire. Above capital threshold as per policy FIN06.Reposition to capital.
NEW	Pannawonica Furniture and Equipment	\$0	\$30,000	\$30,000	Reposition Capital F&E from Operating to Capital.

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.

Unconfirmed Minutes – Public Ordinary Council Meeting 16 November 2021

*Local Government Act 1995**Section 6.8 – Expenditure from municipal fund not included in annual budget*

A local government is not to incur expenditure from its municipal fund for an additional purpose except where it is incurred before, and subsequently included in, the adoption of the Annual Budget, is authorised in advance by Council, or is authorised in advance by the Shire President in an emergency.

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.

The proposed budget amendments net themselves out.

Strategic implications

There are no strategic implications for this item.

Risk management

Risk has been assessed based on the Officer Recommendation.

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

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The following Risk Matrix has been applied:

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

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

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

Policy implications

FIN06 Significant Accounting Policy

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

ELM10 Financial Sustainability Policy

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

Voting requirement

Absolute majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to the Monthly Financial Statements, Council,

- a in accordance with *Local Government (Financial Management) Regulations 1996* regulation 34 accepts the Statement of Financial Activity, and associated documentation, for November 2021, as included at Attachment 12.2A,
- b in accordance with section 6.8 of the *Local Government Act 1995*, approves the following new budget expense,
 - i Paraburdoo Community Hub Scissor Lift - \$24,500,
 - ii Pannawonica Community Inflatable Items - \$30,000, and
- c approves the following budget amendments to the 2021-2022 Budget -
 - i Increase Expenditure (New) Paraburdoo Chub Plant & Equipment Capital purchase by \$24,500 from \$nil to \$24,500,
 - ii Increase Expenditure (New) Pannawonica Furniture and Equipment Capital purchase by \$30,000 from \$nil to \$30,000,
 - iii Decrease Expenditure Account MA001 Minor Assets - Paraburdoo Chub by \$24,500 from \$46,400 to \$21,860, and
 - iv Decrease Expenditure Account 113184 Pannawonica Projects (Ref: Project. to be identified) by \$30,000 from \$250,000 to \$220,000.

Council Decision 179/2021

Moved Cr T Mladenovic

Second Cr M Lynch

That with respect to the Monthly Financial Statements, Council,

a in accordance with *Local Government (Financial Management) Regulations 1996* regulation 34 accepts the Statement of Financial Activity, and associated documentation, for November 2021, as included at Attachment 12.2A,

b in accordance with section 6.8 of the *Local Government Act 1995*, approves the following new budget expense,

- i Paraburdoo Community Hub Scissor Lift - \$24,500,**
- ii Pannawonica Community Inflatable Items - \$30,000, and**

c approves the following budget amendments to the 2021-2022 Budget -

- i Increase Expenditure (New) Paraburdoo Chub Plant & Equipment Capital purchase by \$24,500 from \$nil to \$24,500,**
- ii Increase Expenditure (New) Pannawonica Furniture and Equipment Capital purchase by \$30,000 from \$nil to \$30,000,**
- iii Decrease Expenditure Account MA001 Minor Assets - Paraburdoo Chub by \$24,500 from \$46,400 to \$21,860, and**
- iv Decrease Expenditure Account 113184 Pannawonica Projects (Ref: Proj. to be identified) by \$30,000 from \$250,000 to \$220,000.**

Carried 7/0

12.3 Ordinary Council Meeting Details for 2022

File reference	GV04
Author's name	A Furfaro
Author's position	Governance Officer
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	9 November 2021
Previous meeting reference	Ordinary Meeting of Council 13 October 2020 Agenda item 11.3 (Minute 159/2020)

Summary

It is a requirement for Council to publish the schedule of meeting dates, times, and locations for all ordinary Council meetings each year, for the next year.

Shire officers have considered several factors, including Councillor preferences, in arriving at a proposed Schedule of ordinary Council meetings.

Council is requested to approve the publishing of the dates, times, and location for the 2022 Ordinary Council Meetings Schedule.

Background

Council is required to hold ordinary meetings, and these are to be no more than three (3) months apart.

It is a legislative requirement to publish a schedule of ordinary meeting dates, times, and locations on an annual basis, for the next year.

Comment

Although not legislatively required to do so, Council has previously considered the ordinary meeting details (dates, times, and locations) and have been asked to adopt a schedule containing this information.

Unconfirmed Minutes – Public Ordinary Council Meeting 16 November 2021

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

The Shire of Ashburton has four (4) towns, each having suitable locations to host Council meetings, and it has been the practice to alternate the location to host ordinary meetings to include each town and provide constituents with an opportunity to attend a meeting.

In reviewing and providing a recommendation regarding the dates and towns for the ordinary meetings to be held, Shire officers have considered –

- Individual Councillor preferences (e.g., around work rosters, personal reasons),
- Public holidays,
- Dates for potentially conflicting events (e.g., WA Local Government Week, Karijini Experience etc.), and
- Ensuring impartiality throughout the district (including proportionate representation of coastal constituents and inland constituents).

During 2021, ordinary meetings occurred on, or around, the third Tuesday of each relevant month.

Due to the considerations outlined above, it is proposed Council meetings occur every second Tuesday of the month to avoid conflict with other items on the calendar. The proposed dates have been identified in the table shown further below.

Councillors have suggested the potential hosting of an ordinary Council meeting at Cheela Plains Station Stay, which Shire officers continue to explore, although information regarding the facilities at the Station Stay have not been received at the time of collating this agenda item.

Shire officers note Pannawonica has been unable to recently host an ordinary meeting (at the designated date) due to concurrent demands on the accommodation resources in the town.

The accommodation providers in Pannawonica have indicated September 2022 and October 2022 (at the proposed dates shown further below) are currently available.

Shire officers have made tentative bookings for both months as accommodation providers have advised accommodation may be withdrawn at short notice.

With all the above considered, the 2022 Ordinary Council Meetings Schedule is proposed, as follows -

Unconfirmed Minutes – Public Ordinary Council Meeting 16 November 2021

2022 Ordinary Council Meetings Schedule		
Date	Location	Commencing
Tuesday 8 February 2022	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm
Tuesday 8 March 2022	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00pm
Tuesday 12 April 2022	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00pm
Tuesday 10 May 2022	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm
Tuesday 14 June 2022	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00pm
Tuesday 12 July 2022	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00pm
Tuesday 9 August 2022	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm
Tuesday 13 September 2022	Barry Lang Centre, Deepdale Drive, Pannawonica	1:00pm
Tuesday 11 October 2022	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00pm
Tuesday 8 November 2022	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm
Tuesday 13 December 2022	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00pm

Consultation

Councillors
Executive Leadership Team
Sodexo (Pannawonica)
Cheela Plains Station Stay

Statutory environment*Local Government Act 1995**Section 5.3 – Ordinary and special council meetings*

Council is required to hold ordinary meetings, and these are to be no more than three (3) months apart.

*Local Government Act 1995**Section 5.25 – Regulations about council and committee meetings and committees*

Council is required to undertake the holding of meetings in accordance with regulations, which include, although are not limited to, the date for Council and Committee meetings.

*Local Government (Administration) Regulations 1996**Regulation 12 - Meetings, public notice of (Act s. 5.25(1)(g))*

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Before the beginning of the year in which meetings are to be held, the date, time and place for each meeting is to be published on the local government's official website.

Financial implications

Council sets aside sufficient funds in the Annual Budget to meet the cost of the advertisement and all other associated costs of Council Meetings, including accommodation.

Strategic implications

There are no known strategic implications.

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
The local government fails to meet legislative requirements by not publishing a schedule of dates, location, and times for meetings to be held in the following year.	Unlikely (2)	Minor (2)	Low (4)	<u>Compliance</u> Some temporary non compliances.	Ensure appropriate procedures are in place.

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.

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The perceived level of risk is “Low” and can be managed by routine procedures and is unlikely to need specific application of resources.

Policy implications

There are no known Policy implications.

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to Ordinary Council Meeting details for 2022, Council approves the publishing of the dates, times, and locations for the 2022 Ordinary Council Meetings Schedule, as outlined below –

2022 Ordinary Council Meetings Schedule		
Date	Location	Commencing
Tuesday 8 February 2022	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm
Tuesday 8 March 2022	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00pm
Tuesday 12 April 2022	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00pm
Tuesday 10 May 2022	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm
Tuesday 14 June 2022	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00pm
Tuesday 12 July 2022	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00pm
Tuesday 9 August 2022	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm
Tuesday 13 September 2022	Barry Lang Centre, Deepdale Drive, Pannawonica	1:00pm
Tuesday 11 October 2022	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00pm
Tuesday 8 November 2022	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm

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Council Decision 180/2021

Moved Cr T Mladenovic

Second Cr L Rumble

That with respect to Ordinary Council Meeting details for 2022, Council approves the publishing of the dates, times, and locations for the 2022 Ordinary Council Meetings Schedule, as outlined below –

2022 Ordinary Council Meetings Schedule		
Date	Location	Commencing
Tuesday 8 February 2022	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm
Tuesday 8 March 2022	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00pm
Tuesday 12 April 2022	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00pm
Tuesday 10 May 2022	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm
Tuesday 14 June 2022	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00pm
Tuesday 12 July 2022	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00pm
Tuesday 9 August 2022	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm
Tuesday 13 September 2022	Barry Lang Centre, Deepdale Drive, Pannawonica	1:00pm
Tuesday 11 October 2022	Ashburton Hall, Ashburton Avenue, Paraburdoo	1:00pm
Tuesday 8 November 2022	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow	1:00pm
Tuesday 13 December 2022	Clem Thompson Sports Pavilion, Stadium Road, Tom Price	1:00pm

Carried 7/0

13 People and Place reports

13.1 Acceptance of Community Support Grant Applications

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	Various
Date report written	10 November 2021
Previous meeting reference	Nil

Summary

The Shire recently promoted and invited applications for Community Support Grants, in accordance with Council Policy, with applications closing 31 August 2021. These grants are provided as in-kind and / or financial assistance to enable community groups to deliver quality programs, community events and services.

At the close of the application period twenty-four (24) applications were received for Community Support Grants.

Shire officers have assessed the applications and requested feedback from each Councillor representing the relevant town from where the application originated.

Council is requested to consider and make recommendation regarding the funding, or otherwise, of each of the grant applications.

Background

The Shire supports two (2) Community Support Grant funding rounds each year, one opening in July and closing in August, and one opening in February and closing in March.

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At the close of the August 2021 round, twenty-four (24) Community Support Grant applications were received, as follows –

- Onslow – Two (2) applications,
- Pannawonica – Eight (8) applications,
- Paraburdoo – Three (3) applications, and
- Tom Price – Eleven (11) applications.

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

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

For the Community Support Grant Applications Program, only Not-for-Profit incorporated associations and organisations are eligible. Ineligible applicants include unincorporated associations who are not auspiced by an incorporated association and applicants who have received Signature Event or Major Event / Projects funding.

Funding to a maximum amount of \$2,500 is available via this Program.

Shire officers do not have the authority to recommend approval for applications which do not meet the eligibility criteria.

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

Comment

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

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All applications have been assessed on –

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

Councillors briefly workshopped the applications on 19 October 2021 before agreeing to review each respective town for which the application originated from, and to individually provide feedback to Shire officers for the applications.

The summary of the applications follows –

Onslow

St John WA (Onslow)

- Project Replacement of aging ambulance vehicles
- Project estimate \$15,000
- Funding sought \$2,500
- In-Kind requested \$nil
- Compliant? No
- Suggested action Decline, as not incorporated

Onslow Occys Swimming Club

- Project 2021-2022 Lane Hire Costs
- Project estimate \$7,500
- Funding sought \$nil
- In-Kind requested \$2,500
- Compliant? No
- Suggested action Decline, previous grant not yet acquitted

Pannawonica

Pannawonica Community Garden and Leisure Centre Inc.

- Project Fairy Garden Pergola
- Project estimate \$4,329
- Funding sought \$2,500
- In-Kind requested \$nil
- Compliant? Yes
- Suggested action Support, as requested

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Pannawonica Craft Club

- Project Outdoor Space
- Project estimate \$45,000
- Funding sought \$2,500
- In-Kind requested \$nil
- Compliant? Yes
- Suggested action Support, as requested

Pannawonica Junior Sports

- Project Purchase Soccer Goals
- Project estimate \$3,500
- Funding sought \$2,500
- In-Kind requested \$nil
- Compliant? Yes
- Suggested action Support, as requested

Pannawonica KindyGym

- Project Updating KindyGym Equipment
- Project estimate \$3,514
- Funding sought \$2,500
- In-Kind requested \$nil
- Compliant? Yes
- Suggested action Support, as requested

Pannawonica Playgroup Inc.

- Project Mums and Bubs Group
- Project estimate \$2,500
- Funding sought \$2,500
- In-Kind requested \$nil
- Compliant? Yes
- Suggested action Support, as requested

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Pannawonica Primary School Parents and Citizens

- Project Non-Fiction Library Books for School Library
- Project estimate \$7,500
- Funding sought \$2,500
- In-Kind requested \$nil
- Compliant? No
- Suggested action Decline, previous grant not yet acquitted

Pannawonica Sports Club

- Project Security System Upgrade
- Project estimate \$2,500
- Funding sought \$2,000
- In-Kind requested \$nil
- Compliant? No
- Suggested action Decline, previous grant not yet acquitted

Pannawonica Youth Club

- Project Updating Youth Club Equipment
- Project estimate \$1,500
- Funding sought \$1,500
- In-Kind requested \$1,000
- Compliant? No
- Suggested action Decline, previous grant not yet acquitted

Paraburdoo

Paraburdoo Amateur Swimming Club

- Project Educational projector
- Project estimate \$2,321
- Funding sought \$2,321
- In-Kind requested \$nil
- Compliant? Yes
- Suggested action Support, as requested

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Paraburdoo Branch Sporting Shooters Association of Australia

- Project Electrical compliance and switchboard safety upgrade
- Project estimate \$2,794
- Funding sought \$2,500
- In-Kind requested \$nil
- Compliant? Yes
- Suggested action Support, as requested

Paraburdoo Pirates Rugby League and Touch Football Club

- Project Pirates 21/22 Season
- Project estimate \$2,500
- Funding sought \$nil
- In-Kind requested \$2,500
- Compliant? Yes
- Suggested action Support, as requested

Tom Price

Eagles Basketball Team

- Project Eagles Basketball Team equipment
- Project estimate \$2,000
- Funding sought \$2,000
- In-Kind requested \$nil
- Compliant? No
- Suggested action Decline, as not incorporated

Magic Women's Softball Club

- Project Magic Softball Team / Club equipment
- Project estimate \$2,500
- Funding sought \$2,500
- In-Kind requested \$nil
- Compliant? No
- Suggested action Decline, as not incorporated

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Tom Price Amateur Swimming Club

- Project Backstroke Staring System
- Project estimate \$1,765
- Funding sought \$1,765
- In-Kind requested \$nil
- Compliant? Yes
- Suggested action Support, as requested

Tom Price Arts Hub

- Project Tom Price Arts Hub Lego Community Project
- Project estimate \$8,000
- Funding sought \$2,500
- In-Kind requested \$nil
- Compliant? Yes
- Suggested action Support, as requested

Tom Price Gymnastics Club

- Project New Vault
- Project estimate \$5,032
- Funding sought \$2,500
- In-Kind requested \$nil
- Compliant? No
- Suggested action Decline, previous grant not yet acquitted

Tom Price Men's Shed

- Project Metalworking Lathe
- Project estimate \$15,000
- Funding sought \$2,346
- In-Kind requested \$nil
- Compliant? Yes
- Suggested action Support, as requested

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Tom Price Soccer Club

- Project U13 Goals
- Project estimate \$2,500
- Funding sought \$2,500
- In-Kind requested \$nil
- Compliant? No
- Suggested action Decline, previous grant not yet acquitted

Tom Price Steelers Rugby League Football Club

- Project Ashburton Cup – Game 2
- Project estimate \$3,000
- Funding sought \$2,000
- In-Kind requested \$500
- Compliant? Yes
- Suggested action Support, as requested

Tom Price Tennis Club

- Project Club office furniture
- Project estimate \$3,300
- Funding sought \$2,500
- In-Kind requested \$nil
- Compliant? Yes
- Suggested action Support, as requested

Tom Price Tigers Football Club

- Project Upgrade of Training Equipment
- Project estimate \$1,800
- Funding sought \$1,800
- In-Kind requested \$nil
- Compliant? Yes
- Suggested action Support, as requested

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Tom Price Volunteer Bush Fire Brigade

- Project Brigade Honour Board
- Project estimate \$3,500
- Funding sought \$2,500
- In-Kind requested \$nil
- Compliant? No
- Suggested action Decline, as not incorporated

Consultation

Councillors
Executive Leadership Team
Various Clubs and Associations

Statutory environment

Local Government Act 1995
Section 6.7 – Municipal fund

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

Financial implications

The total funding sought for the projects which have a suggested action to support (fourteen (14) applications), is \$30,232 (annual budget for both rounds is \$80,000) which, if approved, will provide for a sound level of remaining funds for the second funding round.

The combined request for assistance (cash and in-kind) is \$33,232.

Strategic implications

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

Goal 1 Vibrant and Active Communities
Objective 2 Sustainable services, clubs, associations, and facilities
Strategic Direction Develop and implement a cohesive, whole of Shire strategy to encourage and support club and community group development through a focus on increased volunteerism and capacity building which utilises the skills and experience of residents and visitors.

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Unsuccessful applicants create a backlash to Council regarding their application.	Likely (4)	Insignificant (1)	Low (4)	<u>Reputation</u> Unsubstantiated, localised low impact on community trust, low profile, or no media item.	Ensure appropriate Policy procedures are in place and followed.

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

Policy implications

REC08 Community Donations, Grants and Funding

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

Voting requirement

Simple majority

Councillor interest declarations

Cr T Mladenovic	-	Indirect Financial
Cr A Smith	-	Impartiality

Officer recommendation

That with respect to the acceptance of Community Support Grant Applications, Council, in accordance with Council Policy *REC08 Community Donations, Grants and Funding*,

a Declines the applications from the following groups as they did not meet the Council Policy criteria –

- St John WA (Onslow),
- Onslow Occys Swimming Club,
- Pannawonica Primary School Parents and Citizens,
- Pannawonica Sports Club,
- Pannawonica Youth Club,
- Eagles Basketball Team,
- Magic Women's Softball Club,
- Tom Price Gymnastics Club,
- Tom Price Soccer Club, and
- Tom Price Volunteer Bush Fire Brigade, and

b Approves the applications from the following groups to the values, and for the summarised purposes, as shown below –

- Pannawonica Community Garden and Leisure Centre Inc. (\$2,500 for Fairy Garden Pergola),
- Pannawonica Craft Club (\$2,500 for Outdoor Space),
- Pannawonica Junior Sports (\$2,500 for Purchase Soccer Goals),
- Pannawonica KindyGym (\$2,500 for Updating KindyGym Equipment),
- Pannawonica Playgroup Inc. (\$2,500 for Mums and Bubs Group),
- Paraburdoo Amateur Swimming Club (\$2,321 for Educational Projector),
- Paraburdoo Branch Sporting Shooters Association of Australia (\$2,500 for Electrical Compliance and Switchboard Safety Upgrade),
- Paraburdoo Pirates Rugby League and Touch Football Club (\$2,500 (in-kind) for Pirates 21/22 Season),
- Tom Price Amateur Swimming Club (\$1,765 for Backstroke Starting System),
- Tom Price Arts Hub (\$2,500 for Tom Price Arts Hub Lego Community Project),

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- Tom Price Men's Shed (\$2,346 for a Metalworking Lathe),
- Tom Price Steelers Rugby League Football Club (\$2,000 and \$500 (in-kind) for Ashburton Cup – Game 2),
- Tom Price Tennis Club (\$2,500 for Club Office Furniture), and
- Tom Price Tigers Football Club (\$1,800 for Upgrade of Training Equipment).

Council Decision 181/2021

Moved Cr M Lynch

Second Cr A Smith

That with respect to the acceptance of Community Support Grant Applications, Council, in accordance with Council Policy *REC08 Community Donations, Grants and Funding*,

a Declines the applications from the following groups as they did not meet the Council Policy criteria –

- **St John WA (Onslow),**
- **Onslow Occys Swimming Club,**
- **Pannawonica Primary School Parents and Citizens,**
- **Pannawonica Sports Club,**
- **Pannawonica Youth Club,**
- **Eagles Basketball Team,**
- **Magic Women's Softball Club,**
- **Tom Price Gymnastics Club,**
- **Tom Price Soccer Club, and**
- **Tom Price Volunteer Bush Fire Brigade, and**

b Approves the applications from the following groups to the values, and for the summarised purposes, as shown below –

- **Pannawonica Community Garden and Leisure Centre Inc. (\$2,500 for Fairy Garden Pergola),**
- **Pannawonica Craft Club (\$2,500 for Outdoor Space),**
- **Pannawonica Junior Sports (\$2,500 for Purchase Soccer Goals),**
- **Pannawonica KindyGym (\$2,500 for Updating KindyGym Equipment),**
- **Pannawonica Playgroup Inc. (\$2,500 for Mums and Bubs Group),**
- **Paraburdoo Amateur Swimming Club (\$2,321 for Educational Projector),**
- **Paraburdoo Branch Sporting Shooters Association of Australia (\$2,500 for Electrical Compliance and Switchboard Safety Upgrade),**
- **Paraburdoo Pirates Rugby League and Touch Football Club (\$2,500 (in-**

kind) for Pirates 21/22 Season),

- **Tom Price Amateur Swimming Club (\$1,765 for Backstroke Starting System),**
- **Tom Price Arts Hub (\$2,500 for Tom Price Arts Hub Lego Community Project),**
- **Tom Price Men’s Shed (\$2,346 for a Metalworking Lathe),**
- **Tom Price Steelers Rugby League Football Club (\$2,000 and \$500 (in-kind) for Ashburton Cup – Game 2),**
- **Tom Price Tennis Club (\$2,500 for Club Office Furniture), and**
- **Tom Price Tigers Football Club (\$1,800 for Upgrade of Training Equipment).**

Carried 7/0

14 Infrastructure Services reports

14.1 Award of RFT 23.21 Construction Only of Seawall at Anzac Memorial Site, Onslow

File reference	CM23.21
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	30 October 2021
Previous meeting reference	Ordinary Meeting of Council 10 November 2020 Agenda Item 15.3 (Minute 199/2020)

Summary

Council has included in the 2021-2022 Annual Budget the repair and extension of the Seawall adjacent to the Anzac Memorial site, Onslow.

Five (5) prospective tenderers attended the mandatory site inspections and four (4) tenders, all conforming, were received in response to RFT 23.21 Construction Only of Seawall at Anzac Memorial Site, Onslow. The evaluation panel has completed the assessment of the conforming submissions and provide a recommendation.

Council is requested to authorise the engagement of the recommended contractor for the Construction Only of the Seawall adjacent to the Anzac Memorial site, Onslow in line with the capital works program for 2021-2022.

Confidentiality

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

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

Background

Request for Tender (RFT) *RFT 23.21 – Construction Only of Seawall at Anzac Memorial Site, Onslow* was issued via the Shire's e-tendering portal (known as Tenderlink) on Saturday 9 October 2021 and closed on Tuesday 2 November 2021 at 2:00 pm. The Tender was advertised via state-wide public notice in *The West Australian* newspaper from Saturday 9 October 2021. RFT 23.21 was undertaken in accordance with the *Local Government Act 1995* to invite suitably registered, qualified, and experienced contractors to submit bids to enter a Contract for the RFT 23.21, in accordance with the tender brief as detailed below -

The Shire of Ashburton seeks to engage a suitably qualified and experienced contractor to undertake the construction of a seawall extension and inset concrete access stairs in the town of Onslow, WA, in accordance with the detailed design documentation and tender specification.

The Scope of Works for the project is summarised below:

- *Replacement of existing seawall in front of the Anzac Memorial site ~ 40m,*
- *Extend the seawall westward for an additional 87m,*
- *Placement of new access stairs adjacent to Sun Chalets, and*
- *Replacement of Stair handrailing First Avenue.*

Comment

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

Criteria		Weighting
(a)	Relevant Company Experience and Performance	20%
(b)	Key Personnel	10%
(c)	Resources / Plant / Equipment	5%
(d)	Demonstrated Understanding	10%
(d)	Methodology / Programme / Quality and OHS Systems / Risk Management	20%
(e)	Price	35%

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

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

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

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

Confidential Attachment 14.1A

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

1. Ertech Pty Ltd
2. Neo Civil Pty Ltd
3. NTC Contracting Pty Ltd
4. WA Limestone Contracting Pty

A probity audit undertaken on the process identified there were no probity issues for note.

Consultation

Executive Leadership
Team Assessment Panel
Procurement Department

Statutory environment

Local Government Act 1995

Section 3.57 - Tenders for providing goods or services

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

Local Government (Functions and General) Regulation 1996

Regulation 11 - When tenders must be publicly invited

Tenders are to be publicly invited according to the requirements of the Regulations 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 (unless otherwise prescribed).

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Local Government (Functions and General) Regulation 1996

Regulation 18 – Rejecting and accepting tenders

Tenders may be rejected, accepted, or declined in accordance with prescribed requirements. The local government is to consider which tender would be the most advantageous to accept, which may not necessarily mean the cheapest.

Financial implications

The 2021-2022 Annual Budget provision for the works is \$3,000,000.

The recommended contractor (Ertech Pty Ltd) has submitted a schedule of rates price of \$2,952,627.06 (ex GST) as per the Price Schedule contained in RFT 23.21 and represents the most advantageous and best value for money submission.

Strategic implications

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

Goal 3 Unique Heritage and Environment
Objective 1 The integrity of the Shire's natural environments are maintained
Strategic Direction Improve recreational access to natural environments with a focus on signage, access, and safety.

Goal 4 Quality Services and Infrastructure
Objective 1 Quality Public Infrastructure
Strategic Direction Provide and maintain affordable infrastructure to serve the current and future needs of the community, environment, industry, and business.

Goal 4 Quality Services and Infrastructure
Objective 3 Well-planned Towns
Strategic Direction Continue to provide and maintain a range of public open spaces with high quality amenities.

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Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Council does not approve the recommendation to award the tender resulting in no action and further degradation to the natural environment.	Possible (3)	Moderate (3)	Moderate (9)	<u>Reputation</u> Substantiated, public embarrassment, moderate impact on community trust or moderate media profile	Provide sufficient information for informed decision making.
Council approves the recommendation to award the tender and the tenderer cannot complete the works due to financial matters.	Possible (3)	Major (4)	High (12)	<u>Financial</u> \$1million to \$5 million	Form of Contract is Schedule of Rates minimising the financial risk to the Contractor as quantities for this type of project can vary. Appointment of the Design Consultant to provide expert advice if required
Council approves the recommendation to award the tender and the tenderer cannot complete the works to time.	Possible (3)	Moderate (3)	Moderate (9)	Exceeds deadline by 15% of project timeline	Mitigated through the placement of Liquidated Damages as part of the contract.

The following Risk Matrix has been applied:

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

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

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The initial perceived level of risk is “Moderate to High” risk and will be reduced through the form of contract and ensuring the appointment of suitable supervision and design consultant for specialist advice.

Policy implications

FIN12 Purchasing Policy

The Shire is committed to applying sound objectives, principles, and practices to all purchasing activity and to ensuring alignment with the Shire’s strategic and operational objectives.

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to the award of RFT 23.21 Construction Only of Seawall at Anzac Memorial Site, Onslow, Council,

- a Notes the Evaluation Report, as included at Confidential Attachment 14.1A,
- b In accordance with regulation 18 of the *Local Government (Functions and General) Regulations 1996* accepts the submission from Ertech Pty Ltd, for RFT 23.21 Construction Only of Seawall at Anzac Memorial site, Onslow, for the tendered schedule of rates price of \$2,952,627.06 (ex GST), as being the most advantageous and best value for money, and
- c Authorises the Chief Executive Officer to negotiate and engross the contract, with or without minor modification, with Ertech Pty Ltd based on their submitted and accepted submission.

Council Decision	182/2021
Moved	Cr M Lynch
Second	Cr T Mladenovic
That with respect to the award of RFT 23.21 Construction Only of Seawall at Anzac Memorial Site, Onslow, Council,	
a	Notes the Evaluation Report, as included at Confidential Attachment 14.1A,
b	In accordance with regulation 18 of the <i>Local Government (Functions and General) Regulations 1996</i> accepts the submission from Ertech Pty Ltd, for RFT 23.21 Construction Only of Seawall at Anzac Memorial site, Onslow, for the tendered schedule of rates price of \$2,952,627.06 (ex GST), as being the most advantageous and best value for money, and
c	Authorises the Chief Executive Officer to negotiate and engross the contract, with or without minor modification, with Ertech Pty Ltd based on their submitted and accepted submission
Carried 7/0	

14.2 Control of Declared Weeds – Old Onslow

File reference	EM01
Author's name	C Hurstfield
Author's position	Manager Town Maintenance
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	Nil
Date report written	1 November 2021
Previous meeting reference	Ordinary Meeting of Council 17 August 2021 Agenda Item 13.2 (Minute 132/2021)

Summary

Declared Weeds have been identified around the Old Onslow Common Area.

Department of Primary Industry and Regional Development has requested the Shire of Ashburton control Declared Weeds (Mesquite and Parkinsonia) around the Old Onslow Common area (Reserve 35118) under the requirements of the *Biosecurity and Agricultural Management Act 2007*.

Council is requested to approve funding to undertake an initial investigation and control process to commence the eradication of these Declared Weeds and include, for consideration, future funds for additional Declared Weed management in the district.

Background

In August 2017, correspondence was issued to the Shire of Ashburton, from the Department of Primary Industry and Regional Development (DPIRD) attempting to assist the Council in establishing a declared weeds management program for Mesquite and Parkinsonia around Old Onslow (Reserve 35118) in accordance with the requirements of the *Biosecurity and Agricultural Management Act 2007*.

Attachment 14.2A
Attachment 14.2B

Comment

The area involved is the Common area (Reserve 35118) surrounding Old Onslow.

Attachment 14.2C

Consultation

Shire officers have held discussions with DPIRD in October 2021 regarding the implementation of a weed control program for declared weeds around Old Onslow and other pest weeds (e.g., *Leucaena*) around Tom Price and Paraburdoo.

Contact information was also provided for contractors who have carried out control of declared weeds in the west Pilbara, as well as suggestions for appropriate chemicals to treat declared weeds and other pest weeds, such as *Leucaena*.

This control program requires the identification and GPS plotting of every individual *Mesquite* and *Parkinsonia* plant within the district.

The identified contractors were contacted and requested to provide indicative pricing and availability to carry out identification and initial control of declared weeds on areas controlled by the Shire.

Due to prior commitments, no contractor will be available to carry out these works until after the 2021-2022 wet season.

Due to no previous action being taken to deal with the issue of declared weeds, the infestations have grown exponentially. Subsequently, substantially more resources will now be required to control the infestations.

Statutory environment

Biosecurity and Agricultural Management Act 2007

Section 30 – Duty to control declared pest

The local government is required to take prescribed control measures to control declared pests on land under its care and control.

Biosecurity and Agricultural Management Act 2007

Section 32 – Compliance with pest control notice

Failing to take prescribed measures to control declared pests on land under care and control of the local government is subject to a \$50,000 penalty.

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Local Government Act 1995

Section 6.8 – Expenditure from municipal fund not included in annual budget

A local government is not to incur expenditure from its municipal fund for an additional purpose except where it is incurred before, and subsequently included in, the adoption of the Annual Budget, is authorised in advance by Council, or is authorised in advance by the Shire President in an emergency.

Financial implications

Under Section 32 of the *Biosecurity and Agricultural Management Act 2007*, failure to comply with a notice to control declared weeds around the Old Onslow common area (Reserve 35118) could result in a \$50,000 penalty being issued to the Shire.

No budget allocation for weed control has been included in the 2021-2022 Annual Budget.

Two options have been considered by Shire officers to control declared weeds around Old Onslow.

Option 1 - engage an accredited contractor who has proven experience controlling declared weeds in the Pilbara

The first option is to engage an accredited contractor who has demonstrated experience controlling declared weeds in the Pilbara. If the contractor provided four (4) staff, plus chemicals, plant, and equipment, costs would be approximately \$5,000 per day. The level of effort required at this stage is not known until an initial assessment and treatment is completed.

It is, however, proposed in this report to allocate an initial budget of \$60,000 in this financial year to carry out primary identification and commence control. This will allow for approximately twelve (12) days on-site by an accredited contractor.

At this point, it is estimated it may take 5 years to control the current identified infestation. This will be further refined once the initial treatment is undertaken.

Pros

- Competent accredited contractor with experience identifying and controlling declared weeds in the west Pilbara, and
- Short-term engagement each year tied in with other landholders to minimise ancillary costs (mobilisation / demobilisation).

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Cons

- Would only be available to complete works around Onslow.

Option 2 - Shire of Ashburton staff to carry out the works

This would involve the appointment of an additional employee who would become the Shire's licensed weed control officer (~\$160,000 / year, which is including overheads).

Additional costs include –

Item	Cost	Frequency
Purchase of additional plant and equipment (Ute, trailer, Utility Task Vehicle (UTV), chemical tanks, spray equipment, IT equipment for regulatory reporting)	\$150,000	As per fleet management program
Supply of subsidised housing	\$30,000	per year
Purchase of appropriate chemicals	\$64,000	per year
Travel and accommodation between towns	\$15,000	per year
Self-bunded Chemical Storage facility	\$50,000	On establishment
Training	\$10,000	per employee
TOTAL (approximately per annum)	\$319,000	

This option is reliant on continuity of staff tenure, and skilled labour availability. The Year One (1) cost would be approximately \$479,000, which includes plant and equipment acquisition.

Ongoing annual costs would be between \$269,000 and \$319,000 approximately, dependent on materials used.

Pros

- Available to carry out weed control works shire wide and not just around Onslow.

Cons

- Potential turnover of staff involving retraining and negative impact on continuity of program, and
- Higher anticipated annual costs due to provision of overheads, such as housing and regular scheduled changeover of plant and equipment.

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If the decision is made to proceed with Option Two (2), it is anticipated no works would be able to be completed prior to the 2022-2023 financial year due to the time required to recruit, train, and procure additional resources and plant and equipment.

Accordingly, a contractor would still need to be engaged to carry out the initial identification and control.

Strategic implications

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

Goal 3 Unique Heritage and Environment
 Objective 1 Flourishing natural environments
 Strategic Direction Partner with government agencies, industry, traditional owners, non-government organisations, local governments, research institutions, pastoralists, and the community to better manage natural assets and deliver improved conservation outcomes that reflect the region's high biodiversity and landscape values.

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
Uncontrolled spread of declared weeds (Mesquite and Parkinsonia) throughout the Old Onslow Commons Area Reserve 35118.	Likely (4)	Major (4)	High (16)	<u>Natural Environment</u> Uncontained, reversible impact managed by a coordinated response from external agencies.	Engage a competent contractor who has experience working around the west Pilbara to carry out control of declared weeds.
Overspray of herbicide resulting in contamination of waterways.	Possible (3)	Major (4)	High (12)	<u>Natural Environment</u> Uncontained, reversible impact managed by a coordinated response from external agencies.	Engage a competent contractor who has experience working around the Ashburton River to carry out control of declared weeds.
Non-compliance with requirements of Biosecurity and Agricultural Management Act 2007 resulting in a \$50,000 penalty.	Likely (4)	Minor (2)	Moderate (8)	<u>Financial</u> \$10,000 - \$100,000	Implement a weed management program to control declared and other pest weeds.

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Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Declared and other pest weeds are not controlled as required and encroach onto other landholdings.	Likely (4)	Minor (2)	Moderate (8)	<u>Reputation</u> Substantiated, localised impact on community trust or low media item.	Implement a weed management program to control declared and other pest weeds.

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 the existing risk is "Moderate to High" because of the environmental hazard due to the uncontrolled spread of the controlled weeds and the potential for the herbicide to cause long-lasting effects to aquatic life.

Policy implications

REC07 Tourism policy for the Shire of Ashburton

For the Shire of Ashburton to have an effective tourism strategy and industry it is important the Old Onslow area be presented in a way which meets these strategies and policies. The current declared weed infestations detract from the natural beauty and built environments of the Old Onslow precinct.

Voting requirement

Absolute majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to the Control of Declared Weeds – Old Onslow, Council,

- a In accordance with section 30 of the *Biosecurity and Agricultural Management Act 2007* agrees to undertake prescribed control measures to control declared pests on the Common Area (Reserve 35118) surrounding Old Onslow,
- b In accordance with section 6.8 of the *Local Government Act 1995* authorises expenditure for initial identification and control treatment measures to control declared pests on the Common Area (Reserve 35118) surrounding Old Onslow (\$60,000 ex GST) and amends the 2021-2022 Annual Budget accordingly, and
- c Includes for consideration in future budgets an annual allocation for declared weed management, subject to the identification of a cost-effective delivery method for the management of declared weeds in the district.

Council Decision	183/2021
Moved	Cr L Rumble
Second	Cr M Lynch
That with respect to the Control of Declared Weeds – Old Onslow, Council,	
a	In accordance with section 30 of the <i>Biosecurity and Agricultural Management Act 2007</i> agrees to undertake prescribed control measures to control declared pests on the Common Area (Reserve 35118) surrounding Old Onslow,
b	In accordance with section 6.8 of the <i>Local Government Act 1995</i> authorises expenditure for initial identification and control treatment measures to control declared pests on the Common Area (Reserve 35118) surrounding Old Onslow (\$60,000 ex GST) and amends the 2021-2022 Annual Budget accordingly, and
c	Includes for consideration in future budgets an annual allocation for declared weed management, subject to the identification of a cost-effective delivery method for the management of declared weeds in the district.
Carried 7/0	

14.3 Regulatory Traffic Signage – Proposed Amendments, Tom Price

File reference	TT02
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	1 November 2021
Previous meeting reference	Not applicable

Summary

Shire officers have been approached regarding observed public driving behaviour along particular roads in Tom Price.

The purpose of this report is to outline proposed speed limit changes and regulatory intersection signage changes, which are recommended by Main Roads Western Australia.

Council is requested to concur with the recommendations made by Main Roads Western Australia.

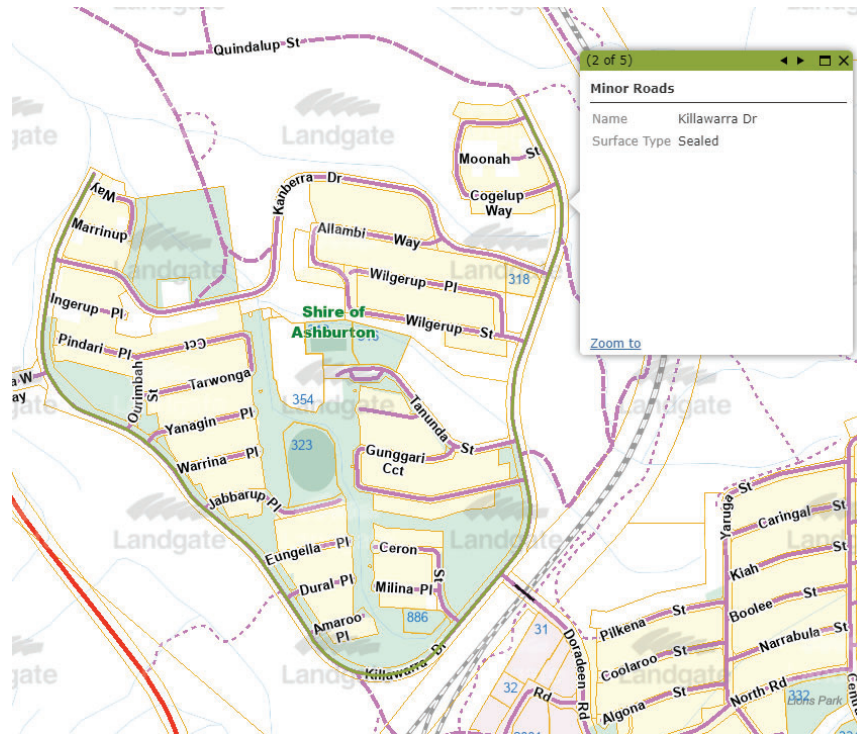
Background

The Shire of Ashburton has been informed by the Western Australian Police concerned with driving behaviour along Doradeen Road and Killawarra Road.

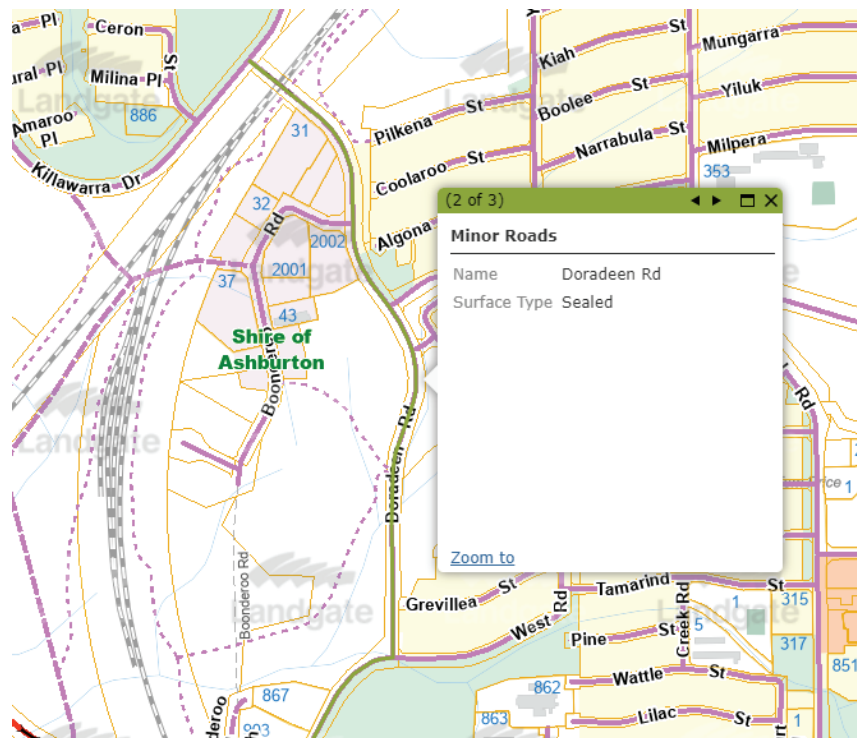
Both streets are posted as 50km/h speed zones, however, the road environment supports a collector road standard and a 60km/h environment.

Both road locations are shown following -

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Killawarra Road – Area W, Tom Price



Doradeen Road, Tom Price

In addition, concerns have been raised with Shire officers regarding the following intersection(s) which are currently posted with 'STOP' signs.

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Current driver behaviour suggests the following intersections are more suited to ‘GIVE WAY’ signed intersections:

- Doradeen Road and the Manuwarra - Red Dog Highway, and
- Paraburdoo - Tom Price Road and the Manuwarra - Red Dog Highway.



Comment

Shire officers corresponded with Main Roads Western Australia (MRWA) seeking consideration of the above matters and sought amendments to both the regulatory speed environments and intersection controls.

MRWA have assessed these road environments and made recommendations to amend both the speed environment and the intersection controls as follows:

- Doradeen and Killawarra Roads are increased from 50km/h speed environments to 60km/h speed environments to recognise their functions as heavy vehicle bypass and collector roads, and
- Intersections of Doradeen Road and the Manuwarra - Red Dog Highway, and the intersection of the Paraburdoo - Tom Price Road and the Manuwarra - Red Dog Highway be changed from ‘STOP’ signs to ‘GIVE WAY’ signed intersections.

Council is requested to concur with the recommendations from MRWA.

Consultation

Western Australia Police, Tom Price
Main Roads Western Australia

Statutory environment

Main Roads Act 1930

Section 13A – Local government to be consulted on matters to do with highways and main roads

The Commissioner responsible for main roads is required to provide an opportunity (not less than 30 days) for local governments to object to proposed improvements to highways or main roads in the district.

Financial implications

There are no financial implications specifically regarding the adoption of the recommendation. The works described in this report are the responsibility of MRWA.

Strategic implications

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

Goal 4 Quality Services and Infrastructure
Objective 1 Quality Public Infrastructure.
Strategic Direction Provide and maintain affordable infrastructure that serves the current and future needs of the community, environment, industry, and business.

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
Unsafe road user behaviour due to lack of compliance with regulatory signage	Almost Certain (5)	Major (4)	Extreme (20)	People Lost time injury > 30 days / temporary disability.	Support of MRWA recommendations.

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The following Risk Matrix has been applied:

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

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

The perceived level of risk is "Extreme" and will not change as the recommended action brings road users into compliance with the recommended regulatory signage amendments. The risk of an incident remains the same and is beyond the control of the Council.

Policy implications

There are no known policy implications.

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to Regulatory Traffic Signage – Proposed Amendments, Tom Price, Council, in accordance with the *Main Roads Act 1930*, concurs with recommendations made by Main Roads Western Australia for –

- a Doradeen Road and Killawarra Road, Tom Price, to be increased from 50km/h speed environments to 60km/h speed environments to recognise their functions as heavy vehicle bypass and collector roads, and

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- b Intersections of Doradeen Road and the Manuwarra - Red Dog Highway, and the intersection of the Paraburdoo - Tom Price Road and the Manuwarra - Red Dog Highway be changed from 'STOP' signs to 'GIVE WAY' signed intersections.

Alternate Motion

Council Decision **184/2021**

Moved **Cr M Lynch**

Second **Cr A Smith**

That with respect to Regulatory Traffic Signage – Proposed Amendments, Tom Price, Council, in accordance with the *Main Roads Act 1930*, acknowledges the recommendations made by Main Roads Western Australia however Council recommend, that the Intersections remain located as Doradeen, and Mine Road and Tom Price Paraburdoo Road and Mine Road as stop signs with the inclusion of audible strips replaced in the carriage way and Stop Sign Ahead sign be established on Mine Road.

Reason for Change

Council does not wish to see the intersection change from Stop Signs to Give Way Sign or speed increased.

Carried 7/0

14.4 Shire Unsealed Roads Maintenance Grading and Renewal Program Update

File reference	RD03
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	1 November 2021
Previous meeting reference	Not applicable

Summary

Shire officers have been requested to provide Council with an update of the Shire's unsealed roads maintenance grading and renewal program.

The Shire of Ashburton is responsible for the maintenance of 1,453km of unsealed roads.

At the time of writing this report, 536km have been graded this financial year, with a further 408km programmed to be completed by the end of December 2021. This will result in 944km graded, totalling 65% of the unsealed road network.

Regarding Council's unsealed road renewal program, works are nearing completion on 30.5km (from a program of 71.5km, or 43% completed).

Council is requested to receive this update regarding the Shire's unsealed roads maintenance grading and renewal program, noting further updates will be provided through Council's Information Bulletin.

Background

The Shire of Ashburton is responsible for the management of approximately 1,453km of unsealed roads.

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The Shire is required, where reasonably practical, to provide a safe and reliable transport network considerate of the level of funding and resources available.

A maintenance grading program is attached for Council's information. It should be noted the dates represented on this program may change due to resourcing, weather events or other competing priorities.

Attachment 14.4A

Comment

Maintenance Grading

Shire officers have established a maintenance grading program to plan and inform the Council of the intended resourcing for the year.

Works have been programmed in a way which attempts to optimise the maintenance grading function and minimises down time through camp shifts.

Since commencement of the program, resourcing issues have resulted in the maintenance grading operator having to be re-deployed into the Twitchin Road Renewal crew. This has resulted in the maintenance grading task being outsourced until the end of December 2021.

The following roads have been completed to date:

- Twitchin Road
- Old Onslow Road
- Onslow - Peedamulla Road
- Minderoo Road
- Maroonah Road
- Towera - Lyndon Road
- Nyang (Emu Creek) Road
- Yanrey Road
- Ashburton Downs Road
- Ashburton Downs - Meekatharra Road
- Ullawarra Road

The following roads have been programmed for completion prior to 20 December 2021:

- Hamersley - Mt Bruce Road
- Fortescue Crossing Road
- Roebourne - Wittenoorn Road (Fortescue Crossing Road to Wittenoorn)
- Red Hill Road
- Wyloo - Kooline Road
- Kooline - Ashburton Road (Wyloo - Kooline Road to Gorge Mine Road)

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- Glenflorrie Road
- Uaroo Road
- Pannawonica - Millstream Road

At the time of writing this report 536km have been graded with a further 408km programmed to be completed by the end of December 2021. This will result in 944km graded or 65% of the unsealed road network.

Unsealed Roads Gravel Renewal Program

In addition to maintenance grading, four (4) gravel re-sheeting projects are being undertaken -

- Towera Road – 8km
- Twitchin Road – 22.5km
- Pannawonica - Millstream Road – 20km
- Ashburton Downs Road – 21km

Of the above works, Shire officers are approaching the completion of 30.5km of renewal works, being the first two projects (Towera Road and Twitchin Road) or 43%.

Shire officers are committed to providing ongoing updates for the benefit of Councillors and members of the public and will be introducing a regular publicised update (proposed to be via the Councillor Information Bulletin (Friday Facts), the Shire website and / or Shire social media.

Consultation

Director Infrastructure Services
Acting Manager Assets and Programming

Statutory environment

Local Government Act 1995

Section 5.41 - Functions of CEO

The CEO's functions are, amongst other matters, to manage the day-to-day operations of the local government.

Financial implications

Works are proceeding within the Annual Budget allocations and planned rates of expenditure.

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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
 Strategic Direction Provide and maintain affordable infrastructure that serves the current and future needs of the community, environment, industry, and business.

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
Inadequate maintenance of the unsealed road network may result in vehicle accidents and death.	Possible (3)	Extreme (5)	High (15)	People Fatality, permanent disability	Adherence to programmed maintenance, road renewals and road inspections.

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 initial identified level of risk is "Extreme" due to the risk of potential incident from poor road conditions. The residual risk will be reduced to "Moderate" with the likelihood being reduced to "Unlikely".

Policy implications

ENG09 Asset Management Policy

Council agrees to allocate sufficient resources to ensure effective asset management practices, timely maintenance, and renewal of assets so community services are sustained in the long-term.

ENG13 Road Management Policy

The Road Management Policy is a key component of the planning and asset management process, which sits alongside *ENG09 Asset Management Policy*, both supporting the strategic management of Council assets.

Voting requirement

Simple majority.

Councillor interest declarations

Nil

Officer recommendation

That with respect to the Shire Unsealed Roads Maintenance Grading and Renewal Program Update, Council,

- a Receives and notes the Program Update, and
- b Acknowledges future updates will be via the Councillor Information Bulletin (Friday Facts), the Shire website and / or Shire social media.

Council Decision	185/2021
Moved	Cr L Rumble
Second	Cr J Richardson
That with respect to the Shire Unsealed Roads Maintenance Grading and Renewal Program Update, Council,	
a Receives and notes the Program Update, and	
b Acknowledges future updates will be via the Councillor Information Bulletin (Friday Facts), the Shire website and / or Shire social media.	
Carried 7/0	

15 Projects and Procurement reports

1:28pm Cr A Sullivan declared an indirect financial interest in the matter and left the meeting.

15.1 Revised Festive Season Aquatic Facility Public Opening Hours

File reference	RC25799
Author's name	A Price
Author's position	Swimming Pool Coordinator
Author's interest	Nil
Authorising officer's name	C McGurk
Authorising officer's position	Director Projects and Procurement
Authorising officer's interest	Nil
Name of applicant / respondent	Not Applicable
Date report written	26 October 2021
Previous meeting reference	Ordinary Meeting of Council 11 August 2020 Agenda Item 13.2 (Minute 126/2020)

Summary

Council previously approved aquatic facility season dates and opening hours.

To align with other Council facilities, and other aquatic facilities in the region, Shire officers propose amendments to previously approved opening hours.

Council is requested to note the proposed amendments to previously approved opening hours, recognising future opening hour amendments are the function of the Chief Executive Officer.

Background

Council previously approved aquatic facility season dates and opening hours.

Feedback (both verbal and written) from community members, and user groups, indicate there is a call to review the current swimming pool open hours.

The current Shire of Ashburton swimming pool public open dates and times are:

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First Tuesday of September to last day of September school term and then May 1 to 31 May

- Tuesday and Thursday 1:00pm to 6:00pm
- Saturday and Sunday 10:00am to 5:00pm

Commencing first day of September School Holidays to 30 April

- Monday to Friday 8:00am to 8:00pm
- Saturday and Sunday 8:00am to 6:00pm
- Public Holiday 10am to 5:00pm

Feedback to Shire officers regarding Minute 126/2020 (August 2020) is the move in extending the pool season to include September and May, opening three (3) days per week, has been well received by the communities, especially Onslow, with warmer pool water temperature and visiting the facility.

The below table indicates hourly patronage for the season.

Tom Price Swimming Pool Hourly Attendance Figures 2020/22								
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Totals
6am-7am	0	9	0	43	0	0	0	52
7am-8am	0	2	0	18	0	0	0	20
8am-9am	66	60	33	48	64	388	368	1027
9am-10am	86	140	114	45	69	579	689	1722
10am-11am	176	73	173	96	96	738	810	2162
11am-12	120	107	152	135	93	477	665	1749
12-1pm	157	78	204	95	60	434	621	1649
1pm-2pm	192	75	161	91	85	528	714	1846
2pm-3pm	222	228	203	178	80	431	540	1882
3pm-4pm	257	540	655	512	302	296	437	2999
4pm-5pm	461	600	715	515	381	211	212	3095
5pm-6pm	434	485	620	352	286	32	40	2249
6pm-7pm	111	173	132	189	57	0	0	662
7pm-8pm	12	29	5	33	3	0	0	82
Total	2294	2599	3167	2350	1576	4114	5096	21196

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Statistics indicate between 7:00pm to 8:00pm for the entire 2020-2021 pool season, only 82 patrons visited the centre, with most of these patrons exiting the centres by 7:30pm.

Low patronage figures between 7:30pm and 8:00pm is constant across all aquatic facilities.

The following tables show the open times of the aquatic facilities across other relevant local governments in proximity to the Shire of Ashburton.

Note: all public swimming pools have slightly different staffing arrangements which reflect in the hours of swimming pool operation / public open times

Table 1

Tom Price, Paraburdoo, Onslow - Shire of Ashburton	
<i>CURRENT</i> Festive Hours	
	Open hours/day
Friday 24 th December – 8am - 8pm	12
Saturday 25th December – CLOSED	0
Sunday 26 th December – 8am – 6pm	10
Monday 27 th - 10am-5pm PH	7
Tuesday 28 th -10am-5pm PH	7
Wednesday 29 th - 8am - 8pm	12
Thursday 30 th - 8am - 8pm	12
Friday 31 st December – 8am - 8pm	12
Saturday 1 st January – 8– 6pm	10
Sunday 2 nd January – 8am – 6pm	10
Monday 3 rd Jan 10am-5pm PH	7
TOTAL	99

Table 2

Newman Aquatic Centre - Shire of East Pilbara
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Festive Hours	
	Open hours/day
Friday 24 th December 10am – 4pm	6
Saturday 25th December – CLOSED	0
Sunday 26 th December 12.00pm – 7pm	7
Monday 27 th –Thursday 30 th Dec 10am – 6pm	32
Friday 31 st December 10am – 4pm	6
Saturday 1 st January 12pm – 4pm	4
Sunday 2 nd January 10am – 6pm	8
Monday 3 rd January 12pm – 7.00pm	7
TOTAL	70

Table 3

South Hedland & Gratwick Aquatic Centres	Town of Port Hedland
Festive Hours	
	Open hours/day
Friday 24/12/2021 9am - 4pm	7
Saturday 25/12/2021 Closed	0
Sunday 26/12/2021 12pm - 6pm	6
Monday 27 th – Thursday 30 th Dec 9am - 4pm	28
Friday 31/12/2021 9am - 4pm	7
Saturday 1/1/2022 Closed	0
Sunday 2/1/2022 9am - 4pm	7
Monday 3/1/2022 9am - 4pm	7
TOTAL	62

Table 4

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Exmouth Aquatic Centre - Shire of Exmouth	
Festive Hours	
	Open hours/day
Friday 24/12/2021 11am - 6pm	7
Saturday 25/12/2021 Closed	0
Sunday 26/12/2021 Closed	0
Monday 27 th – Tuesday 28th PH 12pm-6pm	12
Wednesday 29th - Friday 31st 11am- 6pm	21
Saturday 1/1/2022 Closed	0
Sunday 2/1/2022 12pm-6pm	6
Monday 3/1/2022 11am - 6pm	7
TOTAL	53

At the time of agenda preparation, Karratha Leisureplex festive season hours have not yet been finalised but will be proposing swimming pool open hours of 9:00am to 5:00pm, closed Christmas Day only.

The proposed festive season public open hours for the aquatic facilities within the Shire are:

DATE	DAY	OPEN TIME	COMMENTS	Open Hours/day	Staff hours per day
22-Dec-21	Wednesday	9am-6pm	Reduced Open Hours	9	10
23-Dec-21	Thursday	9am-6pm	Reduced Open Hours	9	10
24-Dec-21	Friday	9am-6pm	Reduced Christmas Eve	9	10
25-Dec-21	Saturday	CLOSED	Christmas Day	0	0
26-Dec-21	Sunday	10am-5pm	Reduce Boxing Day	7	8
27-Dec-21	Monday	10am-5pm	Normal Public Holiday	7	8
28-Dec-21	Tuesday	10am-5pm	Normal Public Holiday	7	8
29-Dec-21	Wednesday	9am-6pm	Reduced Open Hours	9	10
30-Dec-21	Thursday	9am-6pm	Reduced Open Hours	9	10
31-Dec-21	Friday	9am-6pm	Reduced New Years Eve	9	10
1-Jan-22	Saturday	10am-5pm	Reduce New Years Day	7	8
2-Jan-22	Sunday	9am-6pm	Reduced Open Hours	9	10
3-Jan-22	Monday	10am-5pm	Normal Public Holiday	7	8
4-Jan-22	Tuesday	8am-8pm	Normal Open Hours	12	13
5-Jan-22	Wednesday	8am-8pm	Normal Open Hours	12	13

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The proposed festive season hours for the aquatic facilities opening hours would be 80 hours, decreased by 19 hours, and still the highest in the region.

Advice received regarding the determination of opening hours of Shire facilities is this matter falls within the remit of functions of the Chief Executive Officer (section 5.41 of the *Local Government Act 1995*).

Notwithstanding this, this item is being presented to Council because of Council's previous consideration of the matter.

It is proposed future consideration of opening hours of Council facilities will be managed by the Chief Executive Officer in accordance with the *Local Government Act 1995*.

Consultation

City of Karratha
Shire of Exmouth
Shire of East Pilbara
Town of Port Hedland
Director Projects and Procurement
Swimming Pool Managers
Community Feedback

Statutory environment

Local Government Act 1995

Section 5.41 - Functions of CEO

The CEO's functions are, amongst other matters, to manage the day-to-day operations of the local government.

Financial implications

Although there is possibly a reduction in revenue resulting from reduced opening hours, there is likely to be a greater financial benefit through reduced employment expense.

Strategic implications

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

Goal 1	Vibrant and active Communities
Objective 2	Sustainable Services, Clubs, Associations and Facilities

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Strategic Direction Prepare plans, programs and schedules that provide cost effective access and optimisation of existing community facilities – and provide new or upgraded facilities to accommodate future needs.

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
Community backlash due to reduced hours.	Unlikely (2)	Minor (2)	Low (4)	<u>Reputation</u> Substantiated, localised impact on community trust or low media item	Media communications to the community advising the changes in hours over the festive season
Reduction in net financial position due to reduced hours.	Rare (1)	Insignificant (1)	Low (1)	<u>Financial</u> Less than \$10,000	A reduction in revenue is likely to be offset by reduced expense associated with reduced employment expense.

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 data indicates the aquatic facilities pools have limited patron use during the festive period and post 7:00pm, Monday to Friday, throughout the pool season.

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Policy implications

There are no known policy implications.

Voting requirement

Simple majority

Councillor interest declarations

Cr A Sullivan - Indirect Financial

Officer recommendation

That with respect to Revised Festive Season Aquatic Facility Public Opening Hours, Council,

- a Notes the proposed reduced opening hours over the 2021-2022 festive season for Shire aquatic facilities (as below)

DATE	DAY	OPEN TIME	COMMENTS	Open Hours/day	Staff hours per day
22-Dec-21	Wednesday	9am-6pm	Reduced Open Hours	9	10
23-Dec-21	Thursday	9am-6pm	Reduced Open Hours	9	10
24-Dec-21	Friday	9am-6pm	Reduced Christmas Eve	9	10
25-Dec-21	Saturday	CLOSED	Christmas Day	0	0
26-Dec-21	Sunday	10am-5pm	Reduce Boxing Day	7	8
27-Dec-21	Monday	10am-5pm	Normal Public Holiday	7	8
28-Dec-21	Tuesday	10am-5pm	Normal Public Holiday	7	8
29-Dec-21	Wednesday	9am-6pm	Reduced Open Hours	9	10
30-Dec-21	Thursday	9am-6pm	Reduced Open Hours	9	10
31-Dec-21	Friday	9am-6pm	Reduced New Years Eve	9	10
1-Jan-22	Saturday	10am-5pm	Reduce New Years Day	7	8
2-Jan-22	Sunday	9am-6pm	Reduced Open Hours	9	10
3-Jan-22	Monday	10am-5pm	Normal Public Holiday	7	8
4-Jan-22	Tuesday	8am-8pm	Normal Open Hours	12	13
5-Jan-22	Wednesday	8am-8pm	Normal Open Hours	12	13

and

- b In accordance with section 5.41 of the *Local Government Act 1995* acknowledges the determination of future Aquatic Facility, and other Shire facilities, Public Open Hours is considered part of the day-to-day operations of the Shire and therefore a function of the Chief Executive Officer.

Council Decision	186/2021				
Moved	Cr A Smith				
Second	Cr T Mladenovic				
That with respect to Revised Festive Season Aquatic Facility Public Opening Hours, Council,					
a Notes the proposed reduced opening hours over the 2021-2022 festive season for Shire aquatic facilities (as below)					
DATE	DAY	OPEN TIME	COMMENTS	Open Hours/day	Staff hours per day
22-Dec-21	Wednesday	9am-6pm	Reduced Open Hours	9	10
23-Dec-21	Thursday	9am-6pm	Reduced Open Hours	9	10
24-Dec-21	Friday	9am-6pm	Reduced Christmas Eve	9	10
25-Dec-21	Saturday	CLOSED	Christmas Day	0	0
26-Dec-21	Sunday	10am-5pm	Reduce Boxing Day	7	8
27-Dec-21	Monday	10am-5pm	Normal Public Holiday	7	8
28-Dec-21	Tuesday	10am-5pm	Normal Public Holiday	7	8
29-Dec-21	Wednesday	9am-6pm	Reduced Open Hours	9	10
30-Dec-21	Thursday	9am-6pm	Reduced Open Hours	9	10
31-Dec-21	Friday	9am-6pm	Reduced New Years Eve	9	10
1-Jan-22	Saturday	10am-5pm	Reduce New Years Day	7	8
2-Jan-22	Sunday	9am-6pm	Reduced Open Hours	9	10
3-Jan-22	Monday	10am-5pm	Normal Public Holiday	7	8
4-Jan-22	Tuesday	8am-8pm	Normal Open Hours	12	13
5-Jan-22	Wednesday	8am-8pm	Normal Open Hours	12	13
and					
b In accordance with section 5.41 of the <i>Local Government Act 1995</i> acknowledges the determination of future Aquatic Facility, and other Shire facilities, Public Open Hours is considered part of the day-to-day operations of the Shire and therefore a function of the Chief Executive Officer.					
Carried 5/1 Against - Cr L Rumble					

1:30pm Cr A Sullivan returned to the meeting.

15.2 Amendment of Fees and Charges for Facility Hire

File reference	CM10.19
Author's name	L Batten
Author's position	Facilities Manager
Author's interest	Nil
Authorising officer's name	C McGurk
Authorising officer's position	Director Projects and Procurement
Authorising officer's interest	Nil
Name of applicant / respondent	N/A
Date report written	29 October 2021
Previous meeting reference	Nil

Summary

Council has recently purchased a new facility booking system which will create efficiencies and an improved customer experience when booking Shire facilities. The currently adopted Fees and Charges are not directly compatible with the new system, although can be generally accommodated by way of minor adjustments.

Council is requested to consider changes to the adopted Fees and Charges associated with the method of Shire facility hire to enable the successful implementation of a more efficient, and online, booking system.

Background

There are currently three (3) locations within the Shire to process facility bookings (Tom Price Reception, Paraburdoo Reception and Onslow Reception) each with a different processing procedure.

The Shire has purchased an online booking system (called *Space to Co*), which will enable the Shire to provide a more efficient, and online, booking system.

The online booking system will allow a streamline process for all Shire facilities by removing many administrative tasks involved with making bookings including, although not limited to –

- facility availability,
- what each facility includes,

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- lights,
- payments / invoicing,
- and returning bonds.

The new online booking system is available 24 hours a day, 7 days a week and shows live availability, clearly defined information on Shire facilities, the Shire’s cancellation policy and venue hire terms, and conditions providing better customer service and a more efficient way of booking and processing Shire facilities.

Comment

Shire officers propose minor amendments to the 2021-2022 Fees and Charges Schedule to remove the current day / night rates, amendments to hourly rates, and amend venue cancellation policy for bookings.

The proposed changes will enable the Shire to take advantage of the functionality of the new system and reduce errors and delays in calculations.

Shire officers are also proposing changes to the Venue cancellation fees, namely –

- 1) 100% refund on cancellation up to 72 hours before a booking, thereafter 50% per hire fee applies, and
- 2) Additionally, Space to Co implement a 2.5% non-refundable cancellation fee to casual bookings which the Shire will on-charge to end users.

Venue cancellations - General				
No notice - % of hire	per hire	-	Y	100%
24 hours notice - % of hire	per hire	-	Y	75%
48 hours notice - % of hire	per hire	-	Y	50%
1 week notice - % of hire	per hire	-	Y	25%
Over 1 week notice - % of hire	per hire	-	Y	no charge

Proposed fees and charges have been structured with consideration of providing cost effective access and optimisation of existing community facilities.

A detailed report of the proposed new hourly rate charge across each facility, and the implications with the removal of the current day / night rate providing a projected income comparison, is attached.

Attachment 15.2A

Consultation

Executive Leadership Team
Manager Facilities
Space to Co

Statutory environment

Local Government Act 1995

Section 6.16 – Imposition of fees and charges

A local government can, by an absolute majority decision, impose fees and charges for goods and services it supplies. Fees and charges are to be imposed when adopting the annual budget and may be imposed during the financial year and / or amended from time to time during the financial year.

Local Government Act 1995

Section 6.17 – Setting level of fees and charges

In determining the amount of a fee or charge the local government is to consider the provision cost, the community importance and alternative provider pricing of those goods and services.

Local Government Act 1995

Section 6.19 (Local government to give notice of fees and charges)

The local government is to provide local public notice of proposed new fees and the date the new fee will be applied from. It is proposed the new fees be applied from 1 December 2021.

Financial implications

It is expected the proposed changes will have minimal impact on the 2021-2022 Annual Budget. However, this will be reviewed during the year.

Strategic implications

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

Goal 1	Vibrant and Active Communities
Objective 2	Sustainable Services, Clubs, Associations and Facilities
Strategic Direction	Prepare plans, programs and schedules that provide cost effective access and optimisation of existing community facilities - and provide new or upgraded facilities to accommodate future needs.

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Goal 4	Quality Services and Infrastructure
Objective 1	Quality public infrastructure
Strategic Direction	Provide and maintain affordable infrastructure that serves the current and future needs of the community, environment, industry, and business.

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 (Controls or Treatment proposed)
If Council does not amend the fees and charges the new online booking system will not be used as effectively as it could be.	Unlikely (2)	Minor (2)	Low (4)	Financial \$10,000 - \$100,000	Provide Council with sufficient information for informed decision making.

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 considered "Low" and can be mitigated by adopting the Officer recommendation.

Policy implications

ELM10 Financial Sustainability Policy

Council desires to provide on-going financial sustainability to provide appropriate services and infrastructure for the community now and into the future.

Voting requirement

Absolute majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to the Amendment of Fees and Charges for Facilities, Council,

- a In accordance with section 6.16 of the *Local Government Act 1995* amends the current Schedule of Fees and Charges, which includes the removal of day / night rates and implements an hourly rate for facilities, as included at Attachment 15.2A, and
- b Imposes the following fees and charges –
 - i 100% refund on cancellations up to 72 hours before a facility booking, and thereafter 50% per hire fee applies, and
 - ii Non-refundable cancellation fee to casual facility bookings of 2.5% of the applicable fee.

Council Decision	187/2021
Moved	Cr M Lynch
Second	Cr T Mladenovic
That with respect to the Amendment of Fees and Charges for Facilities, Council,	
a	In accordance with section 6.16 of the <i>Local Government Act 1995</i> amends the current Schedule of Fees and Charges, which includes the removal of day / night rates and implements an hourly rate for facilities, as included at Attachment 15.2A, and
b	Imposes the following fees and charges –
i	100% refund on cancellations up to 72 hours before a facility booking, and thereafter 50% per hire fee applies, and
ii	Non-refundable cancellation fee to casual facility bookings of 2.5% of the applicable fee.
Carried 7/0	

16 Councillor agenda items / notices of motions

Nil

Council Decision

188/2021

Moved

Cr M Lynch

Second

Cr A Smith

That with respect to new business of an urgent nature introduced by Council decision Council, at 1:31pm, pursuant to Clause 5.4 of the *Shire of Ashburton Standing Orders Local Law 2012* consider the following new business –

17.1 Appointment of Director People and Place.

Carried 7/0

17 New business of an urgent nature introduced by Council decision

17.1 Appointment of Director People and Place

File reference	PE
Author's name	A Heraty
Author's position	Manager Human Resources
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	Nil
Date report written	11 November 2021
Previous meeting reference	Nil

Summary

The position for Director People and Place (a designated senior employee position) was recently advertised, interviews concluded, and the selection of a preferred candidate made.

The Chief Executive Officer is to inform the Council of, and request Council accept, the proposal to appoint a senior employee.

Council is requested to consider the Chief Executive Officer's recommendation to appoint the preferred candidate for the position of Director People and Place.

Confidentiality

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

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

"a matter affecting an employee or employees."

Council Decision	189/2021
Moved	Cr M Lynch
Second	Cr A Smith
<p>That with respect to the appointment of the Director People and Place, Council, in accordance with section 5.37 of the <i>Local Government Act 1995</i>, accepts the recommendation by the Chief Executive Officer to appoint Mr Ty Matson as Director People and Place.</p>	
<p style="text-align: right;">Carried 7/0</p>	

Council Decision	190/2021
Moved	Cr M Lynch
Second	Cr J Richardson
<p>That Council, at 1:14pm, pursuant to Clause 6.2 of the <i>Shire of Ashburton Standing Orders Local Law 2012</i> consider the following confidential items behind closed doors,</p>	
<p>18.1 Disposal of Assets, Onslow</p>	
<p>18.2 Possession of Land Through Unpaid Rates</p>	
<p style="text-align: right;">Carried 7/0</p>	

18 Confidential matters

18.1 Disposal of Assets – Onslow

File reference	ONS.0016
Author's name	R Wright
Author's position	Manager Land and Asset Compliance
Author's interest	Nil
Authorising officer's name	K Donohoe
Authorising officer's position	Chief Executive Officer
Authorising officer's interest	Nil
Name of applicant / respondent	Nil
Date report written	26 October 2021
Previous meeting reference	Ordinary Meeting of Council 13 March 2018 Agenda Item 17.1 (Minute No. 329/2018) Ordinary Meeting of Council 19 November 2018 Agenda Item 13.8 (Minute 707/2019)

Summary

In 2018 Council approved the deposit of dredge spoil on Lots 9001 and 9005 McAullay Road, Onslow via a licence agreement. It is understood no fee was charged for the duration of the term of the licence, in exchange for the spoil becoming the property of the Shire once deposited.

Third parties have recently approached the Shire to purchase the spoil at a commercial rate.

Council is requested to consider these approaches regarding the disposal of the dredge soil.

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 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	191/2021
Moved	Cr M Lynch
Second	Cr L Rumble
That with respect to Disposal of Assets – Onslow, Council,	
a	In accordance with section 3.58 of the <i>Local Government Act 1995</i>, authorises the sale of the dredge spoil at Lot 9001 and 9500 McAullay Road, Onslow within the Tender Parameter outlined within this report,
b	Notes a portion of the dredge spoil may be required for future Shire initiatives,
c	In accordance with regulation 30 of the <i>Local Government (Functions and General) Regulations 1996</i>, authorises the Chief Executive Officer to negotiate the sale of the dredge spoil at Lot 9001 and 9500 McAullay Road, Onslow as an exempt disposition if no tender is received or the tenders received are unacceptable, and
d	Authorises the Shire President and Chief Executive Officer to engross all documents, including applying the Common Seal, associated with the disposal of assets outlined within this report, in accordance with all laws of Western Australia.
Carried 7/0	

18.2 Action to be taken for unpaid rates – Property Assessment A180

File reference	ON.SE.0380.00
Author's name	R Wright
Author's position	Manager Land and Asset Compliance
Author's interest	Nil
Authorising officer's name	K Donohoe
Authorising officer's position	Chief Executive Officer
Authorising officer's interest	Nil
Name of applicant / respondent	Nil
Date report written	2 November 2021
Previous meeting reference	Not applicable

Summary

The registered owner of Property Assessment A180 has an outstanding rates balance which has been unpaid for over three (3) years.

Council is permitted to take several options regarding recovering the rates on this land.

Council is requested to consider which option to take regarding recovering the rates on this land.

Confidentiality

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

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

Amended Motion

Council Decision **192/2021**

Moved **Cr M Lynch**

Second **Cr J Richardson**

That with respect to Action to be taken for unpaid rates – Property Assessment A180, Council,

- a** **In accordance with section 6.64 of the *Local Government Act 1995*, takes possession of the “Applicable Land Parcel” which is the subject of, and defined in, this Report,**
- b** **Authorises the Chief Executive Officer to take appropriate measures to cause the land to be transferred to the Shire of Ashburton,**
- c** **Authorises the Shire President and Chief Executive Officer to engross all documents, including applying the Common Seal, associated with the transfer of the “Applicable Land Parcel”, to the Shire of Ashburton, and**
- d** **Authorises the Chief Executive Officer to register suspected contamination (if required) of the “Applicable Land Parcel” pursuant to the *Contaminated Sites Act 2003*.**

Reason for change

Council did not wish to have the facility demolished at this time.

Carried 7/0

Council Decision **193/2021**

Moved **Cr M Lynch**

Second **Cr L Rumble**

That Council, at 1:46pm, move out from behind closed doors.

Carried 7/0

19 Next meeting

The next Ordinary Council Meeting will be held at 1:00pm on Tuesday 14 December 2021 at Council Chambers, Onslow Shire Complex, Onslow.

20 Closure of meeting

There being no further business, the Presiding Member closed the meeting at 1:49pm.



11.1A - Local Government Reform - Council Position

Local Government Reform – Consultation on Proposed Reforms

Theme 1: Early Intervention, Effective Regulation and Stronger Penalties

CURRENT PROVISIONS		PROPOSED REFORMS	COMMENTS
<p>1.1 Early Intervention Powers</p>			
<ul style="list-style-type: none"> • The Act provides the means to regulate the conduct of local government staff and council members and sets out powers to scrutinise the affairs of local government. The Act provides certain limited powers to: <ul style="list-style-type: none"> ○ Suspend or dismiss councils ○ Appoint Commissioners ○ Suspend or, order remedial action (such as training) for individual councillors. • The Act also provides the Director General with the power to: <ul style="list-style-type: none"> ○ Conduct Authorised Inquiries ○ Refer allegations of serious or recurrent breaches to the State Administrative Tribunal ○ Commence prosecution for an offence under the Act. • Authorised Inquiries are a costly and a relatively slow response to significant issues. Authorised Inquiries are currently the only significant tool for addressing significant issues within a local government. • The Panel Report, City of Perth Inquiry, and the Select Committee Report made various recommendations related to the establishment of a specific office for local government oversight. 	<ul style="list-style-type: none"> • It is proposed to establish a Chief Inspector of Local Government (the Inspector), supported by an Office of the Local Government Inspector (the Inspectorate). • The Inspector would receive minor and serious complaints about elected members. • The Inspector would oversee complaints relating to local government CEOs. • Local Governments would still be responsible for dealing with minor behavioural complaints. • The Inspector would have powers of a standing inquiry, able to investigate and intervene in any local government where potential issues are identified. • The Inspector would have the authority to assess, triage, refer, investigate, or close complaints, having regard to various public interest criteria – considering laws such as the <i>Corruption, Crime and Misconduct Act 2003</i>, the <i>Occupational Safety and Health Act 1984</i>, the <i>Building Act 2011</i>, and other legislation. • The Inspector would have powers to implement minor penalties for less serious breaches of the Act, with an appeal mechanism. • The Inspector would also have the power to order a local government to address non-compliance with the Act or Regulations. • The Inspector would be supported by a panel of Local Government Monitors (see item 1.2). 	<p><u>Partial support.</u></p> <p>Council supports the establishment of a Chief Inspector of Local Government, supported by an Office of the Local Government Inspector.</p> <p>However, what is not supported is for local governments to be responsible for handling minor behavioural complaints and believes the Department should include this within the scope of the Inspectorate.</p> <p>Council does not support the process of in-house decision making for behavioural complaints due to the potential to increase animosity or conflict within the local government. An independent body is preferred, which would also minimise any judgement by local communities before decisions are made (i.e., not be judged by social media).</p>	

Local Government Reform – Consultation on Proposed Reforms

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> The existing Local Government Standards Panel would be replaced with a new Conduct Panel (see item 1.3). Penalties for breaches to the Local Government Act and Regulations will be reviewed and are proposed to be generally strengthened (see item 1.4). These reforms would be supported by new powers to resolve issues more quickly within local government (see items 1.5 and 1.6). 	
1.2 Local Government Monitors		
<ul style="list-style-type: none"> There are currently no legislative powers for the provision of monitors/ temporary advisors. The DLGSC provides support and advice to local governments, however there is no existing mechanism for pre-qualified, specialised assistance to manage complex cases. 	<ul style="list-style-type: none"> A panel of Local Government Monitors would be established. Monitors could be appointed by the Inspector to go into a local government and try to resolve problems. The purpose of Monitors would be to proactively fix problems, rather than to identify blame or collect evidence. Monitors would be qualified specialists, such as: <ul style="list-style-type: none"> Experienced and respected former Mayors, Presidents, and CEOs - to act as mentors and facilitators Dispute resolution experts - to address the breakdown of professional working relationships Certified Practising Accountants and other financial specialists - to assist with financial management and reporting issues Governance specialists and lawyers - to assist councils resolve legal issues HR and procurement experts - to help with processes like recruiting a CEO or undertaking a major land transaction. Only the Inspector would have the power to appoint Monitors. Local governments would be able to make requests to the Inspector to appoint Monitors for a specific purpose. <p>Monitor Case Study 1 – Financial Management</p>	<p><u>Supported.</u></p> <p>Council supports the establishment of Local Government Monitors.</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	<p>The Inspector receives information that a local government is not collecting rates correctly under the <i>Local Government Act 1995</i>. Upon initial review, the Inspector identifies that there may be a problem. The Inspector appoints a Monitor who specialises in financial management in local government. The Monitor visits the local government and identifies that the system used to manage rates is not correctly issuing rates notices. The Monitor works with the local government to rectify the error, and issue corrections to impacted ratepayers.</p> <p>Monitor Case Study 2 – Dispute Resolution</p> <p>The Inspector receives a complaint from one councillor that another councillor is repeatedly publishing derogatory personal attacks against another councillor on social media, and that the issue has not been able to be resolved at the local government level. The Inspector identifies that there has been a relationship breakdown between the two councillors due to a disagreement on council.</p> <p>The Inspector appoints a Monitor to host mediation sessions between the councillors. The Monitor works with the councillors to address the dispute. Through regular meetings, the councillors agree to a working relationship based on the council’s code of conduct. After the mediation, the Monitor occasionally contacts both councillors to ensure there is a cordial working relationship between the councillors.</p>	
<p>1.3 Conduct Panel</p> <ul style="list-style-type: none"> • The Local Government Standards Panel was established in 2007 to resolve minor breach complaints relatively quickly and provide the sector with guidance and benchmarks about acceptable standards of behaviour. 	<ul style="list-style-type: none"> • The Standards Panel is proposed to be replaced with a new Local Government Conduct Panel. • The Conduct Panel would be comprised of suitably qualified and experienced professionals. Sitting councillors will not be eligible to serve on the Conduct Panel. • The Inspector would provide evidence to the Conduct Panel for adjudication. 	<p><u>Partial support.</u></p> <p>Council does not support the process of in-house decision making for behavioural complaints due to the potential to increase animosity or conflict within the local government. An independent</p>

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<ul style="list-style-type: none"> Currently, the Panel makes findings about alleged breaches based on written submissions. The City of Perth Inquiry report made various recommendations that functions of the Local Government Standards Panel be reformed. 	<ul style="list-style-type: none"> The Conduct Panel would have powers to impose stronger penalties – potentially including being able to suspend councillors for up to three months, with an appeal mechanism. For very serious or repeated breaches of the Local Government Act, the Conduct Panel would have the power to recommend prosecution through the courts. Any person who is subject to a complaint before the Conduct Panel would have the right to address the Conduct Panel before the Panel decides. 	<p>body is preferred, which would also minimise any judgement by local communities before decisions are made (i.e., not be judged by social media). This is the same for conduct breaches of a repeat nature, or serious breaches.</p> <p>Council supports a process where serious or repeat breaches be handled through the Courts, although request clear definition of “serious” and “repeated”.</p>
<p>1.4 Review of Penalties</p>		
<ul style="list-style-type: none"> There are currently limited penalties in the Act for certain types of non-compliance with the Local Government Act. 	<ul style="list-style-type: none"> Penalties for breaching the Local Government Act are proposed to be strengthened. It is proposed that the suspension of councillors (for up to three months) is established as the main penalty where a councillor breaches the Local Government Act or Regulations on more than one occasion. Councillors who are disqualified would not be eligible for sitting fees or allowances. They will also not be able to attend meetings or use their official office (such as their title or council email address). It is proposed that a councillor who is suspended multiple times may become disqualified from office. Councillors who do not complete mandatory training within a certain timeframe will also not be able to receive sitting fees or allowances. 	<p><u>Supported.</u></p> <p>Council supports a review of penalties and notes there is limited information provided in terms of the scale of the penalty to be applied and what breaches / offences are prescribed. The penalty should be commensurate with the seriousness of the offence, or history of offending.</p>
<p>1.5 Rapid Red Card Resolutions</p>		

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<ul style="list-style-type: none"> Currently, local governments have different local laws and standing orders that govern the way meetings run. Presiding members (Mayors and Presidents) are reliant on the powers provided in the local government standing orders local laws. Differences between local governments is a source of confusion about the powers that presiding members must deal with disruptive behaviours at council meetings. Disruptive behaviour at council meetings is a very common cause of complaints. Having the Presiding Member be able to deal with these problems should more quickly resolve problems that occur at council meetings. 	<ul style="list-style-type: none"> It is proposed that Standing Orders are made consistent across Western Australia (see item 2.6). Published recordings of all meetings would also become standard (item 3.1). It is proposed that Presiding Members have the power to “red card” any attendee (including councillors) who unreasonably and repeatedly interrupt council meetings. This power would: <ul style="list-style-type: none"> Require the Presiding Member to issue a clear first warning If the disruptions continue, the Presiding Member will have the power to “red card” that person, who must be silent for the rest of the meeting. A councillor issued with a red card will still vote, but must not speak or move motions If the person continues to be disruptive, the Presiding Member can instruct that they leave the meeting. Any Presiding Member who uses the “red card” or ejection power will be required to notify the Inspector. Where an elected member refuses to comply with an instruction to be silent or leave, or where it can be demonstrated that the presiding member has not followed the law in using these powers, penalties can be imposed through a review by the Inspector. 	<p><u>Partial Support.</u></p> <p>Council supports the principle of Rapid Red Card Resolutions and requests the regulations provide clear guidance to ensure consistent application of the power given to presiding members.</p> <p>Council notes the potential for this power to be abused therefore consideration should be given to how this may be handled.</p> <p>Requiring a “red carded” member to sit silent for the rest of a meeting is not supported.</p> <p>There should be clarity about when a member can be directed to leave the chamber (the process of a first and final warning, and then you are out, should also be reviewed).</p> <p>A Presiding Member should not only have to notify the Inspector of an ejection and there should also be the need to submit the video and / or audio recording, and themselves be subject to review.</p> <p>Concerns regarding the ability to remove a person from a meeting if they refuse to leave should be</p>

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1.6 Vexatious Complaint Referrals		
<ul style="list-style-type: none"> No current provisions. The Act already provides a requirement for Public Question Time at council meetings. 	<ul style="list-style-type: none"> Local governments already have a general responsibility to provide ratepayers and members of the public with assistance in responding to queries about the local government's operations. Local governments should resolve queries and complaints in a respectful, transparent, and equitable manner. Unfortunately, local government resources can become unreasonably diverted when a person makes repeated vexatious queries, especially after a local government has already provided a substantial response to the person's query. It is proposed that if a person makes repeated complaints to a local government CEO that are vexatious, the CEO will have the power to refer that person's complaints to the Inspectorate, which after assessment of the facts may then rule the complaint vexatious. 	<p><u>Supported.</u></p> <p>Council believes this should encompass an entity as well as a person to deal with vexatious complainant-like conduct from organised groups who have the capacity to consume an inordinate amount of Council resources.</p>
1.7 Minor Other Reforms		
<ul style="list-style-type: none"> Other minor reforms are being considered to enhance the oversight of local government. Ministerial Circulars have traditionally been used to provide guidance to the local government sector. 	<ul style="list-style-type: none"> Potential other reforms to strengthen guidance for local governments are being considered. For example, one option being considered is the potential use of sector-wide guidance notices. Guidance notices could be published by the Minister or Inspector, to give specific direction for how local governments should meet the requirements of the Local Government Act and Regulations. For instance, the Minister could publish guidance notices to clarify the process for how potential conflicts of interests should be managed. 	<p><u>Supported.</u></p> <p>Council welcomes operational guidance from the Department and agrees such practices will lead to consistent understanding and application of statutory provisions by local government.</p>

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	<ul style="list-style-type: none">• It is also proposed (see item 1.1) that the Inspector has the power to issue notices to individual local governments to require them to rectify non-compliance with the Act or Regulations.	