



Shire of Ashburton
Ordinary Council Meeting
Confirmed Minutes
(Public)

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

14 December 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 horizontal line.

K Donohoe
Chief Executive Officer
16 December 2021

These minutes were confirmed by Council as a true and accurate record of proceedings at the Ordinary Council Meeting held on Tuesday 14 December 2021.

Presiding Member

A handwritten signature in black ink, appearing to read 'K. J. White', is written over a horizontal line.

Date

A handwritten date '08-02-2022' in black ink is written over a horizontal line.

Disclaimer

The Shire of Ashburton warns anyone who has an application lodged with Council must obtain, and should only rely on, written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by Council in respect of the application. No responsibility whatsoever is implied, or accepted, by the Shire of Ashburton for any act, omission, statement, or intimation occurring during a Council meeting.

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1 Declaration of opening

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

1.1 Acknowledgement of country

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

2 Announcement of visitors

Nil

3 Attendance

3.1 Present

Elected members

Cr K White	Shire President (Presiding Member) Onslow Ward
Cr M Lynch	Deputy Shire President, Tom Price Ward
Cr A Smith	Tom Price Ward
Cr T Mladenovic	Tom Price Ward
Cr L Rumble	Paraburdoo Ward
Cr A Sullivan	Paraburdoo Ward
Cr M Gallanagh	Pannawonica Ward
Cr R de Pledge	Ashburton Ward
Cr J Richardson	Tableland Ward

Employees

K Donohoe	Chief Executive Officer
N Cain	Director Corporate Services
B McKay	Acting Director People and Place
M Khosravi	Director Infrastructure Services
C McGurk	Director Projects and Procurement
A Lennon	Manager of Media and Communications
N Jeffery	Executive Assistant Corporate Services
A Furfaro	Governance Officer
R Wright	Manager of Land and Asset Compliance
B Church	Lease and Accommodation Officer

Guests

Nil

Members of the public

Nine (9)

Members of the media

Nil

3.2 Apologies

Nil

3.3 Approved leave of absence

Nil

4 Question time

4.1 Response to previous questions taken on notice

Nil

4.2 Public question time

Nil

5 Applications for leave of absence

Nil

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*.

14.1 Award of RFT 26.21 Design and Construction Skate Bowl

Declarant	Cr Matthew Lynch
Declaration of Interest	Impartiality – Renae Lynch is employed as the Acting Senior Procurement Officer at the Shire of Ashburton and has assisted in the collation of this item. Renae Lynch is my wife.

13.1 Report on petition regarding development application

Declarant	Cr Kerry White
Declaration of Interest	Proximity – Resident at 15 Third Avenue, Onslow.

13.2 DAP Application – DAP/21/02078 -Da 21-67 | L300 Back Beach Road, Onslow - Transient Workforce Accommodation (500 Persons)

Declarant	Cr Kerry White
Declaration of Interest	Proximity – Resident at 15 Third Avenue, Onslow.

7 Announcements by the Presiding Member and Councillors without discussion

On behalf of Council, the President, Cr Kerry White, thanked the Director of Infrastructure Services, Mr Maz Khosravi, for all his work during his time at the Shire of Ashburton and wished him all the best for the future.

8 Petitions / Deputations / Presentations

8.1 Petitions

Nil

8.2 Deputations

Nil

8.3 Presentations

On behalf of the Tom Price Emergency Services Cadet Corps, Cr Audra Smith, presented the Shire President with an award thanking Council for 'Continual Commitment and Support of the Tom Price Emergency Service Cadets'.

9 Confirmation of minutes

9.1 Confirmation of Council meetings

Ordinary Council Meeting – 16 November 2021

Attachment 9.1A

Council Decision	194/2021
Moved	Cr T Mladenovic
Second	Cr L Rumble
That Council confirm the minutes of the Ordinary Council Meeting held in Ashburton Hall, Ashburton Avenue, Paraburdoo on 16 November 2021 as a true and accurate record, as include in Attachment 9.1A.	
Carried 9/0	

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

11.1 Local Government Reform – Council Position

File reference	GV07
Author's name	N Cain
Author's position	Director Corporate Services
Author's interest	Nil
Authorising officer's name	K Donohoe
Authorising officer's position	Chief Executive Officer
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	5 December 2021
Previous meeting reference	Not applicable

Summary

The State Government has recently announced the most significant package of major reforms to local government in Western Australia since the *Local Government Act 1995* was passed more than 25 years ago.

The WA Local Government Association (Pilbara Country Zone) recently met and resolved each Pilbara Council are to provide a position on the proposed reforms, which are to be considered at a special meeting of the Pilbara Country Zone (20 December 2021).

Council is requested to consider the local government reform position, put forward by Shire officers, to develop a Council position for submission to the Pilbara Country Zone special meeting and to the State Government.

Background

Since first coming to office in 2017, the McGowan State Government has already progressed reforms to improve specific aspects of local government performance. This includes new laws to improve transparency, cut red tape, and support jobs growth and economic development - ensuring local government works for the benefit of local communities.

Based on a significant volume of research and consultation undertaken over the past five (5) years, the Minister for Local Government has now announced the most significant package of major reforms to local government in Western Australia since the Local Government Act 1995 was passed more than 25 years ago. The package is based on six (6) major themes:

1. Earlier intervention, effective regulation, and stronger penalties
2. Reducing red tape, increasing consistency and simplicity
3. Greater transparency and accountability
4. Stronger local democracy and community engagement
5. Clear roles and responsibilities
6. Improved financial management and reporting.

A large focus on the new reform is oversight and intervention where there are significant problems arising within a local government. The introduction of new intermediate powers for intervention will increase the number of tools available to address problems and dysfunction more quickly within local governments. The proposed system for early intervention has been developed based on similar legislation in place in other jurisdictions, including Victoria and Queensland.

This will deliver significant benefits for small business, residents and ratepayers, industry, elected members and professionals working in the sector.

These reforms are based on extensive consultation undertaken over the last five years, and have been developed considering:

- The Local Government Review Panel Final Report (mid 2020)
- The City of Perth Inquiry Report (mid 2020)
- Department of Local Government, Sport and Cultural Industries (DLGSC) consultation on Act Reform (2017-2020)
- The Victorian *Local Government Act 2020* and other State Acts
- The Parliament's Select Committee Report into Local Government (late 2020)
- Western Australian Local Government Association (WALGA) Submissions
- Direct engagement with local governments
- Correspondence and complaints
- Miscellaneous past reports.

The comment period opened on 10 November 2021.

Comments on these proposed reforms are invited and must be made prior to 4 February 2022.

Comment

Council has been requested to form a position on each of the reform items for submission to, and consideration by, the WA Local Government Association (Pilbara Country Zone) (of which Council is a member).

The Pilbara Country Zone will consider Council's submission, along with submissions from other member Councils, to form a collated Pilbara Country Zone position.

Consideration of Council's submission by the Pilbara Country Zone will be via a special meeting to be held 20 December 2021.

Council is also requested to provide a position comment during the submission period to the Department of Local Government, Sport and Cultural Industries.

Shire officers have considered each of the items requested for comment and have provided a brief opinion. Council may wish to expand on the comments, accept them, or provide alternate comments.

Attachment 11.1A

Consultation

Other local government authorities

Statutory environment

Local Government Act 1995

Section 1.3 – Content and intent

The *Local Government Act 1995* provides for a system of local government providing for the constitution of local governments in the State and providing a framework for the administration and financial management of local government and for the scrutiny of their affairs.

Financial implications

There are no financial implications.

Strategic implications

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

Goal 5 Inspiring Governance
 Objective 2 Community ownership
 Strategic Direction Be a strong voice and advocate for the local community in regional, state, and federal settings.

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 make a submission regarding local government reform.	Rare (1)	Insignificant (1)	Low (1)	<u>Reputation</u> Unsubstantiated, localised low impact on community trust, low profile, or no media item.	Undertake to make a submission.
Council makes a submission and the outcomes do not align with Council's views.	Likely (4)	Insignificant (1)	Low (4)	<u>Interruption to Service</u> No material service interruption.	Provide an agile and resilient Council and workforce to accept local government reform changes.

The following Risk Matrix has been applied:

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

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

The perceived level of compliance risk is low as Council and the Shire will be required to adapt to, make changes, and align with any local government reform changes regardless.

Policy implications

There are no policy implications.

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to providing a submission on proposed local government reforms, Council –

- a Endorses the comments and positional statements for each item of local government reform, as included at Attachment 11.1A, and
- b Requests the Chief Executive Officer to submit the endorsed comments to the WA Local Government Association (Pilbara Country Zone), and the Department of Local Government, Sport and Cultural Industries, on behalf of Council.

Council Decision 195/2021

Moved Cr T Mladenovic

Second Cr J Richardson

That with respect to providing a submission on proposed local government reforms, Council –

- a Endorses the comments and positional statements for each item of local government reform, as included at Attachment 11.1A, and**
- b Requests the Chief Executive Officer to submit the endorsed comments to the WA Local Government Association (Pilbara Country Zone), and the Department of Local Government, Sport and Cultural Industries, on behalf of Council.**

**Carried 8/1
Against – Cr A Sullivan**

11.2 Deed Of Surrender and Variation of Portion of Lot 41, Nameless Valley Drive, Tom Price (Reserve 38467)

File reference	NAM.0041
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	Ashburton Aboriginal Corporation
Date report written	26 November 2021
Previous meeting reference	Nil

Summary

Shire officers have approached Ashburton Aboriginal Corporation to surrender their Lease for Portion of (Reserve 38467) being Lot 41, Nameless Valley Drive, Tom Price.

The current Lease expires in 2025. However, Shire officers are currently working with a third party to use the site for future worker and tourist accommodation. The Surrender of the land will enable Reserve 38467 to be utilised before the Lease expiry in 2025.

The Surrender and Variation documents have been approved in principle by the Ashburton Aboriginal Corporation and are presented for Council’s consideration.

Background

In July 2015, Council endorsed a Lease for Portion of Reserve 38467 to the Ashburton Aboriginal Corporation (AAC) for the permitted use of “Experimental Farm” and for no other purpose. The terms of the lease include –

Approximate size of lease	5.7ha
Term of lease	10 years
Basis of lease	Unimproved, no legal access land value
Commencement date	Upon signing
Rent	Base fee of \$73.21 per annum exclusive of GST

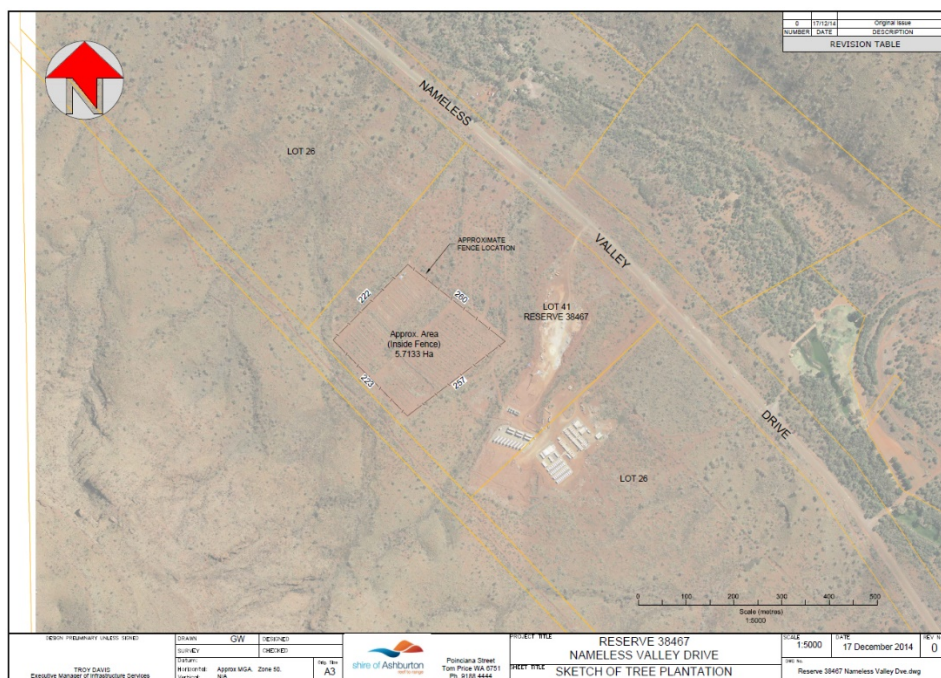
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Permitted purpose	The Lessee shall use the Lessor's property for an experimental farm and for no other purpose.
Market rental review	Yearly on or before the anniversary of the date of commencement of the term, by more than 10%
Conditions precedent	May use and occupy the property during the term of the lease without any interference from the lessor
Renewal option	Nil
Project annual base income to Shire	\$73.21 per annum exclusive of GST

A third-party operator has approached the Shire to construct short term accommodation for workers and tourists. Reserve 38467 is zoned appropriately for this purpose and would provide a much-needed service to the town of Tom Price, as there is a current shortage in housing for both workers and tourists alike. The operator has stated it would like to construct the accommodation as soon as the land is available, prior to the lease expiry date in 2025. The operator is proposing to utilise the whole of the Reserve via a long-term lease with the Shire or land purchase directly from the State.

Comment

To use the land for future accommodation purposes, Shire officers discussed the surrender of the lease area, as shown on the below plan. The AAC has consented to the surrender in principle, advising it wishes for the Shire to explore alternative sites in good faith. Discussions to secure another site for the AAC is currently underway.



Consultation

Executive Leadership Team
Chief Executive Officer
Ashburton Aboriginal Corporation

Statutory environment

Local Government Act 1995

Section 9.49A. – Execution of documents

- (1) A document is duly executed by a Local Government if —
 - (a) the common seal of the Local Government is affixed to it in accordance with subsections (2) and (3); or
 - (b) it is signed on behalf of the Local Government by a person or persons authorised under subsection (4) to do so.
- (2) The common seal of a Local Government is not to be affixed to any document except as authorised by the Local Government.
- (3) The common seal of the Local Government is to be affixed to a document in the presence of —
 - (a) the mayor or president; and
 - (b) the Chief Executive Officer or a senior employee authorised by the Chief Executive Officer, each of whom is to sign the document to attest that the common seal was so affixed.
- (4) A Local Government may, by resolution, authorise the Chief Executive Officer, another employee, or an agent of the Local Government to sign documents on behalf of the Local Government, either generally or subject to conditions or restrictions specified in the authorisation.

Financial implications

The current rent charged for the Lease is approximately \$80 per year, increased by 10% per year, which will cease when the Lease is surrendered. The financial impact is considered negligible.

Strategic implications

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

Goal 02 Economic Prosperity
 Objective 1 Strong local economies
 Strategic Direction Facilitate timely release of land to support the local economy.

Goal 04 Quality Services and Infrastructure
 Objective 3 Well-planned towns
 Strategic Direction Continue to monitor industry and economic trends and ensure town planning schemes respond appropriately to future housing, accommodation, and commercial 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
Financial Impact – loss of income –	Almost Certain (5)	Insignificant (1)	Moderate (5)	<u>Financial - Less than \$10,000.00</u>	Endorse Officers Recommendation
Loss of opportunity to create further accommodation for the community	Possible (3)	Moderate (6)	Moderate (9)	<u>Reputation - moderate impact on community trust or media profile</u>	Endorse Officers Recommendation

The following Risk Matrix has been applied:

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

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

The perceived level of risk is “moderate” because of minimal loss to income and potential loss of future amenity for the Tom Price community.

Policy implications

ELM13 – Affixing of the Shire of Ashburton Common Seal

To establish the circumstances under which the official Council Common Seal may be affixed to documents.

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to the Deed of Surrender and Variation, Portion of Lot 41 (Reserve 38467) Nameless Valley Drive, Tom Price, Council,

- a Endorses the Deed of Surrender and Variation of portion of 41 (Reserve 38467) Nameless Valley Drive, Tom Price,
- b Authorises the Shire President and the Chief Executive Officer to affix the Common Seal to, and execute the Deed of Surrender and Variation, between the Shire of Ashburton and Ashburton Aboriginal Corporation,
- c Authorises the Chief Executive Officer to investigate, advertise and execute a future lease with the Ashburton Aboriginal Corporation for an alternative area in Tom Price on similar terms to the surrendered lease, and
- d Notes Reserve 38467 is proposed to be leased or sold to a third-party operator for future tourist and worker accommodation, and a further update will be provided to Council on this item.

Council Decision 196/2021

Moved Cr L Rumble

Second Cr M Lynch

That with respect to the Deed of Surrender and Variation, Portion of Lot 41 (Reserve 38467) Nameless Valley Drive, Tom Price, Council,

- a Endorses the Deed of Surrender and Variation of portion of 41 (Reserve 38467) Nameless Valley Drive, Tom Price,**
- b Authorises the Shire President and the Chief Executive Officer to affix the Common Seal to, and execute the Deed of Surrender and Variation, between the Shire of Ashburton and Ashburton Aboriginal Corporation,**
- c Authorises the Chief Executive Officer to investigate, advertise and execute a future lease with the Ashburton Aboriginal Corporation for an alternative area in Tom Price on similar terms to the surrendered lease, and**
- d Notes Reserve 38467 is proposed to be leased or sold to a third-party operator for future tourist and worker accommodation, and a further update will be provided to Council on this item.**

Carried 9/0

12 Corporate Services reports

12.1 Monthly Schedule of Accounts Paid

File reference	FM03
Author's name	T Dayman
Author's position	Manager Finance and Administration
Author's interest	Nil
Authorising officer's name	N Cain
Authorising officer's position	Director Corporate Services
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	7 December 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 November 2021,
- Trust Fund Payments for November 2021, and
- Corporate Credit Card Reconciliations for October 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.

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	3,920,797.87
Superannuation / Payroll (Direct Debits)	198,417.19
Cheques	-
Credit Cards	2,672.56
Bank Fees and Charges	138,651.96
<u>Municipal Fund Total</u>	4,260,539.58
<u>Trust Fund</u>	
Electronic Funds Transfers	0.00
<u>Trust Fund Total</u>	0.00

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 November 2021, as included at Attachment 12.1A.

Council Decision	197/2021
Moved	Cr M Lynch
Second	Cr J Richardson
That with respect to the Monthly Schedule of Accounts Paid, Council, in accordance with <i>Local Government (Financial Management) Regulations 1996</i> Regulation 13 confirms the Monthly Schedule of Accounts Paid for November 2021, as included at Attachment 12.1A.	
Carried 9/0	

12.2 Monthly Financial Statements – November 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	9 December 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 November 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

Consultation

Executive Leadership Team
Middle Management Group
Finance Team

Statutory environment

Local Government Act 1995

Section 6.4 (Financial report)

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

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

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

Financial implications

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

Strategic implications

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.

The following Risk Matrix has been applied:

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

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

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

Policy implications

FIN06 Significant Accounting Policy

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

ELM10 Financial Sustainability Policy

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

Voting requirement

Simple majority

Councillor interest declarations

Nil

Officer recommendation

That with respect to the Monthly Financial Statements, Council, 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.

Council Decision 198/2021

Moved Cr R de Pledge

Second Cr M Gallanagh

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

Carried 9/0

12.3 Finance and Costing Review (November 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	3 December 2021
Previous meeting reference	Not applicable

Summary

Council and the Chief Executive Officer are required put in place measures to oversee the sound financial management of the Shire.

The purpose of this report is to present the outcomes of the recent Finance and Costing Review of the Annual Budget, including forecast estimates and budget recommendations to the end of the financial year.

Council is requested to endorse the outcomes, which include proposed amendments to the Annual Budget.

Background

Shire officers have recently undertaken a Finance and Costing Review (FACR) for the current financial year. The Review, although not a statutory obligation, is considered “better practice” towards achieving sound oversight of Council’s financial position versus budget estimates.

The Review is based on year-to-date actual expense and revenue, along with any commitments, and seeks to forecast known impacts on the Annual Budget for the remainder of the financial year.

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This process aims to highlight over and under expense of funds and over and under achievement of income targets for the benefit of all stakeholders to ensure sound fiscal management of remaining projects and programs.

Comment

The 2021-2022 Annual Budget was adopted at the Ordinary Meeting of Council on 17 August 2021 as a balanced budget (i.e., all available funds are offset by an equal amount of expense).

The recent FACR process commenced in late November 2021 and included a review of each Service Area with the appropriate Responsible Officers, with the overall aim of achieving a \$nil impact and continual delivery of a balanced budget.

The general practice is for identified expense savings and revenue windfalls to be offset against increases in forecast costs, with any remaining funds used towards new essential projects / services not identified in the Annual Budget. Finally, any difference remaining is offset by movements of funds to / from Reserve Accounts, which ultimately will generate a balanced budget.

A review of Employee Costs has not occurred in this current FACR process. Based on current vacancy trends it is anticipated savings will arise. A detailed review will occur for the Annual Budget Review early in the new calendar year.

The table below provides an overview of net proposed amendments for each Directorate. The totals represent a net of Income, Operating Expense, Capital Expense, as well as movement in Loans and Reserve balances.

Directorate	Current Budget (Net) \$	End-of-Year Forecast (Net) \$	Proposed Amendments (Net) \$
Opening Position	2,192,163	2,192,163	0
Chief Executive's Office	13,340,200	13,656,311	316,111
Corporate Services	(67,942,981)	(67,081,333)	861,648
Infrastructure Services	21,723,400	21,873,620	150,220
People and Place	5,955,200	5,430,508	(524,692)
Projects and Procurement	37,875,000	37,071,713	(803,287)
Less Non-Cash Movements	13,142,982	13,142,982	13,142,982
Total	0	0	0

Non-cash movements, such as depreciation, profit, and loss are removed from the calculations in accordance with accounting practices for local government.

The FACR aims to provide a balanced budget, which has been achieved.

Proposed Transfers to Reserve

To achieve the balanced budget an additional \$1,014,000 is proposed to be transferred to Reserve. This is due to works being deferred and savings, as follows –

- \$500,000 transfer funds from Onslow Jetty (capital) as funding was not forthcoming,
- \$439,000 transfer funds from Second Avenue Reconstruction, Onslow (capital) as additional works scheduled for this area are likely to negatively impact these works, and
- \$75,000 transfer funds form Lyndon-Towera Road Resheet (capital) due to savings on the works.

Proposed Budget Amendments

The FACR process identified several proposed budget amendments, and new items for inclusion in the current budget.

A local government is required to authorise, in advance by an absolute majority decision, expense for an additional purpose which is not already included in the Annual Budget.

The following is a list of new items, which have been assessed by the Executive Leadership Team (totalling \$1,841,509), and are proposed for inclusion in the Amended Annual Budget, which are offset by reduced expense and increased revenue in other areas –

- | | |
|--|-----------|
| • Airport (Onslow) – Vending Machine | \$ 8,000 |
| • Airport (Onslow) – Furniture | \$ 17,000 |
| • Tourist Centre (Tom Price) – Map Laminator | \$ 6,500 |
| • Civil Projects – Caravan Dumping Point (Tom Price) | \$ 42,000 |
| • Fleet – Accommodation Unit / Service Trailer | \$156,000 |
| • Fleet – 4WD Sedan | \$ 48,343 |
| • Infrastructure Services – Advisory Signage Batteries | \$ 15,000 |
| • Roads – Visitor Bay Car Park Surfacing (Tom Price) | \$122,323 |
| • Roads – ANZAC Path Pathway Surface | \$ 1,042 |
| • Roads – Central Road Bus Bay Surface | \$ 5,493 |
| • Roads – Ourimbah Street / Tarmonga Circuit Surface | \$ 631 |
| • Roads – Stadium Road Surface | \$184,070 |
| • Roads – North Road Surface | \$168,286 |
| • Roads – Rocklea Road (Paraburdoo) Surface | \$ 3,788 |
| • Roads – Chichester Avenue (Paraburdoo) Surface | \$ 3,536 |

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• Roads – Fortescue River Crossing Road Surface (6.46 – 6.68)	\$101,561
• Roads – Fortescue River Crossing Road Surface (8.80 – 9.10)	\$138,492
• Roads – Fortescue River Crossing Road Surface (10.19 – 10.93)	\$341,614
• Roads – McGrath Avenue Culvert Renewal	\$125,000
• Roads – Nickol Avenue Culvert Renewal	\$125,000
• Roads – Nameless Valley Drive Culvert Renewal	\$ 27,830
• Roads – Willow Road Culvert Renewal	\$125,000
• Community Services – Music / Sound Equipment	\$ 15,000
• Projects and Procurement – Senior Citizens Unit 1 Roof	\$ 25,000
• Projects and Procurement – Senior Citizens Unit 4 Roof and Wall	\$ 35,000

A comprehensive list of budget amendments has been attached for Council's consideration.

Attachment 12.3A

Included within the attached amendments are the following significant increases to original budget items -

- Valuation Expense increase from \$13,900 to \$121,100
Reason: 2022/2023 GRV valuation which had been previously deferred due to Covid.
- Aviation Area Development from \$616,000 to \$860,000
Reason: TWY Echo Spay seal costs being \$717,000
- Shire 50th Anniversary Celebrations from \$200,000 to \$500,000
Reason: increase scope of works to include commemorative parks in each townsite.
- Projects and Procurement Services consultant / project costs from \$85,000 to \$177,300
Reason: amalgamation of two consultants general ledgers
- Area W Oval and Surrounds Tom Price from \$38,400 to \$80,000
Reason: Additional works required to maintain oval.
- Building Program Onslow Museum from \$3,800 to \$57,055
Reason: Portion of Capital works being classified as operational.
- Four Mile Creek Decking – Onslow from \$30,000 to \$150,000
Reason: Original budget for replacing decking only, further investigations has identified that the timber subframe needs to be replaced.

Consultation

Executive Leadership Team
Middle Management Group
Finance Team

Statutory environment

Local Government Act 1995

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

A local government is not to incur expense from the municipal fund for an additional purpose except where the expense is already included in the Annual Budget, is authorised in advance by Council resolution or authorised in advance by the Shire President in an emergency.

Financial implications

The net result of all proposed amendments to the Annual Budget is \$nil. An additional \$1,014,000 is proposed for transfer to Reserve.

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
Potential reduction in the quality of assets provided and services delivered if the Budget Amendments are not adopted.	Possible (3)	Major (4)	High (12)	<u>Interruption to service</u> Prolonged interruption of services – additional resources; performance affected, < 1 month.	Provide Councillors with sufficient information for sound decision making
Negative public perception if works are not completed due to funding issues	Possible (3)	Moderate (3)	Moderate (9)	<u>Reputation</u> Substantiated, public embarrassment, moderate impact on community trust or moderate media profile.	Provide Councillors with sufficient information for sound decision making.

The following Risk Matrix has been applied:

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

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

The perceived level of risk is “Moderate to High” because without the proposed amendments, Council assets and services may be negatively impacted.

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 Finance and Costing Review (November 2021) Council,

a In accordance with *Local Government Act 1995* section 6.8, approves the following for inclusion in the 2021-2022 Annual Budget –

- Corporate Services – COVID funding (Finalisation) \$ 56,426
- Airport (Onslow) – Vending Machine \$ 8,000
- Airport (Onslow) – Furniture \$ 17,000

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• Tourist Centre (Tom Price) – Map Laminator	\$ 6,500
• Civil Projects – Caravan Dumping Point (Tom Price)	\$ 42,000
• Fleet – Accommodation Unit / Service Trailer	\$156,000
• Fleet – 4WD Sedan	\$ 48,343
• Infrastructure Services – Advisory Signage Batteries	\$ 15,000
• Roads – Visitor Bay Car Park Surfacing (Tom Price)	\$122,323
• Roads – ANZAC Path Pathway Surface	\$ 1,042
• Roads – Central Road Bus Bay Surface	\$ 5,493
• Roads – Ourimbah Street / Tarmonga Circuit Surface	\$ 631
• Roads – Stadium Road Surface	\$184,070
• Roads – North Road Surface	\$168,286
• Roads – Rocklea Road (Paraburdoo) Surface	\$ 3,788
• Roads – Chichester Avenue (Paraburdoo) Surface	\$ 3,536
• Roads – Fortescue River Crossing Road Surface (6.46 – 6.68)	\$101,561
• Roads – Fortescue River Crossing Road Surface (8.80 – 9.10)	\$138,492
• Roads – Fortescue River Crossing Road Surface (10.19 – 10.93)	\$341,614
• Roads – McGrath Avenue Culvert Renewal	\$125,000
• Roads – Nickol Avenue Culvert Renewal	\$125,000
• Roads – Nameless Valley Drive Culvert Renewal	\$ 27,830
• Roads – Willow Road Culvert Renewal	\$125,000
• Community Services – Music / Sound Equipment	\$ 15,000
• Projects and Procurement – Senior Citizens Unit 1 Roof	\$ 25,000
• Projects and Procurement – Senior Citizens Unit 4 Roof and Wall	\$ 35,000

- b Endorses amendments to the 2021-2022 Annual Budget, which are detailed in Attachment 12.3A and summarised below by management area, with amounts in brackets representing a benefit to the organisation, which results in an overall \$nil budget variance –

Opening Position \$2,192,163

Office of the CEO

• Office of the CEO	\$ 0
• Aviation and Tourism	\$ 352,912
• Human Resources	(\$ 64,163)
• Land and Asset Compliance	\$ 27,362
• Media And Communications	\$ 0
	\$ 316,000

Corporate Services

• Corporate Services	(\$ 76,774)
• Finance and Administration	\$ 26,798
• Governance	(\$ 3,300)
• ICT Services	(\$ 55,700)

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• Corporate Funding	<u>\$ 970,624</u>
	\$ 861,648

Infrastructure Services

• Infrastructure Services	(\$ 36,000)
• Assets and Programming	\$ 51,800
• Fleet	\$ 44,983
• Maintenance	(\$ 67,100)
• Raods and Civil Projects	(\$1,014,170)
• Waste Services	<u>\$1,170,707</u>
	\$ 150,220

People and Place

• People & Place Services	(\$ 422,700)
• Regulatory Services	(\$ 11,839)
• Development Services	(\$ 81,777)
• Community Services (East)	\$ 0
• Community Services (West)	(\$ 8,376)
• Library Services	<u>\$ 0</u>
	(\$ 524,692)

Project and Procurement

• Projects and Procurement	\$1,083,073
• Procurement	\$ 0
• Facilities (East)	\$ 69,631
• Facilities (West) and Aquatics	<u>\$ 210,155</u>
	(\$ 803,287)

Less Non-Cash movements	<u>\$13,142,982</u>
Forecast Budget position	\$ 0

Council Decision 199/2021

Moved Cr A Smith

Second Cr T Mladenovic

That with respect to the Finance and Costing Review (November 2021) Council,

a In accordance with *Local Government Act 1995* section 6.8, approves the following for inclusion in the 2021-2022 Annual Budget –

• Corporate Services – COVID funding (Finalisation)	\$ 56,426
• Airport (Onslow) – Vending Machine	\$ 8,000
• Airport (Onslow) – Furniture	\$ 17,000
• Tourist Centre (Tom Price) – Map Laminator	\$ 6,500
• Civil Projects – Caravan Dumping Point (Tom Price)	\$ 42,000
• Fleet – Accommodation Unit / Service Trailer	\$156,000
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• Infrastructure Services – Advisory Signage Batteries	\$ 15,000
• Roads – Visitor Bay Car Park Surfacing (Tom Price)	\$122,323
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• Roads – Central Road Bus Bay Surface	\$ 5,493
• Roads – Ourimbah Street / Tarmonga Circuit Surface	\$ 631
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• Roads – North Road Surface	\$168,286
• Roads – Rocklea Road (Paraburdoo) Surface	\$ 3,788
• Roads – Chichester Avenue (Paraburdoo) Surface	\$ 3,536
• Roads – Fortescue River Crossing Road Surface (6.46 – 6.68)	\$101,561
• Roads – Fortescue River Crossing Road Surface (8.80 – 9.10)	\$138,492
• Roads – Fortescue River Crossing Road Surface (10.19–10.93)	\$341,614
• Roads – McGrath Avenue Culvert Renewal	\$125,000
• Roads – Nickol Avenue Culvert Renewal	\$125,000
• Roads – Nameless Valley Drive Culvert Renewal	\$ 27,830
• Roads – Willow Road Culvert Renewal	\$125,000
• Community Services – Music / Sound Equipment	\$ 15,000
• Projects and Procurement – Senior Citizens Unit 1 Roof	\$ 25,000
• Projects and Procurement – Senior Citizens Unit 4 Roof / Wall	\$ 35,000

b Endorses amendments to the 2021-2022 Annual Budget, which are detailed in Attachment 12.3A and summarised below by management area, with amounts in brackets representing a benefit to the organisation, which results in an overall \$nil budget variance –

Opening Position	\$2,192,163
<u>Office of the CEO</u>	
• Office of the CEO	\$ 0
• Aviation and Tourism	\$ 352,912
• Human Resources	(\$ 64,163)
• Land and Asset Compliance	\$ 27,362
• Media And Communications	<u>\$ 0</u>
	\$ 316,000
<u>Corporate Services</u>	
• Corporate Services	(\$ 76,774)
• Finance and Administration	\$ 26,798
• Governance	(\$ 3,300)
• ICT Services	(\$ 55,700)
• Corporate Funding	<u>\$ 970,624</u>
	\$ 861,648
<u>Infrastructure Services</u>	
• Infrastructure Services	(\$ 36,000)
• Assets and Programming	\$ 51,800
• Fleet	\$ 44,983
• Maintenance	(\$ 67,100)
• Roads and Civil Projects	(\$1,014,170)
• Waste Services	<u>\$1,170,707</u>
	\$ 150,220
<u>People and Place</u>	
• People & Place Services	(\$ 422,700)
• Regulatory Services	(\$ 11,839)
• Development Services	(\$ 81,777)
• Community Services (East)	\$ 0
• Community Services (West)	(\$ 8,376)
• Library Services	<u>\$ 0</u>
	(\$ 524,692)
<u>Projects and Procurement</u>	
• Projects and Procurement	\$1,083,073
• Procurement	\$ 0
• Facilities (East)	\$ 69,631

• Facilities (West) and Aquatics	<u>\$ 210,155</u> (\$ 803,287)
Less Non-Cash movements	<u>\$13,142,982</u>
Forecast Budget position	\$ 0
	Carried 9/0

1:11pm Cr K White declared a Proximity Interest in Items 13.1 and 13.2 and left the meeting.

Cr M Lynch assumed the position of Presiding Member.

13 People and Place reports

13.1 Report on petition regarding development application DA 21-67

File reference	GV04
Author's name	B Mckay
Author's position	Acting Director People and Place
Author's interest	Nil
Authorising officer's name	K Donohoe
Authorising officer's position	Chief Executive Officer
Authorising officer's interest	Nil
Name of applicant / respondent	Not applicable
Date report written	7 December 2021
Previous meeting reference	8.1 Petitions – Ordinary Council Meeting, 16 November 2021

Summary

Council received a Petition at the Ordinary Council meeting held on 16 November 2021, for the development application lodged for 'Transient Workforce Accommodation' at Lot 300 Back Beach Road, Onslow.

This report seeks Council's consideration in response to the petition and acceptance of the path forward in relation to the points raised in the petition.

Background

At the Council meeting held on 16 November 2021, a petition was submitted and received by the Shire President.

The petition was submitted with a total of 236 signatures. The Governance team reviewed the signatories in accordance with the relevant criteria and confirmed 136 valid signatures.

The petition itself requested 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. Generally the items raised in the petition are as follows:

- 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.

Attachment 13.1A

Comment

In considering the items raised in the petition, consultation was undertaken with the relevant department being People and Place – Town Planning.

Generally, the concerns raised within the petition, are matters that have been raised within submissions received during the formal advertising period of the development application (DA 21-67). From an officer's perspective, the most appropriate way for Council to consider such items is through the planning process, which was undertaken in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

With respect to the issues raised concerning environmental impacts, habitat destruction, social impact, noise, increased vehicle movement and town utility infrastructure. These matters are adequately addressed within the planning report associated with the development application.

Consultation

Statutory Planning Officer
Manager Town Planning
Director People and Place
Director Corporate Services
Chief Executive Officer

Statutory environment

Shire of Ashburton Standing Orders Local Law 2012

Section 6.10 Petitions

(1) A Petition is to –

- a. be addressed to the Mayor/President;
- b. be made by electors of the district;
- c. state the request on each page of the Petition;
- d. contain the name, address and signature of each elector making the request, and the date each elector signed;
- e. contain summary of the reasons for the request; and
- f. state the name of the person to whom, and an address at which, notice to the petitioners can be given.

(2) Upon receiving a petition, the Local Government is to submit the petition to the relevant officer to be included in his or her deliberations and report on the matter that is the subject of the petition, subject to subclause (3).

(3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless:

- a. the matter is the subject of a report included in the agenda; and
- b. the Council has considered the issues raised in the petition.

Financial implications

There were no known financial implications for this matter.

Strategic implications

Nothing contained within Shire of Ashburton Strategic Community Plan 2017-2027 'Living Life' (2019 Desktop Review) is relevant to this report.

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Reputation	Possible (3)	Minor (2)	Moderate (6)	Substantiated, localised impact on community trust or low media item	Adopt the Officers Recommendation

The following Risk Matrix has been applied:

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

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

The perceived level of risk is “Moderate” because the proposed item before Council and the reputation risk associated.

Policy implications

There are no known policy implications for this matter.

Voting requirement

Simple majority

Councillor interest declarations

Cr K White - Proximity

Officer recommendation

That with respect to the Petition regarding Development Application DA 21-67 in Onslow, Council, note the matters raised in the Petition have been considered within the Development Application assessment (Item 13.2 to this Agenda) and no further actions are required.

Council Decision 200/2021

Moved Cr L Rumble

Second Cr R de Pledge

That with respect to the Petition regarding Development Application DA 21-67 in Onslow, Council, note the matters raised in the Petition have been considered within the Development Application assessment (Item 13.2 to this Agenda) and no further actions are required.

Carried 8/0

13.2 DAP Application – DAP/21/02078 -Da 21-67 | L300 Back Beach Road, Onslow - Transient Workforce Accommodation (500 Persons)

File reference	BAC.0300
Author's name	B McKay
Author's position	Acting Director People and Place
Author's interest	Nil
Authorising officer's name	B McKay
Authorising officer's position	Acting Director People and Place
Authorising officer's interest	Nil
Name of applicant / respondent	Rowe Group
Date report written	10 December 2021
Previous meeting reference	Not applicable

Summary

The Shire has received a Development Assessment Panel (DAP) Application for Development Approval from Rowe Group on behalf of their client Mineral Resources Limited, for the construction of 143 Transient Workforce Accommodation pods (totalling 500 bedrooms), restaurant, tavern, recreational facilities, administration facilities and other minor structures on Lot 300 on Deposited Plan 67927 (Attachment 13.1A).

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

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

Background

Lot 300 Back Beach Road, Onslow (formally known as Lot 300 on Deposited Plan 67927, Certificate of Title Volume LR3160 Folio 90) has a site area of 20.45 hectares, with a frontage of 467 m to Back Beach Road and 114.17 m to Third Avenue. The site is Unallocated Crown land, owned by the State of Western Australia.

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

North

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

South

- Back Beach Road bounds the site to the south-west; and,
- Several smaller lots designated for residential purposes with R-Codes varying from R 12.5 to R30 (site dependant); and,
- Lot 383 on DP 205462, vested to the Shire of Ashburton under Management Order (R 29117 – Tourist Information Bay') and is designated Public Purpose – Water and Drainage under LPS7.
- First Street along a portion of the southern boundary. The road reserve for First Street extends west beyond the intersection with Third Avenue. No formal infrastructure is in place for the extension of First Street at this current time.
- The site is also within close proximity (approximately 82 metres) to the Onslow Primary School.

East

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

West

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

No previous planning approvals have been granted for the site.

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

Onslow Townsite Strategy

The Onslow Townsite Strategy was produced by the Shire of Ashburton and adopted in July 2010. The strategy was later endorsed by the WAPC in March 2011.

The Onslow Townsite Strategy sought to provide a strategic direction for the town of Onslow based on the development of Ashburton North Strategic Industrial Area.

The strategy identifies the site of this proposal, as an indicative commercial/ civic centre and a development investigation area. The strategy also identified that the proposed new ring road into Onslow could also be located close to the site.

The Onslow Townsite Strategy recommended that the commercial / civic centre be gradually transitioned outside the coastal hazard risk area emphasising the need for the Shire to consider its position on this and other options for compliance with State Planning Policy 2.6 (SPP 2.6) and its Guidelines.

The Onslow Townsite Strategy has subsequently been superseded by the Shire of Ashburton Local Planning Strategy endorsed on 21 June 2021.

Proposal

This application for Development Approval, which seeks approval from the Regional Joint Development Assessment Panel (JDAP) for the development of a transient workers accommodation resort, herein referred to as the 'Onslow Village'.

The application proposes the following as part of the development of the site:

Transient Workforce Accommodation	One hundred and forty-three (143) accommodation pods, totalling 500 bedrooms, ranging between three (3) different accommodation pod designs, as described below:
--	--

A total of thirty-six (36) Type A Accommodation Pods:

- Designed to sleep two (2) people within separate 35.3m² pods; and
- Equipped with reverse cycle air-conditioning, Queen-size bed, bathroom, lounge area and kitchenette.

A total of 104 Type B Accommodation Pods:

- Designed to sleep four (4) people within separate 29.2 m² pods; and
- Equipped with reverse cycle air conditioning, Queen-size bed, bathroom, and kitchenette.

A total of three (3) Accessible Accommodation Pods (Type C):

- Designed to sleep two (2) people within separate 36.5 m² pods;
- Equipped with reverse cycle air conditioning, Queen-size bed, bathroom, and kitchenette; and
- Designed to the minimum Australian Standards for universal accessibility.

Restaurant	<ul style="list-style-type: none"> • Dining area of approximately 786 m² and outdoor seating area of 245.5 m²; • Fully equipped kitchen and food preparation area; • Bathroom facilities; and • Fridge / food storage areas.
Tavern	<ul style="list-style-type: none"> • Dining area of approximately 331 m² and 76 m² of outdoor seating area; • Shared alfresco area of approximately 181.5 m²; • Outdoor cooking area; • Fully equipped kitchen / food preparation area and food storage areas; • Bathroom facilities.

<p>Recreation Facilities</p>	<ul style="list-style-type: none"> • Gymnasium with cardio /weight and other fitness equipment; • Swimming Pool; • Multi-purpose sports court; • Indoor / Outdoor Cricket facilities; • Golf putting green and indoor driving range; • Locker and change rooms; and • Other recreation facilities.
<p>Administration Facilities</p>	<ul style="list-style-type: none"> • Administration office to service the day-to-day needs of the facility; • Resort retail facility selling daily goods and services to residents; • Barista coffee shop / juice bar; • Meeting and Training Rooms; • Communications room; • Medical Centre with first aid and emergency response team with suitable access for ambulance / fire truck service; and • Ablution facilities.
<p>Other Minor Structures</p>	<ul style="list-style-type: none"> • Storage and maintenance sheds; • Cleaners laundry; • Residents laundry; • Wastewater treatment plants; and • Car parking and access roads for light vehicles, coaches / buses.

It is noted that the predominant use of the site is to be ‘Transient Workforce Accommodation’, with the additional land uses identified as being ancillary.

Attachment 13.2A

Comment

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

Attachment 13.2B

The following matters have been identified as key considerations for the determination of this application:

State Planning Policy 2.6 – Coastal Planning

State Coastal Planning Policy 2.6 – Coastal Planning ('SPP 2.6') is a State Planning Policy. SPP 2.6 provides guidance with respect to the consideration of development that is in proximity to the coast, providing a framework for the management of coastal hazard risk.

SPP2.6 requires that the responsible management authority completes Coastal Hazard Risk Management and Adaptation Planning (CHRMAP) where an existing or proposed development that may be at risk from coastal hazards over the planning timeframe. The main purpose of the CHRMAP is to define areas of the coastline which could be vulnerable to coastal hazards (erosion and sea level rise) and to outline the intended approach to the monitoring and management of these hazards where required.

The Shire undertook a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) in 2017, which was adopted by the Council on 24 October 2017 and formed part of the Shire of Ashburton Local Planning Strategy.

As noted within the CHRMAP and Attachment 13.2A of the submitted documentation, the site is impacted by the predicted 2110 erosion allowance shoreline.

Attachment 13.1A, identifies the overarching strategy for the Onslow Village development is a combined strategy of avoid and managed retreat / removal. The majority of the development's assets will be located outside of the required foreshore reserve area thus avoiding the coastal hazards. The assets that had to be located within the required future foreshore reserve will be subject to managed retreat.

The proposed managed retreat / removal of the accommodation pods is achievable due to the prefabricated nature of the accommodation pods and the design to allow them to be easily relocated. As such if the coastal hazard risks change, the accommodation pods can easily be relocated to a safer location.

The strategy also includes the retention of a minimum 30 m wide foreshore reserve area for recreation, noting that as the erosion impacts the site, several of the accommodation pods included in the initial development may be within the foreshore reserve after about 30 years. As such a managed retreat / remove strategy will be implemented for these assets.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

State Planning Policy 3.7 – Planning in Bushfire Prone Areas ('SPP 3.7') directs how land use should address bushfire risk management in Western Australia. SPP 3.7 applies to all land which has been designated as bushfire prone by the Department of Fire and Emergency Services ('DFES').

The Site is designated as being within a bushfire prone area, and the applicant has provided a Bushfire Management Plan ('BMP') and Bushfire Emergency Evacuation Plan ('BEEP') prepared in accordance with SPP 3.7 and the Guidelines (see Attachment 13.2A – Environmental Assessment Report).

The development and the BMP have adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved.

To achieve the BAL 29, most of the proposed developable area within the site will need to be modified by the proponent to non-vegetated and low threat vegetation. The Environmental Assessment Report however indicates that some vegetation will be retained on the site. Modifications to the BMP are necessary to ensure it accurately identifies the bushfire risk and necessary mitigation measures.

Given the disparity between the Bushfire Management Plan and the Environmental Assessment Report it is important to understand the extent of clearing and any ramifications this may have on the BMP.

Clarification was sought on this matter through a further information request to the applicant and is discussed further in the report.

State Planning Policy 7 – Design of the Built Environment (Vol 1.)

SPP 7.0 provides a means of defining design principles that establish a definition of 'good design' that can inform design and decision-making processes of the built environment. An assessment of the Design Statement provided with the application is provided below:

Design Principle	Comments
<i>Context And Character</i>	The proposed development has sought to address the context of the site, through considerate development design, appropriate building heights and landscaping. The submitted documentation acknowledges the Aboriginal heritage of Onslow, with several registered sites located in the site of the Onslow Village. The known

	<p>sites include ceremonial, mythological and artifact scatter. The Applicant is currently liaising with the representatives from the Buurrabalayji Thalanyji Aboriginal Corporation (BTAC) in relation to local Aboriginal heritage.</p> <p>The proposed masterplan responds to the cultural significance of the site by locating all works away from the culturally significance portion of the site. It is noted that ongoing engagement with BTAC will continue to ensure an appropriate design response and construction methodology.</p> <p>The proposed material palette is considered and restrained and has been applied methodically. All buildings and landscaping proposed as part of the development deliver a consistent, legible, and rational architectural response.</p>
<p><i>Landscape Quality</i></p>	<p>The site is intrinsically linked to the landscaping that surrounds the development. The development proposes to create a diversity of active and passive recreational spaces with vegetative linkages throughout the site.</p> <p>Landscaping throughout the site consists of a landscape design that incorporates elements of hard and soft landscaping and urban design elements to create external environments that interact with the built form. It is noted that the landscaping is undertaken through a holistic approach that incorporates collaboration between the Civil Engineer, Hydrologist, and other environmental specialists to ensure an appropriate application of Water Sensitive Urban Design Principles and to minimise the impact on the site.</p> <p>The proposal seeks to facilitate universal access throughout the site via a network of paved surfaces that link the accommodation units to the amenity and recreational area.</p>

<p><i>Built Form And Scale</i></p>	<p>The massing and height of development across the site is predominantly single storey in height and adequately dispersed to provide separation to allow solar access, landscaping, and overland water flows.</p> <p>The built form is designed to provide an integrated design that incorporates development at a human scale and design palette that supports the surrounding development and environment.</p> <p>The larger buildings (being the Gym, Multi-Purpose Courts, Tavern and Restaurant) towards the north-eastern portion of the site are of a scale more akin to two storey development. However, the development is proposed to be setback into the hill to reduce the perceived bulk of the building when viewed from afar.</p> <p>The orientation, proportion, composition, and articulation of the built form elements deliver an outcome that is reflective of the intended purposes and assist in defining the public domain, whilst providing good amenity for people at ground level.</p>
<p><i>Functionality And Build Quality</i></p>	<p>The proposed immediate short-term use and functionality of the site is to facilitate a redefined ‘resort style’ 500-person transient workforce accommodation development that provides amenities and opportunities for public integration into the site.</p> <p>The facility buildings (restaurant, tavern, wellness facilities, coffee outlets, gym, and pool) are proposed to be constructed of predominantly masonry elements, to ensure a development life beyond the 30-year workers accommodation use.</p> <p>The accommodation pods are designed with increased functionality and material quality as a key aspect. The accommodation units provide an individual kitchenette, queen bed, lounge room and laundry for each unit. The internal materials proposed are also highly durable and design driven.</p>

	<p>The structural design of the accommodation units allows for the development to be implemented with minimal ground disturbance, given the stump and footing design. In addition, given the transportable nature of the units, the units can be easily relocated and removed, if not utilised.</p> <p>It is intended that all facilities will be handed over to the local Thalanyji people once the mining operation reaches its 'end-of-life', providing an accommodation facility within the Town Centre, supporting the tourist industry.</p> <p>The development has also accounted for the future impacts of climate change, sea level rise and inundation impacts. The design and layout of the development proposing the permanent facilities above the highest known coastal erosion hazard level as defined by the anticipated 100 –year planning horizon. Furthermore, the portable accommodation pods within the known 2110 hazard level area, are identified to be removed or relocated as part of the retreat strategy, in accordance with SPP 2.6.</p> <p>It is also noted that the services, site infrastructure and plant equipment have been considered and appropriately located at ground level and within accessible areas to ensure that they can be serviceable.</p>
<p><i>Sustainability</i></p>	<p>The development has been designed to respond to local climate and site conditions by providing well insulated accommodation pods with deep eaves. The increased depth of the wrap patios (located on both sides of the pods) ensures that the heat loading of the buildings is reduced.</p> <p>The accommodation pods and facility buildings are designed with high quality materials and in a manner that promotes longevity of the building with little ongoing maintenance to the structures and façades. The</p>

	<p>elevated nature of the accommodation pods and walkways also allow for natural overland flows and support water sensitive urban design for stormwater.</p> <p>The development seeks to include several measures to reduce the production of waste on the site, as noted within Attachment 13.2A – Waste Management Plan and recycle or reuse where possible.</p> <p>In addition, the site is proposed to include a permanent ‘Containers for Change’ refund point that will be facilitated on the site.</p>
<p>Amenity</p>	<p>The development has been designed to deliver a variety of uses and activities while optimising internal and external amenity for occupants, visitors, and neighbours. The development design providing environments that are comfortable, productive, and healthy. The inclusion of a ‘wellness loop’ incorporates both active and passive recreational spaces.</p> <p>The proposal seeks to facilitate universal access throughout the site via a network of paved surfaces that link the accommodation units to the amenity and recreational area.</p> <p>The linkages between the distinct areas include shade structures throughout to provide shelter from the seasonal conditions (rain and direct UV rays).</p> <p>The amenity provided to the accommodation pods and publicly accessible facilities on the site is of a high standard. Adequate internal amenity is provided to the accommodation pods with the provision of natural ventilation, solar access and outlook dictating the design elements of the buildings. The location and separation of the pods also provide appropriate levels of acoustic protection and visual privacy from the neighbouring pods and properties.</p> <p>The development has also provided adequate separation from the existing dwellings surrounding the</p>

	<p>development, to minimise and maintain external acoustic amenity.</p>
<p>Legibility</p>	<p>The design of the publicly accessible facilities in the northern portion of the site, provide adequate separation between the buildings and built form elements that assist with defining entry points for each building.</p> <p>The scale and bulk of the buildings across the site provide a visual cue of the purpose of each facility. The design of the more populous areas provides greater separation and a larger built form, and the accommodation pods are designed to a more relative human scale that gives the perception of comfort.</p> <p>The overall layout of the development and facilities on the site provide a hierarchy of movement paths throughout the site, which facilitates a high degree of walkability and permeability across the site. Movement within the site promotes pedestrian movements over those of any motor vehicles. It is noted that site staff undertaking maintenance or servicing the accommodation pods will be the predominant reason for motor vehicle movements within the accommodation area.</p> <p>Legibility across the site has been considered for all aspects of the development.</p>
<p>Safety</p>	<p>Passive surveillance of communal areas and the public realm is provided through the visually permeable design of the development.</p> <p>The internal pathways linkages have at least two access routes, with no ‘dead ends’ or blind spots. The layout of the accommodation pods is promoting outlook and connection to adjacent residences. The irregularity in the orientation ensures that surveillance is multi-directional throughout the site.</p>

	Site lighting and digital surveillance of public spaces will be appropriate and comprehensive.
Community	The proposal includes several facilities available for residents and the community of Onslow. The facilities provide opportunities for social interaction of differing scales for residents of the camp and the townsite, supporting interactions that provide an increased sense of community.
Aesthetics	<p>The development demonstrates a considered and logical response to site through considered use of materials and form to ensure design clarity.</p> <p>The layout of the development incorporates the heavier masonry elements into the western side of the hill to maintain outlook and reduce effective height, with buildings becoming lighter as they look out towards the ocean. The accommodation pods are proposed as lightweight structures, connected by raised boardwalks, that sit above the existing contours to maintain existing overland water flow and wildlife corridors.</p> <p>All buildings are single storey, with floor levels responding to the existing terrain. Where possible, larger buildings are broken up with laneways, landscape, and view corridors, further integrating them into the landscape.</p>

State Planning Strategy 2050

The overarching strategic direction of the development within the Pilbara region is directed through the implementation of the *State Planning Strategy 2050* and *Pilbara Planning and Infrastructure Framework 2012*.

The *State Planning Strategy 2050* promotes that within the regional areas of Western Australia, consolidation and expansion of existing settlements is required to make regional communities more sustainable in the long term. Likewise, the need to avoid ad-hoc and dispersed new settlements in competition with existing settlements should be avoided.

Pilbara Planning and Infrastructure Framework

The Pilbara Planning and Infrastructure Framework (PPIF) was published by the State of Western Australia in January 2012. The PPIF set out the strategic direction for the future development of the region over the next 25 years. It addresses the scale and distribution of future population growth and housing development, as well as identifying strategies for dealing with economic growth, environmental issues, transport, infrastructure, water resources, tourism, and emerging impacts of climate change.

The PPIF identified (Map 9 – Onslow growth plan) that a portion of the site should be developed as a commercial precinct and a portion of the site developed for residential purposes. The development, as proposed seeks to enact the typology of development envisaged by the PPIF for the site.

Shire of Ashburton Local Planning Strategy (The Strategy)

The Shire's Local Planning Strategy (Strategy) was endorsed by the Western Australian Planning Commission (WAPC) on 21 June 2021. The Strategy states as follows with respect to workforce accommodation within the Onslow Townsite:

“The Shire will continue to advocate for long-term development in the townsite for workforce accommodation as an integrated part of the urban fabric. The Local Planning Strategy recognises that future industry upturns could again trigger a rise in housing demand, as a result, the townsite will remain capable of bringing land online for urban infill, or urban expansion, should it be warranted”.

The Strategy acknowledges the WAPC Position Statement - 'Workforce Accommodation' which supports the fundamental position that, wherever possible, workers of extractive industries should be provided with accommodation within established towns. The intent of centralising accommodation allows workers to contribute to and benefit from the local, social, and economic opportunities that established towns provide.

The application submitted to the Shire, is intended to provide an accommodation facility that is integrated into the Onslow community. The integration is not strictly limited to the location of the development within the gazetted townsite; it is also providing residents with additional facilities and opportunities to interact with the onsite workers. Similarly, the onsite workers can access to facilities and amenities within the existing Onslow townsite and can participate in community events and clubs within the town.

Importantly, section 3.1.4.1 of the Strategy states as follows:

“The Shire is a strong advocate for workforce being in town, and this can be encouraged at a company level through the delivery of workforce accommodation in Onslow that is of a higher quality than in the campsites.”

As above, the Strategy highlights the Shire’s strategic approach in encouraging the location of workers accommodation facilities within the Onslow townsite. The Strategy recognises the wide community benefits provided through the integration of workers accommodation into the townsite, rather than within strategic industrial areas or on the outskirts of town.

The use of the site for workers accommodation encourages the use of existing social, recreational, and retail facilities to contribute to the economic growth of the town centre.

Shire of Ashburton Local Planning Scheme No. 7

The site falls within the municipality of the Shire of Ashburton, with the town planning control being guided by the Shire of Ashburton Local Planning Scheme No. 7 (LPS 7).

Part 1.6 of the Shire’s LPS7, designates several aims have been adopted by the Shire to provide the strategic basis for decisions made by the Local Government in accordance with the Scheme. Part 1.6 (m) identifies:

(m) To facilitate the orderly development of Onslow Structure Plan.

Point (m) of the Scheme Aims, identifies that the Local Government should facilitate the orderly development of the Onslow Structure Plan in its decisions.

Land Use Permissibility

The site is designated within the ‘Conservation, Recreation and Nature Landscape’ reservation pursuant to LPS 7. In accordance with clause 3.2.5 of LPS 7, the intent of the ‘Conservation, Recreation and Natural Landscapes’ reserve is as follows:

1.1.5 The “Conservation, Recreation and Natural Landscapes” reserve is intended to accommodate a broad range of natural and modified land uses and development and may, subject to relevant approvals, include extractive or resource processing industry and infrastructure. Where applications for such development are considered by Local Government, it shall have regard for other legislation and/or the advice of the relevant landowner/manager.

The extent of the ‘Conservation, Recreation and Nature Landscape’ reserve area is extensive throughout the Shire, and covers a myriad of different landscapes. The vast expanse of the reserve, allows for some considered forms of development to be undertaken. When considering applications for Development Approval for development within a Scheme reserve, the Shire is to have regard to the ultimate purpose intended of the reserve.

Consideration to the intent of the ‘Conservation, Recreation and Natural Landscapes’ reservation, and requirement of 3.2.6 of LPS7, the Applicant has provided an environmental survey by 360 Environmental, assessing the environmental significance of any pre-existing flora and fauna. The environmental considerations of the site are discussed further in the report.

Onslow Townsite Expansion Structure Plan

The Onslow Townsite Expansion Structure Plan (Structure Plan) provides the statutory framework to facilitate the Shire’s long-term strategic goal to provide accommodation for an additional 3,500 people, whilst remaining mindful of strategic opportunities and development principles which maximise future amenity outcomes for the Onslow townsite.

The Structure Plan took strategic direction from the then State Planning Strategy (1997) (later superseded by State Planning Strategy 2050), intending to minimise the ‘detrimental’ impact of fly in fly out resource development through enhancing the cohesiveness and overall functioning of the entire town.

The Structure Plan has planned for accommodation and facilities for the resources sector within the Onslow townsite. To guide and facilitate the intended development outcome, the objectives of the Structure Plan are as follows:

- *To provide a comprehensive master plan to facilitate the orderly and proper subdivision and development of the land to meet the anticipated growth demand in the town of Onslow.*
- *To create a sustainable and affordable urban area with a range of lot sizes and diversity of housing types and land for a second school site, public open space, and drainage purposes.*
- *Recognise the logistical requirements of the Watson Drive Precinct and through good design, promote the integration of the village with the surrounding development.*

Having regard to the overarching intent and objectives of the Structure Plan, the Structure Plan provides for the furtherance of the principles established through the Shire’s LPS7 and Local Planning Strategy particularly with respect to the location of workers accommodation within the townsite and the consideration of the associated community benefits.

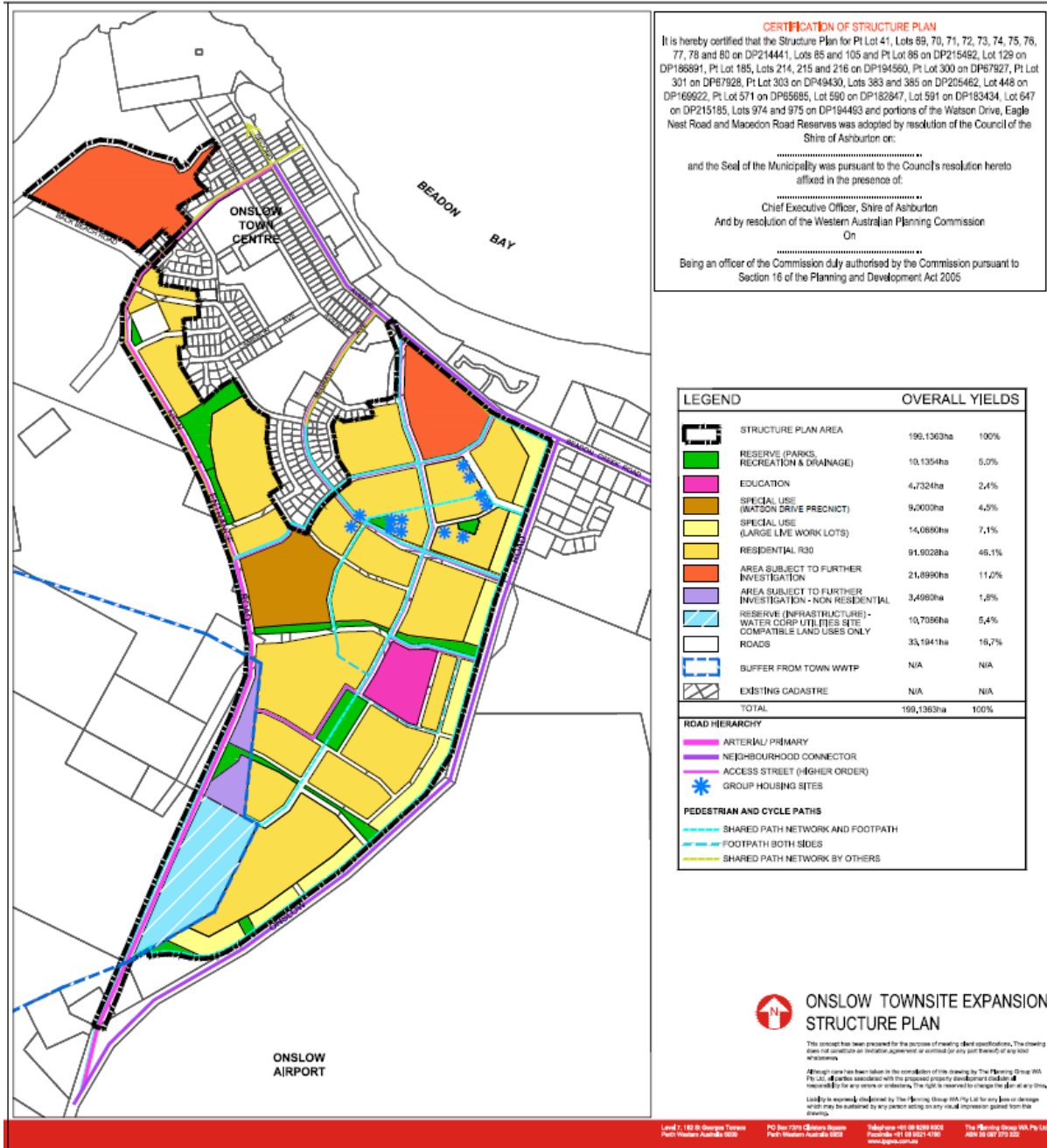


Figure 1: Onslow Townsite Expansion Structure Plan

Most of the site is located within the boundaries of the defined Structure Plan (Figure 1) and is designated as ‘Area Subject to Further Investigation’ Zone. The Structure Plan identifies within Section 4.1.6 that the intent of the area noted ‘Subject to Further Investigation’ is as follows:

“To allow for further investigations and detailed design of these areas prior to any development occurring to determine what portions of the site are suitable for further development and what portions of the site should be protected due to significant heritage values.”

This identifies that the areas designated as ‘Subject to Further Investigation’, are required to undertake a suite of studies to identify the portions of the site are suitable for development and which portions of the site should be protected due to significant heritage value, prior to allowing further development to occur.

The documentation initially submitted with this application included:

- Environmental Reports consisting of but not limited to –
 - Flora and Fauna Studies
 - Hydrology
 - Hydrogeology
 - Acid Sulphate Soils
 - Aboriginal Heritage
 - Contamination
 - Bushfire Impacts; and,
- Vehicle Movements; and,
- Servicing Requirements; and,
- Waste Management; and,
- Acoustic Impacts.

Subsequently, following a Request for Further Information (RFI), the following was provided,

- Request for Further Information Cover Letter; and
- Environmental Assessment Report -RFI Response; and
- Indicative Clearing Plan; and
- Renders; and
- Revised Site Plans; and
- Updated Traffic Impact Statement; and
- Peer reviewed updated Traffic Impact Statement

Attachment 13.2F
Attachment 13.2G

Land Use Permissibility

As outlined and proposed by the Applicant, the predominant use of this development is of a ‘Transient Workforce Accommodation’ nature, supported by additional facilities and infrastructure.

The proposed development is consistent with the following listed uses and definitions within LPS 7:

Transient Workforce Accommodation - Dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractor’s camp and dongas.

Recreation – Private – land or buildings used for parks, gardens, playgrounds, sport arenas, or other grounds which are not usually open to the public without charge and includes health clubs, squash courts and other indoor sports facilities.

Entertainment Venue - any land, buildings or structures used for the teaching, practice and performance of music, dance or theatre, the amusement or entertainment of the public with or without charge, with or without the serving of food or liquor and includes cinemas, theatres drive-in theatres, amusement parlours, nightclubs, taverns, bars, or concert auditoriums.

Restaurant – a building and any associated outbuildings and grounds where food is prepared for sale and consumption on the premises and includes cafes and coffee houses and may or may not be licensed to sell liquor.

Land use permissibility shall generally be in accordance with the ‘Land Use Permissibility’ Table provided in the Structure Plan (see below), pursuant to Note 1 of LPS7.

LAND USE	PERMISSIBILITY
Transient Workforce Accommodation	D
Recreation – Private	A
Entertainment Venue	A
Restaurant	A

The symbols used above have the following meanings:

D means that the use is not permitted unless the Local Government has exercised its discretion by granting planning approval.

A means that the use is not permitted unless the Local Government has exercised its discretion and has granted planning approval after giving special notice in accordance with Clause 5.7.

As identified, the above-mentioned uses are capable of approval, following advertising and the Local Government exercising its discretion for development approval.

Local Planning Policy 13 (LPP13) - Transient Workforce Accommodation

Local Planning Policy 13 (LPP 13) establishes guidelines for the proposed development of Transient Workforce Accommodation camps within the Shire of Ashburton. The proposed development of Transient Workforce Accommodation on the proposed sites would fall under 'Type A' camps, as it is located within or in proximity to existing urban or resident populations.

An assessment of the proposed development by the Applicant against the provisions of LPP13 are contained within Part 5.1.3.1 of Attachment 13.2A.

It is identified that the proposed development is in accordance with the requirements and provisions of LPP13 and has implemented a range of measures to increase the amenity provided to the occupants within the Onslow Village TWA and surrounding residents within Onslow.

Local Planning Policy 20 (LPP20) - Social Impact Assessment

LPP20 serves to provide guidance to the Applicant, Agencies, and the Shire in consideration of both positive and negative social impacts in relation to proposed new development and extensions to existing developments. The application of LPP20 is triggered by a major project or development proposal and in accordance with the Shire's policy, due to the scale of the proposed development, the Shire requested that a social impact assessment (SIA) shall be completed and form part of the proposal.

In support of this development, the applicant has provided a Social Impact Statement (SIS) and an Economic Assessment (EA). The SIS identifies potential impacts and opportunities that may occur because of the construction of the proposed development, and subsequent mitigation measures to manage these potential impacts within the Shire.

Attachment 13.2C
Attachment 13.2D

The EA and SIS identify the impacts and benefits of the proposed development. A diverse range of qualitative economic, social, and environmental benefits and manageable impacts are identified within the EA and SIS. The considered total lifecycle of the proposed development provides opportunities for both short term utilisation and long-term viability for the site.

The SIS outlines opportunities to minimise impacts and maximise opportunities. It is expected that the Applicant will work with the Shire, State Agencies, BTAC and the Onslow community to implement recommendations and commitments under the SIS and EA. These include but are not limited to; the creation of local jobs and new local business expenditure; enhanced support for community groups and events; assistance for the regional Ashburton and Onslow communities to be more sustainable; diversification of regional employment choices including new indigenous employment opportunities; and improved amenity enjoyed by residents.

Environmental Values

The site is designated as 'Conservation, Recreation and Landscape within LPS7, and that in accordance with Part 3.2.6 of LPS7, an assessment of the environmental values of the site have been submitted with this application.

As part of this application, the Applicant has submitted an on-site environmental survey by 360 Environmental, assessing the environmental significance of any pre-existing flora and fauna. The on-site investigations identified that the site is not identified as containing features that are of significance (i.e., threatened ecological communities or significant flora and fauna).

To ensure that the contents of the report submitted to the Shire was adequate, the report was externally peer reviewed by Aurora Environmental.

Attachment 13.2E

It was identified that the validity of the Environmental Report undertaken by 360 Environmental was undertaken in a compliant manner. The review did however identify the following:

- It is not clear from the Environmental Assessment Report how much native vegetation will be cleared. It is important to quantify the extent of impacts i.e., how much vegetation is to be cleared for the development. The total area of clearing should be inclusive of bushfire management requirements.
- The Environmental Assessment Report does not address potential groundwater flow direction and whether adjacent potentially contaminating activities may

have impacted groundwater beneath the site. Further investigations are warranted as per DWER guidelines, prior to the commencement of development on the site.

- Information presented in the Environmental Assessment Report is high level and lacks detail about the species that may occur on the site. For example, it is noted that *Lerista planiventralis maryani*, a Priority 1 listed reptile, has previously been recorded from near the site and that the site contains suitable habitat.
- Species listed as Marine left out. Strictly speaking, as the development is so close to the coast, impacts on marine shorebirds could be discussed in terms of impacts and potential mitigation.
- The report should quantify how much habitat will be cleared. The total area should include clearing requirements for bushfire management.
- Additional potential impacts to fauna from the development include:
 - Attraction of feral/domestic animals (seeking food, or trying to access bins)
 - Artificial lighting which may disrupt fauna behaviour patterns.

Clarification was also sought on this matter through a further information request and is discussed further in the report.

Traffic/ Site Access

The proposed development site is located at the northern end of the Onslow townsite, within walking distance of commercial and local community facilities. The site is bordered by Back Beach Road at the southern end, Onslow Road/Simpson Street, First Street and Third Avenue on the western end, and by the coastline along the remaining property boundary.

Onslow Road is a 2-lane undivided road, identified as a 'Primary Distributor Road' under the MRWA functional road hierarchy up to the intersection of Back Beach Road. Simpson Street is a continuation of Onslow Road into the townsite of Onslow and is classified as a 'Local Access Road'.

Most roads in the vicinity of the site are sealed roads. However, First Street west of Third Avenue and Third Avenue north of First Street have not been constructed.

The applicant provided a Traffic Impact Statement (TIS) prepared by Uloth & Associates dated 1 September 2021, which concludes that Third Avenue would need to be upgraded to a sealed standard.

The development is proposed to generate a minimum of 100 daily trips, consisting of 16 buses (12.5 m Bus) shuttling workers to and from the site twice a day (shift changes) and a smaller number of ancillary vehicles making infrequent trips along the proposed – Third Avenue, Simpson Street and Onslow Road travel route. In addition, the utilisation of the facilities by the public, it is expected to generate approximately 850 vehicles per day.

This volume of traffic represents a significant increase in existing vehicle movements within Third Avenue and Simpson Streets. It is considered the proposed development will have a high impact on the surrounding land uses and transport networks.

Therefore, in accordance with the WAPC Transport Impact Assessment Guidelines it is considered the Traffic Impact Statement is not sufficient and as a minimum a Traffic Impact Assessment needs to be undertaken to determine whether Third Avenue or Back Beach Rd are the most appropriate access points.

Clarification was also sought on this matter through a further information request and is discussed further in the report.

Noise

The regulatory regime relating to noise control and management in Western Australia is established by the *Environmental Protection Act 1986* (EP Act), the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations) and State Planning Policy Road and Rail Noise (SPP 5.4).

The Noise Regulations set out the maximum permissible noise levels for land uses based on levels, frequency and matters such as impulsiveness and tonality. It is generally accepted that land uses that will cause noise impacts on adjoining properties that exceed the maximum noise permitted by the Noise Regulations are not acceptable in the context of development control.

Noise generated from the site during the construction phase will mainly be generated by construction equipment. The officer suggests that a component of the 'Construction Management Plan' address noise and specify that works where possible reduce noise impacts on neighbouring sensitive land uses.

Noise generated from the site during its operational phase will mainly be generated by the external areas of the restaurant, tavern, and carpark facilities. An Acoustic Assessment undertaken by Stantec dated 25 August 2021(Attachment 13.2A), illustrates the proposed noise impacts of the development on the neighbouring allotments.

As stated within the report, the predictive noise assessment and noise management recommendations that have been provided to support the Development Application have been provided, with the aim of ensuring an appropriate level of acoustic amenity for future occupants.

In addition to the above, the Applicant has not adequately addressed the impact that the noise generated by the nearby Onslow Salt operation will have on the sensitive land use component of the development.

Clarification was also sought on this matter through a further information request and is discussed further in the report.

Further Information Request and Responses

Following detailed assessment of the proposal and pursuant to clause 65A of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, a request to provide further information and documentation was sent to the applicant on 5 November 2021. The further information request from the Shire sought further clarity and information on the following concerns:

Clearing of Vegetation

The submitted documentation including the Bushfire Management Plan (Attachment 5) and Environmental Report (Attachment 5), identify that clearing of natural vegetation is to occur on the site. However, the degree and amount of clearing is not clearly identified in the lodged documentation and associated plans with contradictions occurring between the above documents. Please provide a Clearing Plan that illustrates the areas of native vegetation on the site that is proposed to be cleared as part of this development (this includes areas to be cleared for APZ).

Applicant's Response

As confirmed within 360 Environmental's technical note provided at Attachment 13.2G, the Bushfire Management Plan and Environmental Assessment Report identify that the clearing of natural vegetation will be required to enable to construction of Onslow Village. The exact areas of clearing were not included (by way of a clearing plan) within the abovementioned reporting as under Part V of the Environmental Protection Act

1986, a separate application for a Native Vegetation Clearing Permit ('NVCP') will be prepared and lodged with the Department of Water and Environmental Regulation ('DWER'). The NVCP Application will address clearing associated within the proposed development.

Notwithstanding, to assist the Shire understand the extent of clearing required for the purposes of the development application, please find enclosed an 'Indicative Clearing Plan' at Attachment 13.1G for the proposed development which identifies the following:

- The areas to be cleared with no exemptions as per the NVCP requirements (7.71ha);
- The areas to be cleared that are exempt as per the NVCP requirements (6.62ha); and
- The areas to be retained (6.13ha).

The Bushfire Management Plan ('BMP') also reflects the fire management measures applicable to clearing in the development site.

Officer's Advice/Summary

The information provided by the applicant has clarified the extent of the clearing. This matter is resolved.

Traffic Impacts

It has been identified that the proposed volume of traffic entering the site at the proposed access point on Third Avenue may cause undue risks and congestion to the sensitive land uses along the proposed transport route.

The Shire's Infrastructure Team have provided the following comments:

- *The access point to the development will be required to be from Back Beach Road. This will minimise the overall development traffic impact to the urban transport network and urban environment.*
- *All internal and external roads are required to be of a sealed surface (either asphalt or concrete) to minimise the impact of dust and erosion and ensure the assets level of service is maintained.*

In addition to the above comments, the Shire requests, in accordance with Part 6.4 of the Vol. 4 of the WAPC - Transport Impact Assessment (TIA) Guidelines, that a Traffic Impact Assessment be submitted to the Shire for the development. The TIA should address (but is not limited to):

- *Transportation of FIFO staff to and from the site (flights);*
- *Quantify the proposed traffic movements along Third Avenue and Simpson Street and associated intersections.*
- *Impact on the nearby Onslow Primary School during school pick up and drop off.*

Applicant's Response

As outlined within the Schedule of Submissions, access to the Onslow Village is proposed via Simpson Street (which is an Arterial/Primary Distributor Road within the Onslow Townsite Expansion Structure Plan) and Third Avenue, which was identified as the preferred solution, considering a detailed review of alternative access options (i.e., Back Beach Road), affected by Aboriginal Heritage issues, risk of coastal inundation and impacts on overland flow of stormwater.

All internal roads will be sealed (i.e., asphalt or concrete) to the satisfaction of the Shire to minimise the impact of dust and erosion and maintained by the Applicant for the life of the development.

Also, Uloth and Associates has prepared an updated Traffic Impact Statement ('TIS') addressing the matters raised by the Shire and is provided at Attachment 13.2G. Shawmac (Civil and Traffic Consultancy) has also been engaged to undertake a peer review of Uloth and Associates' TIS and is provided at Attachment 13.2G. A summary of the TIS and Shawmac's peer review is outlined below:

- Transport to/from the Airport from the Village will occur 7 days per week, with staff from inbound flights arriving around 9am, and staff for outbound flights departing at around 4pm daily. Airport transfers will be serviced by one 22-seat bus plus one light vehicle for each flight, resulting in a total of 8 vehicle trips per day.
- The mining worksite will operate 24 hours per day, 7 days per week, with two 12-hour shifts each day. Of the 250 workforce, it is expected that 150 will work the day shift from 6 am to 6pm, with the remaining 100 working night shift from 6pm to 6am. On this basis, it is noted that the peak vehicle movement periods are outside of the peak movement periods for the school / surrounding road network.
- Based on industry-standard trip generation rates for 'High-turnover Sit-Down Restaurant' and 'Drinking Place' and, it is estimated that the external-use component of the proposed on-site facilities will generate a maximum of 50 vehicle trips (in and out combined) during the overall peak hour. This would

typically translate to an estimated 550 vehicle trips per day under normal commercial operations. However, with the proposed restriction of public-use availability, it is estimated that the maximum flow of 50 vehicle trips accessing the site during the overall peak hour will translate to a maximum of approximately 250 vehicle trips per day.

Officer's Advice/Summary

According to the Western Australian Planning Commission (WAPC) the Transport Impact Assessment (TIA) guidelines were prepared to assist when undertaking and assessing transport impact assessments of land use development proposals.

Whilst there are differing levels of assessment required the intent of a transport assessment is to clearly demonstrate to the approving authority that the development would:

- provide safe and efficient access for all modes;*
- be well integrated with the surrounding land uses;*
- not adversely impact on the surrounding land uses; and*
- not adversely impact on the surrounding transport networks and the users of those networks.*

It should also demonstrate that the proposed development is consistent with the transportation aspects of the structure and subdivision planning for the area.

The TIA guidelines have been structured to accommodate, and be used for, different stages of the planning and approval process. As such the TIA guidelines are organised into 5 stand-alone volumes, with relevant checklists in volumes 2-4.

Volume 4 of the guidelines is intended for use by transport planning professionals. It provides advice on the scale and content of the transport information that should be submitted to the approving authority in support of an individual development application. It also provides detailed technical advice on how to undertake the transport impact assessment (TIA).

Figure 2: Level of assessment required

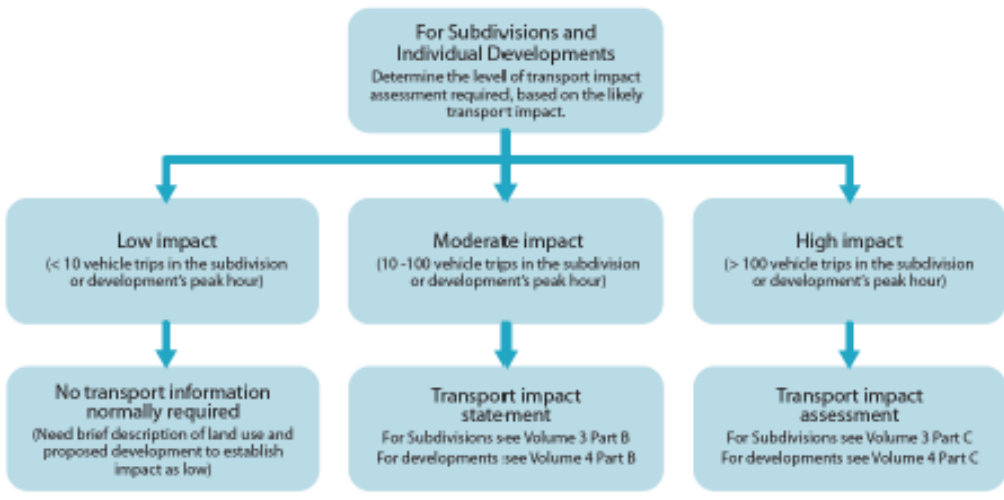


Figure 1: TIA Guidelines Level of Assessment

Transport Impact Assessment Guidelines Volume 4 – Individual Developments

6.4 Advice from approving authority

While the level of assessment should generally be in accordance with these guidelines, it is recommended that the level required be confirmed by the approving authority.

Advice from the approving authority to proponents on the level of assessment required is to be given, and taken, on a ‘without prejudice’ basis. This does not preclude the approving authority requesting further information at its discretion. This particularly applies to transport impact statements where the information provided may indicate that specific issues require more detailed assessment or that the impact is greater than initially anticipated and a more detailed TIA is required.

While this may result in a degree of uncertainty for the proponent, it is considered that some flexibility is required to allow approving authorities to ask for further information, when the preliminary assessment raises additional issues or concerns.

If approving authorities were to be bound by their initial advice on the level and extent of assessment and the parameters for the assessment, they would be likely to use a conservative approach. For example, they may ask for a larger study area just in case the impacts extend beyond what would normally be

expected. This would result in unnecessary work for the proponent in many cases.

By allowing approving authorities some powers to request additional information after the initial assessment, it is considered that their initial requests for assessment will be more reasonable, thereby reducing the level of unnecessary work required to be undertaken by proponents.

6.5 Application of table

The levels in Table 1 are to be applied to the ultimate development so that the full potential impact is assessed. For large developments where staging is proposed, it may be appropriate to also assess each stage individually to determine when various aspects of transport infrastructure may be required. The level of assessment required is, however, to be determined by the size of the ultimate development.

A traffic impact statement was prepared by Uloth and Associates to support the development application and following the further information request it was updated and peer reviewed by Shawmac (Civil and Traffic Consultancy)(Attachment 13.2G).

On each submission it was determined that the development was estimated to generate between 10 and 100 vehicle trips during any peak hour, and that a Traffic Impact Statement was considered appropriate.

The original TIS indicated that *“the proposed development will generate no more than perhaps 850 vehicles per day, which will have no significant impact on the surrounding road network”*.

The updated TIS then indicated that the development would have *“a maximum occupancy of 250 mine site workers plus 50 village staff”*.

The peer review prepared by Shawmac, identified the following:

“The TIS does not indicate the likely post-development traffic volumes on the road network which is likely due to the limited availability of traffic count data in regional areas. The closest available count is on Onslow Road approximately 10km south of the town site where there were approximately 500 vehicles per day (vpd) in 2019. The daily traffic volumes on the roads within the townsite are likely to be lower than 500 vpd”.

The further information request for a TIA to be prepared was to understand the impacts the development would have on all sections of road, where the development traffic

would be likely to increase traffic on any lane by more than 100 vehicles per hour and all intersections where flows on any leg would increase by 10 per cent, or any movement by 20 per cent. The following concerns remain despite the request for further information:

- The traffic impact statement, subsequent update and peer review fail to consider the full extent of traffic impacts the development will have on the locality.
- In accordance with Transport Impact Assessment Guidelines the full potential impact of the development needs to be assessed. According to the TIS prepared Uloth and Associates only 60% occupancy of the site has been assessed.
- The peer review also indicates that the likely post-development traffic volumes haven't been demonstrated.

It is considered that the outcome of the Traffic Impact Assessment will significantly alter Council's consideration of the proposal, which should not be supported until a full traffic impact assessment has been prepared. If the access point is amended consideration will need to be given to the amendment of the siting of development, for the upgrade of roads and how the development will integrate into the community. If the access point isn't amended the impact on the local road network will be quantified and Council will be able to consider upgrade requirements of the road network.

Bushfire Risk

It has been noted within the external agency response from the Department of Fire and Emergency Services (DFES), that modifications to the Bushfire Management Plan (BMP) are necessary to ensure it accurately identifies the bushfire risk and necessary mitigation measures.

1. Policy Measure 6.5 a) (ii) Preparation of a BAL contour map

<i>Issue</i>	<i>Assessment</i>	<i>Action</i>
<i>Landscape Management Plan</i>	<i>The BMP is reliant on a Landscape Management Plan (LMP) to establish and maintain APZ's (identified in Figure 5 of the BMP) and remaining vegetated areas of Plot 11 as managed to a low threat state, in accordance with AS3959.</i>	<i>Modification to the BMP is required. Decision maker to be satisfied that vegetation within the site</i>

	<i>However, the submitted LMP does not reference APZ Schedule 1: Standards for Asset Protection Zones contained in the Guidelines, nor does it specify how excluded areas will achieve low threat status under AS3959. DFES recommends inconsistencies between the BMP and LMP are addressed to ensure the vegetated areas within the site are established and maintained in accordance with Schedule 1 of the Guidelines</i>	<i>is established and maintained in accordance with Schedule 1 of the Guidelines.</i>
BAL Contour Map	<i>DFES notes Figure 1 of the BMP (Development Plan) depicts a 15-metre-wide separation distance between the project area boundary and proposed buildings. The BMP also states all proposed buildings are sited in BAL29 and below. However, Figure 4 of the BMP appears to depict buildings partially located in areas of BAL40, specifically, buildings located in the southwestern portion of the project area adjacent to Plot 2. DFES recommends any inconsistencies between Figures 1 and 4 are addressed to ensure the required 15 metre separation distance is achieved between Plot 2 and proposed buildings.</i>	<i>Modification to the BMP is required. Decision maker to be satisfied the required 15 metre separation distance can be achieved.</i>

2. Policy Measure 6.5 c) Compliance with the Bushfire Protection Criteria

Element	Assessment	Action
Location, and Siting & Design	<i>A1.1 & A2.1 – not demonstrated The BAL ratings cannot be validated for the reason(s) outlined in the above table.</i>	<i>Modification of the BMP required. The decision maker to be satisfied that compliance with Element</i>

		<i>1 and Element 2 can be achieved.</i>
Vehicular Access	A3.2 – not demonstrated <i>The BMP states: The existing public roads sighted whilst travelling to the site appeared compliant with public road specifications of the Guidelines and will be sufficient for emergency egress or firefighter access to the site. The BMP has not validated that the public road network meets the full technical requirements of the Guidelines.</i>	<i>Modification to the BMP is required. The decision maker to be satisfied that compliance with A3.2 can be achieved.</i>
Vehicular Access	A3.5 – not demonstrated <i>DFES considers the proposal to be of a scale that requires a private road network rather than a driveway. The proposal has the potential to accommodate up to 500 occupants. The private driveway should be upgraded to meet the technical requirements of column 1 Table 6 of the Guidelines. A3.5 is generally for use where a single house on a single lot is being proposed.</i>	<i>Modification to the BMP is required. The decision maker to be satisfied.</i>

Issue	Assessment	Action
Bushfire Emergency Evacuation Plan (BEEP)	<i>The referral has included a ‘Bushfire Emergency Evacuation Plan’ for the purposes of addressing the policy requirements. Consideration should be given to the Guidelines Section 5.5.2 ‘Developing a Bushfire Emergency Evacuation Plan’. This contains detail regarding what should be included in a BEEP and will ensure the appropriate content is detailed when finalising the BEEP to the satisfaction of the Shire.</i>	<i>Comment only.</i>

Please provide an updated BMP and BEEP that addresses the requested modifications, as listed above.

Applicant's Response

We understand that it has been noted within the external agency response from the Department of Fire and Emergency Services ('DFES'), that modifications to the BMP are necessary to accurately identify the bushfire risk and necessary mitigation measures. In this regard, we note that an updated BMP and Bushfire Emergency Evacuation Plan ('BEEP') have been prepared addressing the various matters raised by DFES and the Shire as outlined within 360 Environmental's technical note at Attachment 13.2G.

Officer's Advice/Summary

The information provided by the applicant satisfies the requirements for modifications to the Bushfire Management Plan (BMP). This matter is resolved.

Environment

The Environmental Assessment Report submitted as part of this application, has been reviewed and it has been identified that additional information is required to undertake a full assessment of the environmental impacts of the development on the site.

The matters that need to be addressed include:

- The Environmental Assessment Report does not address potential groundwater flow direction and whether adjacent potentially contaminating activities may have impacted groundwater beneath the site.*
- It is not clear from the Environmental Assessment Report how much native vegetation will be cleared. It is important to quantify the extent of impacts i.e., how much vegetation is to be cleared for the development. The total area of clearing should be inclusive of bushfire management requirements (as noted above).*
- The inclusion of species listed as 'Marine' and 'Shorebird' have not been included within the habitat assessments, given proximity of the site from the coast. Also, likelihood of occurrence rating (high, medium, and low) has not defined.*
- The Environmental Assessment Report notes that *Lerista planiventralis maryani* (P1), utilises dune habitat in the bioregion and records indicate that it historically occurred within 1 km of the site and that a targeted terrestrial vertebrate survey utilising pitfall traps would be required to assess its presence or absence in the site with greater certainty.*

- *The inclusion of a Construction Environmental Management Plan (CEMP) as part of the development application.*
- *Undertaking an Unexploded Ordinance (UXO) survey of the site prior to any works commencing on the site.*
- *Undertaking a HAZMAT site survey, to ascertain if the site has been impacted by asbestos containing materials (ACM), asbestos fines (AF) or fibrous asbestos (FA) are present at the site.*
- *Soil or groundwater investigations being undertaken at the site, to ascertain if off-site contamination from former fuel infrastructure located to the north has impacted the site and if possible, remediation is required.*
- *An Acid Sulphate Soil (ASS) Assessment needs to be undertaken to identify if the site designated as ‘moderate to low risk of ASS’ being present on the site is ‘potential’ or ‘actual’ ASS.*

Please provide an updated Environmental Plan and associated documentation that addresses the above issues.

Applicant's Response

Consistent with the above, 360 Environmental has also prepared a response to the various environmental matters within the technical note provided at Attachment 13.2G to this letter. In this regard, a summary of the responses to the various ‘Environmental’ matters raised by the Shire is provided below:

- The Environmental Assessment Report (‘EAR’) has been updated to include reference to the groundwater flow direction (refer to Section 3.5.1 of the EAR) and is further detailed within the Urban Water Management Plan (‘UWMP’). As outlined above, 360 Environmental has prepared an ‘Indicative Clearing Plan’ applicable to the proposed development.
- An additional desktop assessment has been undertaken to address the presence and significance of ‘Marine’ and ‘Shorebirds’ and is outlined in Section 3.10.1 of the EAR, including the likelihood of occurrence rating. The DWER requirements for these Targeted Survey’s shall be undertaken between the months of September and April. The Targeted Surveys can be fulfilled as a condition of development approval for the proposed development.
- A Targeted Terrestrial Vertebrae Survey may be necessary to determine the presence and significance of the *Lerista planiventralis maryani* species. The DWER requirements for this Targeted Survey shall be undertaken between September and April. As above, the Targeted Survey can be fulfilled as a condition of development approval for the proposed development.
- As outlined within the EAR, the purpose of a Construction Environmental Management Plan (‘CEMP’) is to manage and mitigate those construction and development works that may impact on the existing environmental conditions of

the site. A CEMP is generally warranted during the construction phase and can be fulfilled as a condition of development approval. Notwithstanding, the EAR sufficiently addresses those existing environmental conditions and associated environmental assessments, investigations and/or relevant approvals.

- The EAR (Section 4.7.3) and Desktop Contamination Assessment highlighted that an Unexploded Ordinance (UXO) survey of the site would be required prior to any works commencing on the site. It is recommended that this matter can be fulfilled as a development condition applicable to the proposed development.
- The EAR (Section 4.7.3) and Desktop Contamination Assessment highlighted that a HAZMAT site survey would be required to confirm whether the site is impacted by ACM, AF, and FA. It is recommended that this matter can be fulfilled as a development condition applicable to the proposed development.
- The EAR (Section 4.7.3) and Desktop Contamination Assessment identified that further soil and groundwater investigations may be required to confirm whether contamination from the former fuel infrastructure has impacted the site. The risk has been considered low of offsite impacts. However, a Detailed Site investigation would address this. This is a separate process to the development application process and should be addressed accordingly.
- The EAR (Section 4.6.3) identified that a Self ASS Self-Assessment would be required to be undertaken to determine the 'potential' or 'actual' presence of ASS on the site. It is recommended that this matter can be fulfilled as a condition of development approval applicable to the proposed development. This is a separate process to the development application process and should be addressed accordingly.

With respect to the above, the EAR and supporting technical note address the environmental considerations raised by the Shire. It is recommended that all the environmental considerations raised within the Shire's RFI can be adequately addressed as conditions of development approval.

Officer's Advice/Summary

The environmental assessment report indicates that the following additional specialist studies are required to be undertaken prior to determining the developable areas of the site:

- A Targeted Survey's to determine the presence and significance of 'Marine' and 'Shorebirds'.
- A Targeted Terrestrial Vertebrae Survey to determine the presence and significance of the *Lerista planiventralis maryani*, a Priority 1 listed reptile.
- A Construction Environmental Management Plan ('CEMP') cannot be undertaken until the existing environmental conditions of the site.
- Unexploded Ordinance (UXO) survey of the site will be required.
- A HAZMAT site survey is required to confirm whether asbestos containing materials (ACM), asbestos fines (AF) or fibrous asbestos (FA) are present at the site.
- A Self ASS Self-Assessment would be required to be undertaken to determine the 'potential' or 'actual' presence of ASS on the site.

In addition, if the clearing of any existing native vegetation on the land is proposed to accommodate the proposed development, a flora and fauna assessment report is going to be required to confirm the significance of the native vegetation and any fauna habitats within.

It is best practice to prepare and lodge a clearing permit application with the Department of Water and Environmental Regulation as a first step and obtain an in-principle clearing permit approval which demonstrates that the environmental impacts of the proposed development are acceptable.

Without a clearing permit approval, including details of agreed mitigation and offset measures, it's very difficult for the determining authority to approve the development application given the uncertainty surrounding environmental impact.

Furthermore, given the designated reserve use of 'Conservation, Recreation and Nature Landscape', it is considered appropriate that these are carried out prior to support being granted for the development. As the outcomes of the assessment can significantly alter the design and layout of the development.

Onslow Salt

The Acoustic Report submitted with the application does not address any of the existing noise impacts that affect the site. It is recognised that the proximity of the site to Onslow Salt's port operations may adversely affect the site's sensitive land uses (Accommodation Pods).

Please provide an updated acoustic report that identifies and addresses the impacts of the Onslow Salt operation and any other existing noise generating land uses that are located within proximity to the development.

Applicant's Response

The Acoustic Report prepared by Stantec that was submitted as part of our Development Application, has considered the existing Acoustic Environment and impact from Onslow Salt, and specifically assessed the impact from Onslow Salt on the proposed accommodation pods. In this regard, it is noted that Section 3 'Acoustic Environment' and Section 4 'Noise Intrusion' of the Acoustic Report outline the assessment undertaken and provides various noise attenuation measures (i.e., external wall materials, external glazing, and roof construction materials).

An assessment may need to be calibrated using onsite noise measurements during the design development process, if deemed necessary by the acoustic engineer. Further, the design of the accommodation pods will ensure the internal noise levels accord with Australian Standard AS2107:2016.

Notwithstanding, the Applicant also notes the following:

- Lot 300 is surrounded by existing residential properties that are in similar proximity to the Onslow Salt Operations, with several residences within closer proximity than the location of the accommodation pods; and
- Lot 300 has a similar proximity to the Onslow Salt site to Development WA's 'Barrarda Onslow' residential development. In this regard, it is noted that the 'Onslow Residential Design Guidelines' prepared by Development WA does not require, mandate or recommend any additional acoustic treatments for residential buildings to be constructed within the 'Barrarda Onslow' development.

Officer's Advice/Summary

The information provided by the applicant satisfies the requirement for consideration of offsite impacts by Onslow Salt potentially affecting the development. This matter is resolved.

Fencing

The Shire requests further clarification around the design, materials of the proposed fencing elements on the site.

Please provide a Fencing Plan for the development, illustrating the areas proposed to be fenced, including the proposed design, materials, and height.

Applicant's Response

The Applicant has advised that there is no fencing proposed to be erected around the Onslow Village. Notwithstanding, there will be a standard boom gate entry from Third Avenue to maintain security / control traffic movement between certain hours.

On this basis, no fencing plan has been provided as part of this response.

Officer's Advice/Summary

The information provided by the applicant has clarified the disparity of information within the report. This matter is resolved.

Conclusion

The subject site is identified in the Onslow Townsite Expansion Structure Plan as being an area designated as 'Subject to Further Investigation'. It is a requirement that further studies are undertaken to determine what portions of the site are suitable for development. The development proposal does not address these concerns or satisfy the requirement of these studies being undertaken.

The potential presence of *Lerista planiventralis maryani* remains unresolved. The Report states that if the species were present, the clearing will have a significant impact upon the local population of the species.

It is recognised that the following studies still need to be undertaken:

- A Targeted Survey's to determine the presence and significance of 'Marine' and 'Shorebirds'
- A Targeted Terrestrial Vertebrae Survey to determine the presence and significance of the *Lerista planiventralis maryani*, a Priority 1 listed reptile.
- A Construction Environmental Management Plan ('CEMP') cannot be undertaken until the existing environmental conditions of the site are known and delineated.
- An Unexploded Ordinance (UXO) survey of the site will be required.
- A HAZMAT site survey is required to confirm whether asbestos containing materials (ACM), asbestos fines (AF) or fibrous asbestos (FA) are present at the site.

- A Self ASS Self-Assessment would be required to be undertaken to determine the ‘potential’ or ‘actual’ presence of ASS on the site.

Additionally, the following traffic impact concerns remain despite the request for further information:

- The traffic impact statement, subsequent update and peer review fail to consider the full extent of traffic impacts the development will have on the locality.
- In accordance with Transport Impact Assessment Guidelines the full potential impact of the development needs to be assessed. According to the TIS prepared Uloth and Associates only 60% occupancy of the site has been assessed.
- The peer review also indicates that the likely post-development traffic volumes haven’t been demonstrated.

Furthermore, the lack of an in-principle clearing permit approval, including details of agreed mitigation and offset measures, result in uncertainty and do not demonstrate that the environmental impacts of the proposed development are acceptable.

Whilst the proposed use is in keeping with the requirements of the Scheme, State and Local Planning Policies, the proposal hasn’t demonstrated how it will be developed in a manner that is compatible with the surrounding area or environmentally acceptable. As such, it is recommended that the application not be supported.

Consultation

The development application was advertised in accordance with cl. 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for a ‘complex application’. The development application was publicly advertised in the following ways:

- The development application was publicly advertised on the Shire’s website from 28 September 2021 to 26 October 2021 (28 days) for public comment and submissions; and,
- A letter drop was undertaken for all 87 properties located within a 200m radius of the site (excluding Shire owned property); and,
- A Public Notice was placed within the local newspaper ‘Pilbara News’ on the 29 September 2021, advising of the proposed development application; and,

- Three (3) A2 sized signs placed in conspicuous places on the land the subject of the application giving notice of the proposed development; and,
- The development application advertisement was circulated via the Shire’s Facebook page.

A total of twenty-eight (28) submissions were received during the advertising period (Attachment 13.2H), twenty-three (23) were objections, two (2) were comments and four (4) were in support.

The following issues and themes were raised within the received submissions from the public in relation proposed development:

Issue	Officer Comments
<i>Site Access</i>	<p>The applicant provided a Traffic Impact Statement (TIS) prepared by Uloth & Associates.</p> <p>The applicant/landowner is proposing to upgrade and utilise Third Avenue to access the site. Traffic associated with the development, particularly heavy haulage vehicles, is prohibited from using Third Avenue, due to impacts on the properties abutting the road and nearby school.</p> <p>The officer notes that the site is provided road frontage to Back Beach Road, the road reserve is adequate in size to support the proposed road widening and utilisation for the shuttle bus services.</p> <p>This volume of traffic represents a significant increase in existing vehicle movements within Third Avenue and Simpson Streets. It is considered the proposed development will have a high impact on the surrounding land uses and transport networks.</p> <p>This concern is supported by the Officer</p>
<i>Environmental</i>	<p>The applicant provided an Environmental Report prepared by 360 Environmental. The report addresses several environmental aspects on the site, these include:</p>

- Contamination
- Acid Sulphate Soils
- Flora and Fauna
- Bushfire Management
- Urban Water Management
- Aboriginal Heritage Sites

The applicant is proposing to clear a portion on the site to accommodate permanent masonry structures on the site.

The officer notes that a suite of assessments have been submitted with the planning report for the development. The reports identify that additional specialist studies are required to be undertaken to clarify the extent of known risks and the presence of identified flora and fauna of interest on the site.

Noise

The Applicant has provided a Noise Impact assessment for the proposed operational noise levels for the site.

The Applicant has also acknowledged that noise may be a concern during the construction phase of the development.

However, relocation of the site access to Back Beach Road will seek to minimise the noise concerns in relation to the movement of heavy vehicles and the ongoing shuttle buses to site.

The layout of the development has also proposed adequate separation between the proposed development and existing residential development.

An advice notes, identifying to the applicant their roles and responsibilities in relation to noise management shall be included.

Referrals/consultation with Government/Service Agencies

The proposed development application was referred to the following State Agencies and stakeholders for comment:

- Water Corporation (Water Corp)
- Horizon Power
- Main Roads WA (MRWA)
- Heritage Council of WA
- Department of Jobs, Tourism, Science, and Innovation (JTSI)
- Environmental Protection Authority
- Department Of Fire and Emergency Services (DFES)
- Department Of Water and Environmental Regulation (DWER)
- Department Of Planning, Lands and Heritage (DPLH)
- Department of Education
- Buurabalayji Thalanyji Aboriginal Corporation (BTAC)

The officer notes that no objections have been raised.

The comments received from State agencies reinforce the need to impose conditions relating to clearing of native vegetation, contamination, and bushfire risk management and for the submission of various management plans which are typically applied to developments of this nature.

A copy of the schedule of submissions and recommended response, including correspondence received from State agencies, is included as Attachment 13.2H to this report. This includes the applicant's response to the schedule of submissions.

Attachment 13.2H

Statutory environment

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 (Deemed Provisions)

Clause 64 – Advertising Applications

Clause 66 – Consultation with other authorities

The following provisions of 'Clause 67 – Consideration of application by local government:

- (a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (c) *any approved State planning policy;*
- (d) *any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*

- (e) *any policy of the Commission;*
- (f) *any policy of the State;*
- (fa) *any local planning strategy for this Scheme endorsed by the Commission;*
- (h) *any structure plan or local development plan that relates to the development;*
- (j) *in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*
- (k) *the built heritage conservation of any place that is of cultural significance;*
- (l) *the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- (m) *the compatibility of the development with its setting, including —*
 - (i). *the compatibility of the development with the desired future character of its setting; and*
 - (ii). *the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation, and appearance of the development;*
- (n) *the amenity of the locality including the following —*
 - (i). *environmental impacts of the development;*
 - (ii). *the character of the locality;*
 - (iii). *social impacts of the development;*
- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*

- (q) *the suitability of the land for the development considering the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) *the suitability of the land for the development considering the possible risk to human health or safety;*
- (s) *the adequacy of —*
 - a. *the proposed means of access to and egress from the site; and*
 - b. *arrangements for the loading, unloading, manoeuvring, and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *the availability and adequacy for the development of the following —*
 - (i). *public transport services;*
 - (ii). *public utility services;*
 - (iii). *storage, management, and collection of waste;*
 - (iv). *access for pedestrians and cyclists (including end of trip storage, toilet, and shower facilities);*
 - (v). *access by older people and people with disability;*
- (v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (w) *the history of the site where the development is to be located;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;*

- (za) *the comments or submissions received from any authority consulted under clause 66;*
- (zb) *any other planning consideration the local government considers appropriate.*

Planning and Development (Development Assessment Panel) Regulations 2011 – regulation 12

12. Responsible authority must report to DAP

- (1) *For the purposes of this regulation, a development application that is forwarded by a local government to the Commission in accordance with a region planning scheme is taken to have been made to the Commission.*
- (2) *A responsible authority to which a DAP application is made must give the presiding member of the DAP that will determine the application a report on the application in a form approved by the Director General.*
- (3) *The report must be given —*
 - (a) *if the DAP application is made to the Commission or is not required to be advertised under a local planning scheme or local interim development order — within 48 days after the date on which the application was accepted for assessment;*
or
 - (b) *if —*
 - (1) *the DAP application is required to be advertised under a local planning scheme or local interim development order; and*
 - (2) *the scheme or order provides that the application is deemed to be refused if it is not determined within a period of 90 days or more after the application was accepted for assessment, within the period that ends 12 days before the day on which the application would be deemed to be refused; or*
 - (c) *otherwise — within 78 days after the date on which the application was accepted for assessment.*

- (4A) In calculating the period within which the report on a DAP application must be given under sub regulation (3), an excluded day or period is not to be counted.*
- (4B) For the purposes of sub regulation (4A), an excluded day or period is a day or period that, under the planning instrument under which the DAP application is made, is not to be counted in determining when the application must be determined.*
- (4) Despite sub regulation (3), the presiding member of the DAP may, by notice in writing given to the responsible authority and with the consent of the applicant, extend the period within which the report on a DAP application must be given.*
- (5) The report must provide sufficient information to enable the DAP to determine the DAP application, including —*
- (a) a recommendation as to how the application should be determined; and*
 - (b) copies of any advice received by the responsible authority from any other statutory or public authority consulted by the responsible authority in respect of the application; and*
 - (c) any other information that the responsible authority considers is relevant to determining the application.*

Financial implications

There are no known financial implications for this matter.

Strategic implications

There are no strategic implications for this matter.

Risk management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Reputation	Possible (3)	Minor (2)	Moderate (6)	Substantiated, localised impact on community trust or low media item	Adopt the Officers Recommendation

The following Risk Matrix has been applied:

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

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

The perceived level of risk is “Moderate” because the proposed item before Council and the reputation risk associated.

Policy implications

There are no known policy implications for this matter.

Voting requirement

Simple Majority

Councillor interest declarations

Cr K White - Proximity

Officer Recommendation

That with respect to DAP/21/02078 - Transient Workforce Accommodation (500 persons) on 300 Back Beach Road, Onslow, Council,

- a Supports the Shire officer recommendation to the Regional Joint Development Assessment Panel included in Attachment 13.2B that the Regional Development Assessment Panel resolves to:

Refuse DAP Application reference DAP/21/02078 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015 and Clauses 3.2 and 4.2 of the Shire of Ashburton Local Planning Scheme No.7, for the “Transient Workforce Accommodation” at Lot 300 Back Beach Road, Onslow, for the following reasons:

1. Pursuant to Schedule 2, Part 9, Clause 67 (2)(h) of the Planning and Development (Local Planning Schemes) Regulations 2015, the development does not adequately satisfy the provisions and objectives of the Onslow Townsite Expansion Structure Plan.
2. Pursuant to Schedule 2, Part 9, Clause 67 (2)(o) of the Planning and Development (Local Planning Schemes) Regulations 2015, the proposed development does not satisfy the relevant provisions pertaining to the likely impact of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource,
3. Pursuant to Schedule 2, Part 9, Clause 67 (2)(r) of the Planning and Development (Local Planning Schemes) Regulations 2015, the proposed development does not satisfy the relevant provisions pertaining to the suitability of the land for the development considering the possible risk associated with Unexploded Ordinance (UXO), asbestos containing materials (ACM), asbestos fines (AF) or fibrous asbestos (FA) and Acid Sulphate Soil (ASS)
4. Pursuant to Schedule 2, Part 9, Clause 67 (2)(t) of the Planning and Development (Local Planning Schemes) Regulations 2015, the traffic modelling does not accurately determine whether the traffic generated by the development will not have an adverse impact on the surrounding road network.
5. Pursuant to Schedule 2, Part 9, Clause 67 (2)(v) of the Planning and Development (Local Planning Schemes) Regulations 2015, the proposed

development does not satisfy the relevant provisions pertaining to the potential loss of amenity and community benefit of the site, in relation to the environmental significance and community values associated with the natural vegetation.

6. Pursuant to Schedule 2, Part 9, Clause 67 (2)(y) of the Planning and Development (Local Planning Schemes) Regulations 2015, submissions received in relation to the proposed development raise valid concerns surrounding the lack of orderly and proper planning, and,

- b Authorises the Chief Executive Officer to forward a report on the application to the Regional Joint Development Assessment Panel.

Council Decision	201/2021
Moved	Cr J Richardson
Second	Cr R de Pledge
That Council, at 1:14pm, suspend <i>Shire of Ashburton Standing Orders Local Law 2012</i>.	
Carried 8/0	

Council Decision	202/2021
Moved	Cr L Rumble
Second	Cr M Gallanagh
That Council, at 1:25pm, resume <i>Shire of Ashburton Standing Orders Local Law 2012</i>.	
Carried 8/0	

Council Decision 203/2021

Moved Cr L Rumble

Second Cr T Mladenovic

That with respect to DAP/21/02078 - Transient Workforce Accommodation (500 persons) on 300 Back Beach Road, Onslow, Council,

- a Supports the Shire officer recommendation to the Regional Joint Development Assessment Panel included in Attachment 13.2B that the Regional Development Assessment Panel resolves to:**

Refuse DAP Application reference DAP/21/02078 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015 and Clauses 3.2 and 4.2 of the Shire of Ashburton Local Planning Scheme No.7, for the “Transient Workforce Accommodation” at Lot 300 Back Beach Road, Onslow, for the following reasons:

- 1. Pursuant to Schedule 2, Part 9, Clause 67 (2)(h) of the Planning and Development (Local Planning Schemes) Regulations 2015, the development does not adequately satisfy the provisions and objectives of the Onslow Townsite Expansion Structure Plan.**
- 2. Pursuant to Schedule 2, Part 9, Clause 67 (2)(o) of the Planning and Development (Local Planning Schemes) Regulations 2015, the proposed development does not satisfy the relevant provisions pertaining to the likely impact of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource,**
- 3. Pursuant to Schedule 2, Part 9, Clause 67 (2)(r) of the Planning and Development (Local Planning Schemes) Regulations 2015, the proposed development does not satisfy the relevant provisions pertaining to the suitability of the land for the development considering the possible risk associated with Unexploded Ordinance (UXO), asbestos containing materials (ACM), asbestos fines (AF) or fibrous asbestos (FA) and Acid Sulphate Soil (ASS)**

- 4. Pursuant to Schedule 2, Part 9, Clause 67 (2)(t) of the Planning and Development (Local Planning Schemes) Regulations 2015, the traffic modelling does not accurately determine whether the traffic generated by the development will not have an adverse impact on the surrounding road network.**
 - 5. Pursuant to Schedule 2, Part 9, Clause 67 (2)(v) of the Planning and Development (Local Planning Schemes) Regulations 2015, the proposed development does not satisfy the relevant provisions pertaining to the potential loss of amenity and community benefit of the site, in relation to the environmental significance and community values associated with the natural vegetation.**
 - 6. Pursuant to Schedule 2, Part 9, Clause 67 (2)(y) of the Planning and Development (Local Planning Schemes) Regulations 2015, submissions received in relation to the proposed development raise valid concerns surrounding the lack of orderly and proper planning, and,**
- b Authorises the Chief Executive Officer to forward a report on the application to the Regional Joint Development Assessment Panel.**

Carried 8/0

1:25pm Cr K White returned to the meeting and resumed as Presiding Member.

Cr M Lynch declared an Impartiality Interest in Item 14.1 and remained in the meeting.

14 Infrastructure Services reports

14.1 Award of RFT 26.21 Design and Construction Skate Bowl, Tom Price, WA – Phase 2

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	Special Council Meeting 17 August 2021 Agenda Item 6.5 (Minute 32/2021)

Summary

Council has included in the 2021-2022 Annual Budget the Construction of a new Skate Bowl as Phase 2 of the Tom Price Skate Park Upgrade.

Two (2) tenders, one conforming and one non-conforming, were received in response to RFT 26.21 Design and Construction Skate Bowl, Tom Price, WA - Phase 2. The evaluation panel has completed the assessment of the conforming submission and provided a recommendation.

Council is requested to decline all offers as it has determined no offers were received demonstrating value for money to Council.

Confidentiality

An attachment to this report is confidential in accordance with section 5.23 (2) of the *Local Government Act 1995* because it deals with –

- (c) *“a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.”*
- (e) *“Information that has a commercial value to a person”*

Background

Request for Tender (RFT) RFT 26.21 - Design and Construction Skate Bowl, Tom Price, WA - Phase 2 was issued via the Shire's e-tendering portal (Tenderlink) on Saturday 30 October 2021 and closed on Tuesday 23 November 2021 at 2:00 pm.

The tender was advertised via state-wide public notice in *The West Australian* newspaper from Saturday 30 October 2021.

Tenders were invited 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 26.21, in accordance with the tender brief as detailed below:

The Shire of Ashburton seeks to engage a suitably qualified and experienced contractor for the design and construction of the skate bowl feature at Tom Price Skate Park, Tom Price, WA.

The successful Tenderer shall provide all necessary services including design documents, materials, products, labour, plant and equipment for its design, management, construction and completion of the whole of the work under the Contract in compliance with the National Construction Codes (NCC) effective 01/05/14 and all relevant Australian Standards, Codes of Practice, Western Australian and Commonwealth legislation, statutes, ordinance, rules and regulations bearing on the provision of such services and conduct of the work under the Contract.

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	40%
(b)	Key Personnel and Resourcing	10%
(d)	Methodology / Programme / Quality and OHS Systems / Risk Management	20%
(e)	Price	30%

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

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

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

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

Confidential Attachment 14.1A

The offer submitted from CONVIC Pty Ltd was deemed non-conforming with the scope and specification and therefore, their submission was not evaluated.

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

Ranking	Tenderer
1	Pinochle Holdings Pty Ltd t/a Landscape Australia Construction

Of noting is that the offer from Pinochle Holdings Pty Ltd t/a Landscape Australia Construction significantly exceeded the approved budget for the works and as such was not considered value for money to the Shire of Ashburton.

Consultation

Executive Leadership Team
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.

Local Government (Functions and General) Regulations 1996

Regulation 11 – When tenders must be publicly invited — Tenders for providing goods or services (s. 3.57)

Tenders are to be publicly invited 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. Conditions and exemptions apply.

Local Government (Functions and General) Regulations 1996

Regulation 18 – Rejecting and accepting tenders

Council may choose to accept or may choose to decline to accept a tender. A tender that is submitted at a place, and within the time, specified in the invitation for tenders and which fails to comply with any other requirement specified in the invitation may be rejected without considering the merits of the tender.

Financial Implications

The 2021-2022 Annual Budget provision is \$700,000. The conforming tender submitted was not considered value for money.

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 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.

Risk Management

Risk has been assessed based on the Officer Recommendation.

Risk	Risk Likelihood	Risk Impact / Consequence	Risk Rating	Principal Risk Theme	Risk Action Plan
Council does not approve the recommendation to award the tender	Possible (3)	Moderate (3)	Moderate (9)	<u>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 Impact</u> \$1million to \$5 million	Form of Contract is Lump Sum minimising the financial risk to the Council. Council's Infrastructure Services staff will project manage the works.
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 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 perceived level of risk is "Moderate to High" risk and will be reduced through the form of contract and ensuring suitable supervision.

Policy Implications

ENG09 Asset Management Policy

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

FIN12 Purchasing Policy

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

Voting Requirement

Simple majority

Councillor Interest Declarations

Cr M Lynch - Impartiality

Officer Recommendation

That with respect to the award of RFT 26.21 Design and Construction Skate Bowl, Tom Price, WA - Phase 2, Council,

- a Notes the Evaluation Report, as included in Confidential Attachment 14.1A,
- b In accordance with the *Local Government (Functions and General) Regulations 1996* Regulation 18, declines to accept any tenders as it was considered the conforming submission received does not represent value for money,
- c In accordance with the *Local Government (Functions and General) Regulations 1996* Regulation 11, authorises the Chief Executive Officer to undertake a tender exempt procurement process to obtain quotations from suitable contractors for the same Scope of Work, and
- d Requests the Chief Executive Officer present Council with a report following evaluation of the quotations from the tender exempt procurement process.

Council Decision 204/2021

Moved Cr L Rumble

Second Cr M Lynch

That with respect to the award of RFT 26.21 Design and Construction Skate Bowl, Tom Price, WA - Phase 2, Council,

- a Notes the Evaluation Report, as included in Confidential Attachment 14.1A,**
- b In accordance with the *Local Government (Functions and General) Regulations 1996* Regulation 18, declines to accept any tenders as it was considered the conforming submission received does not represent value for money,**
- c In accordance with the *Local Government (Functions and General) Regulations 1996* Regulation 11, authorises the Chief Executive Officer to undertake a tender exempt procurement process to obtain quotations from suitable contractors for the same Scope of Work, and**
- d Requests the Chief Executive Officer present Council with a report following evaluation of the quotations from the tender exempt procurement process.**

Carried 9/0

15 Projects and Procurement reports

Nil

16 Councillor agenda items / notices of motions

Nil

17 New business of an urgent nature introduced by Council decision

Nil

Council Decision	205/2021
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Moved	Cr M Lynch
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Second	Cr J Richardson
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That Council, at 1:30pm, pursuant to Clause 6.2 of the *Shire of Ashburton Standing Orders Local Law 2012* consider the following confidential items behind closed doors,

18.1 Chevron Australia Pty Ltd and Shire of Ashburton Sponsorship Agreement – Working Together Onslow 2022

Carried 9/0

18 Confidential matters

18.1 Chevron Australia Pty Ltd and Shire of Ashburton Sponsorship Agreement – Working Together Onslow 2022

File reference	CS20
Author's name	C Galliers
Author's position	Manager Community Services - East
Author's interest	Nil
Authorising officer's name	B McKay
Authorising officer's position	Acting Director People and Place
Authorising officer's interest	Nil
Name of applicant / respondent	Not Applicable
Date report written	26 November 2021
Previous meeting reference	Agenda Item 18.1 – Ordinary Meeting of Council 10 November 2020

Summary

Working Together Onslow is a partnership between the Shire of Ashburton and Chevron Australia Pty Ltd for the town of Onslow. The partnership was first formalised with the execution of a Sponsorship Agreement in February 2014 and several subsequent agreements have been in place since.

The existing Sponsorship Agreement with Chevron Australia Pty Ltd has been reviewed and a draft agreement has been developed for the service delivery of Working Together Onslow 2022.

Council is requested to authorise the Chief Executive Officer to engross the Sponsorship Agreement.

Confidentiality

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

(c) *a contract entered, or which may be entered, by the local government and which relates to a matter to be discussed at the meeting.*

Council Decision 206/2021

Moved Cr R de Pledge

Second Cr M Gallanagh

That with respect to the Chevron Australia Pty Ltd and Shire of Ashburton Sponsorship Agreement – Working Together Onslow 2022, Council:

- a Approves the annual program that will be rolled out from January to June 2022 as contained in Confidential Attachment 18.1A, and**
- b Approves the forecasted income in the Sponsorship Agreement as contained in Confidential Attachment 18.1A, for inclusion in the 2021 / 2022 annual budget and forecast expenditure for the 2022 / 2023 budget.**

Carried 9/0

Council Decision 207/2021

Moved Cr L Rumble

Second Cr M Gallanagh

That Council, at 1:31pm, move out from behind closed doors.

Carried 9/0

19 Next meeting

The next Ordinary Council Meeting will be held at 1:00pm on Tuesday 8 February 2022 at Council Chambers, Onslow Shire Complex, Onslow.

20 Closure of meeting

There being no further business, the Presiding Member closed the meeting at 1:35pm.